TOWNSHIP OF EAST HANOVER
LAND USE PLANNING BOARD

411 Ridgedale Avenue
East Hanover, NJ 07936
Phone: (973) 888-6021
Fax: (973) 428-3026

AGENDA FOR THE LAND USE PLANNING BOARD MEETING ON
Tuesday June 23, 2026, At 7:00 PM
411 Ridgedale Avenue East Hanover NJ
No new matters considered after 10:00 p.m. - No new testimony beyond 9:30 p.m.

CHAIRMAN CALL THE MEETING TO ORDER AT 7:00 P.M

FLAG SALUTE AND INVOCATION: Councilman DeMaio

OPEN PUBLIC MEETING ACT:

ROLL CALL:

Election of Chairman for 2026

Election of Vice Chairman for 2026

APPROVAL OF MINUTES: April 28, 2026

PUBLIC INPUT:

SWEARING IN OF PROFESSIONALS: Darlene Green & Craig Zimmermann

PRESENTATION:

RESOLUTION:

1. EH-Nike LLC, Nike Drive, Block: 96 Lots 50.01 & 47.03, Preliminary & Final Site Plan for 6 apartment buildings 288 units & 1 clubhouse, w/major moving permit.

PUBLIC HEARING:

1. Denise & Phil Puzzo. 17 Canfield Road, Block: 89 Lot: 1, Variance for side yard setbacks & building coverage for an addition

2. EH-C1 LLC – 20/40/60 Arena Way, Block: 99 Lot: 12.03 Amended Site Plan to construct outdoor amenities & variance for fence height.

3. Hanover Owner LLC – 59 Route 10, Block: 99 Lot: 12.02 Variance for signage Zone SED

Any other variances and or waivers that may be required for the above application.

ANY OTHER BUSINESS THAT MAY COME BEFORE THE LAND USE BOARD:

ADJOURNMENT:

Lisa G. Kiss
Land Use Planning Board Secretary

TOWNSHIP OF EAST HANOVER
LAND USE PLANNING BOARD

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973-888-6021
Fax 973-428-3026

LEGAL NOTICE FOR LAND USE PLANNING BOARD MEETING ACTION TAKEN
PLEASE TAKE NOTICE THAT the Land Use Planning Board of the Township of East Hanover held a meeting on Tuesday June 23, 2026, at 7:00 PM in the Townhall, located at 411 Ridgedale Avenue East Hanover, NJ, and the following actions were taken.
Minutes: April 28, 2026, approved
Election of Chairman for 2026 – Alan Elwood

RESOLUTIONS:

1. EH-Nike LLC, Nike Drive, Block: 96 Lots 50.01 & 47.03, Preliminary & Final Site Plan for 6 apartment buildings 288 units & 1 clubhouse, w/major moving permit Resolution Approved

PUBLIC HEARING:

1. Hanover Owner LLC – 59 Route 10, Block: 99 Lot: 12.02 Variance for signage Zone SED Application carried to July 27, 2026, with no notice.
2. Denise & Phil Puzzo. 17 Canfield Road, Block: 89 Lot: 1, Variance for side yard setbacks & building coverage for an addition - Application Approved Resolution on July 27, 2026
3. EH-C1 LLC – 20/40/60 Arena Way, Block: 99 Lot: 12.03 Amended Site Plan to construct outdoor amenities & variance for fence height. Application Denied – Resolution on July 27, 2026

This notice is sent in accordance with P.L.2025, Chapter 72 of the Laws of the State of New Jersey

Lisa Kiss
Land Use Planning Board Secretary

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Minutes of the Township of East Hanover Land Use Planning Board Meeting held on Tuesday, June 23, 2026, located at East Hanover Township 411 Ridgedale Avenue.

Vice Chairman Elwood called the meeting to order at 7:00 P.M.

Flag Salute and Invocation: Councilwomen Jandoli

Roll Call:	PRESENT	ABSENT
	Jandoli	LaSalvia
	DeMaio	Cosenzo
	Elwood	Marra
	Lombardi	Orgel
	Lembo	
	Knoll	
	Castano	
	Forgione	

Also Present: William Rush, Esq., Land Use Planning Board Attorney
Darlene Green, PP, AICP, Township Planner
Craig Zimermann – P.E., Township Engineer

ELECTION OF CHAIRMAN FOR 2026 – Alan Elwood

APPROVAL OF MINUTES: April 28, 2026

SWEARING IN OF PROFESSIONALS: Darlene Green, Craig Zimmerman

PUBLIC INPUT: None

RESOLUTION:

1. **EH-Nike, LLC Nike Drive, Block: 96 Lot: 50.01 & 47.03** Preliminary & Final Site Plan for 6 apartment buildings 288-unit age restricted multifamily residential rental development & clubhouse with major soil moving permit. 59 affordable units & 229 rental units. On 18.88-acre site. Zoned RMF

Resolution Approved

PUBLIC HEARING:

Hanover Owner LLC – 59 Route 10, Block: 99 Lot: 12.02 - Variance for signage Zone SED Hearing carried to July 27, 2026. No further notice is required.

Public Hearing:

Denise & Phil Puzzo. 17 Canfield Road, Block: 89 Lot: 1, Variance for side yard setbacks & building coverage for an addition

Councilman DeMaio and Councilwoman Jandoli stepped down for this application pursuant to MLUL requirements.

Present:
Engineer: James Mastronardy P.E., P.P.
Applicant: Denise & Phil Puzzo

Exhibits: none

Transcripts attached page 1 to 29

The application was approved for a 691 sq foot addition to the rear of the house with a 244 sq foot covered patio in the rear yard. The shed will be removed & 6 buffering shrubs at the height of 3 to 4 feet to be installed in the driveway setback.

Will comply - Planning report from Colliers Engineering & Design dated May 21, 2026,
Engineering report from Colliers Engineering & Design dated May 12, 2026.

Mr. Puzzo testified regarding a 1993 easement agreement and stated that the shed would be removed and disposed of during construction.

Ms. Green: Referenced her May 21, 2026, planning review letter and noted discrepancies in the plans that must be corrected. The applicant and engineer agreed that proposed shrubs would be installed at a height of three to four feet, consistent with the plans. Existing shed located at the rear yard/property line shall be removed.

Construction vehicles shall avoid parking on Canfield Road when possible and shall use the side street area as discussed on the record.

The applicant will revise the plans & documents that are required within ninety days of resolution memorialized.

Open to public: none

Mbr. Lombardi made a motion to approve the application. Second Mbr. Castano
Roll Call: AYES: Lombardi, Castano, Lembo, Knoll, Forgione, Chairman Elwood
NAYS: None

Application approved.

EH-C1 LLC – 20/40/60 Arena Way, Block: 99 Lot: 12.03 Amended Site Plan amended preliminary and final major site plan approval, C bulk variance, and amended major soil moving permit. SED Special Economic Development Zone District. For outdoor amenities & variances for fence height.

Application was Denied

Present:
Attorney: Adam Fariella ESQ.
Engineer: Mathew Welsh P.E. PP, AICP
Planner: Mathew Welsh, AIA
Applicant Representative: Peter Galpatric

Exhibits:
A-1: Plan Rendering dated April 23, 2024
A-2: Plan Rendering dated June 16, 2026

Transcripts attached page 1 to 197

Attorney Adam Faiella appeared on behalf of EH-C1, LLC. The subject property is a subdivided portion of the former Novartis campus, now known as Arena, located at 20/40/60 Arena Way, Block 99, Lot 12.03. The property consists of approximately 20 acres. Prior approvals included subdivision approval, site plan approvals, and related variances for the creation of the lot and improvements to the office campus. Variances for fence height for pickleball & padel courts fence height of 13.1 feet consisting of metal mesh & tempered glass fencing.

The application seeks amended preliminary and final major site plan approval, a C bulk variance, and amended major soil moving permit for changes to previously approved site improvements, including relocation and expansion of recreational amenities. The prior approval included two pickleball courts and one bocce court. The amended plan proposes four pickleball courts, four padel courts, relocation of the bocce court, an outdoor tenant amenity/gathering space, revisions to stormwater management facilities, removal of a previously approved utility building, and updates to lighting, landscaping, and signage.

- Will be fenced and gated and will not be open to the public.
- Courts will be landscaping
- 1085 parking spaces on site when 626 spaces are required
- Amenities shall remain accessory to the principal office use.
- Courts and outdoor recreational facilities shall not be open to the general public.
- Courts will be fenced and gated
- No public memberships shall be permitted.
- No paid public tournaments or public court rentals shall be permitted.
- Use of the courts shall be limited to office tenants, permitted office users, employees, and they're invited guests.
- Access to the courts shall be controlled by key fob, card access, reservation system, or similar trolled access system.

EH-C1 LLC – 20/40/60 Arena Way, Block: 99 Lot: 12.03

- The applicant shall provide Title 39 enforcement rights to the Township for internal roadways to prohibit unauthorized parking.
- No parking shall be permitted near the court area except in approved parking areas.
- Court lighting shall be LED, shielded, full cutoff, and shall be turned off when not in use and by the approved cutoff time.
- Motion sensors should be installed for court lighting where feasible and acceptable to the Board professionals.
- Internal roadway/security lighting may remain as required for safety.
- The applicant shall maintain and/or install parking garage screening on the southern facade/lower level as required by the Board Professionals.
- Any unapproved curb cut, gravel area, or parking area near the detention basin/recreation area shall be removed unless specifically approved by the Board Professionals.
- No permanent structures shall be placed on the 100-foot tenant gathering space without further approvals, except as otherwise permitted by law. Temporary tents, tables, and chairs may be used for tenant events subject to applicable regulations.
- Large tenant events using the outdoor gathering area or recreational facilities shall be coordinated through building management and subject to any notice requirements imposed by the Township.
- The applicant shall comply with all conformance standards, including noise, glare, vibration, odor, lighting, stormwater, and other applicable Township requirements.
- The applicant shall comply with the Board Planner's and Board Engineer's review letters and revise plans as required.
- Soil movement permit involves approximately 600 cubic yards of additional export, estimated at approximately 30 truck trips, with trucks to use Route 10 to Route 287.

Open to public:

Sandy Verderamo, 124 Troy Road, East Hanover, asked whether the pickleball and padel courts would be open on Saturdays and Sundays. Applicant's counsel stated that if an office user wants to use the courts on weekends, weekend use could occur, but it is not anticipated to be frequent.

Closed public input.

Mr. Welch testified that the Route 10 monument sign will replace the existing Novartis sign in kind with an "Arena" sign, with no tenant names, and that it will comply with the ordinance. The two way-finding signs at the Route 10 entrance will use the existing posts, and internal way-finding signs will direct traffic to Novartis, Route 10, and the Arena Way addresses.

The hours of operation for the recreational amenities. The applicant agreed that weekday and Saturday use shall be limited to 7:00 A.M. to 10:00 P.M., and Sunday use shall begin no earlier than 9:00 A.M. to 10:00 P.M.

