

SAYREVILLE PLANNING BOARD

MINUTES OF August 2, 2023

The regular meeting of the Sayreville Planning Board was called to order by Mr. Muller, Chairman and opened with a salute to the flag. The meeting was being conducted in accordance with the Open Public Meeting Law P.L. 1975, c231, Public Law, 1975.

Members of the Planning Board present were: Mr. Allegre, Mr. Buchanan, Councilman Onuoha (online), Ms. Pawlowski, Mr. Sposato and Chairman Muller

Absent Members: Mr. Blemur and Mr. Bolton

Also present were: Mr. Cornell, Mr. Barlow and Mr. Fowler

AT THIS TIME, THE REGULAR MEETING WAS OPENED:

Chairman Muller asked the Planning Board Secretary if the board meeting was being conducted under the Sunshine Law and if all publications were notified, the secretary had stated, yes.

This meeting shall be on the record of being hybrid communications

MEMORIALIZATION OF RESOLUTION:

**Insite Development Partners, LLC ~ Preliminary & Final Major Site Plan
1970 NJ State Highway 35
Blk 425, Lot 2.02**

Mr. Sposato made a motion to approve, seconded by Mr. Buchanan

ROLL CALL:

YES: Mr. Allegre, Mr. Buchanan, Mr. Sposato and Chairman Muller

NO: n/a

ABSTAIN: n/a

**Sayreville Seaport Associates Urban Renewal, LP (SSA)
Riverton Village – Phase I (Bass Pro Building)
Amended Preliminary and Final Major Site Plan
Blk 257.02, Lot 7**

Chairman Muller made a motion to approve, Seconded by Councilman Onuoha

ROLL CALL:

YES: Councilman Onuoha, Ms. Pawlowski and Chairman Muller

NO: n/a

ABSTAIN: n/a

MEMORIALIZATION OF MINUTES:

Mr. Allegre made a motion to accept June 7, 2023 minutes; seconded by Chairman Muller, motion carried. Ms. Pawlowski made a motion to accept June 21, 2023 minutes; seconded by Chairman Muller, motion carried.

SITE PLANS/SUBDIVISION HEARINGS:

3276 Washington, LLC ~ Twin Boro Physical Therapy

Preliminary & Final Major Site Plan

3276 Washington Road, Blk 371, Lots 1.01 & 1.02

Atty: Mr. Bob Smith, Esq.

Bob Smith & Associates, LLC

216 Stelton Road, Suite B-2, Piscataway, NJ 08854

Please refer to the attached transcript for the full testimony.

Mr. Allegre made a motion to accept and approve the application with all the discussed conditions, Seconded by Mr. Buchanan.

ROLL CALL:

YES: Mr. Allegre, Mr. Buchanan, Councilman Onuoha, Ms. Pawlowski, Mr. Sposato and Chairman Muller

NO:

ABSTAIN:

Application approved.

OLD BUSINESS/NEW BUSINESS/ADMINISTRATIVE MATTERS:

Next meeting August 16th. Per Mr. Cornell, we do not have any applications that are completed for this date.

Chairman Muller made a motion to cancel, seconded by Mr. Buchanan. Motion carried.

Public Portion was opened and closed.

Mr. Buchanan made a motion to adjourn, seconded by Mr. Pawlowski.

Respectfully submitted,

**Beth Magnani
Planning Board Secretary**

In The Matter Of:
TWIN BORO PHYSICAL THERAPY

August 2, 2023

*M. Virginia Guinta
Certified Court Reporters
2204 Bayview Avenue
Barnegat Light, New Jersey 08006
(609) 477-9342*

Original File 08.02.2023 - Sayrevill PB - Twin Boro PT.txt

Min-U-Script® with Word Index

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1 CHAIRMAN MULLER: Calling to order
 2 the Borough of Sayreville Planning Board
 3 meeting of August 2, 2023. Will we all
 4 please stand for the Pledge of Allegiance.
 5
 6 (At which time, all stood for the
 7 Pledge of Allegiance).
 8
 9 CHAIRMAN MULLER: Beth, has this
 10 meeting been advertised in accordance with
 11 the Open Public Meetings Act?
 12 MS. MAGNANI: Yes, Chairman, it
 13 has.
 14 CHAIRMAN MULLER: Can you please
 15 perform a roll call, please.
 16 MS. MAGNANI: Mr. Allegre?
 17 MR. ALLEGRE: Here.
 18 MS. MAGNANI: Mr. Buchanan?
 19 MR. BUCHANAN: Here.
 20 MS. MAGNANI: Councilman Onuoha?
 21 COUNCILMAN ONUOHA: I'm online,
 22 thank you.
 23 MS. MAGNANI: Ms. Pawlowski?
 24 MS. PAWLOWSKI: Here.
 25 MS. MAGNANI: Mr. Sposato?

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1 MR. SPOSATO: Here.
 2 MS. MAGNANI: Chairman Muller?
 3 CHAIRMAN MULLER: Here.
 4 MS. MAGNANI: Mr. Cornell?
 5 MR. CORNELL: Here.
 6 MS. MAGNANI: Mr. Fowler?
 7 MR. FOWLER: Here.
 8 MS. MAGNANI: Mr. Barlow?
 9 MR. BARLOW: Here.
 10 MS. MAGNANI: We have a quorum.
 11 CHAIRMAN MULLER: Thank you, Beth.
 12
 13 (At which time the board proceeded
 14 with agenda items.
 15
 16 CHAIRMAN MULLER: Site
 17 plans/subdivision hearings?
 18 MS. MAGNANI: This evening we have
 19 one, it's 3276 Washington, LLC, Twin Boro
 20 Physical Therapy, preliminary and final
 21 major site plan. 3276 Washington Road,
 22 block 371, lots 1.01, and 1.02.
 23 CHAIRMAN MULLER: Counsel, do you
 24 want to step up, please for the
 25 application.

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1 MR. SMITH: Absolutely. For the
 2 record, Mr. Chairman, Bob Smith, I'm a
 3 licensed attorney in the State of New
 4 Jersey, and I'm here tonight representing
 5 Twin Boro. The city property is located at
 6 3276 Washington Road, been in the borough
 7 operating business for many, many years and
 8 you'll hear more about that. It's at the
 9 corner of Washington Road and Johnson's
 10 Lane, .63 acre in size, block 371, lots
 11 1.01 and 1.02, and it's in the the B-1
 12 neighborhood business zone.
 13 And what we're here for in a nutshell,
 14 is 33 additional parking spaces, that kind
 15 of summarizes. There are waivers, possibly
 16 bulk variances that are attached to that.
 17 In most cases, they are existing
 18 conditions, all right. And I can tell you
 19 that by way of history when this was
 20 approved in 2012, I was the attorney who
 21 brought it before the board and at the time
 22 I think it was 15 spaces that the borough
 23 ordinance requires, I think we put in 16,
 24 and tonight in preparation of tonight's
 25 hearing, I went over to the site, and I'm

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1 not a fact witness, but it was essentially
 2 full.
 3 And this is a case in which they're
 4 very successful, they maxed their business,
 5 you will hear testimony very shortly about
 6 what that means in terms of parking. They
 7 acquired an additional property which has
 8 an abandoned building on it, they will
 9 knock down and put the parking lot. That,
 10 in a nutshell is what the application is.
 11 I should put in a good word, they provide
 12 great health care services for the people
 13 of Sayreville South Amboy, and Old Bridge
 14 for a long, long time, and I don't know if
 15 any of you ever received treatment there or
 16 if you had visited the site, but it is a
 17 real asset to your community.
 18 So, it's my intention, Mr. Chairman,
 19 to call three witnesses: First, Patricia
 20 Dunn, who is the supervisor of the clinic
 21 and has been for many, many years to talk
 22 about the operation, answer some of your
 23 basic questions on how the business works,
 24 and secondly, Bill Lane, our licensed
 25 professional engineer from Menlo

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1 Engineering to go over the site plan,
 2 what's in it, how everything works, and
 3 works well, and finally, in the nick of
 4 time, we have Alex McClean who is our
 5 licensed professional planner to provide
 6 any justification that the board may want
 7 to hear under the Municipal Land Use Law,
 8 either for bulk variances or for waivers.
 9 So with that being said, Mr. Chairman,
 10 I ask that Patricia Dunn be called so that
 11 she can be sworn and give testimony.
 12 CHAIRMAN MULLER: Good evening,
 13 Ms. Dunn.
 14 MR. BARLOW: Ms. Dunn, if you could
 15 state your name, spell your last name, and
 16 give us your professional address.
 17 MS. DUNN: Patricia, middle initial
 18 E, last name Dunn, D-U-N-N.
 19 MR. BARLOW: And your professional
 20 address?
 21 MS. DUNN: 3276 Washington Road.
 22
 23 PATRICIA DUNN, D-U-N-N, having first been duly
 24 sworn, testified under her oath as follows:
 25 MR. BARLOW: Your witness, Mr. Smith.

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1 MR. SMITH: Ms. Dunn, I explained
 2 that you are the director of the clinic,
 3 what does that mean, and how long have you
 4 been doing this for Twin Boro?
 5 MS. DUNN: I've been doing this for
 6 Twin Boro for over 30 years. I've been in
 7 this town practicing, initially at 777
 8 Washington Road, and then we went to 7
 9 Parlin Drive, and we have been at the site
 10 we are now, 3276 Washington Road, since
 11 September of 2014.
 12 MR. SMITH: And as the clinical
 13 supervisor, what does that mean, what do
 14 you do?
 15 MS. DUNN: I am responsible for the
 16 clinic as a whole, staffing the management
 17 of the clinic, it's supplies, the way it
 18 functions, and how we schedule, and what we
 19 do, and I answer to our corporate office.
 20 MR. SMITH: So, would it be fair to
 21 say you know the operation of the facility?
 22 MS. DUNN: Yes.
 23 MR. SMITH: So, what are the services
 24 you provide at the location?
 25 MS. DUNN: We provide physical

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1 therapy and occupational therapy.
 2 MR. SMITH: And what's, I asked you
 3 this earlier, what's the difference?
 4 MS. DUNN: Occupational therapy
 5 tends to deal with the upper corridor,
 6 mostly elbow to hand, we have a certified
 7 hand occupational therapist, so any issues
 8 with the hand problem and elbow, they
 9 treat. The physical therapy aspect we
 10 treat, we treat whoever comes through the
 11 door, usually more orthopedic, but also
 12 neurological, Parkinson's, strokes, MS, as
 13 well as if you broke your arm or you broke
 14 your leg, or you had a surgery rotator
 15 cuff, joints, all that, we treat spinal
 16 issues. So we treat the gamut of what
 17 comes through. What I like to say is we
 18 treat the community.
 19 MR. SMITH: Good. Do we have enough
 20 parking?
 21 MS. DUNN: No.
 22 MR. SMITH: So let's go into the
 23 details of that. What are the hours of
 24 operation of the facility?
 25 MS. DUNN: The hours of operation

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1 are 7 in the morning until about 8:30 at
 2 night, Monday through Friday. There's
 3 varying levels of staffing during those
 4 hours, but that's when we're open. We are
 5 not open on the weekends.
 6 MR. SMITH: And would you break down
 7 for the board how many employees you have
 8 on every category.
 9 MS. DUNN: I have seven full time
 10 physical therapists, I have the equivalent
 11 of one and a half occupational therapists.
 12 I have front office staff, I have four full
 13 time office staff, and I have three night
 14 front desk staff, and I have 11 aids who
 15 help support, they bus the clinic, they do
 16 laundry, the bring patients back and forth.
 17 MR. SMITH: The aids are part time?
 18 MS. DUNN: The aids are part time.
 19 MR. SMITH: So, key question, I think
 20 the planner asked for these, and worse case
 21 scenario, what's the maximum number of
 22 employees that work here?
 23 MS. DUNN: At one time, probably 16.
 24 MR. SMITH: And where do you ask them
 25 to park?

