

REGULAR MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH HELD ON THURSDAY EVENING, FEBRUARY 14, 2019. VICE CHAIRMAN GREGG DAVID PRESIDED.

The meeting began with an affirmation of the Open Public Meetings Act. The schedule of meetings is on file in the Borough Clerks' office, was posted on the bulletin board, and has been mailed to the Local Source, and the Star Ledger.

Pledge of Allegiance was led by Vice-Chairman David.

ROLL CALL

Mr. Grimaldi, Mr. David, Mr. Pantina, Mr. Mazzeo, Mr. Calello, Mr. Cuppari, Mr. Jones. Also present were Mr. Lou Rago, Esq., Mr. Kevin O'Brien, Planner and Mr. Christian Cueto, Engineer. Mr. Picerno, Mr. Schielke, Mr. Ladauti and Mr. Kenny were excused.

Approval of January 10, 2019 Minutes

Motion was made by Mr. Grimaldi, seconded by Mr. Jones. All in favor.

Communications: None

New Business: Application #374, 1-19 Site Plan/Variance
 McDonald's USA, LLC
 2402 US Route 22
 Block 2, Lot 1 & 2

 Application #369 Site Plan
 ADHP Real Estate, LLC
 1700 Galloping Hill Road
 Block 182, Lot 2

Chairman David said there are two cases this evening and for the sake of expedience we are considering hearing Application #374 first and Application #369 second. He asked if Board members were OK with that and he believed that the applicant for ADHP was aware that we were considering doing this. Mr. Goodman confirmed he was aware of the change in that Application #369 would be heard after Application #374.

Mr. Rago confirmed proof of publication.

 Application #374, 1-19 Site Plan/Variance
 McDonald's USA, LLC
 2402 US Route 22
 Block 2, Lot 1 & 2

Scott Lippert, Pashman, Stein, & Walder Hayden representing the McDonalds Corporation. This is a simple application mostly because the vast majority of this property is located in Union and we have already received Site Plan approval from Union. The only variance relief we need in Kenilworth is parking, the parking that we have complied with the Union code so we did not need one in Union but we need a parking variance in Kenilworth. He said if you travelled around New Jersey you will notice

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that a lot of McDonalds are undergoing renovations, there are new facades...they are sort of rebranding. We are hoping that you agree that this is an application that improves existing conditions that makes ingress and egress safer, improves traffic flow and is an esthetic improvement on the current operation. There are three witnesses, an engineer and we have done a traffic study because they needed to do it for Union and we wanted to give Kenilworth the benefit of that and we also have a planner who will give testimony on whether or not the variances are appropriate.

Mr. O'Brien, Borough Planner and Mr. Cueto, Borough Engineer were sworn in by Mr. Rago.

Mr. Martin Swaggard, a licensed professional engineer was sworn in by Mr. Rago.

Mr. Swaggard said he is a licensed professional engineer and is a 1995 graduate of the University of Florida with a bachelor of science and civil engineering and has approximately 23 years of experience in civil engineering, mostly in commercial land development consulting. He is currently employed as a senior project manager with Core States Incorporated.

Mr. Swaggard presented Exhibit A1 which is a colored rendering of the site plan as submitted. Mr. Swaggard said he was involved with the preparation of the plans and he is familiar with the plans. He said this is an existing McDonald's restaurant with a single lane drive thru, a completely developed site, a little bit of landscaping on the front of the site and a little bit of existing landscaping between the two existing driveways on Route 22. The proposed site is a remodeled McDonalds. He said there is a right in and a right out driveway on the western side of the site along Rt. 22, a right only driveway on the eastern side of the site on Rt. 22 and on Michigan Avenue there is a full movement driveway. Most of the vehicles enter the site from Rt. 22 and circulate around the back to the drive thru or come back around to the front and exit onto Michigan Avenue. The majority of the parking is on the Kenilworth side of the site. Mr. Swaggard pointed out the municipal boundary which cuts off a sliver of the eastside of the building. He said the eastern driveway and the Michigan Avenue driveways are in Kenilworth. He said using Sheet 4, starting with the construction of the new side by side drive thru he explained what has been approved. This site has a very very high volume of drive thru customers and as part of the McDonalds major remodel program they are proposing what they call side by side drive thru which basically adds another drive thru lane and it reduces the cue length of cars and allows 2 people to order at the same time. He said what it does in the end is reduce drive thru wait time between ordering and pick-up by about 50%. He said approximately 70% of the customers are drive thru customers and that is why McDonalds undertook this renovation was to put in a second drive thru to facilitate those movements. If the Board approves this application, the second part of this proposal is a remodel of the building, it will no longer look like a traditional McDonalds. The exterior seating area is being removed and they are going to provide a more rectangular shape building with a more clean modern look to the building. On the inside is proposed all new décor, new kitchen equipment, new counters, new menu's on the inside for ordering as well as renovated bathrooms to meet ADA requirements. He presented A2 which is a colorized rendering of the proposed elevations and he pointed to the part that is in Kenilworth. He said one of the exterior proposals is to replace the existing menu board which is about 42 ft. and it will be replaced by 2 digital menu boards that are each 20 sq. ft. as well as a smaller digital menu board that is 10 ft. that the customers can see before they get to the menu board that might advertise a particular special...it is up to the owner/operator what they want to display. He said another component of this program is to make sure not only the inside is ADA compliant but the exterior path of travel to the building meets ADA guidelines, the site currently does not so they are proposing to repave the accessible parking spaces and concrete, slope them and grade them so they meet the tolerances required for compliance slopes as well as replace some sidewalks and some stripping to make sure

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disabled customers can access the building per the requirements of the Americans with Disabilities Act. He said there are some small changes with lighting.... they had to relocate a few lights slightly. All the runoff right now flows off to Rt. 22 and a portion of it off Michigan Avenue, there is no collection system on site, we are not changing drainage patterns but we are proposing significant landscaping increase so that will result in a decrease in quantity of runoff and a decrease in impervious coverage.

Mr. David asked if there was a plan to repave the parking lot that is in Kenilworth? Mr. Swaggard said they are repaving the entire parking lot. He said as far as landscaping there is going to be a deviation from what was approved in Union, they are proposing significant landscaping increase, a big portion of it is on the Union side between the building and the side by side drive thru there will be a nice landscaping area also McDonalds would like to clean up the Kenilworth side and they are proposing landscaping similar to what exists in the center of the site and same thing mimicking that at the intersection of Michigan Avenue and Rt. 22, they want to put another landscape strip along Rt. 22 as well as a new concrete sidewalk. On Michigan Avenue they are proposing another landscape strip and a concrete sidewalk. He said on Michigan Avenue, right now the landscaping is in between the proposed sidewalk and the exiting curb and the county wants us to switch that and have the sidewalk along the back of the curb and then the landscape strip between the parking and the sidewalk. He said deliveries occur twice a week during off peak hours, right now they are coming overnight, it changes several times per year but it is always during off peak hours. Delivery trucks enter off Rt. 22, pull up along the back of the site and it takes them about 15 minutes to unload and they exit straight out onto Michigan Avenue which they work their way back out to Rt. 22 to go to their next stop. He said trash is picked up several times a week and they enter off of Michigan Avenue, pull up to the trash enclosure which is located in the southwest corner of the site and they exit out the same way. The drive thru is 24 hours and the lobby closes at 11PM and depending on the shift, they have 70 total employees, 15-20 on a shift and about 50% of the employees take public transportation.

Planners Report - On the planners February 8th report, #7 he said phasing is not applicable, #8 requested the development impact statement and we are saying that we should be granted a waiver because we are not really changing, the site is completely developed already, we are not changing what is there, we are just doing cosmetics. #9 surface water management plan is not needed because run off is staying the same and we are adding a lot of landscaping to decrease impervious coverage so there will be a reduction in run off from the site. #10 asks for a delineation of and classification of wetlands on the tract and within 100 ft., the site is completely developed in a commercial area and there are no wetlands on site. #11 Letter from Borough engineering stating that plat complies with ordinance requirements, Mr. Lippert said that does not apply. On the Preliminary Site Plan Checklist Part B, #13 Storm drainage plan showing location of inlets, pipes, swales, berms and other storm drainage facilities including roof leaders; indicate existing and proposed runoff calculations on the site detention, does not apply because as in previous testimony we have no storm water facilities on this site, it was originally designed so that everything flows off the site. #16 Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc., there are none on the site. He said they know that this application will be subject to outside approvals from Somerset Union Soil Conservation, NJDOT and Union County Planning Board. Mr. Swaggard said they received SED approval and are in progress with pendot and the County, we were waiting to get Kenilworth conditions before we submit to everybody.

Mr. David asked if everyone was OK with the granting of the waivers, Mr. O'Brien had no objections.

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Mr. Swaggard said right now the site contains 62 parking spaces both in Union and Kenilworth. He said one of the things when you add a side by side, one of the side effects of adding one of these is usually to provide proper bypass and promote good circulation, you usually lose a couple of parking spaces so we are losing a few. We are proposing to go down to 48 total parking spaces on site if the project is approved. Mr. Lippert said there will be some more traffic testimony and planning testimony on those things. He said he thinks that is the only relief that we need.

Engineers Report – On the February 6, 2019 engineering report, page 2 under Site Plan #3 notes that we require a parking variance. Comment #4 says a stop sign with stop bars shall be added to the driveway exiting out to Michigan Avenue and we will comply with that. Under utilities, there is a request to provide testimony that the number of seats hasn't increased therefore not requiring additional flow into the existing sanitary sewers, Mr. Swaggard said the number of seats in the restaurant will decrease with the proposal. Under the landscaping and lighting comment there is a recommendation that landscaping be warranted for at least one year and replaced if necessary and we can comply with that. He said in terms of lighting it appears there are areas where the isometric foot candles are zero, the light plan has to be revised to insure that the parking area meets minimal lighting requirements and Mr. Swaggard said that will be revised, there is actually a light pole that wasn't modeled so the site is actually well lit and the revised plan will show that.

Mr. Cueto asked if the County requested to replace the curbing along the frontage of Rt. 22? Mr. Swaggard said no, the only comments they received from County was to switch out the sidewalk and landscaping, there might have been a comment to replace any damaged curbs out there but he does not think it was to replace all the curbs. Mr. Cueto asked if they would be opposed to a condition for repairing the curbs and Mr. Swaggard said yes the curbs would be repaired. He said one of the DOT comments was the western driveway currently a right in, right out will become a right in only.

