

**TOWNSHIP OF MONROE
ZONING BOARD OF ADJUSTMENT
AUGUST, 2016**

The meeting was called to order at 7:00 pm by Chairwoman Carol Damiani who led the Salute to the Flag.

Chair Damiani read the Sunshine Law as follows: In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes that adequate notice of the meeting has been provided by the following: Posted on January 8, 2016 on the bulletin board of the Office of the Township Clerk, Municipal Complex and remains on file at that location; Communicated to the Home News and Tribune on January 8, 2016 and the Cranbury Press on January 8, 2016; filed on January 8, 2016 with the Deputy Municipal Clerk at the Monroe Township Offices and remains on file for public inspection. Posted on the Monroe Township web site and sent to those individuals who have requested personal notice.

MEMBERS PRESENT: Vincent LaFata, Marino Lupo, Dhaval Patel, Mark Klein, Henry Sloan, John Carroll and Chairwoman Carol Damiani. Also present for the board were Mark Rasimowicz Engineer, Karl Kemm Attorney and Mark Remsa Planner.

MEMBERS ABSENT: Joseph Gurney, Jennifer Hluchy

The minutes from the July meeting will be held until September.

John Carroll will be a full voting member

BA-5117-16

Parker at Monroe, Inc.

Bob Smith representing Parker at Monroe. I represented the original application which is now built and has been in operation since December 2014. You will hear what the planning board heard which is that this is the premier company for this type of facility. Through personal experience you can for a small fee but put onto the waiting list and they will check with you each year to see if you are ready to become a resident. If not, you stay on the list until the next year. We are now going forward with the fourth wing of the facility. We are adding 32 beds to the existing 96 beds which will give us a total of 128 beds. We are adding the appropriate parking for the site increase and staff with some overflow for when the shifts are changing. When we originally got the approval we were before the planning board. The town, in the middle of that process rezoned they use as not permissible and so now we are a use variance.

Donna Lazartic is sworn in and accepted as a witness as the Chief Operating Officer for Parker at Monroe. I've been in the position 8 1/2 years. Parker was founded in 1907 as a non-profit facility. We have long term care services across central New Jersey. We have skilled nursing, memory care, assisted living, but don't take care, health and wellness programs and rehab therapy services. The facility in Monroe currently serves 96 suites and beds and we are constantly full. We have served 142 residents since the

opening, we have a waiting list that consists of 510 people of those people hundred and 179 are currently residents of Monroe Township. We are proposing to add the fourth wing. It is a two-story building similar to the other that are there. It will have a total of 32 residence in them on the first level there will be 16 in the second floor will have a similar 16 residence. Each level will house those residents and they will also dine there. We are planning on increasing the parking spaces to 166 spaces because we need to increase staff as well as parking for visitors. When the shift changes occur we need a few extra spaces as well. Our largest shift is from 7 AM to 3 PM, so during the shift change the staff comes earlier in the prior shift will not have left yet. We do need some parking for overlap. We are a 24/7 operation. We currently have about 180 full and part-time employees and our largest shift is from 7am - 3pm which has 80 employees. With the new edition of the 32 beds we will be adding another 45 full and part-time employees and about 20 of those will be on the daytime shift. Our staff consists of nurses, nursing assistant, dining assistance, recreation and therapists, physical therapists, maintenance and administration.

Kemm: just to clarify, tonight's application is for use variance, bulk variances and site plan as well.

Nick Rotonda is sworn in and accepted as an expert witness in the field of engineering. Using the first exhibit, A-1 colorized version of the site plan, shows how the fourth wing of the facility was originally on the plan that were before the planning board and then it was changed to be withheld for a later date. It is a two-story building similar to the wings that are existing. We are modifying and adding some parking spaces which are highlighted on the exhibit. There is also utility structure being built in the area to the rear next to the loading dock area, it is a 20 x 20 structure. We have ancillary utilities and road improvements to support this because they were envisioned at the start. Marking the cover sheet (A-2); which describes the use variance which is needed because this use is no longer permitted. This is a preliminary and final site plan along with use variances. It also identifies the lot and block as well as an application number and has a zoning table which is slightly updated which identifies hundred and 166 parking spaces. That is in addition of 56 spaces. Other than that the zoning table is very similar to the original. Besides the use variance there is an existing height of 50 feet for the existing building and 50 feet for this new building. That is another variance which becomes a use variance because it is greater than 10% of the height. The height is exactly the same as the other three buildings. There is a required parking count calculation and you will note that the plan shows 64 parking spaces are required by your zone. That is based on an average but this use is slightly different and has more of a need for service which means additional staff. We also have the variances that were previously approved and we have some design exceptions and some new variances. There is a section of landscape buffer that is required along the roadway property line where 60 feet is proposed and 18 feet minimum and 24 feet is being provided. That is a buffer requirement that was previously approved and we are asking for thought buffer again. There is also 8 parking spaces previously proposed in the front yard would be a variance. In addition we ask for one new variance which is one that was not caught by us during the TRC but we agree to it. It is a variance for parking distance between the

building and the parking spaces. 30 feet is required and we have as little as 17.4 certain locations. We had 2 design waivers; 1 was for curb radius, we provided 15 feet where 25 is permitted. We show that emergency vehicles will be able to access. The second one is a request for a 24 foot parking aisle where 25 is permitted. That was the previous design waiver that was approved aware question that same design waiver on the section.

Patel: you testify that this was the original portion of the application that was heard by the planning board and that it was pulled. Why was it pulled?

Smith: the application was heard in November and case and public testimony completed. All of the professional staff stated on the record that this was a conforming application. At the hearing there were quite a few potential Parker residents present but there were also people from the surrounding residences. The case gets put in in November with the decision to be done in December and in December we get a letter saying that the application is being carried to January because we won't have a quorum. In January I get a letter from the town attorney saying that the planner had asked him to review the zoning on the property and I have and I've come to the conclusion that you are not a permitted use. The Alzheimer's unit is not a permitted use in the zone. So I write back saying that I respectfully disagreed and that I had every professional on record saying that it's appropriate. With that being said on the theory that you might be right we will respectfully withdraw the 32 beds and only golf for the 96. So I go to the hearing in January which has been moved to the middle school, which is generally not a good sign for land-use attorney. At the hearing I told the planning board attorney that I did not agree that this was not a permitted use. The planning board attorney turns to the planner to ask his opinion. He said that if there were 32 less beds that it's a different application and it should go to the zoning board. The board attorney asked what I wanted to do and I told him that we had completed the case and I wanted to take a vote. I took it to court and Judge Hurley remanded it back to the board for further consideration. The board attorney asked if we would be willing to compromise and reduce by one quarter the number of beds in the facility. I said that is insane but I will ask my client and he said let's go along with the town. I called the board attorney and said that we were willing to go along. Then the board attorney says that we can never come back and I told him that was a deal breaker. So the court settlement was for three quarters of the project.