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1 MS. DUNN: We park off-site. Staff
 2 does not park onsite.
 3 MR. SMITH: And you do that because?
 4 MS. DUNN: Because there's not
 5 enough parking. We've been doing that for
 6 years.
 7 MR. SMITH: And we really do not want
 8 to be irritating our neighbors, so
 9 hopefully maybe we can get a couple of
 10 employees on there, but the big problem is
 11 patients.
 12 MS. DUNN: The biggest problem is
 13 the patient flow. Many wait to park,
 14 sometimes they call in and say there's no
 15 parking here, when is someone leaving. So
 16 it's a flow issue. And these people are,
 17 not everybody walks so well, and you want
 18 to be able to provide a parking lot that
 19 they can manage and come in and out of
 20 directly. So it's not unusual.
 21 Mondays are probably our busiest day
 22 because that's when we have the most staff
 23 on, that patients will call in and say I
 24 can't, there is no parking, when is someone
 25 leaving and four or five calls can go to my

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1 correct?
 2 MS. DUNN: Almost since we opened.
 3 That's when I found out about that we were
 4 really short.
 5 MR. SMITH: That might be an issue
 6 for the Board of Adjustment, and the town
 7 council might want to look at the parking
 8 standard for physical therapy because if
 9 there is any kind of successful, the
 10 parking standard that needs to be changed.
 11 So you're successful, you're maxed out
 12 pretty much.
 13 MS. DUNN: Yeah.
 14 MR. SMITH: Tell them a little bit
 15 more about the call in that you get to, is
 16 there a spot open. Tell us how that works,
 17 when does that work, how many times a day
 18 do you get it?
 19 MS. DUNN: On Mondays we might get
 20 it five or six times in a day. It's the
 21 worst probably by 10:30/11 until 3:30/4 in
 22 the afternoon, and what happens is it
 23 delays someone coming in. So if you're 15
 24 minutes late to your session and you're
 25 there for an hour, you're into the next

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1 front office staff. They come to back
 2 clinic, who is gonna be ready to leave
 3 soon?
 4 It's a juggle, and we should not add
 5 to the stress of these patients coming in,
 6 it should not be like this. And we have
 7 been dealing with this for a while. I've
 8 had patients say I'm gonna go to a
 9 different clinic because I like my care
 10 here, but it's just too stressful to come
 11 so we have tried to have it scheduled at
 12 slower times, but there's not as many
 13 slower times. So it's been a problem in
 14 existence for years, and we try to do the
 15 best we can.
 16 MR. SMITH: Let's get a big issue off
 17 the table and that big issue is, is this
 18 about expanding what you're doing?
 19 MS. DUNN: No, it's about dealing
 20 with a solution or problem to our parking.
 21 We're not expanding, we're just trying to
 22 deal with a problem that's been in
 23 existence for years, the parking, not
 24 enough parking.
 25 MR. SMITH: Almost since you opened,

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1 session and so it becomes a domino effect.
 2 So, Mondays, Tuesdays, Thursday, and
 3 Friday from 11 to about 3 could be pretty
 4 dicey in the clinic. Evenings flow a
 5 little bit differently, though as you saw,
 6 our parking lot was full this evening, and
 7 I have a therapist in Italy on vacation so
 8 I'm down one staff person, and we were
 9 still full. We just want to be able to
 10 provide the service and the needs of
 11 someone getting care. So, it happens every
 12 day. If I had a slow time, it would
 13 probably be 7 in the morning because I'm
 14 the only therapist on, other than that, we
 15 get pretty busy.
 16 MR. SMITH: How many deliveries at
 17 the site?
 18 MS. DUNN: We have deliveries from
 19 FedEx and UPS, ordering usually happens for
 20 the physical therapy aspect of the clinic
 21 one week, occupational another week, and
 22 for the front office another week. So it
 23 kind of is staggered, but we do get
 24 deliveries.
 25 MR. SMITH: You say you get

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1 deliveries, five a day, three a week,
 2 what's the rate in which they come in?
 3 MS. DUNN: One or two a week, that's
 4 really how, unless it was a big order, I
 5 have had equipment deliveries, but that
 6 happens once a year as the budget comes.
 7 But other than that, and that's a bigger
 8 thing, other than that, it's like a couple
 9 of times in a week.
 10 MR. SMITH: And these are box trucks,
 11 they're not tractor trailers?
 12 MS. DUNN: Correct.
 13 MR. SMITH: And you're receiving
 14 boxes of supplies, right?
 15 MS. DUNN: Yes.
 16 MR. SMITH: And how about the
 17 garbage?
 18 MS. DUNN: So, we utilize the towns,
 19 we have four garbage cans and we utilize
 20 the town's garbage. We've had that from
 21 the getgo because we found out that we
 22 couldn't have a dumpster because the area
 23 that they put in for a dumpster was just
 24 not big enough and to have a truck come in
 25 to deal with a dumpster, you were at risk

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1 of hitting both buildings, that roadway is
 2 very narrow. So, we use the town which, so
 3 thank you very much. So that's what we
 4 use. We have four garbage cans there.
 5 MR. SMITH: And they're in an
 6 enclosed area?
 7 MS. DUNN: It would have held a
 8 dumpster, but it could barely hold that, it
 9 was not big enough.
 10 MR. SMITH: Okay, I think that's what
 11 we wanted to talk about. Oh, how much, in
 12 the case of deliveries, what about senior
 13 citizens?
 14 MS. DUNN: Oh, obviously the senior
 15 bus comes to us, the Middlesex County bus
 16 will come to us and they come in and
 17 they're dropping patients off periodically
 18 and picking them up. So, that happens
 19 daily.
 20 MR. SMITH: In your opinion, if the
 21 board is kind enough to grant you the 33
 22 spaces, your parking problems are resolved?
 23 MS. DUNN: I would be like so happy
 24 I can't even tell you. Just because it's
 25 so stressful for the patients coming in,

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1 it's just so stressful for them, and it
 2 adds to somebody's day that doesn't need to
 3 be and I hear the complaints all the time
 4 and I would really be happy and I think the
 5 patients would be ecstatic.
 6 MR. SMITH: Ms. Dunn is available for
 7 questions.
 8 CHAIRMAN MULLER: Any questions
 9 for Ms. Dunn?
 10 MR. SPOSATO: Ms. Dunn, if the 33
 11 spaces are given, do you see your garbage
 12 needs changing, the amount of patients
 13 you're able to see is obviously not
 14 increasing, it's just being accommodated,
 15 do you see a dumpster now being put onsite
 16 in your space, or will you continue to
 17 utilize the town?
 18 MS. DUNN: I think, because we are
 19 existing with that garbage now, and the
 20 spaces are just going to make what we have,
 21 the patient flow better and reduce that. I
 22 don't anticipate that that's changing.
 23 Plus, economically, the taxes that the
 24 company pays, we're getting garbage, so
 25 they're probably really happy that they

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1 didn't have to pay for dumpster pickup.
 2 So, I don't anticipate that that changed at
 3 all.
 4 CHAIRMAN MULLER: Ms. Dunn, it
 5 seems that when you initially got approved
 6 for this site your operations were smaller
 7 than they were today, is that accurate?
 8 MS. DUNN: Yes, but we still had
 9 trouble initially parking, it's why,
 10 because I was putting staff in the parking
 11 lot as well as patients, we initially had
 12 trouble. And then they were parking and
 13 our neighbor was not necessarily happy,
 14 they were parking by the bakery but we are
 15 busier than we were then, yes, but we have
 16 been this level for a while now.
 17 CHAIRMAN MULLER: But initially, I
 18 think you had three or four professionals
 19 and now you have, I have you said eight
 20 that are in the facility.
 21 MS. DUNN: Yes, I came with four
 22 physical therapists and one full-time OT,
 23 so I actually came with five, okay, and I
 24 had three front office staff people at the
 25 time. So, we've grown, but the facility

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1 itself, if you've ever come, we're kind of
 2 a barn-like, it has the ability to have
 3 that, to house more people. But I have had
 4 the problem with parking since very shortly
 5 after that, I have --
 6 MR. SMITH: Very shortly after the
 7 initial open?
 8 MS. DUNN: Initial open where we had
 9 to find parking for staff because they had,
 10 the patient flow is not right. In fact I
 11 think I left 7 Parlin Drive, which is where
 12 we were, that free-standing building, I
 13 left more parking there, so when we came
 14 there, I was immediately addressing a
 15 problem, and then was, nobody could park
 16 because there was permit parking across the
 17 way, and no one could park anywhere, so it
 18 was troubling.
 19 CHAIRMAN MULLER: So, you had
 20 trouble parking almost immediately when you
 21 initially moved from Parlin Drive to
 22 Johnson's Lane/Washington Road?
 23 MS. DUNN: Yes.
 24 CHAIRMAN MULLER: In terms of
 25 further business growth, are we going to be

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1 back here in two years saying you need more
 2 parking? Are you planning on expanding the
 3 business and adding more therapists so that
 4 your parking needs are going to keep
 5 increasing?
 6 MS. DUNN: Not that I know of at the
 7 moment, okay, not that I know of at the
 8 moment. At some point there is more
 9 competition in town, we have Kessler down
 10 the road so it's hard to know whether we
 11 would have more growth or need more
 12 parking.
 13 MR. SMITH: Well, the real question
 14 is, are you going to add more physical
 15 therapists, because they are the key to the
 16 kingdom in terms of customers. And when I
 17 toured the facility, it looked like all of
 18 the possible rooms that you would have for
 19 the therapists have been built into the
 20 walls.
 21 MS. DUNN: Yeah, we have that and we
 22 have tables. So, would I need a new
 23 building, I would have to move the site, I
 24 don't anticipate more parking, I would just
 25 need a different building.

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1 CHAIRMAN MULLER: You're at
 2 capacity now in terms of staff?
 3 MS. DUNN: I think so, I believe so.
 4 I don't anticipate that we would need a
 5 different building.
 6 CHAIRMAN MULLER: And you think
 7 you are gonna have enough room for staff
 8 and patients, or is staff still going to
 9 have to go offsite?
 10 MS. DUNN: I think there will be a
 11 certain amount of staff offsite. I just
 12 don't think, the space, it was nice, but
 13 when the school left, the superhero school
 14 left and went to the Goddard School, when
 15 they left we were like that's great because
 16 then it seemed a solution to our troubles.
 17 CHAIRMAN MULLER: Where is the
 18 staff parking now?
 19 MS. DUNN: They are parking across
 20 from Buddy's tavern, we rent space from
 21 them.
 22 CHAIRMAN MULLER: Are they parking
 23 in the Royal Bakery area?
 24 MS. DUNN: No.
 25 CHAIRMAN MULLER: And how much

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1 staff do you think you will need to park
 2 offsite even with the new spots?
 3 MS. DUNN: Initially what I will do
 4 is I will keep all staff offsite to see
 5 what we look like because the purpose of
 6 this parking growth is the fact that we
 7 need to service our patients better. So,
 8 the answer to that is right now the plan
 9 would be to keep all staff offsite and if
 10 we start to see that we have the ability to
 11 have some staff parking, we would have to
 12 be signed. But, part of me is just, I
 13 just, we have such a big problem that I
 14 just want to be able to solve what we have.
 15 And so there is no plan at the moment to
 16 bring staff back on at all.
 17 CHAIRMAN MULLER: And you're gonna
 18 have to obviously demolish the building
 19 next door, is there a plan for that?
 20 MR. SMITH: There is, and our
 21 engineer will describe that.
 22 CHAIRMAN MULLER: Okay, gotcha.
 23 MR. CORNELL: Mr. Smith, let me
 24 just clarify for the board the parking
 25 requirements because what we're hearing is

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1 a little different than what was presented.
 2 The original approval proposed three
 3 professionals, the ordinance requires five
 4 spaces per professional which was 15
 5 spaces, you had 16, that's why you met the
 6 requirements. What we're hearing now is
 7 that you have 8 professionals which means
 8 you need 40 spaces. The application says
 9 you still need 15, the reality is you used
 10 40 to meet the requirements of your
 11 staffing, I think that's what you're
 12 saying, you have 8 professionals, 5 spaces
 13 per professional, that's 40 spaces that are
 14 required, not 15, as it's presented.
 15 MR. SMITH: I have no problem with
 16 that interpretation, but we do meet it.
 17 Now if we get the 33, it would put us right
 18 at the --
 19 MR. CORNELL: In our report we
 20 raise this question as to why you needed
 21 that and when you say you only needed 15
 22 spaces based on the ordinance, why you need
 23 an additional 33, now we're hearing why,
 24 that you have 8 professionals so you need
 25 40, as opposed to 15. Because it wasn't

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1 clear on the documents provided but you
 2 clarified the reason why.
 3 CHAIRMAN MULLER: Great. Any
 4 other questions?
 5 MR. BUCHANAN: I do, Chair. If
 6 parking weren't an issue, what is the
 7 capacity you could have at any one time in
 8 your building for patient-wise?
 9 MS. DUNN: If parking was an issue?
 10 MR. BUCHANAN: If parking was no
 11 issue, and therapists weren't, like how
 12 many --
 13 MS. DUNN: Well, I only have so
 14 many, there is only so many tables and so
 15 many --
 16 MR. BUCHANAN: Right, that's what
 17 I'm wondering --
 18 MS. DUNN: So I have five closed
 19 treatment rooms, I have two, seven tables
 20 in the gym, open in the gym, that kind of
 21 fluctuates in and out for people, and I
 22 have one low mat, and then I have an OT
 23 area that we use as a bar, not to serve --
 24 but a bar so I can have two OTs on at one
 25 time. So, there's a table for an OT as