Mr. Rago said you previously mentioned that 70% of the customers are drive thru....was that just for this site or is that for nationwide? Mr. Swaggard said that is a common number for a lot of McDonalds, this site has a higher percentage. Mr. Lippert said McDonalds has a lot of data and it varies site to site.

Mr. Pantina said that element that you just talked about and the 50% reduction in cue will be in the traffic witness? Mr. Lippert said yes.

Mr. Grimaldi asked what is the net change in square footage, we have an addition on the northeast side and we have a deduction on the southwest side. Mr. Swaggard said we are taking a piece of the building off on this side and we are adding a small piece to square it off. The proposed building area is 5,495 sq. ft.

Mr. Pantina said he thinks there is a glitch on some of the reports, yours and ours, because its 5495 sq. ft. and on your traffic report it says 2275 sq. ft. and on the report from Harbor, page 2 says 2275 sq. ft. Mr. Swaggard said the 2275 sq. ft. is the area that can be accessed by the public, the area that Mr. Swaggard gave was the total footprint of the site.

Mr. O'Brien asked if the parking calculations are based on the square footage of the building? Mr. Swaggard that is the driver for this....it is either one for 3 seats or the square footage of the building, what the requirement would be, the driver for this site is the square footage of the building, one space for 75 sq. ft. and that would equate to 73 spaces required for this building. Kevin O'Brien said that is for the 5495? And Mr. Swaggard said yes.

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Mr. Cuppari asked how many spaces are we losing on the Union side? Mr. Swaggard said you are losing 14 spaces. Mr. Cuppari asked how many seats are being lost in the long extension that is sticking out? Mr. Swaggard said approximately 13 to 18 seats in there. Mr. Cuppari asked if they were keeping the spots by the dumpster and Mr. Swaggard said yes.

Mr. Grimaldi said you are redoing all the lanes, the curbing, all the green area and redoing all the ADA paving.....is he correct that at the back of the building you are leaving the existing stock block wall and curbing as it is today? Mr. Swaggard said no there is a screen wall back there now. Mr. Grimaldi said up against the building between the building and the drive thrubetween the cars and the building, that little island there is curbing and a wall. Mr. Swaggard said that portion is remaining. Mr. Grimaldi said that is falling apart.....he said with all this work and to have that be leftthat shouldn't be....it really needs to be replaced.....you are getting everything else updated....that should be fixed because it is in disrepair. Mr. Swaggard said they are doing a lot more than they typically do for these sites so we will certainly bring that up with the applicant and see if they would be amendable to replacing this curb and wall back there. Mr. Grimaldi said if this goes in a positive way he is going to make sure that will be a condition of approval. Mr. Swaggard said the rear wall that separates them and the neighbor is starting to fail so they are going to replace that wall with a new board on board fence. Mr. Grimaldi said you are taking down a masonry wall and you are going to put up a wood fence? Mr. Swaggard said yes. Mr. Grimaldi said a fence that has truck traffic on both sides of it? Mr. Swaggard said yes. Mr. Grimaldi said how long do you propose it is going to last? Mr. Swaggard said if it is maintained it can last a while. Mr. Grimaldi said on the northeast corner you have that stripped off at the intersection of Michigan and Rt. 22? Mr. Swaggard said yes. Mr. Grimaldi said he would prefer to see a physical barrier, meaning if that became green or planting, people like to park right there, service guys in the middle of the day park there and they are cutting out the triangle. Mr. Swaggard said we will definitely look at that....one of the issues that we have is all of the run off comes there so we will have to make sure that we can still maintain that drainage pattern without any issues, he does not think... Mr. Grimaldi said if we can get a physical barrier so people cannot park in that stripped area. Mr. Swaggard said they can do bollards to block it off. Mr. Pantina asked what about a curbed landscape island. Mr. Swaggard said all the storm water run off comes out that way so that is why they left it open so it can continue to go where it currently goes. Mr. Grimaldi said it could just be that the pavement is taken up and there is decorative stone placed in there.

Mr. David asked if Board Members of Professionals had any comments.....there were none.

Mr. Andrew Feranda was sworn in by Mr. Rago.

Mr. Feranda, Shropshire Associates – Mr. Feranda said his company was retained to do the traffic study. Mr. Feranda said he is a civil engineer, graduated Drexel University and has a bachelor of science degree in civil engineering and is a professional licensed engineer in the State of New Jersey & Pennsylvania. He is a professional traffic operations engineer, PTOE which is a higher certification in the traffic engineering field. He has appeared before more than 100 boards, he reviewed traffic for Cranberry Township, Freehold Township, Allentown, NJ and several other municipalities and has also appeared before County boards.

Mr. Feranda said existing conditions has 62 parking spaces, some of the existing conditions that were talked about earlier, the site has 2 access driveways along Rt. 22 and 1 access along Michigan Avenue. The parking is mostly in Kenilworth, there are currently 25 spaces in Union and 37 in Kenilworth. There

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will be a net reduction of 14 spaces which would include a loss of 5 spaces in Kenilworth so it would go from 37 to 32 spaces and a loss of 9 spaces in Union. The existing building is mostly located in Union, 10-20% is in Kenilworth so the parking that is being provided on Kenilworth, if it is per the building that is in Kenilworth, we are actually providing more parking in Kenilworth per the building that is in Kenilworth. The parking requirement that was noted earlier is 73 based on your ordinance which is one space for every 75 sq. ft. of building space. The number that was talked about before ..2275 is the public area space and that is the number used in Union to do the calculation for parking, its one space for every 50 sq. ft. of public space, this would be the eating space, the area that the public uses for the restaurant.

Mr. Pantina said that was not clear in your report. Mr. Feranda said he agrees, the total building space was not identified in there and the reason that may have occurred is our first goal of the report was to get the Union approval and we were going toward the Union standard which was 2275 and then we dual purposed our report, submitted it to the Board here and we did not do a good of job of including that total sq. ft. of building which is what your ordinance is based on. The total requirement is 73 spaces based on the total sq. ft. of the building. In Union the requirement is 46 spaces, we will be left with 48 spaces and therefore for Union purposes one space for 50 sq. ft. of the public area of 2275 we make that requirement with the 48 spaces having 2 additional spaces. We did not need a parking variance in Union. Mr. Feranda said as part of our parking study, we did counts, we did counts of the existing facility during the morning, afternoon and evening on a typical weekday and then on a Saturday. We did our counts from 7AM-9AM and 11AM-2PM and then 4PM-6PM and based on our findings during a typical weekday, there were 9 parking spaces used in the morning and that occurred twice at 7:45 and at 9AM. In the afternoon there were 41 spaces used at 12:45, that was the maximum used and it occurred once, most of the parking was 32, 30 or less for the rest of the parking counts. He said when we did parking counts, we did every 15 minutes where we would have someone circulate through the site and count the number of parking spaces being used. Starting at 7AM they counted all the parking spaces being used, and they recorded the parking space count every 15 minutes for the overall site. He said in the AM there was 9, in the afternoon there was 40 but most of the intervals through the 3 hours were 32 or less, in the afternoon there were 24 maximum spaces used and then on a Saturday there were 22 maximum spaces used and that is over the 3 hours on a Saturday. He said basically what we are saying in our report is that the maximum peak 15 minutes of use came at 12:45 on a typical week day for lunch time and it was 41 spaces which is less than the 48 spaces that will be available for the site once the improvements are made. The improvements are being made not only to resurface but they are re-organizing the parking spaces, there is one way circulation in the Kenilworth area, right now that is not as well defined, there are some parking spaces that are perpendicular. With the new parking layout the parking isles are going to be one way circulation and the angle parking reinforces the one way circulation so there is a better flow through the site. The isles are made to be 18 ft. for the one way circulation. There will be a loss of 5 parking spaces from 37 down to 32 and on the other side there will be a loss of the 9 spaces down to 16 spaces and that is because most of the improvements for the drive thru will be occurring in the Union side. They expect 70% of their business thru the drive thru, if there is 70% of the business being used thru the drive thru that means there are less people parking. He said this is fast food, its convenience, they are looking to process the orders quicker using the drive thru 2 boards and now they have 15 spaces for vehicles to que. The concern is that you don't want the cue backing out on to Rt. 22. They now have 2 boards to process orders and then vehicles can get into the que and proceed toward the pick up. We also did counts of the drive thru when we were doing parking. We noticed the stacking that occurred from the drive thru windows under existing conditions with the one menu board, in the morning there were 6 vehicles cued at 8:15 and in the afternoon there was a maximum of 10 vehicles cued at 12:45 and 1:15 and in the PM there were 7 vehicles cued at 4:15 and on

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a Saturday there were 11 vehicles cued at 1:15. The goal is to process the drive thru orders quicker and also to provide enough cuing that we would not interfere with the access or circulation on site. Mr. Feranda said that it is his professional opinion that the circulation will be improved. The DOT is requiring inbound only at the one driveway and that is going to help and again the parking in his professional opinion and based on the counts and observations is more than adequate for the proposed improvements including the better processing and more convenient use of the drive thru.

Mr. Pantina asked if the DOT is requiring egress only at that driveway.....because that is not what is shown on the plan.

Mr. Feranda said the plan has not been revised yet but that was one of comments from the DOT. Mr. Lippert said this is the approved plan we got from Union, subsequent to that we got DOT comments, just as we have to make some revisions for the County we will also have to do the DOT.

Mr. Pantina said so this egress only on the left and Mr. Feranda said yes on the west driveway. Mr. Pantina said the circulation around does that really help you or hurt you because as they are coming in and bypassing the drive thru because they want to go inside.....they go in come around looking for a parking space and can find it and come back out and they get in the loop and they can't get out. Mr. David said you can go in or out on Michigan Avenue. Mr. Pantina said he understands that but he is talking about the northerly section.....how does that section get affected by only have an ingress? Mr. Feranda said he pointed to the recirculation which is not the major flow, the major flow is going to be drive thru 70% and exit.....so entrance, around the building and exit. He said there is an area to be used should something go wrong with the order and they need to park or they can recirculate but we don't expect that.