Patel: if you have a waiting list of almost 500 and there only 30 some odd beds being put in you will be maxed out.

Smith: we are just building the facility that was originally proposed. This was a 30 acre site which we donated 15 acres.

Patel: so what's next?

Smith: my client said that this will be fully built out after this.

Klein: With application in front of the planning board, wasn't there a problem with the traffic?

Rotunda: yes there were concerns and yes there was a proposal that was advanced by your Township engineer which we agreed to. We did offsite improvements and completely changed the intersection, repaved the road, that the area, redesign the drainage and provided the offsite improvement per your Township engineers recommendation. They were built according to the design and they were field verified and approved by your engineer. They are built according to the plan.

Klein: are there tractor trailers coming into the site?

Lazartic: being a 24/7 operation with 96 residents to have deliveries coming in during work hours during the day. It is primarily nursing supplies food supplies.

Klein: it was said that traffic would be light and there would be anything bigger than a box truck coming into the site. The engineers report stated that lots 8, 10 and 11 were given to the Township but the applicant was reserving the right to development. Why?

Smith: the town asked for it but we said that we wanted to reserve any rights that are associated with it.

Patel: getting back to what I asked before is there an intent to develop it further. Obviously there is.

Smith: the property now belongs to the Township. The only thing that would be considered for would be for impervious coverage or FAR.

Kemm: easements that were provided, the development right have been interpreted it would be; there is an impervious coverage issue they would be able to use the impervious coverage for the loss that were given to account.

Patel: so they can use it for their ratio basically but they couldn't build on it?

Remsa: that means that impervious coverage or floor area ratio and floor density transfers to this portion of the property. The other portion is basically all wetlands which cannot be developed. They have the right to use the numbers that would apply but would not be building.

Lazartic: I checked with my operations people with regard to deliveries. During business hours once maybe twice a week we will have a larger truck delivery of food products but primarily we have asked trucks delivery.

LaFata: the deliveries are in the morning?

Lazartic: it would be during the day. We do laundry on site and we do our linens at

another location and have them delivered in a box truck.

Smith: we wanted to talk about the lighting issue. Mr. Rasimowicz brought up some issues.

Rotonda: I read the reports of the professional's there was one item with regard to a traffic study. We would request a waiver from that because they did a traffic study with the original application and this portion of the building was included in the numbers for that report.

Rasimowicz: I wanted to hear some testimony regarding additional traffic based on the proposed addition. I would like a copy of the original traffic report.

Rotonda: we had our traffic experts look at this and had them visit the site. Our original traffic study was done in August 2011 and we did an update October 2011. They were both provided to the Township. We did construct the offsite improvements. We are anticipating is only minimal traffic with the new building; only 10 to 15 trips in and out for employees during peak shift change hour. Additional residents, staff and employees require the need for the additional parking. The levels of service are all at the highest level.

Rasimowicz: two of the total trip hours in and out during the peak hour?

Rotonda: a total of between 20 and 30 was in the original report exiting and entering. That was our traffic command study from the 2011 report. We did not to a new traffic study as the facility is operating now. The numbers currently are still in line with the traffic study that was done in 2011. With regard to the lighting; we have made a number of the changes that the town requested. We have no problem addressing the new requests and we will make sure we meet his criteria. With regard to the refuse area; the code has a requirement to provide refuse for the addition but we have enough in place to accommodate this new building as it was part of the original application. I supplied and environmental impact statement to the planning board and I will provide that to you as well.

Smith: the freshwater wetlands LOI has been received in this stream encroachment is not necessary. We have already received Middlesex County planning board approval. We have attempted to go before shade tree and we will meet with them and agree to their conditions.

Rasimowicz: with regard to item 5 -C?

Rotonda: we are agreeable to discuss this. We originally provided a shield so that is a look at the light fixture you and see it and it was downward facing. We can talk about the frosting of that is more desirable. I believe the intent to minimize the light.

Patel: regarding the traffic study that you provided to the planning board-I think we

should be able to get a copy before we make a decision.

Rotonda: traffic study that we had done encompass the whole site including this edition and we will update it based on the request.

Patel: I think I would like to see that before I make a decision. Is there a way of bifurcating the application?

Rasimowicz: with regard to the environmental impact, they have agreed to meet any comments that they have. Before we get into bifurcating I think we should hear the whole application and here the public also.

Remsa: Does the applicant agree to the site plan comments in my report?

Smith: with regard to item 5 we agree to those comments and item 6 we agree to all of the comments.

Rotonda: I can also agree to item 7 having to do with the architectural. These plans were done by the same architect that the original building.

Remsa: I'm satisfied.

Smith: traffic report from the last application is literally five pages of discussion. We have copies of that if any of the board members would like to see that. We will mark it as an exhibit as A-4 for the August 2011 report and A-4.1. For the October 2011 report.

Martin Truscott is sworn in and accepted as an expert witness in the field of Planning. This is an application which was previously a permitted use, conditionally. We are applying to the board as an expansion to a nonconforming use. In terms of the master plan; there is no specific mention of this specific use. The master plan was re-examined in 2011 where hospitals were removed from your medium density zones. In terms of the goals and policies of the master plan; to preserve and protect your existing residential developments. The goals within your master plan talk about the future residential and nonresidential being planned not in environmentally sensitive areas. This application does not encroach upon wetlands. We are asking for an expansion of the nonconforming use. We are asking for D2 and a use variance and a D6 variance for the height. In terms of the use it is my opinion that this is an inherently beneficial use and I believe there is sufficient evidence in the case law and in the New Jersey land use and zoning administration book that this type of use is deemed inherently beneficial. It serves the public good and promotes general welfare. We have pointed out the statistics of not only the regional need but the local need. Going through each of the items in the four prong test; in my opinion it does serve the public use being a long-term care facility and serving the citizens in terms of their medical needs for not only the region but the local people. Monroe Township does have a large population of senior citizens. In terms of detrimental effects, I believe there is no substantial detrimental