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1 well as a bar that people can sit at high
 2 stools. So, if everyone is on a table,
 3 you're talking five, seven, twelve, a
 4 couple of people in chairs, you might have
 5 18 patients at a time, and then there could
 6 be on exercise equipment, things like that.
 7 CHAIRMAN MULLER: Just curious, is
 8 there a maximum amount of therapists that
 9 you are allowed to employ in that facility
 10 for the Department of Health under your
 11 existing license?
 12 MS. DUNN: I don't know the answer
 13 to that, if there is a maximum, I don't
 14 know. As far as therapists go, how we
 15 schedule is how we've always scheduled
 16 through all the years, we are scheduling
 17 maybe two people for one therapist, two
 18 people on the hour, maybe one on the half
 19 hour, and that's kind of how we schedule
 20 it. Is there a maximum, do I want one
 21 therapist seeing five patients in that
 22 hour, no, it's private care.
 23 MR. SMITH: So to the best of your
 24 knowledge, the capacity is the size of the
 25 facility and you believe you're at your

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1 max?
 2 MS. DUNN: Yes.
 3 MR. SMITH: The answer is, we don't
 4 know if there is a state-wide regulation.
 5 MS. DUNN: The only thing I do know
 6 is industry wide, if you have had a
 7 therapist, and they have two patients in
 8 the hour, there are no assists, that's the
 9 industry standard. And that's the only one
 10 I'm aware of.
 11 MR. SMITH: What do you mean no
 12 assists?
 13 MS. DUNN: There is no aids or
 14 anything else to help, that would pick up
 15 or clean up. So therefore, when we have,
 16 we can schedule three, there is an aid on
 17 for that person to be able to wipe down the
 18 table, bring over a weight, do the laundry,
 19 that kind of deal. When we were open
 20 through Covid, we never closed, but I
 21 reduced staff, there were no aids, there
 22 were just therapists. So, that's all I
 23 know about industry standards.
 24 CHAIRMAN MULLER: Any other
 25 questions? Thank you very much, Ms. Dunn.

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1 MR. SMITH: Okay. Our second
 2 witness, Mr. Chairman is Bill Lane, a
 3 licensed PE. I ask that he come forward
 4 and be sworn so he can give testimony.
 5 MR. BARLOW: Sir, if you could state
 6 your name and spell your last name and give
 7 us your professional address.
 8 MR. LANE: It's Bill Lane, L-A-N-E,
 9 it's 261 Cleveland Avenue, Highland Park,
 10 New Jersey.
 11
 12 WILLIAM LANE, L-A-N-E, having first been duly
 13 sworn, testified under his oath as follows:
 14 MR. SMITH: Just formally, by whom
 15 are you employed and in what capacity?
 16 MR. LANE: Menlo Engineering, I've
 17 been with them for 38 years.
 18 MR. SMITH: A newbie. And have you
 19 ever been previously accepted as a PE
 20 before this board?
 21 MR. LANE: Yes, actually, just like
 22 you, I testified on the initial application
 23 back in 2011.
 24 MR. SMITH: Have your credentials
 25 deteriorated in any way?

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1 MR. LANE: No.
 2 MR. SMITH: Would you like a
 3 30-second summary?
 4 CHAIRMAN MULLER: 30 seconds.
 5 MR. SMITH: 30 seconds, the short
 6 version.
 7 MR. LANE: Yeah, I've been with
 8 Menlo for 38 years, I'm licensed in the
 9 State of New Jersey for 26 years, and I've
 10 probably testified in front of 100 boards
 11 throughout New Jersey, plenty of times in
 12 Sayreville. I think the last one was five
 13 years ago, with the -- application. And
 14 I've been designing sites like this for 30
 15 years.
 16 CHAIRMAN MULLER: Any questions
 17 regarding Mr. Lane's qualifications? We
 18 accept your qualifications.
 19 MR. SMITH: Thank you, Mr. Chairman,
 20 and I'm not going to get in your way.
 21 Through exhibits, describe for the board
 22 the features of the project before them,
 23 parking, circulation, landscaping, storm
 24 water, lighting, all of that.
 25 MR. BARLOW: Mr. Smith, and Mr. Lane,

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1 we'll just refer to the first exhibit as
 2 A-1 and carry it through if you change
 3 boards.
 4 MR. LANE: Okay, this will be A-1,
 5 this is called Twin Boro Physical Therapy,
 6 it's the existing conditions exhibit and
 7 it's dated August 2, 2023.
 8 MR. SPOSATO: Mr. Lane, can I ask
 9 you just to step to the side so the camera
 10 could capture the visual as well.
 11 MR. LANE: Yeah, what this shows is
 12 the site, it's an aerial, and the property
 13 and surrounding areas, we have Washington
 14 Road to the north, Johnsons Lane to the
 15 east, we have the school, I'm sorry, the
 16 school's to the east, Johnsons Lane to the
 17 west, and then to the south we have
 18 existing residents along the abandoned
 19 commercial building.
 20 What we show onsite is over on the
 21 corner of Johnsons Lane, and Washington
 22 Road is the existing physical therapy
 23 building which is about 4200 square feet.
 24 Just off the side, coming off of Washington
 25 Road, we have a two-way driveway which is

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1 24 feet, that leads to the existing 16 car
 2 parking lot, and back in the corner, we
 3 have our existing dumpster bay.
 4 On lot 1.02, which the applicant just
 5 purchased, is the approximately 2,000
 6 square foot daycare building that they're
 7 looking to remove. There is a common
 8 one-way driveway that goes into Johnsons
 9 Lane and further down to the south, there
 10 is a second driveway that comes in around
 11 the building, and they have approximately
 12 12 striped spaces out and around the
 13 building.
 14 MR. SMITH: A-2.
 15 MR. LANE: A-2 is the overall plan
 16 exhibit, this one is dated August 2, 2023.
 17 What this shows is the site plan overall
 18 aerial, and it's colored with the
 19 landscaping that's proposed, and what this
 20 shows is the physical therapy building is
 21 remaining, no changes there, the existing
 22 parking lot is to remain the same, and
 23 additionally what we're doing is on lot
 24 1.02 which used to be the daycare, has to
 25 be removed and then we're proposing 33 new

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1 parking spaces.
 2 We have 8 along the southern property
 3 line, we have 14 along the middle, and then
 4 another 11 on the southern side. What we
 5 show is 6 new trees in and around the
 6 parking lot. There is 36 shrubs along the
 7 southerly property giving a buffer to the
 8 neighbor, and that's pretty much what we're
 9 looking to do. The building stays the
 10 same, all the utilities stay the same,
 11 there's no new storm water management.
 12 What we did was we followed what was being
 13 done before where water flows off to the
 14 south, just like it does off the existing
 15 parking lot, and then there's a ridge line,
 16 and the remainder goes to Johnson's Lane.
 17 The impervious coverage increase is
 18 only about 850 square feet, so there's
 19 really no need for any storm water
 20 detention on there. We are proposing 3 new
 21 light poles with LED fixtures, 20 and a
 22 half feet high and that's pretty much what
 23 we're proposing on for that site.
 24 MR. SMITH: Okay, and what would be
 25 the circulation through the site?

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1 MR. LANE: We have the two-way
 2 driveway off of Washington that's existing,
 3 that's to remain, and we're keeping the
 4 common one-way driveway off of Johnsons
 5 Lane that travels both properties, and then
 6 off on the southern side, there used to be
 7 an existing driveway that went out to
 8 Johnsons Lane. That was further to the
 9 south, we're moving it over because we're
 10 putting in 90 degree parking, so that would
 11 be a two way.
 12 MR. SMITH: In terms of generic
 13 description, is there anything else to add?
 14 MR. LANE: No, that's pretty much
 15 it.
 16 MR. SMITH: Mr. Chairman, it would be
 17 appropriate to respond to the
 18 professional's memorandums?
 19 CHAIRMAN MULLER: Yes, please.
 20 MR. SMITH: Okay, so come back over
 21 here, if you don't mind. And why don't we
 22 start with Mr. Cornell's memo. Have you
 23 had a chance to review the memo prepared by
 24 J. Cornell, P.E., to the Borough of
 25 Sayerville Planning Board dated August 2,

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1 2023?
 2 MR. LANE: Yes.
 3 MR. SMITH: With respect to that
 4 memo, page one is the description, I'm
 5 sorry, maybe I shouldn't have said that.
 6 It refers to the attached memo, but I think
 7 page 1 and page 2 are just generic. So we
 8 will go to the actual detailed memo. So,
 9 site grading and general comments. There
 10 is a list in number 1 of the governmental
 11 approvals necessary to implement the
 12 project, and maybe we can go through and
 13 see where they stand. Middlesex County
 14 Planning Board approval?
 15 MR. LANE: We have conditional
 16 approval with that.
 17 MR. SMITH: All right, the Borough of
 18 Sayerville Soil Erosion Certification.
 19 MR. LANE: That we will apply for
 20 once we get approval.
 21 MR. SMITH: The NJ DEP Division of
 22 Water Quality RFA?
 23 MR. LANE: I believe we don't need
 24 that because we're under an acre of
 25 disturbance.

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1 MR. SMITH: Borough of Sayerville
 2 Tree Removal permit?
 3 MR. LANE: That and the fill
 4 placement we'll have to apply for prior to
 5 construction.
 6 MR. SMITH: And you do know that if
 7 you can't put the trees there necessary
 8 under the ordinance, there is a \$250.00 per
 9 tree cost, and our applicant is aware of
 10 that as well.
 11 MR. LANE: He's willing to make the
 12 contribution if need be.
 13 MR. SMITH: If need be. And then the
 14 Borough of Sayerville Fill Replacement
 15 permit?
 16 MR. LANE: Same thing, we'll apply
 17 for it prior to construction.
 18 MR. SMITH: Okay. And of course the
 19 reason why we're saying we're going to
 20 apply is that you don't apply until you
 21 know the board is happy with the plan. But
 22 it would be a condition of approval and
 23 that means that we have to, before we can
 24 go any further, we have to get those
 25 approvals, correct?

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1 MR. LANE: Correct.
 2 MR. SMITH: And we're going to do so.
 3 All right, number two, in accordance with
 4 the borough ordinance, no parking area
 5 shall be constructed within five feet of
 6 the property line. The proposed parking
 7 space along the western property line do
 8 not comply with this requirement, and we're
 9 asking for a waiver. Now with regard to
 10 that, is that an existing condition with
 11 regard to the property we currently own?
 12 MR. LANE: Yes, currently, the
 13 existing parking lot for the physical
 14 therapy is about one foot off the property
 15 line, so in order to maintain the driveway
 16 access that comes through, we're looking to
 17 continue that also along the southern
 18 property line.
 19 MR. SMITH: Okay, number 3, the
 20 proposed parking space along the western
 21 lot line are one foot from the property
 22 line. Accordingly, concrete wheel stops
 23 should be provided for these parking spaces
 24 in order for them to get an overhang into
 25 the adjacent property and damage to the

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1 MR. SMITH: Number 6, as per
 2 requirements of the borough's design
 3 standards, sidewalk is required to be
 4 installed around the perimeter of the site.
 5 The applicant is requesting a waiver, and
 6 why are you asking for a waiver?
 7 MR. LANE: Well, currently there is
 8 sidewalk that wraps around Washington Road,
 9 it goes right across the front of the site,
 10 it goes along the Johnson's Lane property
 11 frontage to the physical therapy building.
 12 We are looking to extend it along Johnsons
 13 Lane to the lot 1.02, so we'll have
 14 circulated sidewalk along the outskirts of
 15 the property.
 16 MR. SMITH: So, we're no longer
 17 asking for a waiver?
 18 MR. CORNELL: Let me just clarify.
 19 The ordinance requires parking adjacent to
 20 your parking stalls. So, where you got
 21 that one foot setback, technically, you're
 22 supposed to have sidewalk there, but
 23 realistically, people aren't going to walk
 24 on the sidewalk, they're gonna get out of
 25 their cars and walk toward the building so

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1 existing chain link fence along the
 2 property line. Do we agree to that as a
 3 condition?
 4 MR. LANE: Yes.
 5 MR. SMITH: Number 4, in accordance
 6 with the borough ordinance, two way
 7 driveways for nonresidential uses should be
 8 minimum 30 feet width. The width of the
 9 proposed site driveways do not comply with
 10 this requirement. The applicant is
 11 requesting a waiver and again with the lot
 12 that currently exists, this is an existing
 13 condition.
 14 MR. LANE: Yes, this is a 24 foot
 15 wide driveway that ends on Washington Road,
 16 continues through the site, so we're
 17 looking to continue that through the
 18 parking lot and out onto Johnson's Lane.
 19 MR. SMITH: Number 5, need of lot
 20 consolidation should be filed for the
 21 project and block and lot numbers should be
 22 obtained from the borough tax assessor,
 23 we've discussed this with the client and
 24 they agree, correct?
 25 MR. LANE: Yes.