EH-C1 LLC – 20/40/60 Arena Way, Block: 99 Lot: 12.03

The hours of operation for the recreational amenities. The applicant agreed that weekday and Saturday use shall be limited to 7:00 A.M. to 10:00 P.M., and Sunday use shall begin no earlier than 9:00 A.M. to 10:00 P.M.

Mr. Welsh explained fencing and safety conditions around the retaining walls, basins, and court areas. Mr. Welch agreed to work with the Board Engineer to ensure that fencing or fall protection at the top of retaining walls is sufficient from a safety standpoint. The applicant also confirmed that fencing is proposed around the stormwater and bioretention basins consistent with the existing basin fencing.

The Board Engineer requested an as-built plan for the entire application site showing what has been constructed to date, including curb conditions and other improvements, so that the existing status of the site is documented before any further work. The applicant agreed to provide the as-built plan as a condition.

The Board Engineer confirmed that the lighting is compliant and that the only new bulk variances requested are for the padel and pickleball court fence heights. The prior existing nonconformity for loading/unloading remains unchanged. Mr. Welch testified that proposed lot coverage is approximately 44.5%, where 60% is permitted.

The Board Engineer discussed the status of the basins. Mr. Welch testified that basins 2A and 2B are fully constructed and unchanged, basin 1B is partially constructed and must conform to the plans, and basin 1A has not been constructed except for initial silt fencing. Mr. Welch testified that geotechnical testing was completed for the basins, groundwater was not counted, and the basins are lined with underdrains because infiltration is not feasible.

Open to public: none

Councilwoman Jandoli made a motion to deny the application. Councilwoman Jandoli stated that the Board does not know the tenants for the facility, does not know that the recreation area is truly needed at the proposed size, and that the proposal quadrupled the court area from the original plan. Councilwoman Jandoli stated that the applicant should have followed the approval process and that the buildings should be able to attract tenants without quadrupling the pickleball court area. Second Councilman DeMaio.

Councilwomen Jandoli made a motion to deny the application. Second Councilman De Maio
Roll Call: AYES: Lombardi, Castano, Lembo, De Maio, Jandoli, Chairman Elwood
NAYS: Knoll, Forgione

Mbr. Lembo made a motion to adjourn the meeting. Second Mbr. Forgione
Roll Call: All Ayes

The meeting was adjourned at 10:30 PM

Respectfully submitted,
Lisa G. Kiss
Land Use Planning Board Secretary

June 23, 2026

TOWNSHIP OF EAST HANOVER
LAND USE PLANNING BOARD
REGULAR MEETING
EAST HANOVER MUNICIPAL BUILDING
415 Ridgedale Avenue
East Hanover, New Jersey 07936
Tuesday, June 23, 2026
Commencing at 7:02 p.m.

STENOGRAPHIC
TRANSCRIPT OF
PROCEEDINGS

- -

BEFORE THE EAST HANOVER LAND USE PLANNING BOARD
THERE BEING PRESENT:

WILLIAM SALEMME, CHAIRMAN (Absent.)
ALAN ELWOOD, VICE CHAIRMAN
COUNCILMAN FRANK DEMAIO
COUNCILWOMAN CAROLYN JANDOLI
GARY LOMBARDI
SIGI LEMBO
FREDERICK MARRA (Absent.)
MAURO CASTANO
STEPHEN COSENZO (Absent.)
LINDA KNOLL, Alternate #1
JUSTIN ORGEL, Alternate #2 (Absent.)
MATHEW LASALVIA, Alternate #3 (Absent.)
CARLO FORGIONE, Alternate #4

A L S O P R E S E N T

DARLENE GREEN, P.P., AICP, Board Planner
CRAIG ZIMMERMANN, P.E., Board Engineer
LISA KISS, Board Administrator

TRANSCRIBED BY AND BEFORE:
Patricia A. Pucciarello, Professional Court Reporter,
and Notary Public of the State of New Jersey

SENTRY COURT REPORTING
&
LITIGATION SERVICES

100 Hanover Avenue, Suite 202
Cedar Knolls, New Jersey 07927
(973) 998-8685

APPEARANCES:

WILLIAM RUSH, ESQUIRE
Counsel to the Board

SILLS, CUMMIS & GROSS
BY: ADAM FAIELLA, ESQ.
One Riverfront Plaza
1037 Raymond Boulevard
Newark, New Jersey 07102
973-643-7000
Counsel for the Applicant EH-C1 LLC

INDEX

WITNESSES	SWORN	PAGE
DENISE & PHIL PUZZO		
17 Canfield Road		
Block 89, Lot 1		
PHILLIP PUZZO	13	
Testimony	14	
Questions from the Board		20
DENISE PUZZO	13	
Questions from the Board		20
JAMES MASTRONARDY, P.E.		15
Voir Dire Examination by Mr. Rush		15
Testimony	16	
Questions from the Board		18
EH-C1 LLC		
20/40/60 Arena Way		
Block 99, Lot 12.03		
MATTHEW WELCH, P.E., PP, AICP		43
Voir Dire Examination by Chairman Elwood		44
Direct Examination by Mr. Faiella		44, 147
Questions from the Board/Professionals		54, 149
PETER GILPATRIC	94	
Direct Examination by Mr. Faiella		94
Questions from the Board/Professionals		106
Questions from the Public		
Sandy Verderamo		
124 Troy Road, East Hanover		145

EXHIBITS

NO.	DESCRIPTION	ID	EVD
A-1	Plan Rendering Dated 4/23/24	45	
A-2	Plan Rendering Dated 6/16/26	47	

(Exhibits retained by counsel.)

VICE CHAIRMAN ELWOOD: Call the meeting to order.

All rise for the flag salute, please.

(All rise for a recitation of the Pledge of Allegiance.)

COUNCILMAN DEMAIO: Please remain standing.

Dear Lord, please bless this Planning Board to make the right decisions for the residents of East Hanover. Amen.

VICE CHAIRMAN ELWOOD: Adequate notice of this meeting held June 23rd, 2026, was provided by posting this resolution to the township website, which are circulated in -- Hanover Eagle in East Hanover, New Jersey, and by filing a copy to all applicable parties, authorities and agencies.

This meeting is being held and conducted in accordance with PL 2025, Chapter 72 of the laws of New Jersey.

Can I have a roll call, please.

MS. KISS: Councilman DeMaio.

COUNCILMAN DEMAIO: Here.

MS. KISS: Councilwoman Jandoli.

COUNCILWOMAN JANDOLI: Here.

MS. KISS: Vice Chairman Elwood.

VICE CHAIRMAN ELWOOD: Here.
MS. KISS: Members Lombardi.
MR. LOMBARDI: Here.
MS. KISS: Castano.
MR. CASTANO: Here.
MS. KISS: Lembo.
MR. LEMBO: Here.
MS. KISS: Knoll.
MS. KNOLL: Here.
MS. KISS: And Forgione.
MR. FORGIONE: Here.
MS. KISS: Also present is Mr. Rush, our attorney; Mr. Zimmermann, our engineer; and Mrs. Green, our planner.
I need an election of a chairman tonight for 2026 remaining.
COUNCILWOMAN JANDOLI: I'd like to make a motion to elect Alan Elwood as our new Planning Board Chairman.
COUNCILMAN DEMAIO: I will gladly second that.
MS. KISS: Councilman DeMaio.
COUNCILMAN DEMAIO: Yes.
MS. KISS: Councilwoman Jandoli.
COUNCILWOMAN JANDOLI: Yes.

MS. KISS: Members Lombardi.
MR. LOMBARDI: Yes.
MS. KISS: Castano.
MR. CASTANO: Yes.
MS. KISS: Lembo.
MR. LEMBO: Yes.
MS. KISS: Knoll.
MS. KNOLL: Yes.
MS. KISS: And Forgione.
MR. FORGIONE: Yes.
MS. KISS: Thank you.
Congratulations.
CHAIRMAN ELWOOD: Thank you. Thank you.
Okay. So that will now open up a spot for the vice chair. So what we'll do then is at our next meeting, we will nominate and vote for a vice chair to take over as the vice.
Okay. I need approval of the minutes of April 28th, 2026.
COUNCILMAN DEMAIO: I make a motion to approve the minutes of April 28, 2026.
MR. LOMBARDI: I'll second it.
CHAIRMAN ELWOOD: We have an approval and a second.

Roll call.
MS. KISS: Councilman DeMaio.
COUNCILMAN DEMAIO: Yes.
MS. KISS: Councilwoman Jandoli.
COUNCILWOMAN JANDOLI: Yes.
MS. KISS: Members Lombardi.
CHAIRMAN ELWOOD: No, she was absent.
COUNCILWOMAN JANDOLI: Actually, I was absent on the 28th.
MS. KISS: Lombardi.
MR. LOMBARDI: Yes.
MS. KISS: Lembo.
MR. LEMBO: Yes.
MS. KISS: And Knoll.
MS. KNOLL: Yes.
MS. KISS: And Forgione.
MR. FORGIONE: Yes.
CHAIRMAN ELWOOD: And yes for me too.
MS. KISS: Yes for you too.
CHAIRMAN ELWOOD: At this time I would like to open it up for public input.
If anybody has anything that they want to discuss that is not on tonight's agenda, please raise your hand and step forward to the microphone.
COUNCILWOMAN JANDOLI: Make a motion

to open public.
COUNCILMAN DEMAIO: Second.
CHAIRMAN ELWOOD: All in favor?
(Unanimous Aye.)
MR. LOMBARDI: Motion to close public.
COUNCILMAN DEMAIO: Second.
CHAIRMAN ELWOOD: All in favor?
(Unanimous Aye.)
CHAIRMAN ELWOOD: Okay. We need swearing of our professionals.
MR. RUSH: Please raise your right hand.
Do you swear or affirm the testimony you should give the Board shall be the truth and the entire truth?
MS. GREEN: Yes.
MR. ZIMMERMANN: Yes, I do.
MR. RUSH: Thank you.
CHAIRMAN ELWOOD: Okay. Resolution EH-Nike LLC, Nike Drive, Block 96, Lots 50.01 and 47.03.
MR. RUSH: Okay. This was an application for preliminary and final site plan approval for the construction of an age-restricted, multifamily residential development which is going to

consist of 288 residential units and six four-story residential buildings together with an 11,000-square foot clubhouse, pool, pickleball court, dog park, outdoor amenity areas, parking garages, stormwater management facilities, landscaping, lighting, signage, utilities and related site improvements.

The site is also going to include out of the 288, it will have 59 one-bedroom affordable housing units, which will go to assisting in the township with our constitutional affordable housing obligations.

This application was approved unanimously by the Board and I am not to go through all the conditions.

CHAIRMAN ELWOOD: No, it was pretty thorough.

MR. RUSH: So I hope you guys read it. If you have any questions, I'm happy to answer them, but I'm not going to go through this in detail or we'll be here all night.

CHAIRMAN ELWOOD: Yeah, there was quite a few details and you were very detailed in the resolution. Nice job.

All right. So I need a motion to approve the resolution.