affect with the proposed application. The new facility fits within the parameters of the development site. It is not encroaching into wooded areas. The parking is along the drive aisles so it uses the existing facilities such as roads. In that sense it is more efficient and effective in terms of the layout. On-site parking is being provided to address the needs of the employees and visitors. In my opinion is very limited affects. I don't know if there are any reasonable conditions, except for the ones that the board has already talked about that need to be addressed. On balance I think the board has grounds to find that the positive benefits far outweigh any negative impact and the board can grant the use variance as proposed. In terms of the height variance, you have to consider whether the site can accommodate the increase it slightly higher height. In my opinion it can be I just and was addressed by providing the efficient layout, the increased parking. The height of this building mirrors the height on the already approved and constructed buildings. You want to make something that's consistent from an aesthetic standpoint. In terms of the bulk variances; it is my opinion that the bulk variances that are being requested can be satisfied by way the special reasons versus any impairment of the public good or the zoning ordinance. The first variance is the landscape buffer; 60 feet is required and 16 and 18 feet are being provided. This was also a variance that was granted by the planning board at the time. We are asking for the variance again. There are adequate setbacks in terms of the property and none of those setbacks are being disturbed at all. The second variance has to do with the parking in the front yard. The ordinance does not allow parking in the front yard-the prior application at the planning board granted the variance for a number of parking spaces. We are proposing 19 spaces in the front yard. The additional parking is provided to meet the needs of the facility. In my mind there is no detriment to the public good for granting this variance. The last variance is with regard to the distance of the building to the parking lot - 30 feet is required and we are providing 17 feet. Because efficient use of the land in a more effective way out. Overall it is my conclusion that the board can find that the purposes of the municipal land use law can be advanced by the proposed variances. It is not going to compare your land use ordinance or the intent and purpose of the land use ordinance and there is no detrimental impact on the public welfare or public good.

Remsa: I do agree that the proposed facility falls within the definition of inherently beneficial use. So we to have to look at the four pronged approach as the planner prescribed. To me any impact to the public would be traffic related. I just looked at the report that was passed around which was originally prepared for 128 beds. Now there are 32 less so if there is any impact to the neighborhood it would be for whatever traffic is being generated relating to those 32 beds. From what I heard earlier only 10 to 15 chips are being generated from what is there today. So I asked the planner, an additional 10 to 15 trips, would consider that substantial was that the diminimus in nature?

Truscott: I would consider that diminimus.

Remsa: typically when you have a use like this with a very large building it would have an impact on the neighbors. But the addition will be located at the rear of the site

abutting the wooded area so there should be no impact on the neighbors.

Truscott: that's correct

Remsa: the architectural style and design is going to match the existing building?

Truscott: that is correct.

Remsa: I listened to the bulk variance discussion and I do agree with the planner. With regard to the parking there are only a few in the front yard but I believe it is similar in nature to what is in the front yard existing. The 30 foot setback is somewhat common on the site and throughout the town so I don't see any negative impact.

Klein: getting back to the traffic study, I understand that when you do a study it's based on the impact on your development to our roads. Does it take into consideration new developments going in?

Rotonda: I did say that we would go and update the existing report. To update the report we would use the existing data from the facility and take the accounts as existing. In our application we would take into consideration any new traffic counts that the addition will create and the traffic that is existing on the road currently. This application is generating a very minimal amount. We have to take into consideration what we are adding to the road system.

LaFata: you mentioned earlier that you have adequate service. Is your generator capable of handling the additional square footage?

Rotonda: I believe that the square footage was part of the original design of the generator so I believe it was designed to handle it.

LaFata: the case of a severe snowstorm, where would you put the snow?

Truscott: there is room to stack snow and I believe we will have more than sufficient area for it.

LaFata: where will landscaping services park when they come into the site?

Truscott: I've been to the site many times I've never seen a problem. I believe that there are sufficient spaces for them to go.

LaFata: the visiting hours 8 AM to 8 PM? Is there special consideration given to family members that wish to stay overnight?

Lazartic: if there is a resident that might be in the dying process in the family member wants to stay there, yes we will occasionally have that.

PUBLIC:

Kemm: any members of the public that are here and want to speak on the application please come up to the empty chair. Give us your last name and your address. We realize there are a lot of people here and we have two more items that we need to get through. We ask that if somebody comes up before you and says the same thing that you plan to say that you simply say you agree with the person before you to get your information on the record. We just want to give everybody a chance to be heard and get to the other applications to be heard tonight.

Michelle Arminio speaking from the audience with regard to the comments made by Mr. Kemm.

Kemm: you need to come up and be sworn in before you speak. The reason I am saying that is so that if somebody got up and said the same thing that I can certainly agree with them and then maybe add something new. We are just asking that consideration for time to limit the repetitive comments while still being able to have your say; of course you have the right to speak. So with that understanding we will start.

Robert Martynuk - 392 Schoolhouse Rd. Testified in opposition of the application. Never did see the traffic study from the original application. Concerned with the tremendous amount of traffic that the facility brought to the area. We bought the house to be in a moral residential area and they took that away from us. Between 2:30 PM at 3:30 PM there are so many cars coming in out and there are tractor trailers. When the landscapers, they park the truck in the right-hand lane of the road to unload their mowers and stuff and everybody has to go around them. You asked about the snow plowing, they plowed it right across the street to somebody else's property.

Pam Sandifer - 445 Schoolhouse Rd. - testified in opposition of the application. When the traffic study was done in 2011 there was more traffic on the road than their usually was because of the road closure of Mount Mills. I think that original study was skewed. Feels like they're getting a second bite at of the Apple. We were told the facility would be tucked back in the woods it is not. They reduced the speed limit but they go 50 miles an hour down the road. It used to be a quiet tranquil street, it no longer is. I believe the 32 beds will be a great impact on the traffic. The lights shine on the houses on the surrounding properties especially now that the trees losing their leaves. The landscaping trucks parked on the sides of the road. This application is in direct conflict with the master plan. It is not a County Road is a Township Road. I asked that you do not approve this application because it does not approve and with the master plan. There is no reason to expand Parker at this location.

Rosemary Tasso - 555 Becca Way - testified in favor of the application. My husband is a resident at Parker since Thanksgiving. It is an outstanding facility and if you can say that the neighborhood is deteriorated-these people have deteriorated 100%. This is a facility close to home where I can go and see him where people care for them and love them. There is no facility around that will give them and give us the comfort that we know that they have their. This is a wonderful place.