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1 I think justifications just based on the
 2 layout of your parking lot, it doesn't
 3 really make sense --
 4 MR. SMITH: Existing condition on the
 5 one lot and we want to continue it because
 6 of the constraints of the site. But we are
 7 agreeing, as long as we're talking about
 8 it, we are agreeing to extend the site
 9 along Johnson?
 10 MR. LANE: Yes.
 11 CHAIRMAN MULLER: That was going
 12 to be my question. The sidewalk will go
 13 all the way to the adjacent property
 14 owner's property?
 15 MR. LANE: Yes, it will continue
 16 toward the end of our property line.
 17 CHAIRMAN MULLER: Towards Buddy's
 18 Tavern?
 19 MR. BARLOW: Just to be clear, what
 20 you're saying, Jay, is the other half of
 21 the property will have to have the sidewalk
 22 that went all the way around it, but it
 23 doesn't make sense because --
 24 MR. CORNELL: Right, the existing
 25 parcel got a waiver when we had the

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1 original approval, and this is requesting a
 2 similar waiver.
 3 MR. SMITH: Okay. Number 7, pursuant
 4 to the borough ordinance, all parking has
 5 to be fully enclosed with either concrete
 6 or Belgium block curbing along the
 7 perimeter. The applicant requested a
 8 waiver. What is the reason for that?
 9 MR. LANE: Yeah, we have, on the
 10 existing site, there is a curb along the, I
 11 guess next to the building around that
 12 parking area. Whoever pulls the curb along
 13 the northern end of our island and along
 14 the southern end. So, what we're looking
 15 to do is not replace curbing which is, no
 16 curbing existing on the easterly property
 17 that goes towards the school because we
 18 have to keep positive drainage. Like I
 19 said, we have existing edge of pave there,
 20 so we're looking to do the same thing here
 21 so we don't cut off the drainage pattern.
 22 MR. SMITH: It would be an impediment
 23 to storm water?
 24 MR. LANE: Correct.
 25 MR. SMITH: Number 9, as per the

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1 borough ordinance requirements, a minimum
 2 of one offstreet loading birth is required
 3 per building. This is an existing
 4 condition that is not proposed to be
 5 modified by this application. The
 6 applicant is requesting a waiver for this
 7 borough ordinance requirement. The reason
 8 for that is?
 9 MR. LANE: They predominantly have
 10 FedEx or UPS trucks come in and they
 11 utilize the parking spot.
 12 MR. SMITH: Yeah, the board heard the
 13 delivery testimony, there is no need for a
 14 loading space.
 15 CHAIRMAN MULLER: Mr. Smith, I
 16 think you skipped 8. We appreciate you
 17 going through these line by line, it's very
 18 helpful, but I think you missed 8.
 19 MR. SMITH: Let me go back, I'm
 20 sorry, that's old eyes.
 21 CHAIRMAN MULLER: No problem.
 22 MR. SMITH: All right, so 8, in
 23 accordance with the borough ordinance, no
 24 parking area should be constructed in the
 25 front yard setback area. The applicant is

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1 requesting a waiver, and of course the
 2 existing lot, it's an existing condition.
 3 MR. LANE: Yeah, and along
 4 Washington Road we have a parking space,
 5 and a portion of another one within that 20
 6 foot setback.
 7 MR. SMITH: So what we're asking to
 8 have the same --
 9 MR. CORNELL: That's not an issue,
 10 that's been approved by the board in the
 11 past, you have an existing condition on the
 12 front lot similar, so we don't see a
 13 problem with that.
 14 MR. SMITH: We did 9, number 10, the
 15 existing physical therapy facility complies
 16 with the parking requirement of the borough
 17 ordinance. The applicant should further
 18 review the need for the additional 33
 19 parking spaces. The applicant should also
 20 verify that no modifications of the, in the
 21 operation of the existing facility are
 22 proposed. That last sentence has been
 23 testified to by Ms. Dunn, but a statement
 24 is, I think after our earlier discussion is
 25 no longer true.

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1 MR. CORNELL: This was based upon
 2 the 15 --
 3 MR. SMITH: We need 40 spaces per the
 4 borough ordinance, and if you're kind
 5 enough to grant the 33, we'll have a total
 6 of --
 7 MR. LANE: 49.
 8 MR. SMITH: So we will then be in
 9 compliance with the borough ordinance.
 10 Number 11, the possible elimination of the
 11 6 angled parking spaces in the proposing
 12 parking lot should be further reviewed.
 13 This would allow the reduction of the
 14 design waivers being requested, the ability
 15 to provide more site landscaping, and
 16 increasing the buffer to the adjacent
 17 residential dwelling. It's very hard for
 18 us to say yes to the dress on that one
 19 because of the parking condition being so
 20 extreme.
 21 MR. CORNELL: This comment was
 22 written based upon them needing 15 and
 23 proposing 49. We didn't understand why.
 24 Based upon what we heard this evening, it
 25 appears that 40 is required, and you

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1 probably could still remove the 6 and
 2 address some of the other waivers you're
 3 gonna hear about with landscaping, but
 4 based upon the testimony and the need for
 5 parking, you may no longer want to consider
 6 that. It appears that parking is a premium
 7 now so you probably want to maximize it as
 8 opposed to addressing some of those other
 9 waivers. I think you heard the testimony,
 10 you could decide.
 11 MR. SMITH: So, storm drainage
 12 system, item B, storm drainage system
 13 number 1, the proposed site plan is not
 14 considered a major development since less
 15 than one acre of land disturbance, and less
 16 than a quarter acre of additional
 17 impervious surface is proposed.
 18 Accordingly, the project is exempt from
 19 water quantity, water quality, and recharge
 20 requirements of the storm water control
 21 ordinance, and we agree with that comment,
 22 correct?
 23 MR. LANE: Yes.
 24 MR. SMITH: Item C, soil erosion and
 25 sediment control, the Borough of Sayreville

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1 has jurisdiction for review of the soil
 2 erosion and sediment control, and is
 3 responsible for planning certification.
 4 All references to the Freehold Soil
 5 Conservation District should be removed
 6 from the soil erosion and sediment control
 7 plan and in your notes and details. And we
 8 will comply with that?
 9 MR. LANE: Yes.
 10 MR. SMITH: Number 2, the
 11 construction sequence should be revised to
 12 include building demolition. In addition,
 13 reference to detention facilities should be
 14 removed since they are not applicable to
 15 the project. We'll comply with that?
 16 MR. LANE: Yes.
 17 MR. SMITH: And then the stabilized
 18 construction act says dealer should be
 19 revised to include filter fabric under the
 20 stone.
 21 MR. LANE: We'll comply.
 22 MR. SMITH: Item D, landscaping and
 23 lighting. In accordance with the borough
 24 ordinance, at least 20 percent of the
 25 subject site shall consist of landscaped

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1 areas and at least five percent of the
 2 required landscaped area shall be along the
 3 right of way areas. The plans do not
 4 comply with this requirement. The
 5 applicant is requesting a waiver, and why
 6 are we requesting a waiver?
 7 MR. LANE: On the 20 percent, we
 8 added islands, we got some green spaces in
 9 here, we have approximately 19 percent, we
 10 are trying to maximize the parking, so
 11 we're one percent short so we're asking for
 12 that de minimus waiver if we could, so we
 13 could keep the number of parking spaces
 14 that we're proposing.
 15 And then with the five percent we had
 16 along the front, again we have the existing
 17 building and the existing parking there so
 18 we were up about four percent there
 19 existing, so we have existing features
 20 there so we're asking for that waiver.
 21 MR. SMITH: And you're darn close,
 22 you're at 19.2 percent there?
 23 MR. LANE: Yes.
 24 MR. SMITH: And number 2, D-2, in
 25 accordance with the borough ordinance,

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1 where a nonresidential use abuts a
 2 residential use, a residentially zoned lot,
 3 a 50 foot landscape buffer should be
 4 provided. The southern portion of this
 5 site does not meet this requirement and the
 6 applicant is requesting a waiver for
 7 obvious reasons. We wouldn't be able to
 8 build the project, we wouldn't be able to
 9 do the parking.
 10 MR. LANE: With the existing
 11 pavement, it's about four feet off the
 12 property line there, so what we're
 13 proposing is moving the curb the six and a
 14 half feet off so it gives us the six foot
 15 landscaping bed to essentially put, and
 16 we're running a line of evergreens,
 17 junipers along that to give it a screen.
 18 CHAIRMAN MULLER: So just so I'm
 19 clear, you're increasing the buffer?
 20 MR. LANE: Yeah, a couple of feet,
 21 just this way we could fit in the evergreen
 22 screen.
 23 CHAIRMAN MULLER: What's the
 24 existing buffer right now?
 25 MR. LANE: It's about four feet

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1 with, it's pretty much dirt or grass that's
 2 out there right now so we're adding a
 3 couple of feet and putting the landscaping
 4 in.
 5 CHAIRMAN MULLER: Okay, thank you.
 6 MR. SMITH: D-3, top of the next
 7 page, in accordance with the borough
 8 ordinance, a minimum of ten percent of all
 9 proposed parking areas shall be landscaped
 10 about the interior. The applicant is
 11 requesting a waiver for this requirement,
 12 why?
 13 MR. LANE: Currently right now with
 14 what we have and what we're proposing
 15 island-wise, we're close, we're at 9
 16 percent, so we're de minimus so we're
 17 looking to maximize the parking. So we're
 18 asking for a small waiver on that.
 19 MR. SMITH: It's all about the
 20 parking.
 21 MR. LANE: Yes.
 22 MR. SMITH: And number 4, in
 23 accordance with the borough ordinance, all
 24 off street parking areas shall be provided
 25 with landscaping around the perimeter. The

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1 proposed parking area does not comply with
 2 this requirement, the applicant will be
 3 requesting a waiver. What are we doing and
 4 why the waiver?
 5 MR. LANE: Yeah, we're proposing
 6 landscaping along the Johnson Lane right of
 7 way and then along the southerly property
 8 line. Unfortunately where we have that one
 9 foot offset, it's impossible to put any
 10 landscaping on there. The good thing is
 11 along the school property there is some
 12 decent landscaping screening there, so it's
 13 kind of like a natural buffer so we're not
 14 going to install any landscaping.
 15 MR. SMITH: And that's where we're
 16 asking for the waiver?
 17 MR. LANE: Yes.
 18 MR. SMITH: And that's a continuation
 19 of the existing condition on the first lot?
 20 MR. LANE: Yes.
 21 MR. SMITH: Number 5, the tree
 22 preservation plan indicates a deficiency of
 23 37 replacement trees. The applicant will
 24 be required to contribute to the borough
 25 tree bank to address this deficiency and of

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1 course wherever we're short we understand
 2 we have to comply, correct?
 3 MR. LANE: Correct.
 4 MR. SMITH: And is there going to be
 5 any more effort to find any more spots for
 6 trees?
 7 MR. LANE: Probably not. We don't
 8 want to have overgrowth out here to kill
 9 off each other so we have them pretty well
 10 spaced where we could.
 11 MR. SMITH: So the waiver is
 12 requested. And number 7, the need for
 13 shields on the proposed lights to prevent
 14 offsite spillage should be further
 15 reviewed.
 16 MR. LANE: We're providing
 17 house-side shields on the lights.
 18 MR. SMITH: All right, so is this a
 19 situation where you will work with the
 20 borough engineer to get the best shield you
 21 can get?
 22 MR. LANE: Yes.
 23 CHAIRMAN MULLER: Mr. Smith, I
 24 think you conflated 6 and 7, you missed 6,
 25 you went right to 7.

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1 MR. SMITH: So I had two cataracts
 2 removed this month and I'm supposed to have
 3 better vision.
 4 CHAIRMAN MULLER: That's no
 5 problem.
 6 MR. SMITH: So, number 6, we need to
 7 go back to that. In accordance with the
 8 borough ordinance, the maximum lighting
 9 intensity, and all property lines should be
 10 half a foot candle. The applicant is
 11 requesting a waiver from this requirement
 12 for the proposed site lighting. Would you
 13 respond to that, Mr. Lane?
 14 MR. LANE: The two lights, the one
 15 existing that's there, across from the
 16 physical therapy building, but in keeping
 17 in line with the parking layout, we're
 18 putting a second light out along that
 19 property line next to the school. So, the
 20 back side of that, we're providing shields,
 21 we're getting it down to about 1.2 foot
 22 candle. Again with the landscaping that's
 23 there, it would probably cut it even less
 24 if you really took into account for like
 25 what's being planted there.

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1 And under the existing condition, we
 2 looked at the existing light because we're
 3 going to flip this one to LED with the
 4 house side shield, that was roughly about
 5 two, two and a half, so we're actually
 6 cutting it back from what it was, it was
 7 1.2. So it's close, the .5 foot candle
 8 will probably be within a couple of feet of
 9 the property line as it cuts off.