COUNCILMAN DEMAIO: I'd like to move Resolution 21-2026.

CHAIRMAN ELWOOD: Can I have a second?

MR. LOMBARDI: Second.

CHAIRMAN ELWOOD: We have an approval and a second.

Roll call, please.

MS. KISS: Member Lombardi.

MR. LOMBARDI: Yes.

MS. KISS: Member Lembo.

MR. LEMBO: Yes.

MS. KISS: Member Knoll.

MS. KNOLL: Yes.

MS. KISS: Member Forgione.

MR. FORGIONE: Yes.

MS. KISS: Councilwoman Jandoli.

COUNCILWOMAN JANDOLI: Yes.

MS. KISS: Councilman DeMaio.

COUNCILMAN DEMAIO: Yes.

MS. KISS: And Chairman Elwood.

CHAIRMAN ELWOOD: Yes.

MS. KISS: Thank you.

COUNCILMAN DEMAIO: All right. Public hearing Denise and Phil Puzzo, 17 Canfield Road. Come on up.

MR. PUZZO: Hello, everyone.

MR. RUSH: Why don't I swear them in just before --

CHAIRMAN ELWOOD: All right. I was just going to explain to them how this all goes.

MR. RUSH: Okay, yeah. Go ahead, you can do that.

CHAIRMAN ELWOOD: So basically you're going to discuss what you want to do. Do you have any experts that are going to be testifying on your behalf, an attorney or an architect?

MR. PUZZO: An engineer.

CHAIRMAN ELWOOD: Engineer, okay. So basically are you going to be presenting the case or will your engineer?

MR. PUZZO: I mean, maybe a little bit of both, you know, I don't -- yeah.

CHAIRMAN ELWOOD: Okay. We're going to do one at a time, so this way if the public wants to make any questions about the testimony that you or you engineer have given, they have the opportunity to do so. And you also have the right, the time to come back up again. Okay? So first we're going to swear you in.

MR. RUSH: Okay. If you guys could

raise your right hand.

Do you swear or affirm the testimony you should give the board will be the truth and the entire truth?

MS. PUZZO: I do.

MR. PUZZO: I do.

MR. RUSH: If you both could state your name and address for the record. We'll start with you, Mr. Puzzo.

MR. PUZZO: Phillip Puzzo, 17 Canfield Road, East Hanover.

MS. PUZZO: Denise Puzzo, 17 Canfield Road.

MR. RUSH: Thank you. The floor is all yours.

CHAIRMAN ELWOOD: Before you start, according to MLUL, Councilman DeMaio and Councilwoman Jandoli are going to step down for this application.

MS. KISS: Thank you.

CHAIRMAN ELWOOD: So they won't sit on this particular application.

COUNCILWOMAN JANDOLI: It's not that we don't want to hear it or we don't care.

CHAIRMAN ELWOOD: Now the floor is all yours.

MR. PUZZO: So my wife and I we want to put -- currently we have a small ranch with one bathroom and three bedrooms and it's become increasingly difficult to live under those circumstances for as many years as we have.

Finally we have the chance to be able to make changes. I'm turning 54 this month, she's 52, we'd love to stay here for a long time and the reason for me telling you that is we don't want to go up, we just wanted a little bit more room.

I'm going to take some space from my garage. I have a two-car garage, I'm going to take some space from there and just go out a few feet off the back of the house and I'm going the add two bathrooms and a half to try to make it, you know, livable.

I mean the struggle for so many years of having one bathroom has been, you know, it's been tough.

MS. PUZZO: Yeah. We've been living in East Hanover now for nine years, so it's our home and we would love to continue to stay.

MR. PUZZO: We love the neighbors, yes.

CHAIRMAN ELWOOD: Okay. Pretty cut

and dry.

So I think it's probably going to be best to bring your engineer up so he can discuss what you're actually going to be doing and then we can go from there.

MR. PUZZO: Okay. You want us to stay here?

MR. RUSH: You can just have a seat in the first -- yeah, that's fine.

I just need to swear you in. Do you swear or affirm the testimony you give this Board will be the truth and the entire truth?

THE WITNESS: I do.

MR. RUSH: Okay. Could you state and spell your name for the record, please.

THE WITNESS: James Mastronardy, M, as in Mary, A-S-T-R-O-N-A-R-D-Y.

MR. RUSH: Okay. And could you give the Board the benefit of your educational and professional experience?

THE WITNESS: Education, Rutgers, civil engineering.

Experience, I got my P.E. degree way back in 1989, professional planner license as well in 1989, and been before many boards and my license is

in good standing.

MR. RUSH: Chairman.

CHAIRMAN ELWOOD: Okay. We'll accept those qualifications.

MR. RUSH: Thank you.

THE WITNESS: If you just open up the plan, you'll see that we're simply going straight out the back of the house. We're not increasing to the side of the house, just to the back several feet.

Again, it's, you know, because the owner, he has a one-bathroom, rather than go up, which would be exorbitant and expensive, he's going out a few feet to make it just a more livable situation. It's a ranch so, you know, so that's it, simply adding a couple bathrooms and making it more livable and enjoyable.

It requires -- it will require a few variances. Because it's -- the building is -- it requires on the -- if south is down on the west side, a decreases the side yard, which is only 6.95 right now to 5.5 feet because it's -- but it's just staying inline with the right side of the house.

On the left side it's a street side setback, which is -- which requires 40 feet. So we are exacerbating, I think that's the right word, the

side yard setback there because we're continuing with the left side of the house.

However, if you look at the distance from the curb to the property line on that left side, it's about between 15 and 20 feet. Normally from the curb to the property line is ten feet, so we're really not causing any issue at all that I see on the street side. Yes, it's a little bit tighter on the right side, but again it doesn't influence the neighbor and it doesn't cause any problems, there's still a walkway that goes around.

And then the third variance is the building coverage. And so 20 percent is allowed, we're at 24.7 percent. And again, if you were to include the large side yard, if we were to say that the curb to the property line with 10 feet instead of the 15 or 20 feet, I do believe we're right around that 20 percent.

So I don't believe any of these three variances are an issue and I think it would just enable the owners to have a more pleasant existence in a ranch house like this, and that's it. It will not affect any neighbors in any way and, you know, not cause any detriment to any standards or -- any zoning plans or anything like that that the township

has on record.

CHAIRMAN ELWOOD: Okay. Yeah, it's not obviously not a big lot, so it's a little bit tough to work with. You're a victim of the two corners, two front yards. We're all happy to keep residents in town, we want to encourage that, and obviously putting a second floor on would be night and day of a project.

Does anybody up here have any comments before I go to the professionals?

MR. LOMBARDI: No.

CHAIRMAN ELWOOD: Mr. Zimmermann or Ms. Green?

MR. ZIMMERMANN: Yes, I'm referring to my May 21st, 2026, engineering review three that started at DRC one or two times, I believe, and we buffed out a whole bunch of engineering comments which I'm comfortable with, there's just one or two that I just want to get for the record, and it has to do with the easements that may or may not exist in the backyard area.

CHAIRMAN ELWOOD: For the driveway?

MR. ZIMMERMANN: And in the rear -- if you're looking at the plans, if you go to the top and to the right, there is a rectangular shed which

appears, per the plan, to be on the neighbor's lot, that lot being Block 89, Lot 5. When we were at the DRC, it was suggested that the shed would be moved off of the neighbor's property back onto their property or relocated accordingly, but there still is a fence there and it still, in my professional opinion, constitutes an encroachment unless there is any type of agreement in place between the neighbors -- we'll get to it. Let me finish my point. I have to bring this up to the Board, so just allow me to do so and finish my thought.

There's a driveway that cuts in that the neighbor has on their property, which there was some evidence of an existing agreement between two parties. I don't see any agreement for this. So the fence would remain, as it looks like their rear yard. So that is something that I think needs to be addressed in some manner.

The engineering portion, I don't take any exception to otherwise. It's just this one thing that I need some housecleaning.

CHAIRMAN ELWOOD: Right.

MR. PUZZO: I'd like to respond to that.

CHAIRMAN ELWOOD: You've got to come

up to the mike.

MR. PUZZO: I have this document that I got from Morris County. Back in 1993, there was an agreement with the original owners of the property and if you read it, it clearly states that the easement is in perp- --

CHAIRMAN ELWOOD: Perpetuity.

MR. PUZZO: Perpetuity, which that should tell anybody that that -- I'm a real estate appraiser, the land -- sorry.

The land -- that follows the land, not the owner. That means that it stays.

CHAIRMAN ELWOOD: Right.

MR. PUZZO: Now, it says that I am the servient, I gave the right for the driveway, but in this agreement, it states that I have that fence. So that was the tradeoff. So if you read this --

CHAIRMAN ELWOOD: Right. You have the fence, but that doesn't make that your yard.

MR. PUZZO: It doesn't, but that's where the fence is supposed to stay, that's what it says right here. If you read through this, that's what it says, that fence belongs there.

If you look at pictures, my neighbor who was there for 40 years told me that they did

this -- he was there when he did it, you know, when they separated everything, he said they put the fences, they abut the fences up like this and that's just how it stayed, that's part of the agreement. If you read this agreement, it clearly states that that is part of the easement, the fence.

MR. RUSH: Can you tell me where it points to the fence? I'm not seeing the fence.

MR. ZIMMERMANN: Is this new?

MR. PUZZO: This is not the new --

MR. ZIMMERMANN: This is the older?

MR. PUZZO: No, this is the -- sorry.

MR. ZIMMERMANN: I think you said you went down to Morris County and did that recently?

MR. PUZZO: Yes.

MR. RUSH: Is that the same one?

MR. PUZZO: This is the same --

MR. RUSH: Yeah, we have the same one.

MR. PUZZO: This is more clear because I got it sent from Morris County.

MS. GREEN: Bill, letter E, first page.

MR. RUSH: Letter E, okay.

MR. PUZZO: So if I wanted to change that, I -- we actually tried to do that when I put

the pool in. My neighbor backed out on me at the tail end because he -- when he found out that we had to go to the mortgage company to release that land, do new appraisals and all the costs behind it, he said he didn't want to do it. So this stays in play.

Now, he changed the fence. I have pictures. When we first moved there, the fence was all wood. He changed it and replaced it with vinyl the same way that it was. And when I added my fence, it butted up together. So if you look at my backyard, there's two fence posts that are like this, butting up to each other. But he can't -- according to this, he can't change that, there has to be an agreement between the owners.

CHAIRMAN ELWOOD: Okay. And the shed is to be relocated or removed?

MR. PUZZO: I'm going to dump it. I'm going to throw it out because there's nowhere else in the yard for me to put it, so I'm going to break it up, unfortunately.

MR. ZIMMERMANN: If Bill is good with the language of this easement document, then I'm comfortable with everything else. The shed says to be removed, it would be subject on --

MR. PUZZO: So --

MR. RUSH: Just let -- I'm not particularly comfortable with this, but it does -- it does convey a right, it's not necessarily clear to me, it does say -- it gives a way for the fence, it doesn't say where the fence is supposed to be located.