Jan Bonick - 281A Old Nassau Road - testified in favor of the application. My husband is the resident who passed away there on Sunday morning; he was there for 10 months. He was a resident of Monroe prior to going into the facility. It was wonderful to have a place that I could go to in the morning and go that to spend time with him. We spent a lot of time outside but I never saw a tractor-trailer, never saw a lot of traffic, always followed the limit and never saw any traffic congestion. I think the people that live in Monroe should really be happy to have this facility here. They should be able to expand the facility

Donna Renderio - 8 Regent Drive - testified in favor of the application. My mom is a resident at Parker and she has been there for a little over a year. I cannot overstate the quality of the care that she is given there. I believe there knowing that she is being cared for. I have my mother-in-law on the waiting list. As a resident of Monroe so parking is pretty much in my backyard. I have never seen traffic when I go there and I don't see that it is destructive. The facility is well-maintained and is well-run.

Audrey Cornish - 431 Schoolhouse Rd.-testified in opposition of the application. I listened to Mr. Smith and he said that Parker is an asset to Monroe Township but they don't pay taxes so they aren't giving us any money. I think personally that people that pay taxes on that road should have more impact on you than those that don't. I was away when this was being built but I looked on the street for 30 years. I raise race horses and if you think that Parker does not affect my horses you are wrong. The lighting affects them. I have no doubt that the people that go there get very good care but there are lots of great nursing homes. There is no reason for them to build and the farm area. It is built at the mouth of the stream, I know that adding more parking spaces and another building is not a healthy thing for that particular area. I hope that you people will listen to us and not approve it.

Susan Freeman - 7 Olympia Drive - testified in favor of the application. My mother is a resident Monroe Township for 30 years and last year went into Parker. This facility is like no other; in fact I am on the waiting list. It is phenomenal care. I encourage you to let this go through.

Helene Brizak - 438 Schoolhouse Rd-testified in opposition of the application. Agree with everything the other residents on the street have said. A lot of people blow past the stop sign that was newly constructed or they ride my butt coming in. I can't walk the dog down the road. Are part of the road is falling apart and there is no talk of fixing it. In front of Parker when it rains it is flooded and in the winter it turns to ice. I worked at a nursing home, we are not saying that the care is not good there but we gave excellent care too. We don't need to add on more. The lights at night glow and we can see them. We weren't supposed to be able to see them. We chose to live on that street for the peace and quiet and they've taken that away from us. I hope you decide not to approve it.

Irwin Schwartz - 90 Harwood Road - testified in favor of the application. My wife is currently on a waiting list. What is quite sick and all of the doctors that I use recommend

that they are the best around. I'm anxious to make her happy and I want to be close to her. I understand that the traffic on the street is getting worse but the traffic on every street in Monroe Township is getting busier now. I would like for you to approve this extension.

Po Liun - 18 Hannah Court - testified in opposition of the application. This area was very peaceful before this was built. Now I see a lot of cars and trucks. I bought this house to be on the peaceful countryside. Concerned with security issues in the future with so many people coming in and out. My house is just across the street and the lights come right into my house all night long. (inaudible)

Michelle Arminio - 9 Nathaniel St. - I want to extend my condolences to the woman whose husband recently passed away. I also respect the concerns of the emotional appeals of the people with loved ones in the facility. I don't think there is a question with regard to the care and quality of services. However we are here for the zoning aspect of the property. Sen. Smith - does the environmental commission have the authority to make changes that the applicant has to comply with?

Kemm: they have agreed to abide by the comments that are made by the environmental commission. If they make changes that require variances or further review by this board they would have to come back. The environmental commission does not have the authority to change the application they have the authority to make requests on the applicant.

Arminio: will there be any filling in of wetlands?

Smith: it was testified that no there will not be.

Arminio: the property that was turned over to the property, is that actually going to be used to build or they just going to use that for the yield?

Kemm: there just going to use that for the yield.

Arminio: I object to them using wetlands for the yield when it wouldn't be able to be built on anyway. I think that is something that the zoning board and the planning board should absolutely actively deny because that is just an attempt at giving land to the Township that the builder under any circumstance and under any application would not be able to be used. So why should they get credit for either development rights or for density rights or for the yield. It is not protecting the people of the town. We look to the boards to protect the town people, the residents and the lands. Not to protect the developers to gain an advantage. So I would reject that is there is a variance that comes with that use involved I would say that I would believe the zoning board should not allow that. Does Mayor Tamburro sit on the Middlesex County planning board?

Kemm: I have no idea who sits on the County Planning Board.

Smith: I know years ago I had seen him there but I don't know if he still does. But when he was anything that came in for Munro he would recuse himself.

Arminio: I heard many times tonight the applicant referred to how many times the planning board had voted affirmatively with regard to this application my concern is that the planning board and the zoning board are different and it should mean that the zoning board vote affirmative just because the planning board may have on a similar situation. In terms of the variance I feel that in the past, and I was at the last meeting for this application, they try to placate the neighbors' concerns and then lo and behold after the development is built these things have not been really corrected in the concerns have been dismissed. It is not fair to claim that you're going to be a good neighbor and then not be and then come back and asked for more things. I would think that when promises are made at this site plan that they should be upheld in the neighbor should be respected. I think that it is a great facility but I think from the very beginning it didn't belong at this location and I think the expansion should be denied. I'm sure if they wanted to put another facility and on a busy street it would be very welcome. I think the zoning obligation should be adhered to.

There being no one further to come before the board on this application, a motion to close the public portion is made by Mr. Klein seconded by Mr. LaFata and approved by all board members present.

Damiani: the lighting fixtures in the parking lots, do they go off at night?

Lazartic: the lighting in the perimeter of the property is on from dusk to dawn so that there would be safe egress on the property.

Smith: the reason being that there are three shifts and people have to be able to get in and out of the site safely.

Rasimowicz: can the applicant reduce some of the lighting in the evening hours? We've had previous conversations with regard to the lighting possibly shutting them off or putting them on timers.

Lazartic: the lighting in the gardens area we have taken off at night or have been put on timers. So we have some lighting that goes off at night.

Rasimowicz: the fixtures of been the main issue, with the high beam. There were several comments in my letter and you have agreed to that.

Smith: we also have to obey the rules of the state with regard to these types of facilities.

Rasimowicz: there are fixtures that could limit the spill over into the residences surrounding the property.

Smith: we do not want to live in any adverse way with our neighbors so we will see

about working with the town about replacing or reducing the lighting.

Kemm: it will be put in the resolution

Rasimowicz: flooding in front of the site-they were all constructed by Parker, the improvements in front of the site. I will be out there to check for any flooding at the next rain events and I'll let you know what my findings are. The roadway conditions you reconstructed and repaved the roadway from your facility to the triangle at the intersection with Spotswood gravel Hill. Having some issues with the roadway out to Mounts Mills, frankly I wasn't aware of it but it was raised by a resident. Is that something we can take a look at to see if there was damage to those roads during construction?