10 MR. SMITH: Section E, parking and
 11 road improvements. Number 1, information
 12 on the existing number of employees, hours
 13 of operation of the existing business
 14 should be provided. In addition,
 15 information on traffic patterns,
 16 deliveries, garbage pickup, etc., should be
 17 provided. And I think we already did that
 18 in Ms. Dunn's testimony.

19 Number 2, the applicant's engineer
 20 should further review the maneuverability
 21 and turning improvements of the garbage
 22 collection and recycling vehicles and their
 23 ability to access the proposed trash
 24 enclosure location and the potential
 25 conflicts with the passenger vehicles,

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1 maneuvering the proposed drive aisle, and
 2 using adjacent parking stalls. Can you
 3 respond to that?

4 MR. LANE: Yeah, I was out there
 5 today so I know the existing dumpster sits
 6 kind of right at the, between the common
 7 property line at the rear there so what I
 8 believe the garbage truck is doing is
 9 coming off of Johnsons Lane, coming down
 10 the drive aisle to pick up the dumpster,
 11 and going around to Washington Road and
 12 they'll continue to do that as we keep this
 13 driveway open.

14 MS. DUNN: There is no dumpster?
 15 MR. LANE: Oh, there's not?
 16 MS. DUNN: So, it's only garbage
 17 cans that get put out on Friday.
 18 MR. LANE: They get put out on the
 19 curb?
 20 MS. DUNN: Yes.
 21 MR. SMITH: It would probably be a
 22 good idea for the lady who is speaking, who
 23 is going to get up shortly to talk, maybe
 24 to reemphasize that so it gets on the
 25 record. I don't know how much the court

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1 stenographer got that.
 2 COURT REPORTER: I got it.
 3 MR. SMITH: You got it? Okay, and
 4 just identify your name for the record.
 5 MS. DUNN: Patricia Dunn.
 6 MR. SMITH: Oh, it's Ms. Dunn, I
 7 didn't realize that.
 8 MR. BARLOW: Just for the record, Ms.
 9 Dunn I think indicated that the trash cans
 10 were put on the curb and picked up, so the
 11 truck does not have to go into the parking
 12 lot.
 13 MR. SMITH: Great. Number -- so I
 14 think that's number 2. Item 3, the
 15 applicant's engineer should indicate any
 16 required signage and striping of fire zones
 17 as may be required by the borough fire
 18 officials note indicating same should be
 19 added to the plans, and obviously we're
 20 going to comply.
 21 MR. LANE: Correct.
 22 MR. SMITH: Number 4, the pavement
 23 section parking lots detail should be
 24 revised to indicate a minimum of 4 inches
 25 thick bituminous stabilized base course

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1 (I-2), a minimum of 2 inch thick bituminous
 2 concrete surface course (I-5), in
 3 accordance with the borough ordinance
 4 requirements for parking lots, subject to
 5 SU-30 truck traffic. We will comply with
 6 that?
 7 MR. LANE: Yes.
 8 MR. SMITH: And number 5, the
 9 concrete sidewalk standard concrete curb,
 10 18 inch detail should be revised in
 11 accordance with the borough standards?
 12 MR. LANE: Yes.
 13 MR. SMITH: We will comply. And
 14 that's the end of Mr. Cornell's memo. With
 15 your indulgence, Mr. Chairman, we will go
 16 to Mr. Fowler, the planner's memo next.
 17 CHAIRMAN MULLER: Yes.
 18 MR. SMITH: So, for the record, Mr.
 19 Lane, are you familiar with the memo of
 20 Mike Fowler and the planning board dated
 21 July 28, 2023?
 22 MR. LANE: Yes.
 23 MR. SMITH: Okay, section A the
 24 project description, I don't think needs a
 25 response. Existing conditions, B, I

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1 believe that, again, this is descriptive, I
 2 don't believe it requires --
 3 MR. FOWLER: Mr. Smith, you could
 4 probably jump to B, the comments, 1, 2, and
 5 3 are already addressed, we can go to
 6 number 4.
 7 MR. SMITH: Thank you, Mr. Fowler.
 8 Number 4, it is recommended this is E4, it
 9 is recommended that directional arrows be
 10 placed at each driveway's intersection with
 11 the adjacent right of way, directional
 12 signage should also be addressed. Would
 13 you respond, Mr. Lane?
 14 MR. LANE: We will comply.
 15 MR. SMITH: We will comply. Number 5
 16 it is recommended that a matching radius be
 17 added to the south side of the one-way
 18 drive on Johnsons Lane.
 19 MR. LANE: We agree to make that
 20 change.
 21 MR. SMITH: We'll comply. Okay,
 22 number 6, the Sea, S-E-A, the seagreen
 23 junipers proposed as a buffer on the
 24 southern property line have a mature width
 25 of 6 feet and the planning area is

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1 approximately 6 and a half feet wide. It
 2 appears that the adjacent parking spaces
 3 will allow vehicles to overhang into the
 4 buffer area which may damage the plantings.
 5 Buffer stops are recommended for that row
 6 of perpendicular parking spaces to hold
 7 vehicle overhang to the curb line.
 8 MR. LANE: We agree to add them.
 9 MR. SMITH: Number 7, the applicant
 10 should address any changes in site signage
 11 since the prior approvals. It appears that
 12 there are no freestanding signs.
 13 MR. LANE: Correct.
 14 MR. SMITH: No changes are proposed.
 15 Okay. Number 8, it should be noted that
 16 the applicant is subject to the state law
 17 requiring that a percentage of parking be
 18 equipped with EV charging stations. The
 19 location of the EV charging stations should
 20 be indicated to the board. Would you like
 21 to respond to that?
 22 MR. LANE: Yeah, I believe that what
 23 we would ultimately do is add charging
 24 stations along the front, one for the
 25 handicap space, and one for a regular space

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1 because I believe that under the state
 2 statute we need at least one, and then also
 3 want to provide one for the handicap space
 4 also.
 5 MR. SMITH: And then you believe that
 6 that is in conforming the state statute?
 7 MR. LANE: Yes.
 8 MR. FOWLER: Mr. Smith?
 9 MR. SMITH: Yes.
 10 MR. FOWLER: The plan currently is
 11 showing 3, but you only have 2?
 12 MR. LANE: Yes, we're going to take
 13 those out, like I said, we'll move them
 14 towards closer to the building this way we
 15 get one for the handicap spot and since
 16 we're running electric, we'll put one for
 17 the regular stall.
 18 MR. FOWLER: Thank you.
 19 MR. SMITH: Number 9, the applicant
 20 shall recognize that it is subject to any
 21 applicable affordable housing fees or their
 22 obligations for the borough's affordable
 23 housing ordinance, and we agree and we will
 24 comply with that, correct?
 25 MR. LANE: Yes.

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1 MR. SMITH: And number 10, the
 2 applicant should provide adequate testimony
 3 to justify any variance or waiver relief.
 4 The testimony should include any hardship
 5 created by features on the site, better
 6 planning alternatives being proposed and
 7 benefits thereof, advancing the purpose of
 8 the MLUL, any possible detrimental impacts
 9 on neighboring properties, and the impacts
 10 on the borough's master plan. We have a
 11 planner available and I ask that number 10
 12 be held until we get the planner up. All
 13 right. And did we miss any memos?
 14 MR. BARLOW: No.
 15 MR. SMITH: So, Mr. Lane is available
 16 for questions.
 17 CHAIRMAN MULLER: Any questions
 18 for Mr. Lane?
 19 Mr. Lane, just so I'm clear, when
 20 you're travelling on Washington Road, the
 21 entrance to the building, that is a two-way
 22 entrance, correct?
 23 MR. LANE: Yes.
 24 CHAIRMAN MULLER: If you proceed
 25 on Washington and make the right on

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1 Johnson, the first driveway into the
 2 building going down Johnsons, you come up
 3 Washington and make a right, the first
 4 driveway, that is a one-way driveway?
 5 MR. LANE: Yes.
 6 CHAIRMAN MULLER: That's only
 7 going out of Johnsons Lane?
 8 MR. LANE: Correct.
 9 CHAIRMAN MULLER: And then the
 10 next driveway that you're --
 11 MR. LANE: This will be two way.
 12 CHAIRMAN MULLER: That's going to
 13 be a two way?
 14 MR. LANE: Yes.
 15 CHAIRMAN MULLER: And it is wide
 16 enough sufficiently for both ingress and
 17 egress?
 18 MR. LANE: Yes, we follow 24 foot
 19 through and around.
 20 CHAIRMAN MULLER: The 6 diagonal
 21 spots, I understand the need to maximize
 22 the parking, my only concern is that is it
 23 gonna be too congested in that parking area
 24 for folks that are coming there because
 25 they have physical ailments, they might be

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1 on crutches, wheelchair, I know they're
 2 handicapped spaces but a lot of people are
 3 going there because of some physicality and
 4 my concern is you're, the parking lot, is
 5 it going to be too crowded with those 6
 6 diagonal spots?
 7 MR. LANE: Well, if we take out the
 8 6 diagonal, the typical, you know, we have
 9 18 foot deep stalls, with 24 foot drive
 10 aisles, it's kind of like standard, so
 11 those are okay, the angled spaces, they're
 12 18 feet deep, same thing, 9 foot wide, we
 13 actually have the drive aisle a little
 14 wider, I think under 45 degree angle
 15 parking. We request 15, so you have 18, so
 16 it gives a little more room to maneuver
 17 around here to come around the side of the
 18 building. So I think we have adequate
 19 room. Again, it's 6 spaces, so it's not
 20 too intense, and once you come in, you can
 21 only come out so it's not conflicting with
 22 two way traffic.
 23 CHAIRMAN MULLER: Any other
 24 questions?
 25 MR. ALLEGRE: For the angled

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1 parking, you said fifteen feet requirement
 2 for the driveway, and you're using 18?
 3 MR. LANE: Yes.
 4 MR. ALLEGRE: Is 15 or 18 inclusive
 5 of the walking path for --
 6 MR. LANE: It's the width of the
 7 pavement and then there's about a four foot
 8 sidewalk along the side of the building.
 9 MR. ALLEGRE: So, you're from here
 10 it looks like your arrow includes the
 11 walkway or it doesn't include the walkway?
 12 MR. LANE: No, it doesn't include
 13 the walkway. It goes to the edge of the
 14 curb.
 15 MR. ALLEGRE: So 18 plus the 4 foot
 16 walkway?
 17 MR. LANE: Yes.
 18 MR. ALLEGRE: Any additional
 19 entrances or exits being added to the
 20 building?
 21 MR. LANE: I believe it's just the
 22 patients coming through the main entrance
 23 in the --
 24 MR. ALLEGRE: Northwest corner?
 25 MR. LANE: Yeah.

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1 MR. BUCHANAN: Is there gonna be
 2 signage for the one-way parking, one-way
 3 driveways?
 4 MR. LANE: We will have to add in
 5 here do not enter and one way down.
 6 MR. FOWLER: Sir, along your lines of
 7 questioning, the sidewalk in front of the
 8 building is on the west side, the southern
 9 end of it, can you depress that curb so
 10 that people are using the parking lot on
 11 that side or the spaces are, that they
 12 could just come on to the sidewalk there,
 13 if there are --
 14 MR. LANE: Yeah, we can work a
 15 depression there so that it's a smooth
 16 transition.
 17 MR. FOWLER: Yeah, so if they have a
 18 walker or whatever they have --
 19 MR. LANE: Yeah, we'll do that,
 20 that's a good idea.
 21 CHAIRMAN MULLER: Okay. No more
 22 questions? Thank you, Mr. Lane.
 23 MR. LANE: Thank you.
 24 MR. SMITH: Our last witness, Mr.
 25 Chairman, is our planner, our mystery

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1 planner. I don't know the gentleman, I
 2 think he's from Mr. McDonough's office.
 3 MR. MCCLEAN: Alex McClean.
 4 MR. SMITH: I ask that Alex be sworn
 5 so he can give testimony.
 6 MR. BARLOW: Sir, state your name,
 7 spell your last name and give us your
 8 professional address.
 9 MR. MCCLEAN: Yes, it's Alcxander
 10 McClean, last name is spelled
 11 M-C-C-L-E-A-N, professional address is 137
 12 Heckels Street, Unit 7 in Belleville, New
 13 Jersey.
 14 MR. BARLOW: Heckels Street and what
 15 is that?
 16 MR. MCCLEAN: Belleville, New
 17 Jersey.
 18
 19 ALEXANDER MCCLEAN, M-C-C-L-E-A-N, having first
 20 been duly sworn, testified under his oath as
 21 follows:
 22 MR. SMITH: Mr. McClean, for the
 23 record, by whom are you employed and in
 24 what capacity?
 25 MR. MCCLEAN: I well, I'm employed