CHAIRMAN ELWOOD: Right. And technically doesn't give him to right to go onto that property to remove the shed.

MR. RUSH: No, no, it doesn't give him -- the shed is not included in the easement. It gives the right of the fence.

I'd be more comfortable, obviously, if there was a map attached or something, but consideration that it does reference is fence and it does appear that this fence has been in play for a while.

CHAIRMAN ELWOOD: And obviously, the neighbor is not here to dispute what he's doing, don't make a problem, you know.

MR. PUZZO: He actually told me to put the shed there, but I didn't get it in writing, I just, you know.

MR. RUSH: So I mean for the purposes of.

MR. PUZZO: The neighbor works on the police force in town he's -- he works for the school.

MR. LOMBARDI: Rob?

MR. PUZZO: Rob.

CHAIRMAN ELWOOD: Rob Mercuro?

MR. PUZZO: Yeah.

MR. ZIMMERMANN: Who's the neighbor again?

MR. PUZZO: But the shed I'm going to get rid of, but it doesn't make sense for me to do it until I have the dumpsters there and a construction crew. So I'm, you know, willing to dump it, I don't want to do a dumpster, take the fence down, put it back up, take it down again.

CHAIRMAN ELWOOD: Not a problem.

MR. PUZZO: None of that is going to make sense to me financially.

CHAIRMAN ELWOOD: Craig, anything additional?

MR. ZIMMERMANN: No, I don't think so.

CHAIRMAN ELWOOD: Ms. Green.

MS. GREEN: Yes. Thank you, Mr. Chairman.

I issued a letter dated May 21st, 2026, that --

MR. PUZZO: Sorry. Is this for him or me?

CHAIRMAN ELWOOD: This is the planning report.

MS. GREEN: Technically, both of you.

MR. PUZZO: Oh, okay.

MS. GREEN: So that letter notes a number of discrepancies on the plans that we received, so those discrepancies would need to be cleaned up as a result of any potential Board approval, so that would be a condition of the resolution.

The one thing that I'm seeking testimony on tonight is the shrubs. So the plans say that the shrubs are going to be installed at a height of three to four feet, but then the response letter we received says that they're going to be installed at a height of four to five feet, so I'm trying to understand how tall.

MR. PUZZO: I believe he redid them.

MS. GREEN: Right. So the plans show the shrub at a height of three to four feet, but then the engineering response letter says they're going to be installed at four to five feet. So what I'm trying to understand is which is it?

CHAIRMAN ELWOOD: What she's trying to say is your plan shows one height and your paperwork shows another.

MR. MASTRONARDY: That's a mistake.

CHAIRMAN ELWOOD: So which one is correct?

MR. MASTRONARDY: It's four to five.

MS. GREEN: You're going to install shrubs at four to five feet?

MR. MASTRONARDY: Yes.

MR. PUZZO: Yes.

MS. GREEN: And you're confident you can secure those shrubs at that height?

CHAIRMAN ELWOOD: You realize it's going to be pretty expensive to buy four to five-foot shrubs.

MR. MASTRONARDY: Can we do three to four?

MS. GREEN: Well, that's what's on your plans.

CHAIRMAN ELWOOD: It just has to be consistent.

MS. PUZZO: Three to four.

MS. GREEN: Three to four, that sounds like a great idea.

MR. PUZZO: Well, you know.

MR. FORGIONE: A lot of Miracle-Gro.

MS. GREEN: Three to five feet. And we've already talked about the fence. And so any potential motion for an approval should include my letter as a condition to address those discrepancies.

CHAIRMAN ELWOOD: We'll do conditions on both letters.

MR. RUSH: That's standard conditions anyway.

I have just have one question to clarify. What's the final math? I couldn't tell if it was two and a half or three and a half.

MR. MASTRONARDY: Two and a half.

MR. RUSH: Two and a half is the final --

MS. GREEN: Yes.

MR. ZIMMERMANN: Two and a half.

MS. PUZZO: Um-hmm.

CHAIRMAN ELWOOD: You guys are good? I can open to the public?

MS. GREEN: I am good. Thank you, Mr. Chairman.

MR. ZIMMERMANN: I am good. Thank you.

CHAIRMAN ELWOOD: Okay. At this time, I'd like a motion to open to the public.

MR. CASTANO: I make a motion to open to the public.

MR. LOMBARDI: Second.

CHAIRMAN ELWOOD: All in favor?

(Unanimous Aye.)

CHAIRMAN ELWOOD: Anyone from the public that has any questions regarding the testimony given by these witnesses, please step forward, state your name.

MR. LOMBARDI: Motion to close public.

MS. KNOLL: Second.

CHAIRMAN ELWOOD: All in favor?

(Unanimous Aye.)

CHAIRMAN ELWOOD: It's a pretty cut-and-dry application, pretty simple, I need to motion to -- you want to summarize or you want to quit while you're ahead?

MS. PUZZO: Quit while you're ahead.

MR. LEMBO: Just one comment. If you do get approved, can you just park the construction vehicles on a side street? Only because Canfield gets really busy.

MS. PUZZO: Even the landscaper parks

on the side over by Rob's property.

MR. LEMBO: Yeah.

CHAIRMAN ELWOOD: So I need a motion to approve or deny.

MR. LOMBARDI: I'd like to make a motion to approve.

MR. CASTANO: I second.

MR. FORGIONE: I second.

CHAIRMAN ELWOOD: We have an approval and a second.

Roll call, please.

MS. KISS: Member Lombardi.

MR. LOMBARDI: Yes.

MS. KISS: Member Castano.

MR. CASTANO: Yes.

MS. KISS: Member Lembo.

MR. LEMBO: Yes.

MS. KISS: Member Knoll.

MS. KNOLL: Yes.

MS. KISS: Member Forgione.

MR. FORGIONE: Yes.

MS. KISS: And Chairman Elwood.

CHAIRMAN ELWOOD: Yes.

MS. KISS: Thank you.

MR. LEMBO: Good luck.

CHAIRMAN ELWOOD: Good luck.
MR. LOMBARDI: Good luck.
MR. PUZZO: Thank you all.
CHAIRMAN ELWOOD: I'd like to welcome back our councilman and councilwoman.
COUNCILWOMAN JANDOLI: Good luck.
MS. PUZZO: Thank you so much.
CHAIRMAN ELWOOD: Welcome back, guys. All right. EH-C1 LLC. How are you?
MR. FAIELLA: Good. Good evening, everyone, Adam Faiella from Sills, Cummis & Gross. We're the attorneys for EH-C1 LLC.
The subject property is a portion -- it's a subdivided-off portion of the Novartis campus, it's now known as Arena. It's located at 20/40/60 Arena Way, Block 99, Lot 12.03. And the property is in the SED, special economic development zone district.
Notices were sent to all parties on June 9th and published in the Daily Record and Star Ledger online on June 9th as well. And we submitted an affidavit of proof of service on June 18th.
The application here today is for amended preliminary and final major site plan approval, a C bulk variance, and an amended major

soil-moving permit.
As the Board may recall, this Board previously granted a combined subdivision approval, two site plan approvals, and variances when this property was first created in a subdivided lot. It's about 20 acres, it was subdivided off of the main Novartis campus. There was also site plan approval for the amenities and the roadways for this portion.
Novartis had a site plan approval for their fences and there was some variances, and that was granted on April 23rd, 2024, memorialized by resolution adopted on June 5th, 2024.
And now we're here today for amending certain improvements on the property, those include relocating and expanding some accessory recreational facilities, previously two pickleball courts and a bocce court were approved. We're proposing four pickleball courts and four padel courts in different locations, the bocce court is going to be moved a little bit too.
There's also an outdoor amenity/event space, again, accessory to the main office use, and there's some revisions to the stormwater management system, including relocating certain basins. We removed the previously approved utility building, and

we also updated certain lighting, landscaping and signage plans.
The only bulk variance we're here for today is for fence height around the courts. The padel courts require a 13.1 feet in height, the pickleball courts are eight feet in height, and the maximum height is six feet. And the Board might recall that the prior approval included an eight-foot height -- a variance for an eight-foot height around the pickleball courts. And these fences are just around the courts and it's really just to keep the balls in place and make sure the operations run smoothly. We don't seek to touch anything on the remainder of Novartis Lot 12.01, that's not part of this application. This is only for the Lot 12.03.
So here today we have one witness. We'll try to keep it simple, he's a man of many hats, Matt Welch. He is both our civil engineer, our planner, and he is a traffic engineer, so we might as well qualify him for that as well, even though there shouldn't really be much traffic testimony on this.
CHAIRMAN ELWOOD: Before we really get into everything, do you want to give some testimony regarding -- I mean, the prior application here, they come, they look for an approval, and then they build

something. You already built something now you're looking for approval.
MR. FAIELLA: Yeah, there was -- to give the Board a little bit of a background, there was certainly mistakes made by the applicant and there was miscommunications with the town.
When they were going through the process of resolution compliance and the building permits for building what was previously approved, there were certain minor changes that were going to be done as field changes. The recreational facilities were discussed as being field changes rather than an amended approval.
There was definitely miscommunication and our client definitely made a mistake by going too soon to start building, things there were -- and then it got shut down on continuing to build it, and now we are back here to get an approval for what we had been discussing as field changes.
We recognize we're here before the Board as an amended approval. And to be clear, it is going to be accessory to the main office and we'll put on testimony about the operational parts of it.
But certainly, you know, there was -- there's definitely a history here and there

definitely is some responsibility that the applicant needs to take on going too fast too quickly without getting the proper approvals beforehand.

COUNCILMAN DEMAIO: How far did it go beyond what the original approvals approved?

MR. FAIELLA: It was for the recreational facility specifically. They started getting built and then they stopped once there was a stop-work order that was then, you know, limited only to this area and the rest of what was being built was what was approved.

There was continuation of building what was approved in terms of the roadways and the landscaping, but the actual pickleball and padel courts it was, you know, not fully complete, but mostly completed. It was inspected too and multiple inspections that recognize pickleball courts, but clearly, there weren't all of the proper approvals in place, which is why we're back here.

CHAIRMAN ELWOOD: You use the words again, "minor site change."

MR. FAIELLA: No, the other parts were minor. I'm sorry. I'm only apologizing because I don't think I explained that clearly.

There was some other little changes

to, like, I don't know, landscaping or so that were, I think continued to be recognize as field changes after the fact. Those were what were the minor changes.

This one we thought was going to be a field change that was approved rather than having to come back to the Board and clearly, the applicant went too far too fast and recognizes that and apologizes for that, and we're here to try to get a proper approval for it.

COUNCILWOMAN JANDOLI: So I don't understand exactly here. We came in with an application, we asked specific questions, they were answered, and it was completely the opposite of what was done here.

So when you say that it was a miscommunication, on the record there were specific questions about the number of courts, what it was going to be used for, actually who was going to be utilizing it, not just that it was going to be open to the public and a recreation facility. So we asked very specific questions that night. I remember that.

MR. FAIELLA: It's not going to be open to the public, it never was intended to be.