Mr. Pantina said you mentioned that the proposed plan has 15 cars in the que now...what did you have before? Mr. Feranda said the cue is tighter to the building, we have 11 vehicles as a maximum counted que so there is at least space for the 11 vehicles but again that is tighter to the building as we bring it outward extending it away from the building so its adding a couple of spaces plus you have some space on the opposite of the board. Mr. Pantina said he liked your responses on how you supported the report. He said the 70% drive thru is OK and the fact that your nationwide report.....someone made a statement before about there being a 50% reduction in que due to the new side by side but when you look at that unless you increase the que length, it only looks like you are getting another 3 or 4 cars in that side by loop. Mr. Feranda said the percentage reduction was in processing, not in que. Mr. Lippert said there is double ordering with new menu boards and 2 cars can order at once. Mr. David said there is one issue with that because they also end at a single window to pick up the food so it allows orders to happen faster but that doesn't necessarily mean you are going to be able to pick up any faster. Mr. Lippert said they are doing this all across the country and are spending a lot of money and they don't do it lightly and they don't do it without studying it.

Mr. Pantina said so the fact that you are chopping off a piece of the building and chopping off so of where the dining area was.....he said in further support of the fact that you have less parking existing than what is required and you are reducing it further because of your actual counts, the fact that you are chopping off some of the dining area is there possibly less spots inside the building for people who actually sit that would support why would However many people wanted to come and dine before and park ...now there will be less space for them to dine because there won't be enough tables because you are chopping off the building, right? Mr. Feranda said correct, earlier testimony was that there was a loss of 13 seats so there will be less seats and more drive thru processing, this is all

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consistent, they are seeing convenience taking over, people want to use the drive thru. Less seats in the building is consistent with processing more thru the drive thru and yes if you lose 13 seats your ordinance says one parking space per 3 seats, we did not use that requirement because it was the lesser of the two, the square foot gave us the higher requirement but roughly if there was 13 seats it might be another 4 spaces that would not be needed. He said based on your ordinance we require 73 but we are only losing 5 of the 37 existing parking spaces. Mr. Lippert said it is fair to say that their analysis is that they have too many seats now and that is why they are moving. Mr. Pantina said he is asking these questions because he does not like giving out variances, especially existing non-conforming and making it less with an addition so to convince myself he is asking these questions and you have satisfied my questions.

Mr. Mazzeo said he does not know if this even applies but he drives by the site every day and the only problem that he sees is from party city across the street during Halloween and they use your parking lot and it is pretty dangerous when you come off Rt. 22.....he doesn't see anything that you can do but he just wanted to mention it.....maybe you can do a sign.

Mr. O'Brien asked Mr. Feranda in the course of your parking calculation, did any one do seat calculations to see how many seats are occupied at any given time? Mr. Feranda said no we did not go inside the building and count the number of seats being used. Mr. O'Brien asked if there was any data McDonalds had...he is hearing the generalization that you need less seats. Mr. Feranda said basically what you are getting at is how many people per car or how many seats being used per parking space, he is not aware of that data.

Mr. Cueto had no questions.

Mr. Paul Ricci was sworn in by Mr. Rago.

Mr. Ricci said he is a licensed professional planner in the State of New Jersey and has been licensed since 2000. Mr. O'Brien said Mr. Ricci has appeared before this Board on numerous occasions and provided his license is still active, he would recommend him to the Board. Mr. Ricci said his license is still active.

Mr. Ricci said from a planning perspective he thinks he can be brief this evening. He said he looks at the entire application and he thinks its clear that this is an application of betterment. The condition of the site today, it's the old design, the building is in fair condition, the old design is not the most attractive, you have white painted brick, red old style roof. He said if any board members have seen the new design it is more of a neutral tone color, its modern and the signage is scaled to the building and is a nicer look. McDonalds is doing more than that, it's not just the building, they are repaving all the lots and they are putting a substantial amount of landscaping as well. We did not hear exact numbers but over 600 plantings on the site and a significant improvement on the Michigan Avenue Rt. 22 corner. He said when he looked through your planners report it seems like this is a gateway overlay zone and it clearly establishes and meets several purposes of your Master Plan in terms of meeting your gateway improvements and essentially beautify this site. From the engineering perspective we heard there is ADA improvements as well incurred and the site will be safer due to the site circulation and the lights. This application clearly meets the positive criteria of the Municipal Land Use Law, meets purpose A, promotes the general welfare, Purpose G, provides suitable locations to meet the needs of commercial users, Purpose I it promotes a desirable visual environment. Also you can argue it promotes a free flow of traffic as well, if the que is reduced that promotes free flowing traffic on Rt. 22 as well. Regarding the parking variance, he is a municipal planner in 5 communities and he represents 9 Boards and he thinks

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the applicant was very conservative in indicating the variance being requested. The majority of the building is in Union Township, technically it is his opinion that you can only regulate what part of your community so we were very conservative. This application meets the Union Standard and we want to be overly conservative, realistically the parking that is needed here by variance is less than the 73 spaces that we are demonstrating. From his standpoint as a planner, the key is that we are providing sufficient parking and based on the counts and information supplied by our traffic engineer.... in perspective....he thinks we all recognize that parking is very user driven so the best information you can have is actually the data supported by the traffic engineer and what he means by that is that for example Shop Rite may have a significant higher parking need than an Acme but per municipal code you have the same parking requirement. By having the detailed information from the traffic engineer that studied the needs of this site, he feels confident as a planner that adequate parking is being provided and we have surplus parking as well. In terms of the negative criteria that there will be no substantial detriment to the public goods of the surrounding property owners and the intent and purpose of your zone plan that we are providing adequate parking.....he thinks they have clearly demonstrated that that is being met. Since we are providing adequate parking we are not going to have a detriment to the surrounding property owners. All the benefits associated with the application clearly outweigh the detriments which he does not think there are any considering that adequate parking be provided. For these reasons he believes this is a very good application that meets both the positive and negative criteria requirements for this Board to consider and act on the variance.

Mr. David said that although you may think the Board is being overzealous in its line of questioning and requirements, as you mentioned this is a gateway and its one of 2 properties that are seen as people enter the Borough from Rt. 22. From our perspective it's very important to us, despite the fact that the majority of the building might be in Union, the property is still half in Kenilworth. He said we are the ones that when you drive in off Rt. 22, most people assume its Kenilworth, despite the fact that the majority of the building is in Union. One of the things, if you looked at our gateway requirements, is some type of signage that identifies that visitors are entering the Borough of Kenilworth. Mr. David said he is wondering if McDonalds would be interested or amiable to awelcome to Kenilworth notice?

Mr. Lippert said that puts him in a little bit of an awkward position because we have to get permission from the land owner to do that and he has been through this a number of times in New Jersey where the Board said....."why don't you just do this or that" and he said he can only do things that his client can control and they say why don't you go see if you can do that and if you can't come back here and we'll see. Mr. David said that we can make it a condition of approval. Mr. Lippert said he is hoping that you don't because he has had a lot of bad experience with this. Mr. Rago said McDonalds does not own the property and Mr. Lippert said yes. Mr. Pantina said don't you have to come back and revise all these plans to accommodate the DOT's ingress? If it came back as a condition you could either put it on or not put it on. Mr. Lippert said he needs to correct that, we lease the portion in Union, we own the portion in Kenilworth so he has to withdraw what he said before. He said what it will depend on in part is where it is located and what it looks like. Mr. O'Brien said he would be willing to work with the applicant. Mr. Grimaldi asked if the DOT would come into that play? Mr. Lippert said yes the County and DOT. Mr. Pantina said one spot is the northeast corner as long as it did not interfere with sight distance. Mr. O'Brien said you might want to put it as far south as possible. Mr. Lippert said we will work with your professionals and endeavor but he can't have it as an absolute condition that they have to do it.....Mr. David said it's up to the Board to decide if it's going to be an absolute condition....he thinks that is a reasonable request. Mr. Rago said we can make the condition that the applicant shall work with the Board professionals in a good faith effort to attempt to put a Welcome to Kenilworth sign.....that is our intent but we know it's not ironclad if your property owner says no. Mr. Lippert said if it's in Kenilworth

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we are passed that hurdle, he said we lease Union and we own Kenilworth. He said he will work with the professionals and if it makes sense we will do it. If it pleases the Board we will use the other welcome signs as a model. Mr. Lippert asked the Board for permit purposes, it would be difficult for us to go to municipalities, we were expecting to go to Union to get construction permits are we going to be required to also come to Kenilworth for construction permits? Mr. David said yes and Mr. Rago said we can't ask another municipality to inspect and provide permitting on Kenilworth, there is an issue of fees, Union needs to keep their inspectors on their property and we need to keep our inspectors on our property, he understands the practicality of it but I don't think we would want to turn over that part of the project to Union. Mr. O'Brien said we have a number of properties that straddle the boarder and we have all worked together. Mr. Lippert said he was concerned if you make one municipality happy but not the other. Mr. Feranda said you may find your inspector may defer to the other. Mr. Rago said as of now the official response from this Board would be you need to come here for the Kenilworth property. Mr. Lippert said he is very familiar with your gateway ordinance and what it requires and we know that this a gateway into Kenilworth and we think it is going to make this site look a heck of a lot better. He said you are going to be happy with it, much more landscaping, much better architectural look then what you have today. He said we gave you traffic testimony and expert planning testimony and he thinks this one variance, based on the traffic counts, based on the compliance with both the positive and negative criteria and compliance with your Master Plan and gateway ordinance, he thinks there is a strong basis for the variance and he is hoping the Board will grant us a site plan approval, the waivers that we discussed and the parking variance.