Truscott: would be splitting hairs there because I know there was some damage to the road that existed prior. I'm not sure how, without repaving the whole roadway which is a huge undertaking how we would quantify that.

Rasimowicz: take a look at maybe I'll call you and me to out there that will see about it.

Smith: we agree

Rasimowicz: the land of the resident was talking about having to do with the yield; Parker did own the land planning board requested if they could be dedicated to the Township because it was along the stream corridor. It wasn't because it was a cluster development. This is a straight out donation at the request of the planning board at the time. As far as the deed restriction the development rights; all of that was done at the time of that application. That is something that we would have no concern of here.

A motion to approve the application is the by Mr. LaFata and seconded by Chair Damiani. The application is approved by the following vote: Mr. LaFata - yes, Mr. Lupo - yes, Mr. Patel - no, Mr. Klein - no, Mr. Sloan - yes, Mr. Carroll - yes and Chair Damiani - yes.

BA-5125-16

The Verde Group, LLC

Bob Smith representing the applicant the verdict group, LLC. This is a project that has received the use variances and preliminary and final site plan already. We are here tonight for an amended final site plan with bulk and use variances. The first use variance has to do with the outside display area for the tractor supply portion of the application. The second use variance is with regard to the loft issue in the townhouse portion of the buildings. With your permission we are going to ask DR Horton to come forward. They are going to build the townhouse section of the site.

Daniel Smilgelski is sworn in and accepted as an expert in the field of architecture and is here is a fact witness only. From the building code perspective, the international residential code as well as the New Jersey code allows for the finished room within the confines of the habitable attic. There are two exhibits; one to the right (marked A-1) at

the very top shows the front of the proposed building. To the left and right of that shows the rear of the units of the loft and as you can see the loft is not increase the overall height of the building and it falls within the confines of the roof profile. To the bottom is a mirror image of that shows the rear of the building with the two arbors projecting out's to the right shows the funds. Points to the public portion of the exhibit that shows without the finished attic.

Smith: is the point of your testimony that the town homes with the finished loft in two arbors is more aesthetically pleasing the town homes without?

Smilgeski: the loft as proposed meets the building code and also meets the building height. I also agree as an architect that it looks nicer.

LaFata: so if we just built dormers it would have the same effect?

Smilgeski: yes it would.

Klein: if this were finished that I could become a bedroom.

Smilgeski: could they yes, but I believe it is going to be dealt with later.

Creigh Rahnkramp is sworn in and accepted as an expert witness in the field of planning. This is an application that has gone through several phases and the last one approved the 170 town homes. The number of townhomes is not changing and the size of the structures are not changing. All we are doing is putting too productive space under the roof that is leading to the question of stories. The planning discussion will be weighing benefits versus detriments. The benefits are that builders listen to their customers. There are two models that are proposed. What has a master bedroom on the first floor and two-bedrooms on the bench and level and the other has no bedrooms on the first level with the garage and has three bedrooms on the bedroom level. The master bedroom on the first floor is typically marketed towards our older adults who are looking for two functioning guest bedrooms and they won't have to take the stairs. If they have to guess that shows what you do with storage like the exercise bike or you can use it for a den area. It's a little extra space to spread your wings and have a hobby while maintaining your bedrooms as guest bedrooms. The loft area is designed not to be enclosed-no closets no baths so architecturally they are not designed to be a bedroom. Some people use it as an office. Silly have builders coming to us looking for extra spaces in the building and I have the luxury to be able to do that. They get a little bit of extra space with in the home. It would be offered as an option in the builder thinks it will be at least \$25,000. It adds value to the home which would add value to the tax rolls. And aesthetically it would improve the overall appearance of the home. The other half of the scale is detriments; builders do not typically talk about people as being a detriment but right now you have a zoning approval that limits the site to three bedrooms. That obviously stays in place. People would not be able to come to you to get a building permit to switch it into a bedroom. You can put controls on it through a deed restriction so that it cannot be expanded beyond the three bedrooms. You can

also create an amendment to the HOA documents to make this a violation with a \$500 per day fine; they would lose their vote on the Association. That would give you an entirely different way to control. So to approve this without cause any additional residents of the home it would not increase any traffic to the site would not increase any noise so it is not any detriment to the site. It is just using the interior space in a more creative way. With regard to the zone plan, this doesn't change the relationship of this used to the purposes of your zone plan. While this may be interpreted to be a D variance we are still weighing benefits versus detriments and I believe that the benefits far outweigh the detriments.

Lupo: you did say that this would be an option for the individual buyer? So it is not an automatic that everybody that buys a unit will have this option?

Rahnkramp: it is a managed option so the developer is going to want to pair them so that the roof lines make sense. It won't be on every unit that it won't necessarily be onesies.

Lupo: every one of those individuals hypothetically wanted to get that done and there were six units in the building can they all get it?

Rahnkramp: theoretically yes but they won't necessarily do one dormer they would want to do it in pairs for aesthetic reasons. On saying is that we are going to have the same volume of space that is already approved and you will have two different controls on the issue of converting it to a bedroom. One will be a deed restriction and the other will be an amendment to the HOA documents.

Patel: I don't see how this is helping any part of Monroe.

Rahnkramp: well it would be benefit to the future homeowner who would be a resident of Monroe.

Patel: it would be of benefit to the developer because he can charge more money.

Rahnkramp: it would be a benefit to the potential buyer because he will get more living space. It would be a benefit for the town because they will get a small increase in property taxes and an increase in the affordable housing allowance.

Patel: but we run the risk of more expenses trying to enforce that there are no people living.

Rahnkramp: you were already running the risk we are just giving you more ways to control it.

LaFata: so at the same token we can give them more space by making fewer units?

Rahnkramp: actually no (inaudible). Even if we only had 150 units we would still are

here for the loft.

LaFata: no you can build us homes but make them bigger. We have one zoning officer in this town. It is impossible to enforce even within HOA.

Smith: that concludes the DR Horton part of the application. Now we have the use variance for the outdoor storage for the tractor supply tenants in the commercial section of the site.

LaFata: I think we should do the public portion of this first part of the application before moving forward.

PUBLIC:

Michelle Arminio is sworn in - 9 Nathaniel St. the case of these are non-age restricted units that we are talking about? Okay so you are actually increasing the square footage of the unit if you finish the loft?