COUNCILWOMAN JANDOLI: Well, it

definitely was intended to be when you post something on an internet site and you actually advertise that. So to me, that is with purpose. So sir, I'm just asking the questions because I don't truly understand.

And then on top of it, the site gets shut down and the applicant continues to send the landscaping trucks with all the trees and everything, trying to gain access onto the site that we had to shut down and send back again. To me that's not a miscommunication.

MR. FAIELLA: The person who put that on --

COUNCILWOMAN JANDOLI: I'm sorry.

MR. FAIELLA: -- in that interview was not related to the applicant.

CHAIRMAN ELWOOD: Then who did the radio advertising?

MR. FAIELLA: Radio advertising?

CHAIRMAN ELWOOD: I was hearing the radio advertising every single day.

MR. FAIELLA: Is that a problem still? I mean, because there was going to be a manager of the courts to make it easier for the applicant. They were going to be through the office building, it was

always supposed to be accessory, and the company that was supposed to be managing that with the office building, they were the ones that did the advertisements.

COUNCILWOMAN JANDOLI: This is for the advertisement in California for the building and the people and the employees there were going to work on that site, there were -- we needed to have it advertised in California? I'm just trying to understand. That's exactly where the advertisement came from --

MR. FAIELLA: I saw --

COUNCILWOMAN JANDOLI: Which means that it's nationwide that you were actually looking for registrations and submissions and memberships and things of that sort.

MR. FAIELLA: Well, the applicant never was looking for registrations nationwide. There was somebody that was supposed to manage the courts and she was out doing interviews that weren't authorized by the applicant, and that's why there's no further relation with that -- there's no relations with the person that was going and doing those interviews whatsoever.

COUNCILWOMAN JANDOLI: But can we get

back to even just the site?
So it was two pickleball courts, right?
MR. FAIELLA: Um-hmm.
COUNCILWOMAN JANDOLI: And a bocce?
MR. FAIELLA: Yes.
COUNCILWOMAN JANDOLI: How many are there today?
MR. FAIELLA: It is proposed to be four --
COUNCILWOMAN JANDOLI: How many are built right now?
MR. FAIELLA: How many are built? And I said this before, we went too far and built it before they should have built it.
COUNCILWOMAN JANDOLI: I understand, but what's the number?
MR. FAIELLA: There are four pickleball courts, four padel courts, and a bocce court.
COUNCILWOMAN JANDOLI: Right. And a padel court was not even considered or discussed.
MR. FAIELLA: Exactly, that's why we're here for --
COUNCILWOMAN JANDOLI: So now we're

going from two to eight. Understand where I am. Okay?
MR. FAIELLA: That's why -- um-hmm.
COUNCILWOMAN JANDOLI: And completely different use. I still don't just understand, and you said that it's a miscommunication.
MR. FAIELLA: That's why we're here today for an amended approval to get the proper approvals for those changes. It's not -- it's always -- it was always intended to be, and I understand the article made a very clear implication that it wasn't, which is why there's no relationship with that person.
It was always intended to be and it still is intended to be accessory to the office use. There's no change of use here.
COUNCILWOMAN JANDOLI: So is that going to be a miscommunication five months from now when this is actually in production and then we're going to come back here and we're going to have a problem?
I mean, is that going to be another miscommunication? Because there seems to be a record and a history, right, of not understanding rules and regulations, in my opinion.

CHAIRMAN ELWOOD: Or a desire to follow them.
MR. FAIELLA: I think that's a very unfair characterization about not a desire to follow it. This applicant --
CHAIRMAN ELWOOD: Well, let me ask you this: Our building department issued a permit for a house to be built at 3,000 square feet and the building inspector showed up and the house was 12,000 square feet, because that's exactly what you just did; don't you think there would be an issue here?
MR. FAIELLA: And that --
CHAIRMAN ELWOOD: That's not a field change, it's four times the amount you asked for.
MR. FAIELLA: I understand that. I don't think it's comparable because one, you're talking about a principal use versus a change of accessory use; two, there was discussions with the township about the changes before they were built; and three, they did inspect it and started issuing permits on the electrical work and all the other types of work on it. And then after the fact, then they put in a stop-work order.
And we agree we should not have built

it at the time. It should have been properly bigger. And if it was a field change, it should have been officially approved on the record through a field change. And if it needed amended approval, we should have came back. And that's why we're here tonight.
COUNCILWOMAN JANDOLI: But if the site is closed and we're in the negotiation of fixing all this, then why was it continued that the applicant is sending landscapers and other construction people there to go and work on the site and try to gain access to it?
MR. FAIELLA: There was a lot of discussions with the building department and there was initial discussions about being able to continue the work that was approved, not near the recreational facilities, by the rest of the site that was inline with what was approved.
COUNCILWOMAN JANDOLI: If the site is shut down, the site is shut down, right? And there was a conversation and a communication, right, from our planning board office as well as our zoning office, correct?
MR. FAIELLA: There was a lot of --
COUNCILWOMAN JANDOLI: Because I've done my research on this and I've asked them all. So

I just want to be clear.

MR. FAIELLA: Um-hmm.

COUNCILWOMAN JANDOLI: So I don't understand why then it was continued and it was trying to be forced again that we had to have our police officers go up there and actually shut the site down again.

MR. FAIELLA: The day it got shut down our client had conversation with the building department and they said you can continue with the rest. The next day the police officer showed up and stopped it. And then they stopped the rest of the time until it was negotiated that they could continue with a revised stop-work order.

I was involved in a lot of those conversations and there was a revised stop-work order that allowed the work to continue on the rest of the site because a very large majority of the site and the work that they were doing was not affected by these changes that we're here for the amended approval.

And if we can continue and call our witness, we're here today for that amended approval. We recognize that we did not do the right thing. And I would not consider this applicant a history of

trying to not play by the rules. They have built four different buildings in this town and this is the first issue that they've had with any of them.

And it was a miscommunication because there was communication before anything got built with town officials. There was inspections that say the word "pickleball" multiples times. I had multiple different inspections --

CHAIRMAN ELWOOD: But it doesn't say four pickleball.

MR. FAIELLA: Exactly where it was located and exact things were being built were being inspected. Our client should not have done that, we recognized it.

We are here today to get an amend -- to apply for an amended approval and it should be judged on what we're here today for. We would like to put on the proofs for an amended approval tonight.

CHAIRMAN ELWOOD: Okay. Proceed.

MR. FAIELLA: Thank you. At this time I would like to call Matthew Welch of Langan Engineering EH-C1 LLC's civil engineer, traffic engineer, and professional planner.

MR. RUSH: Mr. Welch, do you swear or affirm the testimony you give the Board shall be the

truth and the entire truth?

THE WITNESS: I do.

CHAIRMAN ELWOOD: Mr. Welch, please step up to the mike.

THE WITNESS: Certainly. Good evening. I'm Matthew Welch, W-E-L-C-H. I'm an associate with Langan Engineering, 300 Kimball Drive in Parsippany.

CHAIRMAN ELWOOD: You're still licensed?

THE WITNESS: I am. I'm a licensed professional engineer, licensed professional planner, both still in good standing. We are before this board as all several licenses.

CHAIRMAN ELWOOD: We'll accept you.

THE WITNESS: Thank you.

DIRECT EXAMINATION

BY MR. FAIELLA:

Q. And your licenses are in good standing right now for all of them?

A. Yup.

Q. Thank you.

CHAIRMAN ELWOOD: Do you want a handheld mike or are you good to use that one?

THE WITNESS: Is there -- perfect.

I'm Italian, we like to move.

I do want to have an initial exhibit, we'll call this A-1. It's entitled, "Plan rendering" dated the 23rd of April 2024. This is the exact rendering that was presented as part of the original application showing what was approved.

So just real quick some background. It's Block 99, Lot 12.03, about 20 acres in the SED zone. Two office buildings, a parking garage with access via Route 10 and an easement to Ridgedale Avenue.

CHAIRMAN ELWOOD: Mr. Welch, one second.

We'll mark this A-1.

MR. RUSH: Yeah, A-1.

(Exhibit A-1 Plan Rendering dated April 23rd, 2024, is marked as Applicant's Exhibit 1 for identification.)

CHAIRMAN ELWOOD: Go ahead.

THE WITNESS: So just to recap what has been approved previously on the site back in 2024. First was the subdivision from the greater Novartis campus.

Second was a reconfiguration of the internal access aisles to really improve circulation

from the racetrack back to the parking garage as well as to the rear property at 80 Arena, a visitor parking lot along with a community roundabout to provide some, you know, visitor parking to create an entry to the office buildings along with a pickleball court, an amphitheater, some internal pedestrian walkways, as well as new stormwater facilities.

The last item was a proposed utility building, which is really meant to replace, you know, all the service that was originally coming from the Novartis utility pole.

So once we got it approved, we spoke with MVE who had started to finally be able to market the buildings, bring tenants in, and they started to get some feedback, namely that the tenants that we're looking at the buildings liked the differentiation that was being done, liked the amenities, but they wanted more.

The office environment is pretty challenging right now, as the Board knows. And so really having to expand on those exterior amenities to continue to market these buildings to complete with other areas really was imperative to making this project successful.

So we met with MVE and went through a

couple options and ultimately, I will now present Exhibit A-2 which is also entitled, "Plan rendering" dated the 16th of June 2026 and depicts graphically the proposal.

(Exhibit A-2, Plan Rendering Dated June 16th, 2026, is marked as Applicant's Exhibit 2 for identification.)

THE WITNESS. So essentially where we land is kind of viewing the site as, call it three areas.

The first area is the area immediately around the building. So this is what I would call a traditional office area. You have a parking garage, two buildings and immediately adjacent to the buildings, you have your traditional seats, tables, areas that you would go outside to have a quick call, get a cup of coffee, get a couple quick minutes of sun.

Not shown on this rendering but on the submitted plans we are proposing canopies between the buildings, those would be standalone structures, purely schematic at this time, but what we wanted to do was when we were revising these plans, really put some schematic planning in here, that way we have something on the plan.

Ultimately, improvements are really going to depend on what these tenants want, but really to give an idea of how improvements can occur in these areas to provide some more outdoor space immediately adjacent to the buildings.

The second sector is, you know, immediately north of that, which is what I'll call more -- it's more passive recreational space. There's a number of outdoor gathering spaces to go out, grab lunch, have a group meeting. We did relocate the pickleball court, and I'll get to those in a second, and in its place we have a large tenant gathering space, it's a concrete pad, a hundred by a hundred.

The idea here is if a tenant of the building wanted to have a larger outdoor function, they could have it on the pad, they could erect some temporary tents. We're not proposing any permanent structures, really just an outdoor area to be able to gather and have a function.

Maintaining the amphitheater and the walkway. We also have just a bocce court adjacent to that tenant gathering space, again, more of a passive recreation type activity.

Lastly we don't need that large

utility building anymore. Simply we're just going to have a utility pad that'll have a couple transformer and switch gears on it. Not a big substation or anything. It's pretty mundane.