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1 by the City of Jersey City as an assistant
 2 director of affordable housing, but I'm
 3 also in my own capacity as a licensed
 4 professional planner with my own practice.
 5 MR. SMITH: If you wouldn't mind
 6 giving the board the benefit of your
 7 credentials as a professional planner.
 8 MR. MCCLEAN: So I have practiced
 9 planning originally from New York City for
 10 5 years and for the past 3 years I've been
 11 in New Jersey as, in private practice as an
 12 environmental planner and currently as the
 13 assistant director of affordable housing.
 14 MR. SMITH: In?
 15 MR. MCCLEAN: Jersey City.
 16 MR. SMITH: Jersey City. And you've
 17 appeared before planning boards and zoning
 18 boards?
 19 MR. MCCLEAN: I have not.
 20 MR. BARLOW: None?
 21 MR. SMITH: Okay, so this is his
 22 first time, be gentle. So, on that note
 23 we're asking you to come forward to
 24 identify the waivers, we're requesting a
 25 justification, and the variances requested

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1 and a justification under the Municipal
 2 Land Use Law so the board if they want to
 3 can grant the relief.
 4 MR. BARLOW: Mr. Smith, I don't think
 5 we accepted his credentials as an expert
 6 yet.
 7 MR. SMITH: Oh, I'm sorry.
 8 MR. BARLOW: What's your educational
 9 background with your licenses?
 10 MR. MCCLEAN: I have a Masters in
 11 City and Regional Planning from Rutgers and
 12 I have an AICP and I'm licensed by the
 13 State Board of Professional Planners.
 14 MR. BARLOW: Your license is in good
 15 standing in the State of New Jersey?
 16 MR. MCCLEAN: It is.
 17 MR. BARLOW: There's gotta be a first
 18 time for everything.
 19 MR. MCCLEAN: Exactly.
 20 MR. SMITH: We ask that he be
 21 accepted, Mr. Chair.
 22 CHAIRMAN MULLER: Does anyone on
 23 the board have any questions with the
 24 qualifications?
 25 MR. SMITH: Considering he will never

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1 have to again say this is his first time.
 2 CHAIRMAN MULLER: We accept,
 3 congratulations on your first time.
 4 MR. MCCLEAN: Thank you, I
 5 appreciate it.
 6 MR. SMITH: Take it away, Mr.
 7 McClean.
 8 MR. MCCLEAN: Okay, I guess I won't
 9 burden the board by going over the basics
 10 of the project, but I'll just jump into the
 11 planning and zoning considerations.
 12 MR. SMITH: Please.
 13 MR. MCCLEAN: So, it's the zone,
 14 the project is located in a B-1
 15 neighborhood business district. Permitted
 16 uses include a wide range of businesses
 17 including retail, zoning, retail,
 18 restaurant, office and gyms, physical
 19 therapy business parking lot permitted in
 20 the zone. There's no D variances are
 21 requested for this application and as far
 22 as zoning conformance, the project
 23 essentially complies with all bulk
 24 requirements, lot dimensions, building
 25 height, building coverage, lot coverage,

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1 all comply.
 2 And as far as the areas of the
 3 ordinance that the applicant is seeking
 4 relief from, there are 7. Obviously, the
 5 building setback, curb cuts, lot line,
 6 parking setback, a number of loading
 7 spaces, front yard, landscaping area,
 8 lighting levels, and landscaping area.
 9 So the applicant is seeking C variance
 10 relief and all relief is justified under
 11 both the C(1) hardship and the C(2)
 12 balancing provisions under the law. C(2)
 13 purposes of MLUL require to advance the
 14 purposes of MLUL, but they advance it by
 15 deviating from the ordinance and the
 16 benefits would have to outweigh any
 17 detriments, and we believe that this
 18 application does that.
 19 Justification under the C(1) hardship
 20 relief relates to the land and the
 21 structures that are lawfully existing
 22 thereon. Existing site conditions create
 23 hardship, practical difficulties in terms
 24 of district conformance, and the C(2)
 25 balancing, the benefits of the application

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1 flow, function, and operate safely,
 2 efficiently, without any substantial danger
 3 or nuisances to the public. And it
 4 essentially complies with the zoning
 5 criteria and relief to have the minimal, if
 6 any, impairment to the zoning scheme.
 7 I also wanted to just point out a
 8 couple of things to support the applicant's
 9 testimony earlier. So just going to point
 10 to the master plan reexamination from this
 11 year, it pointed to a couple of census data
 12 points. So, there was a population
 13 increase from 2010 to 2020, 2,641 persons,
 14 approximately, according to the census, and
 15 as far as the uses on the existing site,
 16 the daycare and the physical therapy
 17 business, they obviously cater to two
 18 different audiences. You got obviously
 19 small children and adults. So for persons
 20 under 5 years old, in 2010, the population
 21 was estimated at 2,816, we saw a reduction
 22 of 130 persons in 2020.
 23 If you look at persons, the age cohort
 24 for 55 to 64, you saw an increase of 1,872
 25 persons. When you look at persons 65 and

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1 as a whole potentially outweigh any
 2 detriments as mentioned before.
 3 The project benefits include parking
 4 capacity to meet actual parking demand. Of
 5 this use, the nature of the use caters to
 6 injured and mobility impaired persons, and
 7 it's in good planning to have parking in
 8 close proximity to the building.
 9 As far as the purposes of the MLUL
 10 being promoted by this application, we are
 11 looking at purpose A promote the general
 12 welfare; purpose G to provide a variety of
 13 uses according to the needs of the citizens
 14 of the state; purpose I to promote
 15 desirability and visual environment through
 16 the landscaping that was gone over by the
 17 engineer; purpose M to provide efficient
 18 land use by increasing the parking capacity
 19 to support the demand on the site.
 20 The project will put underutilized
 21 land into productive use, it will give it a
 22 fresh look. All relief will be granted
 23 without substantial detriment to the public
 24 and to the zoning plan. The applicant has
 25 provided solid testimony. The site will

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1 older, there's an increase of 240. So
 2 you're seeing the needs of the community
 3 are changing, so it's appropriate that
 4 you're seeing a demand in the request for
 5 the parking demands change.
 6 The other thing is transportation, so
 7 you have limited mass transit access, you
 8 have the B131 and the A15 and they also
 9 have, and that's a couple of blocks away
 10 from the site, and then there's the issue
 11 of the vehicle use in the area. So, the
 12 2021 ACS five year data noted that 20
 13 percent of persons in the community own one
 14 vehicle, approximately 40 percent own two
 15 vehicles, and approximately 40 percent own
 16 three vehicles. So, it's a heavy auto
 17 usage which makes sense that you need to
 18 expand the parking for this site.
 19 MR. SMITH: So, in your professional
 20 opinion, there is no harm to the master
 21 plan or the zoning ordinance if the board
 22 should adopt and grant these waivers and
 23 variances, correct?
 24 MR. MCCLEAN: No, and actually the
 25 goal 5 of the 2013 master plan points out

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1 that -- goal 5 indicates that the town's
 2 goal is to encourage maintenance of
 3 existing businesses, business community
 4 provides for desirable new and commercial
 5 developments, and I think this application
 6 does that.
 7 MR. SMITH: Mr. McClean is available
 8 for questions.
 9 CHAIRMAN MULLER: Thank you, Mr.
 10 McClean. Anyone on the board have a
 11 question for Mr. McClean? I have a few
 12 questions and you might not be able to
 13 answer them, Mr. McClean, and I apologize,
 14 they popped in my head, but am I correct
 15 that the establishment, the business is
 16 currently using the adjoining property
 17 where the schoolhouse was for parking right
 18 now?
 19 MR. SMITH: Mr. Lane, would you come
 20 up or Ms. Dunn? Did you hear the
 21 chairman's question?
 22 MS. DUNN: Yes, and are the patients
 23 using what is existing now, yes.
 24 CHAIRMAN MULLER: Yes, because I'm
 25 just wondering what the plan is if the

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1 application is granted and you start
 2 demolition and construction in that
 3 adjoining lot, now you got less parking and
 4 it might even impact your existing parking,
 5 how long is the construction --
 6 MR. SMITH: During construction?
 7 CHAIRMAN MULLER: What's the plan
 8 during construction --
 9 MR. SMITH: There is a plan, I asked
 10 the same question.
 11 MS. DUNN: So, the plan, my
 12 understanding is we would have valet
 13 parking and it would have to create, be
 14 able to provide that service for our
 15 patients and be able to park offsite and be
 16 able to manage that. That's the plan.
 17 MR. SMITH: And just like physical
 18 therapy in general, it's short term pain
 19 for long term gain. And Mr. Lane, or the
 20 contractor, how long is the demolition
 21 going to take and the answer is three
 22 weeks. Three weeks is the answer, so for
 23 three weeks you're going to have to do
 24 that.
 25 CHAIRMAN MULLER: So, three weeks to

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1 demolish the building and install the
 2 parking area?
 3 MR. SMITH: Is that right for both?
 4 That's the best guess?
 5 CHAIRMAN MULLER: And you're gonna
 6 have valet parking?
 7 MS. DUNN: It's expensive, we
 8 investigated, it's like 800 dollars a day.
 9 MR. BARLOW: The patients are going to
 10 get spoiled.
 11 MS. DUNN: But again, how else could
 12 we function? You have to be able to
 13 provide --
 14 CHAIRMAN MULLER: Where are you
 15 valeting them to?
 16 MS. DUNN: So, the issue is that has
 17 not been decided. We are actually parked
 18 right now across on the open lot, Bailey's,
 19 across from Buddy's, that's where staff
 20 parks so that would be an option or we have
 21 to search out within the community to be
 22 able to rent space for a period of time.
 23 CHAIRMAN MULLER: And I'm just
 24 wondering, who's going to do the valeting?
 25 MS. DUNN: We'll have a company.

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1 CHAIRMAN MULLER: A company.
 2 MS. DUNN: That's why I know how
 3 expensive it is because we interviewed for
 4 that. And I don't know, I think it's that
 5 expensive to have them. It's just so
 6 expensive.
 7 CHAIRMAN MULLER: I was just
 8 wondering what it was going to look like
 9 during the --
 10 MS. DUNN: It's not going to be
 11 pretty. And I just, for the patients, if
 12 they could pull up and someone takes their
 13 car.
 14 CHAIRMAN MULLER: Yeah, I guess
 15 that's --
 16 MS. DUNN: And you have to have
 17 someone certified to be able to do that.
 18 You just can't have my 20 year old son take
 19 the car.
 20 CHAIRMAN MULLER: Yeah, I'm sure
 21 there's a whole host of other regulations
 22 and laws that apply that aren't concerning
 23 planning so, understood. Does anyone else
 24 have any questions? I'm sorry Mr. McClean,
 25 it popped in my head.