Mr. O'Brien asked for the applicant to address his report of February 8, 2019. Mr. Swaggard said of Mr. O'Briens report on page2, item #3 they are proposing drought resisting plantings because they do not want to install sprinklers in the public right of way....so yes. Are the plantings hardy enough to withstand the pollution generated by the vast quantity of vehicles passing the site daily....and the answer to that question is yes....they are mimicking what is out there now, just adding some more and the idea is to match what is there and extend. Mr. O'Brien said some of them are not doing so well. Mr. Swaggard said probably because they have been there a long time. Mr. Swaggard said on #4 you requested a rendering but it is a concrete masonry trash enclosure and the reason they are replacing it is because that was a requirement of Union Township, the existing one is function fine but Union is requiring the applicant to replace this trash enclosure with an enclosure that has a roof over it because they don't want rain water to get in with their waste and then get out into the storm drain system, in addition we will have a drain in the middle that connects their sanitary sewer system so any leakage from the garbage cans doesn't get into the storm drain system, its an upgrade and will be painted the same color as the building and basically the same size. Mr. O'Brien said there is another trash enclosure to the east toward Michigan Avenue and it shows a box on your drawing, Mr. Swaggard said that's a transformer. Mr. Swaggard said we are proposing fencing around that. Mr. O'Brien said what kind of fencing and Mr. Swaggard said the same wood board on wood. Mr. O'Brien said the Board may want to think about that, there are some concerns. Mr. O'Brien he is OK with the lighting if you revise it to show the new.... Mr. Swaggard said there was a light that wasn't modeled so it shows incorrectly that there is zero foot candles in the southeast corner of the site where it is actually pretty well lite. Mr. O'Brien said you didn't show what the lot fixtures looked like. Mr. Swaggard said they will be a led rectangular fixture and we can provide some more information. Mr. O'Brien asked how does the interplay of the other approvals work with the Kenilworth Borough approvals? You will make revisions based upon the conditions that this Board puts on and then you go to the other agenciesis that how it works? Mr. Swaggard said our goal is we are going to incorporate everybody's conditions at once, we have already started, this is our last stop and then we are going to resubmit to not only Kenilworth but Union, the County and DOT, DOT comments were very minor, mostly just having some signs, eliminating the right

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turn stripping and have some signage to indicate that it's not an entrance. Mr. O'Brien said so those revisions will come back here before they go up the ladder. Mr. Swaggard said we want them to get to everyone concurrently so you will see the change that we made per the NJDOT's comments as well. Mr. O'Brien asked if Mr. Swaggard would provide their comments to the Borough.

Motion made by Mr. Cuppari, seconded by Mr. Patina to open the meeting to the public. All in favor.

No one wished to speak.

Motion made by Mr. Grimaldi seconded by Mr. Pantina to close the meeting to the public. All in favor.

CONDITIONS

Mr. Rago said the Board is dealing with preliminary and final site plan approval with a variance for parking, they have granted the waivers that were set forth in Kevin's report. In addition to our normal conditions that we put in every application in terms of taxes and pay the fees and those kinds of things, we have the reports of our professionals. We talked about discouraging parking the northeast corner and there were a number of ideas thrown out but we might have the welcome sign there. He heard putting stones there and putting a wall there, plantings, should we leave it as the applicant shall do something with regard to discouraging parking in the northeast corner of the site?.....unless we have a specific....Mr. Grimaldi said can the condition be that working with our professionals to replace the sign and to prevent parking in that area, the sign would be an obstruction in that area. Mr. Grimaldi said he would like to make a condition to repair the curbing and the block around the back of the building where 70% of the customers are going to drive by and it looks in disrepair. Mr. Rago asked if Union did anything about that issue? Mr. Lippert said this is the plan that was approved and his concern is that if you change materially what has been approved Union then he has to go back there for another site plan review and he was hoping to avoid that. Mr. Pantina asked don't you have to go back with an amended plan to Union based on the DOT's requirements? Mr. Lippert said yes we do but we will submit those plans because the Union resolution is subject to County and DOT and that wouldn't necessarily implicate that we would have to go back for a whole site plan but if I start changing things on the site that were not requirements of other outside agencies then he is concerned about that. Mr. David said we are not asking to change it....just repair it. Mr. Grimaldi said that the Exhibit that you are presenting to us, upper right hand corner of Exhibit 2, rear elevation that is not what is there so you are misrepresenting what are the factual basis. Mr. Lippert said it's possible that we made an error, he would suggest that misrepresentation is.....Mr. Grimaldi said what he is suggesting is that since it is in disrepair, it needs to be repaired so that the curbing is all functioning and the block wall is not falling down. Mr. Lippert said he is going out on a limb and say we are going to repair it. Mr. David said he can't imagine that another municipality would object to a repair. Mr. Rago said replace the curbing and the back wall that is in disrepair. Mr. Pantina said to Mr. Ragoon sheet C-3, letter Q is exactly the area, letter Q says existing block wall to remain and be protected in place so basically we are suggesting that this be modified and repaired with the associated curb. Mr. Rago said they will work with the professionals on the Welcome to Kenilworth sign, apparently there are other signs that can be used as models in terms of location and size. Those are the specific over and above our garden variety conditions that we would ask. Mr. O'Brien said the lighting plans will be revised and the fixtures will be shown and approved. Mr. Rago said from a jurisdictional point of view, just so that there is no misunderstanding, where Kenilworth has jurisdiction, Kenilworth needs to be the owner of that. Mr. O'Brien said the construction official the discretion as to how they normally do this. Mr. David said he doesn't have an issue with it.

Motion was made by Mr. Pantina, seconded by Mr. Mazzeo to approve Application #374 with the conditions stated by Mr. Rago and our professionals. Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Pantina voted yes, Mr. Mazzeo voted yes, Mr. Calello voted yes, Mr. Cuppari voted yes and Mr. Jones voted yes.

Mr. Lippert thanked the Board for all their attention and your comments and especially making the sacrifice for coming out on Valentine's Day....just for McDonalds.

Chairman David suggested a five minute break so that the next applicant has time to set up.

Motion to adjourn for a five minute break was made by Mr. Cuppari, seconded by Mr. Mazzeo. All in favor.

Motion was made by Mr. Ryan, seconded by Mr. Cuppari to come back into session. All in favor.

**Application #369 Site Plan
ADHP Real Estate, LLC
1700 Galloping Hill Road
Block 182, Lot 2**

Gary Goodman on behalf of the applicant. ADHP is a real estate LLC that is owned by Divika Patel, her husband Harshad Patel. Seven of the 9 uses you are going to hear tonight are going to be controlled by Dr. Patel. 1700 Galloping Hill Road is an existing office building surrounded by a cemetery, the Parkway and Merck across the street and they are sort of an island onto themselves, everything that occurs there will stay there, there is no impact on their neighbors, if anything goes wrong on site there will be no one impacted in Kenilworth. His witnesses are engineer Ed Dec, architect Bob Zaccone, and architect/planner James Cacalis and a traffic and parking expert Lee Klein. He said we have had a lot of interaction with your Planner. One of the uses that was highlighted in his report as really complicating this whole application was the child day care and we have eliminated that use. There was also a concern with regard to the trailer. The trailer is a very costly device which cannot be contained in the building, it is a multi-million dollar device that is brought in for diagnosis purposes and it is only operational on Saturday and Sunday. The idea that it is going to impact the weekly flow of people into this site is minimal. A lot of the uses that Dr. Patel is proposing for this site are the type of uses that have limited parking needs simply because the people are driven to the site, dialysis, radiology, adult day care, these are not people who will be driving themselves to the site, hence there is less of a parking need. James Cacalis will go into that in greater detail but as you consider all these things, one of the comments of your planner was, what happens if one of these uses goes out, and one of his examples was...a pediatrician comes in with 100's of parents, screaming kids, etc., we are prepared as a condition, if these specific uses that Dr. Patel go out then we have no problem coming back here if we have to replace it. We understand that your concern here is about not having enough parking but as he hope and believe our testimony will demonstrate, these are unique uses. Most of the uses that Dr. Patel has proposed have a lot to do with the diagnosis of cancer and these uses interact with each other and his plan for this building is to introduce the type of services that are required, unfortunately, for an aging population.

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Mr. David said if this meeting goes to 11:00 PM the Board will adjourn the meeting and carry the meeting to the next meeting.

Mr. Rago said that Mr. Dec was sworn in at the last meeting as an engineer and the Board accepted him and he is assuming that his license is still current.

Mr. Dec said his exhibits have been provided to the Board so they do not have to be marked. There site plan has 4 sheets which the Board members have. Mr. Dec said the Site Plan is entitled 1700 Galloping Hill Road, Lot 2, Block 192, Borough of Kenilworth, New Jersey, last revised November 12, 2018. Sheet 1 shows a zoning chart and below that is our calculation compared to the towns requirements as far as parking. In the center of the sheet is a 200 ft. radius map which you can see by the starkness of the surrounding properties. To the right of that is the zoning map with a cemetery to the east, golf course to the northwest and the parkway immediately to our west and a commercial and retail uses on the other side of the parkway and Merck is to the south. All of the bulk requirements are met with this application, they are not exceeded, the lot coverage remains the same although it does exceed the allowable bulk impervious coverage. None are being made worse. There are 257 existing stalls. Mr. Goodman given the time factor and the fact that we have a parking expert testifying he would ask that the Board refer parking calculations and questions to the experts who are going to testify to that. With regard to the parking variance, we have a number of waivers we are asking for.

WAIVERS

Mr. Dec addressed the planners revised report of February 8, 2019 regarding waivers. **#13 Storm drainage plan** showing the location of the pipes, swells and other features. On sheet 2 of 4 entitled the existing condition plan and on the lower portion of the plan we have the ground floor which would be where all the drainage features are situated. We have a number of inlets situated throughout the site. One of the ways we are asking as far as this is concerned is to show what the invert and pipes sizes are. We are asking for a waiver for that because since the existing conditions are not changing, you are not adding any additional run off, that is the waiver we are looking for, we feel that since we are not impacting the drainage in any way we feel for that information isn't required, although we do show the locations of all the inlets. **#14 Right of way easements**, restrictions, covenants or any other dedicated to the municipalities, there are no restrictions, there are no covenants and there is no need for any type of roadway dedication along Galloping Hill Road. **#22 Utility lines** are an existing situation, nothing is going to change, no additional utilities are required for the operation of the site, there is water, gas and electric that services an existing building and will service the proposed improvements so that is a waiver we are asking for. **#24 Sanitary sewerage**: When the original building was designed the sanitary sewer flow was determined by the square footage of the floor area. There is an increase in floor area for the area that is proposed in the back, that is going to be an examination type of facility which is going to be used by people that are occupying or going to the medical offices in the building so it's not as if we are generating extra space that is going to require additional occupants that are not going to be part of the general building footprint. The amount of people that will be using that new addition both on the ground floor extension or in the basement are part of the overall system in the main building. As far as the sanitary sewer flow, it should not increase, it might even be reduced based on the square footage calculations. **#25 Water supply** is a waiver we are asking for. **#28 Existing and Proposed Contours**, no proposed changes in grade are required so that condition is a waiver we are for, he does have spot grades throughout the site and he did not see any need to show the contours on the pavement other

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than spot grades that indicate the drainage flow but the contours he felt might just add to the business of the planhe thinks what we are more concerned about is the parking, direction of flow and the proposed improvements. **#30 Landscaping** – we have a landscaping plan on sheet 4, we are providing landscaping but the lighting is probably what is part of that requirement for a waiver that we are asking for. We are providing additional landscaping along the front of the site and up keeping all of the other green areas which are the traffic islands in the area to the rear of the site will be all grass. He said whatever is there now will be maintained and improved and additional landscaping is placed in the front. Lighting we show locations for all the existing light poles throughout the site, there are some that are not functioning at this point but the applicant is going to correct that situation, it is an existing condition and we feel that it is adequate for the site as it stands. We asked for a waiver for a site lighting diagram but certainly there are lights currently there and they will be repaired. Those are all the waivers we are looking for.