Lastly, moving the furthest from the buildings is what we'll call more of the active recreational area, which includes a combination of pickleball courts and padel courts.

Padel, if you're not familiar with it, it's -- apparently it's one of the more faster-growing racket sports and a lot of tenants that they were bringing in have a large interest in it. So when they started talking about pickleball, they brought up padel, and that's really why we came up with the idea of the courts here.

These courts, as was mentioned, will be completely closed to the public. It will be completely fenced in with gated access. So even if someone came on, they couldn't really access it, and we specifically put no parking anywhere near the courts. So these courts are only being accessed from the garage and the buildings. Really, again, to accent the fact that these are not for public use, they're for tenants and their guests.

BY MR. FAIELLA:

Q. And when you say a gate access, it will be the same type of key fob system for the office, correct? It's only for office tenants and their visitors, correct?

A. Correct. And similar, you know, with any accessory amenity to a building, the use of them is going to need to have some sort of schedule, right? You can't just walk on any time and use the courts, you know, just like if, you know, like, in my office building, you have a patio area. If we want to have a function of the patio, we have to coordinate with building management to preserve it, it similarly applies to the courts.

With those courts we did expand the limit of disturbance by about 1.5 acres. So with that, we did need to do a modified stormwater design, one new bioretention basin, a new large scale basin and a couple green manufacture treatment devices. All of this is compliant with the latest DEP and township stormwater rules.

Q. And it's still compliant with impervious coverage by a significant amount, correct?

A. Correct. We did also submit a new soil movement permit, again, for the additional disturbance, really with that basin and the

improvements, we have about additional 600 cubic yard of export, probably about 30 trucks, all those obviously would need to leave onto Route 10 to go to 287.

Q. Just going back real quick to the courts there, in terms of relocating them, not like they were close to residential uses before, but now they're even further away, correct?

A. Correct, yeah. I mean, we're on Route 10 here, so no residences. All the residences are all the way on the other side of the Novartis campus. And really, it's kind of ideal because if you think about when you're working in an office environment, you kind of want anything that's going to have a little more activity a little bit further away, so kind of putting that passive recreational area between the building and the courts, you know, we felt was appropriate.

Again, you have Route 10 on the other side which is obviously, you know, plenty of noise there, so I think it's an appropriate spot for them. It's still 200 feet setback of the right of way on the other side of the racetrack. We also did incorporate a new crosswalk with some signage for pedestrian access.

Q. And just to be absolutely clear, there's no membership for the courts, there's no paid-for tournaments on weekends or anything like that?

A. Correct.

Q. All right. You can continue. Sorry.

A. One thing that I do want to mention, the guard shack building is still standing, and that's going to be repurposed. It has a bathroom in it, so we thought it was a pretty convenient location to kind of support that court area. So that's going to remain, some minor interior cosmetic renovations, but otherwise it would stay as is today.

No changes to signage, that's going to be consistent with the prior approval. There is some textual changes because since that initial approval, we have new addresses. All of these buildings have address along Arena Way, so there's some textual changes on the signs that were submitted, but no, you know, substantial change.

With the changes obviously came, you know, pretty much extending the landscape design through the site, a number of deciduous trees and ornamental trees, really, again, nothing different than we were doing before, just taking the initial

design and expanding it further through the area.

Q. And it's adding new trees, correct?

A. Correct. Yeah, I can give you the numbers.

So current proposed new trees, shade trees stayed about the same. We did roughly double the ornamental trees from 26 to 46 and increasing the evergreen trees from 67 to 93, along with a number of shrubs, ground covers, grasses, et cetera.

We did also update our snow storage plan and, you know, as always, should we have any -- you know, we did provide snow storage on-site, but, you know, should there be any damage during snow operations, obviously those plantings would need to get replaced.

COUNCILWOMAN JANDOLI: Do you have the tenants for these buildings?

MR. FAIELLA: Tenants for the buildings, no, no tenants just yet. There's been some good discussion and in fact, we can bring up a member of the applicant to discuss some of the discussions so far with the tenants because they've had some good conversation, but nothing has been signed just let.

COUNCILWOMAN JANDOLI: So there's no

discussion in regard to, like, a meeting facility where you would do rentals or, like, a WeWork kind of, you know, facility where you would actually rent the space to have people come basically different times, all the time, and there was no discussion for any of that?

MR. FAIELLA: There's one of the -- or maybe multiple of the tenants they're discussing with also manage shared office spaces, kind of like a WeWork, which is a permitted use.

COUNCILWOMAN JANDOLI: So how would that work with the membership of these? So if there's not, I'll say regular employees that are there and it's going to be transient, right? You're going to have people coming and going and, you know, changing and some different people here one day, different people another day, how is that going to work in regard to this recreation facility?

MR. FAIELLA: For a shared office space, no individuals will be able to rent or reserve space for the courts, it would have to be through the company managing the shared office, they would reserve it just like through the office manager just like any other.

COUNCILWOMAN JANDOLI: So from the

office manager, so thank you for that.

So through that, if I was interested and I wanted to rent the space and I said I'm going to have a team event and I was going to bring 500 people onto the site and rent the space, I would be able to do that through the officer manager, right? Because there's not going to be --

MR. FAIELLA: You can't --

COUNCILWOMAN JANDOLI: I could technically, because I would call up and say I'm going to have a meeting today and, you know, the internal portion of the meeting is X participants because whatever the maximum is, and then go outside and have however many people that we were going to do an external, an outside facility, it happens. Trust me, it happens all the time. In these WeWork facilities, it happens. I understand.

So what I'm asking is how is that going to be able to be capped and what type of system are we going to have where you're going to have a transient event, you're going to have people from an officer management company that are going to basically register and how are you going to be able to maintain who has access and who doesn't?

THE WITNESS: You know, I think we

were describing is really what happens at, like you said, at any office campus, right? If my -- where I work, I'm over on Kimball Drive, if we want to have an event, right, if we want to have let's say a friend and family event, right, it's the summertime, we're going to have a portion of the space, we have to coordinate with building management, they probably have regulations in place, confirmation of where we can and can't park to make sure it's safe and requires us to clean up after ourselves. So I think a lot of it comes to building management.

COUNCILWOMAN JANDOLI: And also there's restrictions, right?

THE WITNESS: Yeah.

COUNCILWOMAN JANDOLI: So my question is what are the restrictions on these buildings and how is that going to be impacting what we're going to do here? Because I'm going to be honest with you, if that's a WeWork facility, we're going to have thousands of people there all the time.

And if that's going to be a rental that we're going to have an outside recreation facility and if that's what's being planned, then we have a situation here that we all need to consider because that's not what that's -- that's set up to

do.

Number one, you don't have the parking for that, you don't have the facilities for that. You told me that everything is going to be card key for the employees. How are you going to be able to manage people and visitors coming in and out?

MR. FAIELLA: We're going to call a member of the applicant after this to answer some of these questions.

COUNCILWOMAN JANDOLI: Okay. Thank you.

BY MR. FAIELLA:

Q. Do you want to continue with your testimony regarding the variances for the fencing?

A. Yeah, sure.

So as Adam mentioned, we do have two variances, both are around the courts, an eight-foot fence around the pickleball courts, and a 13.1 -- we're calling it a fence around the padel courts. In realty, it's about a 9-foot, 9.8-foot clear tempered-glass panel with 3.3-foot metal wire mesh. It's European, they use the metric system, that's why it's set in here. And really the balls bounce a lot more, so that's why it's the higher fence to maintain that.

It's all internal to the site, so it's not, like a -- there's no fence where you have real tall fences on the property line. And as I said, it's more than 200 feet from Route 10 screened with landscaping. So really no negative impact. And again, it's just there to keep balls from flying off the court.

We did also receive the latest planning and engineering letters. I think there was still some minor technical comments in those and we of course will work with your professionals to resolve them to their satisfaction. We'll ask for that site approvals.

The additional disturbance did require us to getting recertification from Morris County Soil Conservation District, which was received on January 21st of this year.

I'm happy to answer any other -- Peter is going to talk about some of the operations, but I'm happy to answer any other questions that may come up.

MR. FAIELLA: And we can call Matt back up after if you'd like --

COUNCILWOMAN JANDOLI: What about the lighting? So we doubled now the courts, right?

CHAIRMAN ELWOOD: Four times.

COUNCILWOMAN JANDOLI: Four times, sorry. That's right, two to eight, so four times the size.

So from a lighting perspective, I'm assuming we're using the same lighting on all of the courts, it's not reduced, correct, to meet a certain standard?

MR. FAIELLA: It would be meeting all the requirements, correct?

THE WITNESS: Yeah. So the lighting on both the padel courts and the pickleball courts, is the same exact lighting that was proposed on the pickleball courts last time.

COUNCILWOMAN JANDOLI: But it was two.

MR. CASTANO: It's the same amount of lights?

THE WITNESS: It's the same light fixture just obviously more courts so we have --

COUNCILWOMAN JANDOLI: More lights.

THE WITNESS: More lights on that.

COUNCILWOMAN JANDOLI: Exactly.

THE WITNESS: So again, these are all LED full cutoff fixtures to maintain --

COUNCILWOMAN JANDOLI: So is there

timing for these lights that are going to be shut off at a certain time?

MR. FAIELLA: Yeah, I believe we agreed to a timing the last time and we'll certain cut them off at the same time.

I believe it was 11 p.m. was the requirement last time. And they're not going to go on, like, early, like, super early or anything like that. And we can certainly agree to certain hours for the lighting and for the operation of the courts.

THE WITNESS: Yeah, just to restate the requirement from last time, internal roadway lighting will remain on after 11 p.m. for safety and security, all other nonsecurity lighting will be turned off by 11 p.m. or when not in use.

MR. FAIELLA: And we'll certainly agree to that for the light specifically here, we can agree to a certain time where they can't be turned on before, like, say before 6 a.m., and frankly, it wouldn't really be ever that early unless there's, like, bad weather and somebody specifically reserved the courts. And we -- and those could be, you know, the hours of operation, 6:00 to 11:00, for the courts.

CHAIRMAN ELWOOD: Why as an amenity to

an office building would you need to be playing pickleball at 11 o'clock at night?

MR. FAIELLA: The office employees.

CHAIRMAN ELWOOD: Till 11 o'clock at night?

MR. FAIELLA: I mean, I've stayed at offices till 11 o'clock at night and used the gym at 11 o'clock at night at an office, yes. I have also seen -- I have friends in the pharmaceutical industry, which I know is specifically important around this area, where they had a team, you know, international company, they had a team flying from Seattle and they had a team building exercise at 5 p.m. playing pickleball as a company.

If we want to make it 10 p.m., we can make it 10 p.m., but I certainly have used gyms at 10:00, 11 o'clock at night at an office before.

CHAIRMAN ELWOOD: All right.

MR. FAIELLA: We were trying to keep it consistent with what was previously approved. If 10 p.m. is more acceptable, we can certainly do 10 p.m. for the pickleball courts.

THE WITNESS: I also think it should be -- if the courts are not in use, obviously lights should be off as well.