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1 MR. MCCLEAN: Not a problem.
 2 CHAIRMAN MULLER: No questions?
 3 MR. SPOSATO: I understand there
 4 will be lighting, obviously that, you have
 5 cameras that face that area as well?
 6 MS. DUNN: We don't have cameras.
 7 MR. SPOSATO: You don't have
 8 cameras, okay.
 9 MS. DUNN: If that's a
 10 requirement --
 11 MR. SPOSATO: No, I'm just curious.
 12 CHAIRMAN MULLER: The lighting is not
 13 going to impact the adjoining, I know
 14 there's an adjoining house right next to
 15 the schoolhouse that you're knocking down.
 16 MR. SMITH: So, let me get Mr. Lane
 17 up. Mr. Lane, talk about the lighting on
 18 the southern end of the property. Is there
 19 any impact on the residents?
 20 MR. LANE: No, we'll have a
 21 house-side shield, we set it off on a
 22 diamond island, and it will comply with
 23 that .5 foot candle at the property line
 24 there. And then we also have the
 25 evergreens going in so it will help as the

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1 me get out of the way of the neighbors and
 2 when she's finished we'll respond.
 3 CHAIRMAN MULLER: All right, so
 4 I'll entertain a motion to open up to the
 5 public.
 6 MR. BUCHANAN: So moved.
 7 MR. SPOSATO: Second.
 8 MS. MAGNANI: All in favor?
 9 BOARD MEMBERS: Aye.
 10 MS. MAGNANI: Opposed?
 11 CHAIRMAN MULLER: Anyone from the
 12 public who would like to be heard on this
 13 application? Good evening, welcome.
 14 MS. BEBERT: Good evening, Chairman,
 15 Professionals, and board members.
 16 MR. BARLOW: I have to swear you in.
 17 So if you could state your name, spell your
 18 last name, and give us your address.
 19 MS. BEBERT: Karen Bailey Bebert, I
 20 reside at 9 Burlington Road, I am the owner
 21 of the adjacent property on Johnsons Lane,
 22 279 Johnsons Lane.
 23
 24 KAREN BAILEY BEBERT, B-E-B-E-R-T, having first
 25 been duly sworn, testified under her oath as

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1 light spills down to cut it off too.
 2 CHAIRMAN MULLER: Okay. No more
 3 questions, sorry, Mr. McClean, I'm
 4 directing it at you, but no more questions
 5 for us. Thank you very much for your first
 6 testimony.
 7 MR. MCCLEAN: Thank you.
 8 MR. SMITH: Mr. Chairman, that
 9 concludes our case. You will be hearing
 10 from the owner of the next door property --
 11 I'm sorry, I got carried away, I got too
 12 casual. So in any case, that concludes our
 13 case. You are going to have one member of
 14 the public coming forward who we talked to
 15 prior to the meeting who has some concerns
 16 about how the foundation is filled, and I'm
 17 not going to speak for her, she's going to
 18 come up and I'll respond to it. But at the
 19 end of the day, this is not a fly-by-night
 20 outfit. They've been in Sayreville for 30
 21 years providing great services to the
 22 residents of Sayerville, we think that
 23 what's proposed tonight is not a crazy
 24 expansion or a crazy anything, it's to make
 25 sure the operation works safely. But, let

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1 follows:
 2 MR. BEBERT: So, I have a question.
 3 We have a very large room full of
 4 professionals on both sides, and I don't
 5 believe I heard anyone mention the fact
 6 that that property is about 3 foot higher
 7 than my property next door. So, is that in
 8 the plans indicated at all? So my one
 9 concern was drainage from their property to
 10 ours.
 11 Secondly, maybe Mr. Lane can answer my
 12 question regarding in between the two
 13 properties. So I guess looking at it over
 14 here right between the 79 and 281,
 15 currently, will there be any fencing put
 16 there, or is it just going to be a row of
 17 evergreen type trees.
 18 MR. SMITH: Why don't we bring up Mr.
 19 Lane.
 20 CHAIRMAN MULLER: You want to give
 21 a microphone.
 22 MR. LANE: Currently the proposal
 23 right now is just for the evergreen shrubs,
 24 there is no proposal for a fence at the
 25 moment.

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1 MS. BEBERT: There does reside there
 2 my sister, her daughter, and two little
 3 children, so they are 8 and 4. So that is
 4 a residential, that also is a B-1 that lot,
 5 so there is a residence there currently so
 6 I do have concerns of people pulling up
 7 there and just privacy concerns.

8 Another thing I have a concern with
 9 is, and I have asked Mr. Lane this earlier,
 10 dynamic impacting, or compounding, or
 11 whatever you all engineers call this. So,
 12 normally, when a basement is filled in,
 13 maybe Mr. Cornell can answer this for me.
 14 Is there a set amount of time after the
 15 hole is filled in that it must sit before
 16 anything is put on it? I believe there was
 17 for like a building, like when that was
 18 done at the corner, I remember talking
 19 frequently, actually, to the property
 20 manager, to the construction manager there,
 21 because I would walk my little one to
 22 school all the time and he said, I said
 23 finally you guys are getting started and
 24 all this back in the day when they built
 25 there, and they said you had to wait one

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1 year for the settlement of whatever. I'm
 2 not an engineer, I'm just -- so I'm curious
 3 to see if there is any amount of time
 4 before anything can be parked on that, so
 5 to speak. So, that was one of my concerns.
 6 The big thing with the dynamic
 7 compacting -- Jay, what's the professional
 8 term?

9 MR. CORNELL: I think you referred
 10 to dynamic compaction. Typically, if you
 11 have poor soil conditions, and you want to
 12 go through and compress them, you'll use
 13 dynamic compaction. Here, I don't think
 14 you're going to have to deal with that,
 15 you're basically demolishing the building
 16 and you're going to have to fill in the
 17 foundation. They're going to have to get
 18 permits from the borough construction
 19 office, they'll have to witness, I'm
 20 unaware of any long term requirements for
 21 that being open before they could fill it
 22 in, so I don't think that would be an
 23 issue.

24 MR. BEBERT: Okay, I mean, I feel
 25 their pain, I'm not here to, I think it's a

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1 great thing, I think it would be more
 2 advantageous to my property, but I do have
 3 to be concerned about the integrity of my
 4 property. Like what happens if my 1937
 5 babcia's house gets a crack in the
 6 foundation that I didn't put in there?
 7 Like what happens? He could say no
 8 problem, but if there is nothing in
 9 writing, there's no guarantees for me, and
 10 I don't think that I should have to
 11 compromise the integrity of my property.

12 Literally, the foundation of that
 13 house that's gonna be taken down, and the
 14 foundation of my house there, is about 20
 15 feet away, very, very close. And again, so
 16 right at the borderline here, at the
 17 borderline between the two properties here,
 18 it's like it goes down like 2 to 3 feet,
 19 that property is a couple of feet higher
 20 than my property.

21 So, I didn't know if that was being
 22 considered with respect to drainage because
 23 I heard many people talking about drainage
 24 and stuff from variances and all that, so
 25 how is that going to impact my property

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1 with the current plan?

2 CHAIRMAN MULLER: Mr. Lane, are
 3 you able to address the drainage issue?

4 MR. LANE: Yes, currently under the
 5 existing conditions, there's no curbing so
 6 this could freeflow and go onto the
 7 neighboring property. What we are
 8 proposing is curbing along there so this
 9 will get cut off, and we have a high point
 10 down the middle roughly where the existing
 11 house is, so a portion will come down the
 12 driveway down to Johnsons Lane like we have
 13 here, and then the rest and to the rear
 14 will go out towards the school property.

15 So there is gonna be a curb put in
 16 here so nothing will be shuttled off on to
 17 the property other than the green area
 18 which we have the evergreen shrubs which
 19 will take some of the rain water that drops
 20 over there.

21 MR. BEBERT: But again --

22 MR. ALLEGRE: Can I ask a question,
 23 this might be more a question for the
 24 contractor or the engineer. After you pave
 25 the lot, will you be using a dynamic roller

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1 on that?

2 MR. LANE: You'll have to talk to

3 the contractor on that one.

4 MR. ALLEGRE: Can we bring him up

5 and swear him in?

6 CHAIRMAN MULLER: If you feel it

7 necessary. Mr. Smith, can we hear from the

8 contractor?

9 MR. SMITH: Well, this is America,

10 whoever the board wants to hear from

11 anybody, you can hear from whoever you

12 want. I do think though, that he is brand

13 new to the job. Do you feel you can answer

14 that question?

15 MR. COCHRAN: Yes.

16 MR. SMITH: All right, come on up,

17 let's get you sworn in so you can testify.

18 MR. BARLOW: Can you state your name

19 and spell your last name?

20 MR. COCHRAN: My name is Tim

21 Cochran, C-O-C-H-R-A-N. My business

22 address is 720 Bellevue Avenue in

23 Hammonton, New Jersey.

24

25 TIM COCHRAN, C-O-C-H-R-A-N, having first been

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1 duly sworn, testified under his oath as follows:

2 MR. SMITH: And you're part of the GC

3 firm for this project, and you're familiar

4 with it?

5 MR. COCHRAN: Yes.

6 MR. SMITH: Okay, did you hear the

7 question?

8 MR. COCHRAN: Yes, and they will be

9 using a roller, it probably will be a

10 dynamic, I'm sure, so you will get some

11 vibration from it. But, the biggest, it's

12 not a big parking lot so it's not going to

13 be huge, it will probably be less than 6

14 feet in width.

15 CHAIRMAN MULLER: Mr. Cochran, is

16 there anything that could be done to

17 protect the adjacent house from the

18 demolition of the existing schoolhouse?

19 MR. COCHRAN: I don't see a reason

20 for that, we're gonna be far enough away

21 from the property line itself that we

22 wouldn't have to, we could put barriers up,

23 but as far as compaction, there is really

24 nothing you can do.

25 MR. ALLEGRE: There's nothing you

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1 can do to stop the vibration, correct?

2 MR. COCHRAN: Correct.

3 MR. ALLEGRE: You can monitor it if

4 it's a concern.

5 MR. COCHRAN: Yes.

6 MR. ALLEGRE: So, again, it's not

7 concerning who is paying for what, but

8 there should be photos taken and the

9 foundation assessed, any cracks monitored,

10 and a cybergraph (sic) placed to make sure

11 you don't --

12 MR. SMITH: Mr. Allegre is right on

13 the money. I actually have personal

14 experience with compaction. Two

15 experiences, one was with Costco in Monroe

16 building a huge facility, they used dynamic

17 compaction that was monstrous, the thing

18 that they were dropping on the ground was

19 like the size of an elephant, and adjacent

20 property owners indicated that they had

21 property damage.

22 The ultimate proof, one way or the

23 other was to see if there were cracks in

24 the wall, all right, the claim was that

25 there was damage to the foundation. What

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1 Costco did, which was brilliant, they made

2 sure that the dynamic compaction company

3 had the appropriate insurance to adequately

4 compensate for the repairs.

5 In my case, I have a place down the

6 shore and the house next door was being

7 rebuilt because of Sandy and they decided

8 to raise it up. So the guys with the

9 pile-ons came in to bang them down into the

10 ground, I ended up with cracks in my

11 bathroom tiles, and they wouldn't answer

12 the phone so I sued them in small claims

13 court and they ended up paying for the

14 repairs to the tiles.

15 But I think the answer to the public's

16 question here is we need to make sure that

17 whoever does our compaction has the

18 appropriate insurance. And the other thing

19 I would suggest, which is what Mr. Allegre

20 has said, take pictures. You need to go

21 out and take pictures of the foundation

22 walls, date them, so that if you do get

23 cracks you could say here was on September

24 of 2023, here is what the walls look like,

25 and one year later on September of 2024, I

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1 now have cracks in my walls. That's the
 2 proof that ultimately went to court. So,
 3 there is a way to handle it.
 4 CHAIRMAN MULLER: Would you be
 5 willing to do a pre-demolition inspection
 6 report of the adjoining --
 7 MR. SMITH: Would she allow us to
 8 come into her house and take pictures?
 9 MS. BEBERT: I most certainly would.
 10 MR. SMITH: Would that be acceptable?
 11 MR. COCHRAN: Yes, that would be
 12 fine with us.
 13 MR. SMITH: So, we'll come in, we'll
 14 take pictures of the walls, we'll also
 15 share them so everybody gets them, and
 16 we'll also make sure our contractor has the
 17 appropriate insurance.
 18 MR. COCHRAN: Yes.
 19 MR. BEBERT: And I would like to
 20 receive a copy of that.
 21 MR. ALLEGRE: And any existing
 22 cracks that are found --
 23 MR. SMITH: Existing cracks are not
 24 covered, unless they're bigger.
 25 MR. ALLEGRE: Not existing, I'm a

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1 general contractor, so usually existing
 2 cracks you would have to put -- on both
 3 sides of the cracks and measure distance
 4 for each crack.
 5 MR. BEBERT: It sounds like a lot of
 6 work that I should not have to entail the
 7 expense for as I am not initiating this
 8 project. And again, you did have two good
 9 examples regarding cracked foundations.
 10 And how farther away than 20 feet were
 11 those buildings where that dynamic
 12 compactor is?
 13 MR. SMITH: I think five feet down
 14 the shore.
 15 MR. ALLEGRE: Any construction
 16 going on on any adjacent property whether
 17 it's a residential home or a business would
 18 still have to -- any construction adjacent
 19 to your property, would still require
 20 compaction whether it's a business or a
 21 residential unit, you would compact the
 22 ground to build a foundation on it, so you
 23 shouldn't be prohibited from doing it, but
 24 someone needs to make sure that there is no
 25 issues.