Mr. Goodman notes that Mr. O'Brien talks about a 95,845 square foot building and this includes the parking garage underneath. He said when we subtract out that we have actual rentable square foot and he asked Mr. Dec if he had that number and Mr. Dec said he believes that number is from the architect.

Mr. Pantina asked Mr. Dec to explain #24 waiver because you said the proposed sanitary sewer system wasn't going to be impacted even though you are putting up an additional building in the back.....he does not understand how that can be. Mr. Dec said the initial site was more than likely designed based on office use and that is .125 gallons per day per square foot and his contention is that this is not all office use, it is mostly medical, the intensity of that use is less than office use. Mr. Dec said because we are expanding the building square footage with that new addition plus what is in the back, those areas are not really expansion of the services or a combination of new clients or additional people it's there to service the uses that are in the main building, its more mechanical, x-ray's, features that will be accommodating people being diagnosed or treatments that are needed and then come back to the main building.

Mr. Cuppari said we have been given this list of all these uses in the building and he asked how it flows, how many cars, how the process works.

Mr. Goodman said one of the things suggested by Mr. O'Brien was to have Dr. Patel, during his testimony, I give you a day to day what happens in this building.

Mr. Grimaldi said you are adding a structure on a rear patio of the building and you are adding rentable space in the garage and he asked if you are infilling and adding anything to the mail portion of the building? Mr. Dec said we are changing the interior layout. Mr. Grimaldi said there are some two story height spaces in the building currently between the ground floor and the second floor there is a two story height space and between the third floor and the fourth floor there is a height space....and he asked if you are infilling that? Mr. Dec said that is a question for the architect.

Mr. O'Brien had no questions. Mr. Cueto said some of the waivers you are requesting, you are proposing an additional building in the back and requesting waivers for any of the existing utilities but shouldn't you be showing how this new building connects to any of the existing, especially going out to Galloping Hill Road. Mr. Dec said there is no external connections to those new buildings with the utilities it will all be through the adjoining building. Mr. Cueto said the other question is, you mentioned a waiver for the lighting and he is sure right now there is some existing lighting on the back of the building that provides lighting onto the rear parking lot but with the addition of a building there that

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could essentially block some of those existing lights, he thinks that the lighting plan should be submitted to show compliance. Mr. Dec said the area that you are addressing is the area that is flat and close to the ground, this is the four story portion of the building and whatever light is being projected toward the rear parking area probably is not as impacted as the lights that are existing along the rear parking area, however on the adjoining building there will be architectural lighting toward the rear so the new building will have lighting. Mr. Cueto said he would still recommend a lighting plan be submitted to the Board as part of this application.

Mr. Grimaldi said in reference to utilities when the medical use that is there right now came into that building they ended up adding the generator system out back by the dumpster so when these multiple medical facilities come in where are the generator systems going? Mr. Dec said as far as new generators systems...that would be a question that can be answered by the applicant or the architect but the existing ones are in the rear corner. Mr. Grimaldi said you don't have any new ones proposed? Mr. Dec said not on his plan.

Robert Zaccone was sworn in by Mr. Rago.

Robert Zaccone said he is licensed in New Jersey, New York, Georgia. His education includes an architecture degree from Pratt Institute and a Master's of Science in health facilities design from Columbia University. He has testified before other planning boards.

Mr. Zaccone said he was retained by Dr. Patel to design proposed expansion to this building. A1 represents enlargements of the plans that have been submitted to the Board. Mr. Zaccone said this represents the existing building and proposed. In this plan he has added additional information for clarification indicating that the existing building has one entry at the garage level existing and with the proposed addition they are also going to be providing another entry at that lower level. Mr. O'Brien asked if this is revised from what the Board received previously. Mr. Zaccone said the only revision is the indication of the entrances, the plan remains the same. Mr. Zaccone said at the basement level it indicates that we have one existing entry and one proposed entry at the lower level. At the garage level we are proposing the addition of the proposed radiology suite, approximately 3,000 sq. ft. with a radiology and MRI X-ray right across the way of 1600 sq. ft. Mr. Cuppari asked where is the entry for the X-ray? Mr. Zaccone said it is going to be opposite the entrance. He said there is a PET CT trailer on the garage level and that will be in place only on weekends, on the garage level on the exterior. Mr. Zaccone said there is a need occasionally for patients to use the side entrance that is already there in order to use whatever facilities the MRI/Radiology has to offer. Mr. Cuppari asked Mr. Zaccone to explain what the radiology suite is and Mr. Zaccone said that is where they do the treatments, MRI. Mr. Goodman handed out a paper with medical jargon which was marked Exhibit A2. Mr. Zaccone presented Exhibit A3, dated January 31, 2019 which is a colored plan that represents the first floor. On this first floor plan we have existing entries 1 & 2 and there is also an entry at the rear, #3 and as you continue we have proposed entry #1 serving the radiology suite at the grade level. These are underneath the overhang.

Mr. Goodman said there was questions regarding the lobbies, the two story atrium but we are not adding any space in there and Mr. Zaccone said no all of the spaces that you indicated are common areas, stairs, elevators, toilets and that atrium that is going over two stories and that is not part of the sq. ft. calculation. Exhibit A4 Mr. Zaccone said nothing has changed on this exhibit, the tan area represents the dialysis treatment area and the green area represents the proposed Adult day care center and the white represents common areas. Mr. Cuppari asked how are the entries and Mr. Zaccone said an elevator and stairs existing, and the proposed elevator dedicated for dialysis and radiology.

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There is no new space being added on the second floor. Mr. Cuppari asked if there is another floor above the Adult Day Care and Mr. Zaccone said yes. Exhibit A5 is the third floor and there is no change in the diagram that the Board members already have. Mr. Zaccone said that Dr. Patel is going to be addressing the ambulatory care surgical center proposed in this area and we have a proposed Adult Day Care Center in this area, this has already been approved by the Department of Community Affairs. The green area is the proposed rehab doctor's offices, some related physicians may be able to rent and supplement services. Exhibit A6 - Mr. Zaccone said this is the penthouse and Dr. Patel can talk about the proposed federal government offices, we have already testified that the child daycare center will be eliminated, there are no plans to replace. Mr. Goodman said it will be a B use. Mr. Zaccone said this is an A1 that was originally submitted to the State and it represents a lot of technical spaces that are required by DCA and he showed entry locations, existing building and new building and this was submitted to DOH who approves it first and then it goes to DCA. The arrows represent the direction of entrances and the other arrows were originally for the direction of traffic. Mr. O'Brien asked if the entry is in the front of the building? Mr. Zaccone said no. Exhibit A7 Architectural Technical Site Plan. Mr. Grimaldi asked if all the entrances are going to be ADA accessible? Mr. Zaccone said they are basically the same and that is a requirement, ramps and doors. Mr. Grimaldi asked on the parkway side of the building where you are showing the handicapped spaces? Mr. Zaccone said there are very minor curb cuts to get into the first floor, they are existing. Mr. Grimaldi asked if it was his intention that the owner is not going to do anything to those?...that they are going to remain as they are today? Mr. Zaccone said he has no plans but the owner can testify as to whether he wants to upgrade. Mr. Grimaldi said they do not meet the code. Mr. Zaccone pointed to an entrance that has direct grade accessibility and there is a minor ramp at that point and perhaps you are referring to that.....Mr. Grimaldi said both of them. Mr. Grimaldi asked if the doors were going to be replaced. Mr. Zaccone said we talked about that and we all know that they need to be replaced and he said he believes they are and Dr. Patel can testify to that. A8 is a technical drawing, radiology suite at garage level and radiology suite at plaza level. This document was submitted and approved by DCA. Mr. Grimaldi said just because the DCA approved something it has no bearing on the approval of this project, it means it meets code but it has nothing to with use and why you are here. Mr. Zaccone said he believes a lot of what the DCA approves is reluctant to change. Mr. Grimaldi said we would always understand that every project that this Board approves is going to meet the code, that is usually a condition of our approval. He said some of the Board members and public may not understand that just because you are saying it is DCA approved, does not pre-empt our ability to deny and/or approve based upon our....Mr. Zaccone said DCA is involved with the inside of the structure and certainly this Board's jurisdiction is beyond that area. Mr. Pantina suggested that when they are done with their presentation that anything that you had approved already should be submitted to us as reference plans. Mr. Zaccone said they will provide whatever the Board wishes. Mr. Pantina said its confusing that you are displaying it and explaining it which is good but we don't have it in front of us. Mr. O'Brien said we have the base plan but not the plan as revised. Mr. Pantina said we don't have A2, we have A1, AG, A1 thru A5 in large size and we have A5 twice, DCA and we have A5, he said we have A5 DCA but that's it. Mr. O'Brien said we have an A2 which is dated January 31st. Mr. O'Brien said in the very beginning, he doesn't know if its explained or not, the applicant was submitting to the Board the DCA approved plans which was 30 plus pages and he suggested to the applicant that the DCA approved plans would not help Board because they don't want to know the plumbing and lighting inside and all that other stuff, we want to see how....whatever affects the site. He said plans were revised and those colorized versions were then submitted to us so now it appears as though some of the DCA plans are now coming back again. Mr. Zaccone said if it's confusing the Board then he apologized....maybe it should not have been submitted.

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A9 which is a partial color rendering of elevations - Mr. Zaccone said this area of the building which is a story above the existing plaza level and this is what it looks like from north elevation.