Rahnkramp: yes

Arminio: okay like to say again that this is going to appeal to a different demographic and it is going to put stress on the services of this town. This application has been approved and now they are coming back to expanded and change it and I think it is a disservice to the community. I'm happy when people come in to the community but what about the people who live here already. This is not a benefit to most people already in the community. The builder benefits by adding cruised dollars and maybe the future residents benefit. In terms of appeal, if this goes through the demographics of the sales will change. That is not the original argument for the site to begin with. I think it is a disservice to grant this and it is not a case where this has to be granted. This is something that the zoning board can legally deny; the applicant is not entitled to the approval. The costs to the community are driven by population and it is an increasing cost of that is a burden on the people who live here. Granting this variance is really not helping the community. Even without the lofts people will be putting larger families than what is probably reasonable for the applicant's argument. We have to start making some of these restrictions hold.

There being no one further to come before the board on this portion of the application motion to close the public portion is made by Mr. LaFata, seconded by Mr. Lupo and approved by all board members present.

Carroll: I know you said that not all the units will be built with the loft, but approximately how many are you thinking?

Smith: half

A motion to deny the loft application is made by Mr. LaFata, seconded by Mr. Patel and approved by all board members voting. This part of the application is denied.

Mark Lascavage was sworn in and accepted as an expert witness in the field of engineering and planning to proceed to the next part of the application for the Tractor supply commercial component. Will be using two exhibits, marking into evidence A-3 (proposed site plan current) and A-4 (colored rendering of site plan previously approved). Referring to a three as new, the largest change is the change to a tractor supply building. Looking at A4 you will see in the middle of the site, what we call the "L" building that previously had office and retail uses in it will now house the proposed tractor supply building which is a 19,097 ft.² facility that has parking for 71 parking spaces and some outdoor display areas. In terms of the outdoor display area, there is one large fenced area to the west of the building which is 12,150 sq. ft. in this area is meant for bulk storage items in the back of the tractor supply area and will have a variety of stored items. There was a memo that was submitted by the tractor supply people with more detail of what exactly will be stored in the fenced area. These are all permanent display areas for purposes of the application. They have a large open area which is just south of the parking area which is 3600 ft.² and is indicated on the plan as the equipment display area. In that location there will be enclosed trailers, equipment that will go on the back of a tractor but does not have its own power and also riding lawn mowers and similar equipment. There will be for what we are calling permitted sidewalk display areas. That area totals 2288 ft.² and will have lawn and garden equipment, seasonal gates, dog houses and smaller equipment. So the total outdoor display area totals 18,041 ft.². The variances associated with that I will get into later. We have perfected the final subdivision plat which the board granted at the last hearing each separated the lots for which the site plan is on. So now the 123 townhouses on the West track are on block 4.01 lot 10.01 which is the largest of the lots. Then there are for commercial lots which were re-designated where the bank is block 4.01 lot 12.02 where the quick check is on the southeast corner is block 4.01 lot 12.03 and where the tractor supply building is being proposed now is block 4.01 lot 12.04 and the McDonald's is block 4.01 lot 12.05. The McDonald's square footage has come down to 3911 ft.² and that is just the change in their prototype. The use variance involved which is new for the application is for the outdoor display areas being used with the tractor supply building. The tractor supply building being retail use is an allowable use in the HD zone but have any outdoor display areas in combination creates this is being a nonconforming use that requires a D variance relief. We have a number of façade sign variances specifically for the number of signs where one is allowed, we have three facade signs for the Quick Check, and then three for the canopy. For the bank we have for façade signs being proposed, same thing for the tractor supply and the McDonald's. It is for the number of signed but none of this size is of the signs require on variance except for one sign on the narrow with the point of the Quick Check. All of this information is been submitted. With regard to the special reasons for the granting of these variances we have to look at the outdoor display area of the application since that is the deviation from the zoning ordinance. When you look at the outdoor display area, it is a necessary important part of the Tractor Supply. I would equate this to what used to be known as the old "general store". This use is uniquely suited to the lot in question because it continues to satisfy the needs of the area from what heights farm equipment used to serve. It allows for the agricultural use to be served in the area. There are no adverse impacts to the general

area and fits exactly in the area and in a mixed use development. The parking variance is appropriate given the type of retail use they have with the larger stock items. The amount of parking is less than what we typically needed based on the square footage. The maximum parking for this type of use is typically 55 and we are providing 71 and we feel this is. Sign variances are needed based on the commercial nature of uses and to aid in the vehicle movements on the interior roadways.

Smith: these are minor deviations these are great additions Monroe community?

Lescavage: that is correct. There is no adverse effect on the zoning or master plan and the benefits outweigh the detriments for the application and I think that the board can confidently grant the variances for the application.

Remsa: in terms of the use variance the outdoor display is unique to the type of business that is being proposed?

Lescavage: that is correct.

Remsa: the large items are the items typically shown in a tractor supply or similar business?

Lescavage: that is correct

Remsa: I have no issue with the use variance of the outdoor display because I do agree that it is need to this type of business. The one thing about the site variance is during the TRC meetings we encouraged them to put more façade signs because we didn't want all of the blank walls. Do you agree to my site plan comments?

Lescavage: yes

Patel: the original application was a mixed use in the residents of the town homes would have use of those retail spaces. How does this new tenant fit into that original plan?

Lescavage: we didn't have any tenants locked in during the original application.

Patel: I just don't see how the tractor is going to benefit these residents in this community.

Lescavage: Heights farm equipment was there for many years and serviced the agricultural needs in the community. The applicants would have to speak to where the marketing has gone. Tractor Supply wound up being the highest and best use for that space.

Smith: besides the tractor supply store still remaining in this location is the bank with the drive through, the McDonald's and the quick check with the gas station. It doesn't have exactly the same tenants as originally, no but we still have many of the original tenants.

Because I have other strip malls in the area. It is still a village concept, just the village changed a little bit.

LaFata: I'm confused as to the number of parking spaces?

Lescavage: the 55 parking spaces that we quoted came from other tractor supply locations and their needs.

LaFata: that the ordinance calls for certain number of spaces per square feet. If the McDonald's lot is full someone is going to park their walk over to McDonald's. We also had 31 affordable housing units that were in line with the commercial portion with ease of them to walk, and those disappear to. I don't see how this is going to be feasible.

Rasimowicz: I do agree that if this site is over parked and you tend to have display area creeping out into the unused parking area. I agree that it will lend itself for storage. Going to my engineer report, I haven't heard of the applicant agrees to meet old comments?

Lescavage: no problem

Rasimowicz: so they have agreed to my comments and nothing else.

PUBLIC: there being no one from the public wishing to be heard on this application a motion to close the public portion is made by Mr. Klein seconded by Mr. Patel and approved by all board members present.