MR. FAIELLA: Yeah, yeah, yeah, it's when it's -- that's a great point. When it's not reserved for the courts, we're not going to just keep the lights going, I don't think that will be a good thing for the property owner either to just keep lights on the entire time.

CHAIRMAN ELWOOD: Have you considered motion sensors?

MR. FAIELLA: Is that how it's done or is it manually done for timing?

THE WITNESS: I'll have to confirm. I know lots of times with our regular lights, we have motion sensors on, which also a lot of the dim when there's no cars. I think there's a way to incorporate motion senors, I think it would make sense. That way if someone forgets to turn them off, they'll turn them off early.

MR. FAIELLA: We can agree to that, provided, obviously, that I don't think it will ruin operations?

THE WITNESS: No. No.

MR. FAIELLA: So we can make it motion sensors, correct? Yes.

COUNCILWOMAN JANDOLI: So on your new plans, you have plus or minus 1,062 parking spaces.

THE WITNESS: Correct.

COUNCILWOMAN JANDOLI: What does that mean?

MR. FAIELLA: We're not changing the amount of parking spaces.

THE WITNESS: That's the parking in the garage.

COUNCILWOMAN JANDOLI: Why is it plus or minus?

THE WITNESS: I haven't physically gone out and counted those, that was in the garage.

MR. FAIELLA: That was the number we got from when you park in the garage.

COUNCILWOMAN JANDOLI: So we're using the existing parking garage, we're keeping it in existence, we're not changing anything?

MR. FAIELLA: Correct. And then the only change that was previously approved that we're not changing on this approval in terms of parking was to add those visitor spaces in front of the office buildings.

How many are there?

THE WITNESS: Twenty-three.

MR. FAIELLA: So there was 23 spaces added as part of the prior approval, we're not

changing that at all.

CHAIRMAN ELWOOD: How many total parking?

MR. FAIELLA: So we believe it is 1,085 and the reason, like, plus or minus, we didn't do the physical count. That was the number we were given for the garage.

One other thing to reenforce the accessory nature of the courts and to make sure people aren't just parking around there, the applicant is -- would be agreeable as a condition of approval to grant the town Title 39 rights to enforce no parking on those internal roadways that are private roadways not public roadways, but to make sure that there's no parking over there.

We want to keep the parking away from there, we don't want everybody, like, cars pulling up. We don't want to attract the public, we want to we keep it the office -- I believe the exact wording is -- Darlene, correct me if I'm wrong about the wording in the ordinance -- I believe it's the tenants, visitors and families is the phrasing used for accessory uses for some of them?

MS. GREEN: Give me one second.

MR. FAIELLA: I was reading it and you

were right there.

But yes, we want to keep it exactly how the ordinance calls for and keep it accessory, not open to the public.

THE WITNESS: Also for the record, required parking is 626, so, you know, again, still more than enough parking to support the buildings.

COUNCILWOMAN JANDOLI: So this parking garage too, I just want to confirm a couple things so there's no miscommunication.

This also, the back end of it actually butts up and you can see, right, the residents, you know, from that perspective; am I correct in that? So off of Tiffany, yeah.

MR. FAIELLA: Which direction are you talking about?

THE WITNESS: From the top of the garage.

COUNCILWOMAN JANDOLI: The back, right.

THE WITNESS: I mean, it's a ways.

COUNCILWOMAN JANDOLI: So when this originally came in, there's screening that's in the back of it, I don't know if you know that, on the parking garage. I mean, on the parking garage,

there's certain screening.
THE WITNESS: On the lower levels.
COUNCILWOMAN JANDOLI: So on the lower levels, so, you know, from lights and all of that, that's going to need to sustain and maintain all the time. I don't know if we put that in, but I would like to make sure that that gets in whatever condition, because that is something that I remember and I recall from that prior application, it's something that was asked by our residents and it does make a difference for the lighting and for the sound and from all of that. So however we need to do that, that needs to not only be maintained, but sustained for good.
MR. RUSH: Do we know exactly what that was so the record is clear for the resolution?
COUNCILWOMAN JANDOLI: Yeah, it's -- there's like a screening that they put up there so it actually deters the lighting from when they come around because the way it is is circular.
MR. RUSH: And that would be in the parking deck?
COUNCILWOMAN JANDOLI: In the parking deck, it's a circular parking deck, so that when they come around, and especially in the fall and the

winter, you could actually see those lights.
THE WITNESS: Just real quick just one clarification, there's another screening on this one, but there's also screening on the other decks that are closer to --
MR. FAIELLA: Yeah, it might have been --
THE WITNESS: Because these aren't circular, this is a ramp down the middle and then it's flat on the sides. I think the other Novartis ones, I think those are more circular and those are a lot closer to the residents.
Either way, if there's screening here, it's a hundred percent maintained, I just know there's other parking garages that are closer.
COUNCILWOMAN JANDOLI: Thank you. There's a screen on the lower level.
MR. FAIELLA: Yeah, if there's a screen on the lower level, we'll maintain it I.
MR. RUSH: What if there's not a screen on the lower level?
COUNCILWOMAN JANDOLI: I want a screen on the lower level.
MR. RUSH: Okay. So you want one put on?

COUNCILWOMAN JANDOLI: Yes.
MR. RUSH: Is the applicant agreeable to that?
MR. FAIELLA: Yes.
MR. RUSH: Okay.
MS. GREEN: I'm sorry, just because Craig and Darlene are going to be left to enforce this, which direction are we talking about? Because there is -- I just want to record to be clear, to the east of the parking garage, there's a forest. To the is south of the parking garage is a Novartis building.
COUNCILWOMAN JANDOLI: There's a part of it that you could see through the trees, because by the way, that forest isn't a forest.
THE WITNESS: There's only a couple --
COUNCILWOMAN JANDOLI: Those trees --
CHAIRMAN ELWOOD: Especially with the building of 135, the construction of 135 going on.
THE WITNESS: So I think the concern, Darlene, is on the southerly facade.
MR. FAIELLA: Is that your concern, that area?
COUNCILWOMAN JANDOLI: Correct.
CHAIRMAN ELWOOD: Yes.

MS. GREEN: So southern facade?
COUNCILWOMAN JANDOLI: And it's not really a forest, but they can't do anything about it.
MS. KNOLL: That one's further up verses the two lower ones, the buildings, which is all still Novartis, then there's these towards Route 10.
THE WITNESS: Is the site -- I forget if I have an aerial on our --
MR. FAIELLA: Can we bring up site plans?
MS. KISS: Al.
MR. ZIMMERMANN: Matt, can we see the original versus proposed, please, on two separate easels? We might have to push them around a little.
MR. FAIELLA: So the original approval is on the right side, the new proposed is on the left side.
THE WITNESS: Amazing this truck hasn't moved in two years.
COUNCILWOMAN JANDOLI: Right. This gathering space, by the way, is that the same size that it was of the original?
THE WITNESS: It's larger than the original pickleball court that was in that space.

MR. FAIELLA: And the utility building got moved near there?
THE WITNESS: Correct.
CHAIRMAN ELWOOD: Can you give some testimony why you moved the pickleball court from its original location?
THE WITNESS: Yeah, again, the idea was to get the more active recreation further from the buildings.
COUNCILWOMAN JANDOLI: And why did we increase that space that we approved, why did we make it now bigger?
THE WITNESS: It was desirable to have a larger tenant space, and so again, we made sure that the stormwater design still would accommodate the increase in impervious.
MR. CASTANO: And the new size is a hundred by a hundred?
THE WITNESS: Correct.
MR. CASTANO: What was the old size?
THE WITNESS: It was just the size of one pickleball court.
CHAIRMAN ELWOOD: Two pickleball courts.
THE WITNESS: Two pickleball courts,

I'm sorry. I don't have the dimensions offhand.
MS. KISS: Matt, what page did you want?
THE WITNESS: Just the cover.
MR. FAIELLA: Can you zoom in on the -- is it the key map that you need?
THE WITNESS: Yeah, the key map, because that has an aerial background on it. So this is the cover sheet CS-001 looking at the key map.
MR. FAIELLA: This is a good zoom if you could go up a little bit. Just scroll up and to the right a tiny bit. Yeah, yeah, perfect and to the right. Thank you. There we go.
BY MR. FAIELLA:
Q. Do you have a pointer?
A. I do, actually. It will show up on the screen. I am not tall enough --
Q. Do you want to use the mouse?
A. I can use the mouse. Awesome.
Okay. So using the mouse key just to get everyone's reference because we're talking about the proximity of the garage to the nearest residence, so in this shaded area, that is the subject property and the parking garage is in the upper right of that shaded area to the right of that -- so to the south,

you have Novartis, it looks like a data center building, then you have four additional buildings, including their other parking garage, and then you have the residents.
COUNCILWOMAN JANDOLI: In that corner though, right there, you could see that from the garage. I could go in that parking garage and I could see the house.
THE WITNESS: So the concern --
COUNCILWOMAN JANDOLI: I'm assuming that if I could see the house, I'm assuming they could see my lights if I'm coming down. Maybe I'm wrong, but that's what I assume. That's the point that I'm trying to make.
BY MR. FAIELLA:
Q. What's the distance, do you know, from Arena?
A. I can get it.
Q. I guess it's about twice as much as that 200 foot. Or no, it's almost twice as much as that 500 foot, right?
A. Yeah, so roughly, yeah.
MR. FAIELLA: Yeah, we can certainly add screening if there's not there and we will maintain the screening that was there. We could do,

you know, whichever the reality is as a condition of approval.
MR. RUSH: Is that just the lower level or is that on all levels?
COUNCILWOMAN JANDOLI: It's only on the lower in that building or that I saw. It could have been on the others, but it was only on the bottom.
MR. RUSH: So the second level, the applicant will agree to leave it there?
MR. FAIELLA: Yes.
COUNCILWOMAN JANDOLI: You know what I'm saying? I did not see it, but that doesn't mean that it never existed.
MR. FAIELLA: We're certainly not going to remove any screening that's there. In terms of adding, we will look at specifically the lower level and we'll work with the town engineer and planner to make sure it's done properly.
MR. RUSH: Correct.
MR. FAIELLA: We'll get things in writing before we do anything.
MR. RUSH: Good idea.
CHAIRMAN ELWOOD: So Mr. Welch, you're done with your engineering?

THE WITNESS: Yeah, unless there's any other questions.

CHAIRMAN ELWOOD: All right. We're probably going to touch on some other things that I do have some questions, but while you're wearing your engineering hat, so if you go to the new design, basically of what's built and once you pass the guard shack at the racetrack, yup, and you keep coming down the road a little further, right there where your finger is, back up a little bit, there's a curb cut there and there's a bunch of gravel almost like a parking lot, which is not on your plan. What is the purpose of that?

THE WITNESS: There's a curb cut and there's gravel in the parking lot?

CHAIRMAN ELWOOD: And the curb cut is brand new. I can show you a photo if you'd like.

THE WITNESS: I'm not aware of any curb cut that we proposed. If it's not on our proposed plans, it should be removed.