Mr. Zaccone said there is existing building lighting on the façade and the intent is to improve that but it does light a great part of that rear parking lot area and its mounted on the building. This is where the trailer on the weekend will be positioned and there is a door there that the trailer will be using so that patients and staff can go back and forth. Mr. Pantina asked so you say it will be used on weekends and on weekdays it will be carted out of there and Mr. Zaccone said yes that is his understanding. Mr. Grimaldi asked if this was a tractor trailer type situation and Mr. Goodman said Dr. Patel would be able to give greater detail. Mr. Grimaldi said the way it is illustrated on the drawings it's going to go from an area that is level to an area that is inclined, and if patients are in it they will be leaning? Mr. Zaccone said they will make it compliant and it will be relatively level, there is parking there now in those spaces. Mr. Grimaldi said yes there is parking there but the way they are showing it across an island, they go from the flat area at the north side of the building to the west side of building which is now inclining. Mr. Grimaldi said in doing so you will be blocking the garage. Mr. Zaccone said no we need the garage for vehicular access so it will be on the side of the garage and it will be related to that side door. Mr. Grimaldi said not by your drawings. Mr. Cuppari asked how wide and long is it and Mr. Zaccone said he thinks it is relatively as wide as parking lanes. He said if the grade has to be adjusted it will obviously have to be done. Mr. Goodman said there are 2 more witnesses who are more knowledgeable about this than the architect. Mr. Cueto asked if they were going to do anything with the grading and Mr. Zaccone said it would be premature to say that he knows how the grading is going to be resolved but obviously it has to be assessable and obviously it has to accommodate the trailer without blocking the garage doors. Mr. Grimaldi said the engineer brought up a good point, the one of the drawings the A1 site plan shows modified concrete islands so that the trailer can park there and both of those modified concrete islands had a different height on both sides of the concrete island. One of them is dipping down into the underneath parking because there is a high spot and then it slopes down into the garage as does the garage pretty much the whole way that the area where you are building inside the garage, most of that area until about 3 columns into that building is sloping from the north to the south and right now your exterior grade is sloping toward the garage doors. You are removing a concrete island that is there separating those two levels by the door and then you are doing it also at the same spot closer toward the parkway for facilitating the allowance of the trailer which then comes into play..... is the drivable area now safe and properly sloped because these islands were put there so that you went around it and the slopes could be achieved, you take away the islands and you are going to remove the ability to have the slop achieved properly. The engineer will probably want to comment about that. Mr. Zaccone said he thinks the finer detailing and the elevations required to accommodate the trailer as well as access need to be still worked out. What is the elevation of the trailer with the wheels attached to it and that has to be adjusted as well.

Mr. Dec said along the rear, as the board member pointed out, the area where the garage door is slopes down to go to the garage level, the grade from the easterly corner of this parking area where the trailer is supposed to be positioned has about 1 foot in change of grade so that is relatively flat, there is about 60 ft. of distance. He said there is that wing wall, if the height of the bottom of the trailer interferes with that wing wall then the option is to push the trailer further back, since this is on a weekend these spots will not be used, a majority of the building is not going to be used. He said he believes, depending on how that trailer is constructed and how high from the ground floor the bottom may be able to stand over the curb line where one part of the trailer will be here and the other end over here and would span

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that area that is going down into the garage. Mr. Grimaldi said where you positioned the trailer from that point to that point...yes is relatively flat but the drawings are showing the trailer going past the island to the area..... Mr. Dec said it is going all the way across.....Mr. Grimaldi said you are passing the edge of the building, that is where it starts going up. He said the drawing he has in his hand that was submitted, the trailer is past that point. Mr. Dec said that is probably a just a representation or a generic type of figure....we have over 60 ft. Mr. Grimaldi asked if there was a truck movement access plan for the site for the positioning of this trailer? Mr. Dec said the trailer would have to do a serious k turn to position the trailer into that area. Mr. Grimaldi asked if you were driving over the concrete island? Mr. Dec said he doesn't think so but he is not even sure how high that is now, whether or not the bottom of the trailer will be able to clear that...that is something we have to look at, if that is in conflict we would have to position the trailer away from that area. Mr. Grimaldi said now you are prohibiting emergency vehicles from going around that building. Mr. Dec said not necessarily. Mr. Grimaldi said if you pull that tractor trailer down there you will, unless it is up against the cemetery. Mr. Dec said we should find out what the exact length of the trailer is? Mr. Cuppari asked if the trailer has wheels...is it adjustable.....if it's not level can it be adjusted on site? Mr. Dec said that is his point because this is a one million dollar trailer.

Mr. Goodman said these are excellent questions but he thinks we should swear in people that have some knowledge and as the questions come.... the person who has the knowledge can chime in. Mr. David said that person may know exactly what the trailer looks like but he will not know whether its going to be level on the ground and things like that. Mr. Goodman said the question was how long is the trailer, Mr. Dec doesn't know and Mr. Patel does know so he thinks it best that he gets sworn in so that when the question comes along like how long it is.....we have someone who can answer it. Mr. O'Brien said the pictures of the back of the building are in his photo report page 4. Mr. Pantina said in view of what has been asked so far, we have spent a lot of time on the trailer, we need turning movement templates. He said if you are going to leave it to the judgement of the driver of the million dollar trailer...then who knows if it's going to really be done in the way that you and everybody else is indicating and testifying to. Mr. Dec said he understands what you are suggesting and they will have that shown on the plan but the question of the wing wall.....looking at the planners pictures and he thinks it's changed the top shows the left side and the bottom picture shows the right side and you can see that from the two corners relatively flat so once the trailer is positioned it can span that small curb type of island and be underneath it...how it is placed there would be something Mr. Patel can address.

Mr. O'Brien said before Mr. Zaccone retires we need some clarity as to the plan numbers, dates, etc. The architectural plans need to be numbered in such a way that they can be differentiated, they need to be dated in a way they can be differentiated. We have revised plans in front of us that, he doesn't believe they brought copies this evening. Mr. Zaccone said if the Board accepts this....he will date them and resubmit them accordingly and Mr. O'Brien said his suggestion is that they have to be straightened out. Mr. Grimaldi said the existing building has a number of exhaust fans in the basement level and it says parking garage, it appears that they are conflicting ...how is the exhaust in the garage going to be handled? Mr. Zaccone said it needs to be modified, we did not take the studies as far as to include the MEP aspects of the garage but of course the garage has to be exhausted.

Mr. Cueto said that Mr. Dec stated that all the proposed utilities for the proposed building are going to connect to the existing building? Mr. Zaccone said he cannot testify to that at this time, he thinks that engineering on that has to be further studied, these are schematics and to the extent that MEP was addressed, we have to see how that was solved in terms of hacking off the existing services or providing

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new upgraded electrical, etc. Mr. Cueto said, so in theory, this building could require more additional separate utilities? Mr. Zaccone said or maybe separate for the addition.

Mr. Grimaldi asked who are they supposed to ask about the generators? Mr. Zaccone said either the existing generator that is there servicing the first floor, it's got to be enlarged. Mr. Grimaldi said that's theirs....Mr. Zaccone said with an arrangement perhaps Dr. Patel can work out an enlargement or a secondary one nearby on that island. Mr. Grimaldi said there are a lot of if's and if you are putting new HVAC units, how is the building going to look....are we going to see Welcome to Kenilworthhere's 20 tons of air conditioning as you are coming down the parkway, if you are putting them on the roof. Mr. Zaccone said we will find the solutions and address the Board accordingly. There are units on the roof. Mr. Grimaldi said you can see on page 4 that when they don't get addressed.....that's what happens. He said when the medical facility went in and it wasn't addressed where there units that got installed in the ceiling of the basement were getting exhausted because no one brought that up and when it came time to it all of a sudden this thing.....Mr. Zaccone said they modified the units because they were not large enough and anticipating the expansion we had to provide that it was because of the modification of the surgery suite inside. In the anticipation of the expansion we have a solution. Mr. Grimaldi said architecturally it doesn't really play well and it sat there naked, raw galvanized duct work for many years until it finally got covered. He said he worked in the building for 15 years and he knows what it looked like before. Mr. Zaccone said there was a preexisting chimney that was taken down and the larger unit replaced it.

Mr. Goodman handed out A10 a revised based on taking the day care out. Mr. O'Brien asked to identify the author and the date. Mr. Goodman said the author is Lee Klein, the parking expert and it is dated 2/11/19.

Mr. Harshad Patel was sworn in by Mr. Rago.

Mr. Patel is the manager of the property. There are a total of 9 uses over here, the first one is radiology and MRI and CT scan it is a combined use and will be controlled by us. The number 2 use which is the endoscopy suite on first floor and the 3rd one is the ... He said the trailer is a big piece of equipment that is about 3 ½ million dollar cost it runs about \$48,000 per month used on Saturday and Sunday and it goes to other locations during the week. The patients are scheduled 2 hours apart. The trailer is about 8 ft. wide and 40 ft. length and is manufactured by GE. The person drops off the trailer and the truck part goes away. There is always a leveling mechanism because the machines have to be level before they start the test. When they guys deliver the unit in the night, they do the leveling in the morning when the technician comes. Mr. Pantina said maybe when Mr. Dec provides a turning movement template on the plan to show how the trailer will get in and out maybe you could provide some photos of it on site somewhere else so we can have an idea. Mr. Patel said yes he will provide the pictures. Mr. Patel explained the uses in terms of what is under his control and what is the tenants. Mr. Patel said the pharmacy is in our control and does not have people coming from outside. The dialysis is also under his control, it is on the 2nd floor and the Adult Daycare will also be on the second floor which is controlled by us. The Ambulatory Car (ASC) and the rehab medical office, which his son will run and he will be the one running the operations, his son is specialized in pain management and his daughter in law and also specializes in pain management. The Daycare center has approved programs and that will be controlled by us. The GSA which is #8 we have not yet formally signed by the government office yet and until then we cannot disclose who is the tenant because it is classified information...he hopes you respect that. Mr. O'Brien said you stated there were 28 employees. Mr. Patel said 28 based on the square footage, he just put down the number. Mr. O'Brien said we have no interest in who that is but will this office