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1 MR. SPOSATO: Right, I think Ms.
 2 Bebert raises some very valid concerns
 3 where if I was the property owner, I think,
 4 understandably, there will be compaction
 5 required on any adjacent property.
 6 MS. BEBERT: Even their own building.
 7 MR. SMITH: And we're willing to
 8 address that. You're not hearing us --
 9 MR. BEBERT: Well, you're on a slab
 10 actually --
 11 MR. SMITH: No mas. We agree.
 12 CHAIRMAN MULLER: And Jim,
 13 appropriate coverage for this, I'm not a GC
 14 or contractor or construction person, but
 15 what would you think is appropriate?
 16 MR. ALLEGRE: My limits are sky
 17 high as a contractor because of the work we
 18 do. Our requirements would be way bigger,
 19 but just having, getting the work done
 20 ahead of time, and maybe some of the
 21 employees, a professional company come in
 22 and do an assessment is probably your best
 23 bet against it.
 24 MR. BEBERT: Yeah, I mean, you can
 25 have insurance and the greatest insurance,

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1 but who's to say that was there or that
 2 wasn't there? We're at this point looking
 3 forward to document that.
 4 MR. ALLEGRE: You should get a
 5 photograph to --
 6 CHAIRMAN MULLER: So there will be
 7 a licensed structural engineer to come in,
 8 do a pre-demolition inspection of the home,
 9 and Ms. Bebert would allow that to occur so
 10 that there's no issues regarding the
 11 demolition?
 12 MR. SMITH: Sure, absolutely.
 13 MR. COCHRAN: Yes.
 14 CHAIRMAN MULLER: And what type
 15 of, what's the typical limit that you cover
 16 on the insurance?
 17 MR. COCHRAN: That I don't know,
 18 I'm not the office guy.
 19 CHAIRMAN MULLER: And would you
 20 typically name as an additional insured or
 21 that wouldn't be necessary here?
 22 MR. SMITH: I think what they do is
 23 they insure the work that's to be done and
 24 if there is any damage they are going to
 25 receive the claims and pay them off. I

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1 think the insured party is the actual
 2 contractor because the contractor is the
 3 one that gets sued.
 4 CHAIRMAN MULLER: Okay, and you'll
 5 provide the adjoining landowner with a copy
 6 of the certificate of insurance?
 7 MR. COCHRAN: Yes, that's no
 8 problem.
 9 CHAIRMAN MULLER: What about the
 10 issue of the potential fence, is that
 11 something that --
 12 MR. SMITH: Well, I think the issue
 13 is drainage and I think Mr. Lane said we're
 14 gonna defer, whatever drainage she's
 15 getting now should be stopped.
 16 MR. COCHRAN: I believe there is an
 17 existing fence there already, too.
 18 MR. BEBERT: It's kind of a temporary
 19 off the back door, again, for privacy
 20 because as things got busier there, I have
 21 little kids growing up there, too. I lived
 22 there for 30 years.
 23 A couple of more things but I'll be
 24 very brief. The timeline for the project,
 25 I believe you referred to as 3 weeks to

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1 demolition and then another few weeks to do
 2 the parking lot. So, again, just curious,
 3 does any of that have to settle down before
 4 that's capped with pavements? And then you
 5 asked about occupancy before, and I don't
 6 think the question was answered. Doesn't
 7 the fire code have an occupancy? They did
 8 in my commercial building.
 9 MR. BARLOW: That is what it is.
 10 MR. BEBERT: Just curious, yeah. The
 11 only other thing I want to mention is the
 12 parking situation, and I know it's very
 13 difficult for them and it's gonna be
 14 difficult during this construction period,
 15 so I had spoke to Pat earlier and I think
 16 Mr. Smith might have been there. I have no
 17 problem if they want to arrange something
 18 on my property in the meantime.
 19 I understand that the streets across
 20 in the development there are all
 21 residential permit parking except as Pat
 22 mentioned, Robin Place which is a pretty
 23 steep hill and whatever. So, if I can be
 24 of help that way, I have no problem. But I
 25 think that's about it. My number one

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1 concern is getting something guaranteed
 2 because I don't think my insurance should
 3 have to take on the risk for this that is
 4 not coming from me. And other than that,
 5 Im good to go.
 6 MR. BARLOW: And just understand this
 7 board can't give you any guarantee, that's
 8 not any of their functions.
 9 MR. BEBERT: Well, I'm hoping they'll
 10 be good neighbors. They have been for the
 11 last ten years -- spaces for inadequate
 12 parking.
 13 CHAIRMAN MULLER: Well, I think
 14 that the structural engineer pre-demolition
 15 of the board along with the certificate of
 16 insurance that they're going to provide you
 17 with --
 18 MR. BEBERT: I think that would be
 19 great. That's a guarantee that that will
 20 happen or, that's a pretty big step.
 21 CHAIRMAN MULLER: I think they've
 22 indicated that they're gonna have --
 23 MR. SMITH: We agreed we would accept
 24 that as a condition. That would be a
 25 condition.

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1 MR. BARLOW: That would be a condition
 2 of the resolution of approval.
 3 MS. BEBERT: All right, well, very
 4 good. Thank you. Good luck.
 5 CHAIRMAN MULLER: And just so
 6 we're clear, that fence, the existing fence
 7 that, between your property and theirs,
 8 that will be removed once the trees go on
 9 the curbing?
 10 MR. LANE: Yes.
 11 MS. BEBERT: And are any of those
 12 trees gonna be taken down in between?
 13 Because that whole row is lined, so I guess
 14 it's kind of weird, the property line,
 15 there's no pattern in between. Because,
 16 that whole row is line, so it's kind of
 17 weird, the property line, there's no
 18 pattern. So, the maple trees are all going
 19 to stay there?
 20 MR. LANE: I don't think --
 21 MR. BEBERT: There's nothing that's
 22 coming out from there, it's the trees that
 23 you referred to are the ones that are in
 24 front of the --
 25 MR. LANE: Right in front of the

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1 building, yes.
 2 MR. BEBERT: Thank you.
 3 CHAIRMAN MULLER: And I assume
 4 you'll be notified when they're going to do
 5 demolition, I think they are called the
 6 demolition permit -- I assume.
 7 MR. BEBERT: We'll see when the trucks
 8 roll in, even the construction-wise, it's
 9 very tight there, it's even like
 10 construction vehicles, there is enough for
 11 all that and everything, I'm assuming?
 12 CHAIRMAN MULLER: I don't know
 13 how--
 14 MR. BARLOW: This board doesn't have
 15 to worry about that.
 16 MR. BEBERT: This is my first planning
 17 board meeting, so.
 18 CHAIRMAN MULLER: We get
 19 mislabeled as construction, code
 20 enforcement, et cetera, there is only
 21 certain things we have control over. So
 22 from the planning aspect, it seems that the
 23 concerns you raised are being addressed by
 24 the applicant, which is appreciated.
 25 MS. BEBERT: Yeah, and I appreciate

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1 that.
 2 CHAIRMAN MULLER: Thank you.
 3 MR. BEBERT: Thank you very much.
 4 CHAIRMAN MULLER: Is there anyone
 5 else from the public here or online who
 6 would like to be heard on the application?
 7 Hearing and seeing none, is there an
 8 application to close the public?
 9 MR. BUCHANAN: Move to close the
 10 public portion.
 11 MR. SPOSATO: Second.
 12 MS. MAGNANI: All in favor?
 13 BOARD MEMBERS: Aye.
 14 MS. MAGNANI: Opposed?
 15 CHAIRMAN MULLER: Mr. Smith, any
 16 final comments?
 17 MR. SMITH: No, the only thing is I
 18 didn't put pressure on the board's
 19 attorney, but just to mention that we, the
 20 board has jurisdiction and we properly
 21 noticed and served, so might as well just
 22 remember at the end.
 23 MR. BARLOW: Your forgot to ask, now
 24 we have to do this all over again. No, the
 25 board has jurisdiction.

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1 CHAIRMAN MULLER: So, at this time
 2 I'll entertain a motion on the application.
 3 COUNCILMAN ONUOHA: If possible, if
 4 I could ask a question, hopefully you don't
 5 mind. I really want to thank the
 6 neighboring resident and business for
 7 expressing their concerns regarding this
 8 project. And you know, I do want to
 9 confirm if the applicant did touch on, and
 10 I thought you did, but the traffic impact
 11 for the demolition that is proposed and
 12 also to see if there is, I think there was
 13 also additional comments from the new, the
 14 gentleman who this is his first planning
 15 board from the Jersey City area. I think
 16 he mentioned that this proposed application
 17 also might even align with our long term
 18 development goals.
 19 But I wanted to see if they were
 20 willing to kind of confirm how, if that's
 21 the case. So I think kind of a twofold
 22 question, just more details for the public
 23 record on the traffic impact for this
 24 demolition and how this aligns with our
 25 development or our redevelopment goals

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1 moving forward long-term.
 2 MR. BARLOW: Councilman, you're just
 3 talking about while the demolition is going
 4 on, not the traffic generated --
 5 COUNCILMAN ONUOHA: Yeah, more
 6 specifically for the demolition.
 7 MR. BARLOW: I presume that that will
 8 be governed by the Sayerville Police
 9 Department, the building department in
 10 terms of how it is handled. The applicant,
 11 I'm sure will comply with anything that the
 12 Borough of Sayerville, or the police
 13 department, fire department, or any of the
 14 borough officials require.
 15 COUNCILMAN ONUOHA: Okay, just to
 16 confirm they didn't -- as we're listening--
 17 MR. SMITH: And you may remember in
 18 the testimony, there will be a valet system
 19 with regard to the patients during the
 20 construction period. I think that's the
 21 safest way to do it. You heard the
 22 outrageous costs that were, that is a
 23 necessary way to keep it safe. That's the
 24 plan, the valet service.
 25 CHAIRMAN MULLER: So, Councilman,

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1 I don't know if you heard all that but it
 2 seems like the testimony or the response
 3 was that I presume you heard the valet
 4 parking situation?
 5 COUNCILMAN ONUOHA: I remember that
 6 portion. Thank you.
 7 CHAIRMAN MULLER: But, your other
 8 question regarding how, from a planning
 9 aspect, how this fits into the master plan,
 10 is that where your question was --
 11 COUNCILMAN ONUOHA: I think I heard
 12 a comment towards that, but I want to
 13 confirm that it was the case, from our
 14 applicant.
 15 CHAIRMAN MULLER: Mr. McClean, do
 16 you want to address that?
 17 MR. MCCLEAN: Sure. So, the 2013
 18 master plan, goal 5 of the master plan, it
 19 calls for encouraging maintenance of the
 20 existing business community and to provide
 21 for desirable and new commercial
 22 development. So, I went over the
 23 population trends, there's been a decline
 24 over the past 10 years from the 2010 census
 25 to the 2020 census in children who are

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1 under the age of 5, you had an increase in
 2 age cohort of 55 to 64, and 65 and over.
 3 So, we're seeing a natural progression of,
 4 you know, the community is getting a little
 5 older, and obviously those two uses are
 6 competing. You got day care, physical
 7 therapy, so it seems clear that just like
 8 the population, the demands tend to change,
 9 so the need to provide for parking
 10 especially in a community that is dependant
 11 on personal vehicles, makes sense.
 12 CHAIRMAN MULLER: So, we have an
 13 aging community and physical therapy is an
 14 unfortunate necessity of growing old.
 15 MR. MCCLEAN: As a country, yeah.
 16 Did I answer your question?
 17 COUNCILMAN ONUOHA: I wanted to
 18 confirm where you're headed to, so I
 19 appreciate you clarifying, thank you.
 20 MR. MCCLEAN: Thank you,
 21 Councilman.
 22 CHAIRMAN MULLER: Any more
 23 questions, Councilman?
 24 COUNCILMAN ONUOHA: No, I think
 25 those are the two for now and I appreciate

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1 the resident who brought up the other
 2 concerns regarding how the demolition may
 3 have an impact and I'm glad that there was
 4 dialogue and I think we reached additional
 5 conclusions on that. So no more from my
 6 side.
 7 CHAIRMAN MULLER: Great. Thank
 8 you, Councilman.
 9 Okay, so is there a motion regarding
 10 the application?
 11 MR. ALLEGRE: Chairman, I make a
 12 motion to accept the application and with
 13 the agreements to monitor the adjacent
 14 property.
 15 CHAIRMAN MULLER: And all the
 16 other conditions?
 17 MR. ALLEGRE: As well as those.
 18 MR. BUCHANAN: Second.
 19 MS. MAGNANI: Mr. Allegre?
 20 MR. ALLEGRE: Yes.
 21 MS. MAGNANI: Mr. Buchanan?
 22 MR. BUCHANAN: Yes.
 23 MS. MAGNANI: Councilman Onuoha?
 24 COUNCILMAN ONUOHA: Yes.
 25 MS. MAGNANI: Ms. Pawlowski?

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1 MS. PAWLOWSKI: Yes.
 2 MS. MAGNANI: Mr. Sposato?
 3 MR. SPOSATO: As a grateful
 4 recipient of physical therapy that got me
 5 back in hockey goalie gear again, my
 6 response is yes.
 7 MS. MAGNANI: Chairman Muller?
 8 CHAIRMAN MULLER: Yes.
 9 MS. MAGNANI: Application approved.
 10 CHAIRMAN MULLER: Thank you
 11 everyone, thank you Mr. Smith, thank you to
 12 your client for considering all the
 13 concerns we have. We appreciate it.
 14
 15 (Hearing was adjourned at 9:10 p.m.)
 16
 17
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C E R T I F I C A T E

I, Deanna Wizbicki, a Registered Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey, on the date and place hereinbefore set forth.

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

Deanna Wizbicki
Registered License No:
30CY00001700
Notary ID No: 2330518

DATED 08/08/2023

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