LaFata: Before anybody makes a motion I think Mr. Kemm should outline exactly what we are voting for.

Kemm: well we have the use variance for the outside storage around the Tractor Supply. We have the additional signage on the buildings; we have the signage change for McDonald's, the parking spaces and the façade side on the canopy for the gas station, and the menu board signs for the McDonald's. We have a variance for the number of facade signs and the size of the sign on the Quick Check canopy.

A motion to approve all of the variances as discussed with all of the restrictions is made by Mr. LaFata, seconded by Mr. Klein and approved by all voting board members present.

BA-5126-16

MATRIX REALTY, INC

Let the record show that Chairwoman Carol Damiani is not able to stay for this last applicant. Vincent LaFata, Vice Chairperson will step in as Chair.

Kemm: Mr. Glenn Pantel representing the applicant for a bulk and use variance to permit a warehouse and distribution center on property located in block 81 lot 2 located on Docks Corner Road. It is a D1 variance to allow the use and in addition we are

seeking a D6 variance for height to allow a 49 foot high building where the building is 45 feet of finished floor elevation to the top of the flat roof but the way the ordinance measures height from the grade it comes to 49 feet where 35 feet is permitted in the R 30 zone. In the LI zone 45 foot is allowed. There are a few C variances that are substantially subsumed in the use variance. Those include building coverage which is proposed that 32% but because in the R-30 zone it is 20% allowable (in the LI zone 40% would be allowed), similarly maximum impervious lot coverage; we are proposing 55% which is more than what is allowed in the R 30 zone but would be within allowable coverage in the LI zone. We are seeking relief from parking within the front yard, all of the trailer parking spaces are proposed in the front yard. Lennar is developing the adjacent site with 593 residential homes. As part of a settlement that we reached with Lennar there are a host of bulk standards that we had to comply with which are embodied in this plan that we are presenting to you this evening. One of those is to have all of the trailer parking along the front of the property away from the residential development. There are a number of standards incorporated into the plan to minimize the impact on the adjacent residential development. Lennar has reviewed our application and supports the application. That is obviously very significant and I would like to submit a letter from Lennar stating the support.

Kemm: from a legal perspective the board, unless someone from Lennar is here to testify, we cannot accept the letter into evidence. We accept your representation that they support your proposed use variance plan.

Pantel: I appreciate it.

Kenneth Griffin - a representative of Matrix is sworn in. I have been with Matrix for a little over 30 years and Matrix has been in Monroe for over 40 years. We are very active industrial developers throughout the state. We really know a good location from a bad one and this location is an excellent spot. We think it will be a terrific success this board sees fit to approve it. We have enhanced buffers in the rear near the residential development which softens the transition.

Mike McKenna - is sworn in and accepted as an expert in the field of engineering. Entering A-1 into evidence which is an aerial photograph, actually from earlier this year. It shows the area of Docks Corner Road, we have a corner lot of about 29 acres with the exception of the small rectangular lot that has been approved for a gas station. You will see a lot of industrial warehouses and is at an intersection of South Brunswick which is across Cranbury Road and also has large warehouses. Entering A-2 into evidence, the site plan is conceptual because this is only for use variance. The only difference from the one submitted is we enhanced the berm a little bit more see can see it in color. It is a rectangular building and in this particular case the frontage is a long docks corner road however the trucking is proposed on that side to allow the car parking and the flat face of the building to the adjacent to the residential development. That leaves a variance for parking in the front yard for approval. The real office area for us is in the north east corridor which you would see from Cranbury South River Rd. There was an agreement with Lennar about the size and height of the berms which are well in

excess of the town's requirements; those are depicted on the plan as well. The building area is proposed at 400,000 ft.² as per the settlement. We are looking to build a box which is similar to how the LI zone works. The plan incorporates 45 foot high from floor elevation to the roof which agrees with the settlement as well. Since we have a hole in the front the building will appear to be 49 feet high which is the reason for the D6 variance. The plan shows two driveways but there is a possibility for a third driveway depending on the tenants. To minimize the impact on the residential development we have our parking only on the northeast side of the building and a little bit on the west side. Entering A3 into evidence which is a cross-section through the site as depicted on the site plan.

Lupo: can you clarify the square footage of the warehouse?

McKenna: we are proposing 365,000 ft.² however where have applied for the use variance for up to 400,000 ft.² because it is possible that inside they might want to rack out or have mezzanine which would add to the overall square footage of usable floor area.

Kemm: that will be clarified as site plan?

Pantel: that is correct

Rasimowicz: but that would be part of the use variance, the decision on the size of the building so I think it should be addressed now. Also, the settlement that you keep referring to with Lennar that is not something that this board cares about. I just want to be clear that there is no settlement with the Township and my concern is the residence of the Township and not whatever issues you had what Lennar.

Pantel: the only reason I bring it up is because it was meant to minimize adverse impacts on adjacent residential units. So the application is for 400,000 ft.² maximum.

McKenna: Going back to exhibit A-3, you see the building which is 45 feet high to scale, there is a basin area in front of that and as we approach the property line we have a 15 foot high berm with 8 foot evergreens and a 6 foot fence on top of the berm. The east side is sensitive to future residential and we have an existing tree line and again the site line over the fence would be over the building because where are in a hole. You won't see the building.

Patel: getting back to possibly splitting the building, such as the partition?

Pantel: yes just a partition. Could you testify as to any drainage impacts?

McKenna: this is a high spot and everything flows downhill to the North. The berms create a natural dike; this is a significant reduction in off-site drainage down to about 15% of what the current conditions are. There would be no adverse effects from the drainage.