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have members of the public visiting it? Mr. Patel said he did not think so under his knowledge which he had interaction with the government officers. Mr. O'Brien said that will have an effect on the parking. Mr. Patel said they have that internal office and that is why we put it down and they Mr. Goodman said you are dedicating that to tandem parking and there is case tandem meaning one car behind another car and in no place is there 3 cars. Mr. Goodman said in this space that you have labeled government, it says in their lease that they have to use the tandem and Mr. Patel said yes. Mr. Patel said there will be a label for the government office also dedicated to GSA #1, 2, 3, 4, 5. Mr. Goodman said it has been represented to Mr. Patel that the government has a 9-5 schedule Monday thru Friday and Mr. Patel said come Friday they will be gone. Mr. Goodman said to Mr. Patel that he has a column for all the hours that all the different uses are going to occupy and Mr. Patel said correct. Mr. Patel said there is a specific column for the trailers, it will dropped off on a Friday after 8PM and it will be picked up Sunday at 6. Mr. Cueto said you are proposing 225 ??.... Mr. Goodman said the purpose of this exhibit for this witness is to identify the uses, the amount of employees, hours of operation with regard to the parking he would askMr. Cueto said it's not necessarily about the parkinghe noticed that a lot of the people are being dropped off.....but there is no anticipation for any type of visitors other than what is shown. Mr. Patel said Mr. Klein will testify because they are always scheduled to be picked up. Mr. Goodman said Mr. Klein will tell you that 50 parking spaces are available for that person who may show up at the building. Mr. Patel said patients who go for the dialysis after 4 hours there will be recycling of the patients and they will be transported back to their home. He said it's the same with the Adult Day Care Center, they just don't drive. Dr. Patel said patients at the doctor's office are always scheduled and it takes 1 hour per patient and they work 5 or 6 hours. Mr. Cueto asked how many offices are there now? Mr. Goodman asked what is the occupancy of the building now? Mr. Patel said he doesn't know. Mr. Goodman asked what percentage of the building is occupied now? Mr. Patel said less than 15%. He said when they had to go through the approval process for the Department of Health and DCA it's not an overnight thing because if you need to get approval you need to wait for 3 years, after 3 years you have to go to the DCA and then another 2 years and that is why the building is empty because they have a specific use for it. Mr. Grimaldi asked if 7500 is that the endoscopy people? And Mr. Patel said yes. Mr. Cuppari asked how long has Mr. Patel been working on this? And Mr. Patel said since 2010. His wife acquired in the building in 2009 and papers were signed that said they cannot rent in the building without her permission, the building has a specific plan and that is why the tenant one after another let it go and she took a loss all these years. Mr. Patel said this will benefit all the seniors throughout Union County, that is our goal. Mr. Mazzeo asked if Mr. Patel had any other facilities and Mr. Patel said he has one in Edison at 32,000 sq. ft. and they do the same day surgery, radiology and rehab and we have an Adult Day Care Center. He said he gave that facility to his eldest son who is a doctor and this one is specifically for his younger son who is also a doctor. Mr. Grimaldi said between the endoscopic and the government, which you are not sure, that's about 14,000 sq. ft. and it's about 19,000 sq. ft. not taken into the chart so we have 30,000 sq. ft. not taken into the chart, so there is 30,000 sq. ft. no under your control and/or not defined. Mr. Patel said at this moment the last two items are not in his control as well as this 7500. Mr. Grimaldi said so that is even more so it's closer to 40,000 sq. ft. not under your control. Mr. Goodman said the government is 7200 sq. ft., the general office is 5,000 sq. ft.Mr. Grimaldi said there is 95,000 sq. ft. in the building.....Mr. Goodman's said that is because they include the parking garage as the 31,000 sq. ft. Mr. Rago asked if the rental space on the bottom on 76,960 is that the rental? Mr. Patel said yes that is what it is going to be if this is approved, total available rental space.

Mr. O'Brien said there is a discrepancy between Dr. Patel's chart and what he has on his report on pages 14, 15 and 15 and rather than take the time of the Board to go through this item by item because he comes up with 15 uses which was based upon the site plan which has obviously been surpassed by the

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recent architectural plans. He said if we can just try and reconcile these, it would be very helpful. Mr. O'Brien said for instance you are using on your list some things that straddle two floors where it wasn't obvious from any of the plans that there was a direct connection between them. He said so rather than waste the Boards time we should work on this. Mr. Patel said he would be happy to work on this.

Mr. James Peter Kokkalis was sworn in by Mr. Rago.

Mr. Goodman said that Mr. Kokkalis expertise is in architect and as a planner but it is specific to the medical use.

Mr. Kokkalis said he is a licensed architect in New Jersey, New York, Connecticut and Florida and he is also a licensed planner in the State of New Jersey. His expertise is that he works for the New Jersey Department of Health in which he was a staff architect. He reviewed plans for these types of facilities, all ambulatory surgery centers, dialysis centers, physical therapy centers, day care centers as well as hospital uses. He said part of his role was to review the plans compliance with the Department of Health's requirements. The Department of Health's requirements were the operating rooms have to be a certain size, the recovery base has to be a certain size, certain mechanical systems have to be put in place. Once we approved the plan, the architects would then come up with the construction documents and send them to DCA, DCA (Department of Community Affairs) does the code review and code approval for the project, local building departments don't review the medical facilities. Once they get the OK from DCA the plans are stamped and then file for permits at the local, once the facility is built, part of his job was to go and inspect them to see that they met the requirements as they were approved by DCA and the Department of Health. He also helped write some of the requirements and some of the statues as well as some of the physical requirements for the facilities. Mr. O'Brien asked Mr. Kokkalis if he was employed by the New Jersey Department of ??? and Mr. Kokkalis said no he is retired. Mr. Goodman said Mr. Kokkalis is familiar with the type of patient that is drawn into this type of use and the parking requirements and he asked Mr. Kokkalis to comment with regards to the parking needs of these types of specific uses that Dr. Patel is proposing. Mr. Kokkalis said he has been involved in this project since 2009 when Dr. Patel called me and he worked with Bob Zaccone on developing the plan for the dialysis unit. He said he can attest that no one in dialysis drives to a dialysis or no one personally drives anyone to a dialysis unit that he is aware of, his in-laws both were dialysis and they were picked up and delivered, it is part of the payment process of federal government insurance programs. He said they are picked up and dropped off, it is a 4-5 hour process and there are usually 2 shifts per day and it usually goes every other day for a patient so it goes into a Saturday. Saturdays are usually lighter than weekdays. Adult Day Care patients are picked up by the bus and taken to the facility, they stay for the day and they see a doctor on site, get medical attention. Dr. Patel's envision is to bring the patient in and take care of the patient in one spot as much as he can. Mr. Kokkalis said dialysis patients and adult day care patients are dropped off, there is no parking requirement for them, there is parking requirements for the staff. Mr. Cuppari asked how many cars are involved with dropping people off? Mr. Kokkalis said they usually start at 6AM so it's a constant flow between 6-9 in the morning and then there is dropping off and picking up for the second shift. He said the parking expert will talk about parking. Mr. O'Brien asked what time does the second shift start? And Mr. Kokkalis said it depends on the patient, it interfaces, if you come in at 6AM you are leaving around 11AM, if you come in at 9AM you are leaving at 12, it has to overlap because there is not enough staff to get people on the dialysis and take them off the dialysis if they all come at one time. Mr. O'Brien said so 6-9 is start time and those people are done between? Mr. Kokkalis said 11, 12, 1, 2 or 3 it goes on until 6 or 7 in the evening. He said there is another shift. Mr. O'Brien said so the first shift is 6-9 start and they are done between 11 & 12? Mr. Kokkalis said between 11 and 1 or 2, it depends on the individual patient some stay longer. Mr.

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O'Brien said then other people are picked up again between 1 & 2? Mr. Kokkalis said they start coming around 11AM. Mr. O'Brien said the day is usually over at what time? Mr. Kokkalis said about 7. Mr. O'Brien said these are multiple transports and Mr. Kokkalis said yes they are usually vans, small ambulance vans but not a box...it's a van. Mr. O'Brien asked how many vans roughly would you say it takes to run this facility? Mr. Kokkalis he said about 6-8 maybe. Mr. O'Brien asked if those vans when they start between 6 and 9 and they drop off the patient do they wait? Mr. Kokkalis said no they leave, they are for hire, he has never seen a van stay. Mr. O'Brien asked if they do trip by trip and Mr. Kokkalis said yes and said they are contracted services and usually there are 2 or 3 different services bringing the people in. Mr. Mazzeo asked how many dialysis stations are there? Mr. Kokkalis said 40. Mr. Mazzeo said you are talking about dialysis treatment...what about the other treatments that are going on...is the same process happening? Mr. Kokkalis asked what treatment are you talking about? Mr. Mazzeo said use of the radiology suiteis that only one type of patient? Mr. Kokkalis said about radiology, the doctor can answer those question. Mr. Mazzeo said about the adult daycare....so there are multiple uses at the same time, so the load that you are talking about is purely just for dialysis?.... Mr. Kokkalis said yes. Mr. Kokkalis said adult day are usually brought in in larger vans with 8-10 people at a time. Mr. Mazzeo asked if he knows the capacity of the adult day care? Mr. Kokkalis said it's based on square footage. Mr. Goodman said 192 people. Mr. Mazzeo asked if you load once in the morning? Mr. Kokkalis said yes they are there all day and one of the things they were looking at is two sides of the building can be loaded and unloaded at the same time. Mr. Pantina asked if there was 40 dialysis stations and 10 employees? Mr. Kokkalis said yes 40 stations and he does not know what the employee count is. Mr. Kokkalis said 10 or 15. Mr. Patel said they can manage 6-8 patients. Mr. Kokkalis said they have never been 100% full, there are always empty chairs. Mr. Cuppari asked if this was regulated by the State. Mr. Kokkalis said once the facility is built and the staff is hired and trained, the State will come and inspect and either approve or say what you have to do to get approved, after that the State can walk in at any time, they come in with a team of six some nurses, building people, life safety people, pharmacists and infection control people and with dialysis they will have people for the water treatment process. He said it is highly regulated and New Jersey is the highest regulated State in the Country.

Mr. O'Brien said many of the dialysis people are ambulatory or none ambulatory? Mr. Kokkalis said some are wheel bound, most aren't. Mr. O'Brien asked how about the daycare? R. Kokkalis said he will refer to the doctor. Mr. Patel said some walk and some have a cane. Mr. Kokkalis said primarily day care people are functioning, they are aware of where they are...they are playing cards, etc. Mr. O'Brien asked if the Department of Health or DCA have requirements on evacuation procedures? Mr. Kokkalis said they have to do 6-8 drills per year and an emergency evacuation drill quarterly and it has to be recorded and a written record of it has to be kept. They also do a disaster drills. They also have to do an annual training and also training when someone is hired. Mr. O'Brien asked is there a staging area on the property? Mr. Kokkalis said that is established once the facility is developed. Mr. O'Brien said it sounds like a large number of trips are going to be coming in between 192 people in daycare and the people in the dialysis. He asked how are they going to be staged, there is nothing shown on the site plan or the architectural about where they are going to stop and how are they going to get those people in...if they stop on either side of the building, that lane is dead. Mr. Kokkalis said the parking expert is working on that. Mr. Grimaldi asked how many people can the radiology suite handle? Mr. Patel said radiology is the MRI , every one hour the patient will be clipped, the machine is over 2 million dollar machine and there is one machine and one patient at a time. Mr. Rago said you will have a pharmacy and your son will do pain management and he noticed some other procedures, with the possible and probable legalization of cannabis, would that affect these types of facilities in terms of people who are ill? Mr. O'Brien said the Borough analyzed our ordinances a few months ago anticipating that cannabis may or may not be legal and it is our stand that any cannabis related use within the Borough would

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require a use variance, #1 it is not on the list of approved uses and #2 since it's not on that list it is prohibited.

Mr. Patel pharmacies cannot dispense medical marijuana; there are only six facilities in the State of New Jersey.

Mr. Lee D. Klein was sworn in by Mr. Rago.

Mr. Klein said he is a professional engineer in the State of New Jersey and his license is current and he is also a professional traffic operations engineer which is a national certification and that is current. He has a Bachelor of Science of Civil Engineering from Rutgers and he has testified before 100 boards throughout New Jersey such as Cranford, Garwood and Union.

Mr. Klein referred to sheets 3 and 4 of Mr. Dec's proposed improvement site plan, the plan is in the Board members packets. He said there was talk about circulation for the site, if you look at the surface level, which is on the lower half of the drawing. As you enter through the driveway at Galloping Hill Road you will be able to go straight underneath the building to access the parking garage. He said it will be two way on the east side of the building and one way on the west side. Mr. O'Brien said they differ from the architectural plans we have in front of us and Mr. Klein said yes. Mr. Klein said the width of the drive isle that goes under the building is wide enough for two way traffic, it is a little bit narrow on the Parkway side and therefore we would like that to be one way circulation so that when people come in they can either go straight or make a left turn in front of the building down along the side, that is the way the vans will come in and there is that drop off pick up area along the side of the building for the vans to pick up and drop off for the adult day care and the various patients. They will circulate around the building and either signal to make a left or come back around and make a right turn out to get back to the parkway. Mr. O'Brien said what way is it ? a one way or a two way? Mr. Klein said a two way on the eastside and one way on the west side northbound. Mr. O'Brien said so you are revising the architectural plans?...Mr. Klein said yes. He said they will be putting the medical trailer up against the building on the weekends and when we do that we will have to cone off some of the parking spaces in the back so that people don't park back there so that emergency vehicles can get through. Mr. Klein went back to the chart that Mr. Patel introduced with the parking numbers on it, labels A10. This table was put together to show the number of employees, the number of physicians and the various parking spaces associated with them. Your ordinance provides for parking for one per each employee plus 4 for each physician or 175 sq. ft. of parking space for each of those sq. footages for the building, whichever is greater. He said in this situation the square footage is the greater number but in our specific situation based on the uses and what you have heard previously from other experts is that we feel that the number of parking spaces, based on employees and based on the physicians with that multiplier of 4 per physician gives us a total of 175 cars that we think will be on site. Each employee will have their own parking space and the physicians will have their own parking space plus there will be 4 other associated with them so we put in the 12 plus 8 plus 8, 28 parking spaces for the physicians. We have a total of 175 which we think will be the parking demand at a peak time and based on the modifications to the site plan we will end up with 225 parking spaces which leaves us with an excess of 50 parking spaces. Those additional 50 parking spaces will be available for any additional visitors any people that may visit the office building. The office buildings were parked at 4 per 1,000, one per 250 sq. ft. so we have those numbers based on the ordinance and he assumes that also includes visitor parking because there was no separate number for visitor parking. Based on the tandem parking spaces, as you heard before, we are going to associate all those employees with those tandem parking spaces, we have 51 pairs, 102 parking spaces that are tandem behind the building and underneath the building and those will be assigned to

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the employees and they will be in pairs based on the offices they work in. Mr. Klein said there will be parking signs in the garage and on the pavement and signs up above. Mr. Grimaldi said out of the 147 spots, 101 are tandem. Mr. Klein said of the 147 employees that we have we are going to assign them to the 101 tandem spaces and then the additional 46 will be for doctors and their associated departments. Mr. Cuppari asked what if your calculations don't work in reality...if there are too many cars.....where are they going to go, there is no overflow. Mr. Klein said your ordinance allows this calculation based on employees and positions if that is the low end based on the square footage then you are supposed to use the higher number and that's about 299 parking spaces. Mr. Goodman said if it fails, it fails here, it's not going to impact the neighborhood, just the building. Mr. David said if it fails it could potentially cause major traffic jams on Galloping Hill Road which is a very busy road to begin with, if people are stuck getting in and out of that facility, the Parkway backs up, Galloping Hill backs up so it has significant impact on that area of the Borough and he said you should not diminish this. Mr. Klein said based on the information that was provided by the experts, especially Mr. Kokkalis when he explained on a rotating basis, an ambulance is bringing in one patient and the ambulance is taking one patient out, the adult day care they bring them in 6 or 8 at a time in one vehicle and they are all staggered throughout the day, it's not like an office where they come in at 9 and leave at 5. The majority of the uses within the building are going to be coming in throughout the day, the employees will be coming in and out over an hour per day but throughout the day the patients coming in for treatment will be coming in on a rotating basis. Mr. Klein said there is a signal to get people out of the site and there is a right turn out as well, the times he was there during the peak period when he saw about 40 cars there was no issues, it is an existing building and has been operating in the past... Mr. David said it's at 15% so you can't tell by the current situation at all what it is going to be like when it is at full capacity. Mr. Klein said based on the counts that he go when he was there, the use on the first floor, the 7500 sq. ft., he counted about 44 cars parked there at the peak and we are within 10% of what we expect for that part of the building, so Dr. Patel's number are right on for that. Mr. Grimaldi asked if he felt if for the dialysis the 40 is reasonable, a 3 hour period of dialysis patients coming in between 6 and 9, the 40 dialysis patients come in one van at a time so that is a van every 4 1/2 minutes, just for dialysis. Mr. Patel said the vans generally have 2 or 3 people at the same time. Mr. Cuppari said you spent all this money for something that we need badly but how do you regulate that nothing spills onto Galloping Hill Road? Mr. Klein said there is a drop off on the west side of the building and on the east side underneath building and also a drop off at the out cove towards the back of the building so there are at least 3 places that people can be dropped off.

Mr. O'Brien said we have not seen the drop off areas depicted on any plans, can that be done? Mr. Klein said yes. Mr. Pantina said when the vehicles are parked in the drop off area, since its narrow can 2 vans fit and Mr. Klein said yes. Mr. O'Brien asked what is the width between the curb and the start of the parking lot? Mr. Klein said there is 10 ft. of travel between the end of the parking stall and the drop off area. Mr. O'Brien said the question was from the curb next to the building to the drive to the parking stall what is the actual width of the roadway? Mr. Dec said ??? Mr. Pantina said if there were parked cars from employees and the vans are coming to drop off patients and the patients are difficult to get off and there is another van coming back around can he pass it? Mr. Klein said yes. Mr. Patel said the majority of the dialysis patients would have a separate elevator to go on the second floor, it is a large stretcher elevator size in the back by the chimney door. Mr. Grimaldi asked if the majority of the dialysis patients are going in through the basement? Mr. Patel said yes. Mr. Grimaldi asked if cars will backup when unloading patients? Mr. O'Brien asked what is the drivers responsibility does he have to escort the patient to their final destination. Mr. Patel said they drop at the door and call the intercom for someone to come from upstairs. Mr. O'Brien asked what is the average flow time for dropping off a patient? Mr. Patel said 2 minutes. Mr. O'Brien said 2 minutes to get 5 people who may or may not be ambulatory off

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that vehicle and into the vestibule, he is talking about dialysis, daycare or whatever? Mr. Patel said daycare has separate elevator.

Mr. Pantina said the board is very concerned with turning movements and traffic circulation and short of having the chart and you explaining it, is there any way you can depict, since you obviously have to come back with revised plans anyway, a couple of sketches of worst case scenarios, and put it on paper, to prove to the Board that we are not going to have backup on Galloping Hill Road. Mr. Klein said yes he can. Mr. Klein said he will do some turning sketches. Mr. Grimaldi said we need to have very clear, concise indications of the drawings what they are and they are labeled and they don't conflict with each other and its one set and it actually match. Beyond the advancement of the turning radiuses and the other information included on there, and the documents from DCA and the Health Department and the board needs to see where these mechanical systems which had to be approved by the agencies then the board needs to see where these mechanicals systems are going to go. He wants a planning board set of documents that show graphically where these things will be, we don't need to see the construction documents. We need to see the places reserved and where the generators are going to go. Kevin said it should be on the revised site plan.

Mr. Rago said Christian needs a lighting plan, revised plans that match and are consistent that we can all look at, turning movements and circulation showing all the drop offs.

Mr. Rago said to Mr. Goodman that he thinks you need an extension to the end of March. Mr. Cueto said the new drop off area to have a proposed grading area to show compliance with ADA. Mr. Rago said if you can get this to the Board and the consultants so we can have some time to look at it. Mr. O'Brien said generally the Board requests items 2 weeks out which would be February 28th and they should go to the Board and the staff on the 28th and presuming we get them on time have our reports out a week before the meeting. He said he did not get his report until the 5th which is why his report did not come out until the 8th. Mr. Rago said no further notice is required. Mr. Pantina said you need the MEP plans for Mr. Grimaldi.

Motion was made by Mr. Pantina seconded by Mr. Cuppari to carry Application #369 to the March 14th meeting. All in favor.

Meeting Opened to the Public on Application #369

No one from the public wished to speak on this application.

This case is being carried to our March 14, 2019 meeting and no additional notice will be given. Mr. Rago asked Gary if he was going to extend to March 31st. Mr. Rago said we have several members that are not here tonight and the Board encourages them to listen to the tape and look at the exhibits so they can be eligible to participate and they will need to sign a certification saying that they have listed to the tape.

Dr. Patel asked how many sets? Mr. O'Brien said the Board needs 18 sets of 11 x 17.

Comments for the Good of the Board - None

OPEN MEETING TO THE PUBLIC

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Motion made by Grimaldi, seconded by Jones to open the meeting to the public.

No one wished to speak.

Motion made by Cuppari, seconded by Calello to close the meeting to the public.

Adjournment

Motion to adjourn was made by Mr. Cuppari, seconded by Mr. Pantina. All in favor.

Respectfully submitted by:
Kathleen Moschitta
Recording Secretary