Karl Pehnky is sworn in and it except as an expert witness in the field of traffic engineering. Associated with the use variance application we prepared a traffic impact study for a 400,000 ft.² warehouse distribution center on the site. From a traffic standpoint the site is actually ideally suited for the proposed use. It fronts on cranberry S. River Rd. and docks corner road. The surrounding locations are improved with many similar types of buildings. The site also is a little bit more particularly suited for the warehouse distribution in that it does front on docks corner road which provides the opportunity which intersects with Cranbury South River Rd. for a traffic signal. We would construct a traffic signal on Docks Corner Rd. providing of public benefit for the difficult traffic movements that are occurring there today, basically a very high commuter flow. This would be eliminated by the traffic signal. Further by having the access on Docks Dornor Road we would be able to avoid any additional points of conflict on Cranbury South River Rd. From a traffic standpoint it presents some great opportunities and fits very well in terms of the traffic flow. With regard to traffic flow itself, the site is zoned for residential; about 27 homes could be built on the site. Comparative to a warehouse 400,000 ft.² basically from traffic standpoint during peak hours the heaviest flow from 730 to 830 in the morning at 430 to 530 in the afternoon we would anticipate that the warehouse would generate about 60 to 70 trips during the course of the peak hour. A residential development of 27 units would generate about half that which is not a big number in terms of the impact. Our driveway on Docks Corner Road would operate with very good levels of service. We are saying no opportunity for a delay of vehicles being able to enter the driveway or block traffic on docks corner road. Signalization on Cranbury Road will accommodate our traffic flow as well as address existing delays that are being experienced at that intersection and provide a public benefit at that location. As you are aware of the majority of the child flow wants to go down to interchange eight a, the rest is employed traffic which will spread in different directions. We will make sure at site plan approval that we address signage to make sure that the trucks don't head into Jamesburg by the bridge. With regard to a couple of the other variances associated with the use we are asking for 9 x 18 parking space sizes instead of 10 x 20; number of parking spaces required in the ordinance is 660 and we are proposing 198 spaces with 88 banked for a total of 286 spaces. In our experience the parking spaces that we are proposing is more in line with the need. We are actually very comfortable that the 284 spaces for the users that might want this building. That is why we are banking some spaces because we may not need all of them and that is why we are requesting the variance. The trailer spaces depends on the users and some of the types of users one a lot of trailer spaces. It makes sense to mirror the truck docks with trailer spaces. We are only asking for 12 additional to what the ordinance would allow.

Remsa: with regard to the parking space size; it was actually suggested by the board Professionals to minimize the impervious coverage. With regard to the traffic impact study; I agree that it will improve with the signalization of the intersection and it will improve the levels of service. I did want to comment about the number of parking spaces, I agree that the lesser is appropriate but I do want to say that if you approve to the 284 that we reserve the talk about the banking at site plan because he will have better information at that time.

Pehnky: that is fine.

Christine Nazzaro-Cofone is sworn in and accepted as an expert witness in the field of Planning. My conclusion is that we are a D1 use variance because the industrial use is not a permitted use the R 30 zone. The site is particularly suited for this use. In this instance because of the proximity to the Superfund site and would require further mediation together with its proximity to exit a day of the Turnpike and the fact that the site is large enough to allow for a hunch it linear foot buffer all render this site particularly suited. In addition we have to demonstrate that one or more of the purposes of zoning would be further with the granting of this variance. I believe there are three reasons the board can consider in granting this application; the first is the free flow of traffic that will be improved by the traffic signal we will be installing. In addition there is adequate space to allow for this development. The last purpose I would rely on talks about not allowing for development that is inconsistent with the neighboring municipalities. This development would be consistent with all of the development in the area. In addition we have to talk about the negative criteria which have two prongs to it. With regard to impact on the public good; there is a lack of impact to the storm water management and the visibility of the building with the adjoining property. We have located the parking in such a way that it will be minimized from the adjoining residential development. I think the board can be comfortable that there will be no substantial detriment with the granting of the use and bulk variances. Essentially I think we do meet our burden of proof. The benefits outweigh any detriment brought by the variance. I think the application that you have before you is an approvable and appropriate D1 variance that meets the statutory burden of proof.

Remsa: I concur with Ms. Cofone's findings.

Rasimowicz: with regard to the height?

Cofone: yes, the proposed height is 49 where 35 is permitted in the R-30 zone. Think it is consistent with the height of the building that the Township recognizes to be appropriate for an industrial building. I think the lack of visibility leads the board to conclude that there is no substantial detriment because of the increased height.

Rasimowicz: why can't you meet the 45 foot height instead of 49?

McKenna: just to clarify, typical warehouse fronts on a road and if you would measure the height from the front you would get 45 feet and if you want around the back of the building it would be 45 feet -4 more because it is in a well. We need the variance because we have the building reversed for consideration of the adjacent residential development.

Rasimowicz: do you agree to meet the comments in the review letter?

Pantel: we can agree with everything but most are for site plan.

Rasimowicz: with regard to the storm water runoff?

McKenna: the drainage in this area starts at docks corner and goes to the North. There will need to be a drainage improvement along cranberry S. River Rd. from our site along the Lenore side down to this corner. We have an understanding with Lenore about splitting the cost on the improvements of the County road. So the way it drains is all the water comes out of the northwest corner and will be piped to a new drainage system down the road. The off-site maximum runoff is going to be reduced from about 40 or 50 ft.³ per second down to about six. It is all there being choked back in the overflow will go down the road in a new piped system. We will adjust that in full detail for you at site plan.

Rasimowicz: and your storm water runoff can handle the impervious coverage relief you are seeking?

McKenna: absolutely.

Pantel: with regard to left-hand turns, we will address that at site plan.

Rasimowicz: your use variance shows that you do not have trucks making a left turn?

Pantel: definitely not tractor trailers, but trucks could be box trucks so we will define it better at site plan.

Patel: If this gets approved, at site plan I will be questioning the location of the truck driveway and its proximity to the traffic signal. I would be concerned about traffic being backed up on both Cranbury S. River Rd. and Docks Corner Road.

McKenna: we can discuss it further at site plan.

PUBLIC:

Mathew Donnelly - I am here representing Woodcrest Circle.

Kemm: you can only represent yourself.

Donnelly: okay - we have met with Ken before and as some of you may be aware; this portion of the property is also up for the master plan amendment in 2014. While they say there is potential for industrial to be there the town also had many people come out during that master plan amendment to kind of try to persuade against it. It was taken off the table. We are not opposed necessarily to it but our concern is about how does this impact about what Lennar may have and the possible impact of more residential becoming industrial. We are concerned about the traffic coming off of Docks Corner road. Typical concerns in the interest of time is traffic and congestion and left turns at the bridge.

Remsa: the Lenore property was rezoned to PRC to so it cannot be developed as industrial property.

There being no one further from the public wishing to be heard on this application a motion to close the public portion is made by Mr. LaFata, seconded by Mr. Patel and approved by all board members present.

A motion to approve the bulk variances and the use variance is made by Mr. Klein, seconded by Mr. Patel and approved by all board members present.

MEMORIALIZATION:

BA-5122-16 (Pawandeep & Ramalje Khanna) is approved by all board members present that were able to vote.

BA-5116-16 (Power Saws of America, trading as RKD Tree Service) is approved by all board members present that were able to vote.

BA-5115-16 (S&G Paving, Inc.) is approved by all board members present that were able to vote.

There being no further business to come before the board, the meeting was adjourned at 12.26 a.m.

Respectfully Submitted

Patti Williams,
Secretary for the Board