CHAIRMAN ELWOOD: And it's basically next to the detention basin, which also looks like it's over a little bit from where it's proposed on there, and the reason why I say that I'm able to look at the center pole of the court from the front to the

center pole in the back and basically see that that should be the edge of the detention basin and it's a couple feet over from there. As long as it's doing what it's supposed to do, it doesn't bother me as long as our professionals say that it's okay, but there is curb cut and bunch of gravel there almost looking like they're going to be installing a parking lot there.

MR. FAIELLA: There's definitely no parking lot.

THE WITNESS: There's definitely no parking lot. We did propose a maintenance access into the basin, but that should be over here. So if there's something there, it shouldn't be and should be removed.

MR. RUSH: What road is that on? Is that road --

THE WITNESS: So this would be I'll call it the turn off from the racetrack on the westerly side of the court area.

MR. FAIELLA: And just to be clear, can you just more accurately describe the actual maintenance road for the bioretention basin?

MR. ZIMMERMANN: I think I know, yeah. Sorry.

THE WITNESS: Actually, do you have a picture of it?

MR. ZIMMERMANN: We understand what the proposed condition is for that bioretention basins, along the bowl nose around there with the sidewalk, but I think the question is what is there right now? It might not be correctly represented on here that you have wooded area on that bowl nose over there. It looks like there's some kind of gravel and/or maybe a temporary parking or gravel there where the bioretention basin is current proposed to go. Right -- put your finger up, yeah.

THE WITNESS: So right here, yeah. And I don't know if that was just part of the construction that wasn't supposed to be happening, maybe there was an access, construction access they were using.

Either way, the final condition should be landscaped and the only thing there should be a sidewalk.

MR. FAIELLA: And no curb cut there?

THE WITNESS: And no curb cut.

MR. LOMBARDI: The curb cut is definitely brand new.

THE WITNESS: That should come out.

MR. ZIMMERMANN: Do you know when that curb cut went in?

THE WITNESS: I do not. I wasn't on-site during construction.

MR. ZIMMERMANN: I'm unaware of it.

THE WITNESS: If you want, maybe again I can meet your engineer on site to review it further.

CHAIRMAN ELWOOD: And there's some -- there's other stuff that we'll get into, but -- and I'll let you go further, but in the hundred foot by hundred foot, I forgot what you called it.

THE WITNESS: The gathering space?

CHAIRMAN ELWOOD: The gathering space.

THE WITNESS: Yup.

CHAIRMAN ELWOOD: Are there any plans to make that a basketball court?

THE WITNESS: Originally we looked at it being a basketball court and then the applicant wanted to leave it just open space.

In the future if a tenant really wanted it to, we can look at it. I'm not sure what approvals will be needed, but it would -- we originally sized this to fit a full-size basketball court on there, we thought it might be a nice

amenity. The feedback from the potential tenants was mixed, that's why it went off.

MS. KNOLL: There's not covered, it's just an open concrete?

THE WITNESS: It's just an open concrete.

MR. ZIMMERMANN: There's no cover there.

THE WITNESS: Yeah, the idea is if you're having an event, you could take some, you know, put some tents out there, but nothing permanent.

MR. FAIELLA: And that could be a condition, we're not going to put any permitted parts there, but yes, you can have a temporary tent there or something like that.

MS. KNOLL: So no picnic tables, chairs?

THE WITNESS: I mean, we do have other areas with seating. Again, the idea was to kind of leave this open and free, you know.

MR. FAIELLA: I think the idea is also if you want something like that, you can put picnic tables there and chairs there absolutely for an event like for your team or something like that or lunch

for your office tenants or something like that, you can put things of that nature there, but it's not going to be there permanently. There may be tables that come in --

MR. ZIMMERMANN: Watch out.

MR. FAIELLA: Nice catch.

There may be tables that get put there every so often, but there's no permanent proposed parts there.

THE WITNESS: We're really trying to leave it flexible particularly since again, there's no assigned tenants yet, we don't know exactly what the tenants are going to want.

MS. KNOLL: Since there's no assigned tenants, why all the pickleball on the other courts? I'm personally thinking, like, volleyball, softball, like, other multiuse spaces, but like why all of these pickleball, I guess that's just the newest thing?

MR. FAIELLA: Yeah, that's exactly it. We were going to go basketball.

MS. KNOLL: And then next year, nobody is going to use that.

MR. FAIELLA: Well, pickleball has become very popular and we believe that's what will

get the -- attract office tenants.

We were originally going to do basketball, as Mr. Rush said, and the feedback was that's not what modern office employees want, they want pickleball, and they want padel, which I had never even heard of until I was told that. And I'm not on the calls for the brokers, but I'm hearing it was after a lot of different feedback from different brokers, different potential tenants, and this is what we believe will be able to attract employees to come here.

And at the end of the day, that's what we're trying to do is get office employees to come to the buildings, to get tenants to come here to East Hanover, and to fill up these underutilized building and to reinvigorate them, make it a modern office area.

CHAIRMAN ELWOOD: So if that's the case and especially the fact that the buildings are vacant and we live here in the northeast where we have cold winters, you think you'd consider putting the pickleball courts inside so that they could be used year round?

THE WITNESS: I think that would have some significant structural design.

MR. FAIELLA: Yeah, you would have to build a new building, different builds of recreational facilities and office facilities and I mean, I don't think that they wanted to build a whole new recreational facility, they really wanted to keep it accessory for the office.

CHAIRMAN ELWOOD: And basically what's the plan -- I mean, you said that they're 250 feet away from the building, which is obviously the office building, so they're even further from the parking garage, what do you anticipate the parking situation to be? You know, especially meaning like if, quote, as Councilwoman Jandoli said, say there's a team building event where, you know, you have office space here, but your other five offices are all going to show up here?

THE WITNESS: So I think that would need to be coordinated with building management and potentially had, you know, I know for my company when we all get together in a facility, we typically leave on a Saturday which, you know, on a Saturday, you know, obviously office is down.

Also remember, parking requirement is 626, so there is room to have an event and not exceed the parking, but again, I think any large event would

need to be carefully coordinated with building management to make sure it doesn't impact their tenants.

CHAIRMAN ELWOOD: So can we make a condition of approval any event like that would have to been on a Saturday?

MR. FAIELLA: I've seen them.

COUNCILWOMAN JANDOLI: But is that the right thing to do? I'm just asking, like, I don't know if that's the --

MR. FAIELLA: I mean, I've seen them during the week, I've seen them on the weekends. I mean, I've seen, like, you know, that one I mentioned where they had a team fly in from Seattle, it was, like, on a Wednesday and there was enough parking at the office building for them to handle it.

We will have to coordinate it to make sure that there's enough parking. We will grant the town Title 39 so nobody is parking on the roadways. They would have to be parking in the parking garage and the lot to be able to access anything over here.

And I mean, it's a little bit further away, but I guess if you're playing pickleball or padel, you would be active enough to walk there, I've walked from the buildings to the courts and it sounds

like it's, you know.

COUNCILWOMAN JANDOLI: So what if there's multiple people that are going to have the same event on the same day?

MR. FAIELLA: Well, that's why it has to be coordinated and managed through the office building. We wouldn't be able to have -- we wouldn't be overlapping and that's why it's all going to be coordinated through the office building.

COUNCILWOMAN JANDOLI: So would we believe able to ask if it went over a certain amount of people that it would be coordinated with the town as well, between all of that?

MR. FAIELLA: We could certainly do that, yeah.

COUNCILWOMAN JANDOLI: I mean, is that something that we would even want to do? I'm just asking.

MR. FAIELLA: If the Board wants that as a condition of approval, we certainly can agree to that if it's over, you know, X number.

COUNCILWOMAN JANDOLI: You know, I could see this ballooning.

THE WITNESS: I guess my question is, you know, if they're fortunate to get one tenant that

takes both buildings, you only have a single tenant. Again, I think it's probably unlikely. There's probably going to be multiple tenants, hopefully, in these buildings, but --

COUNCILWOMAN JANDOLI: I'm more concerned about the transient office space where you're going to come in, you're going to attract and we're going to say we're going to have a party here today and you're going to bring in an office staff of people from all over the place. I don't know how you're going to be able the manage that, I still didn't get that answer yet, but that to me is more worrisome than anything, because that's exactly what will happen in those sites.

MR. FAIELLA: Understood. And we do have operational testimony that we'll put on, but I mean, I think it's generally going to be the same in the sense that whether it's shared office or traditional office space, it's going to be coordinated through the office manager and it needs to be scheduled any types of, you know, reservations of that scale. And we can certainly agree that if it's over a certain amount, the town needs to be notified in advance and then the town can decide --

COUNCILWOMAN JANDOLI: What if that --

if it exceeds a certain amount, that it can't occur, that there's --

MR. FAIELLA: A total limit of number of people? I mean, as long as it -- I think we can agree to a certain number, I don't know what that number is and I'll have to ask our tenant -- or our client, but we might be able to.

It's just it gets to the -- we start getting into a fine line on the limit, but if there's a safety concern about the number of people, we can certainly discuss that.

THE WITNESS: Yeah, I'm trying to --

MR. FAIELLA: There's eight courts, so there's only a certain amount of people that would be able to be there at once.

COUNCILWOMAN JANDOLI: But it's the courts, then it's the space of how many people that you're going to be able to hold, and I'm sure that you're going to have people in this little area and on the grass and everywhere else if you had enough people to actually have an event.

MR. FAIELLA: Are you saying if there's too many people at all in the office building? I'm a little bit confused about what that condition would say specifically.

COUNCILWOMAN JANDOLI: Well, the office buildings you have.

MR. FAIELLA: Yeah, so I'm kind of confused, like, what if the office building is full and there's no events and they just want to go outside, we wouldn't have the town be notified of that if they're outside in the outdoor lawn area.

I thought you were talking specifically about events using the recreational.

COUNCILWOMAN JANDOLI: Recreation.

MR. FAIELLA: All right. So we're talking -- I got a little confused.

COUNCILWOMAN JANDOLI: As well as this tenant space, right? Putting up tents and having them outside, that's different --

MR. FAIELLA: Yeah, I mean we can.

COUNCILWOMAN JANDOLI: -- that's much different than people sitting outside to have lunch.

MR. FAIELLA: I agree. So if there's a certain number where we need to notify the town or anything like that, we can certainly do that. If there's -- I mean, the limitations I'll defer to my our client when he gets brought up, but yes, we can certainly work the town about, you know, notifications and things of the like.

THE WITNESS: I guess too also to make sense, like, that way, if there is going to be a large gathering and, God forbid, an emergency happens, I think the town would like to know maybe that's there's a large gathering. I'm just trying to think of --

MR. FAIELLA: And there are the conformance standards that we have to meet and make sure and -- Matt, do you know some or Darlene, the different conformance standards that are required to be met? It's, you know, noise --

MS. GREEN: Noise, glare, vibration, odor.

MR. FAIELLA: All of that we still have to meet regardless of what's being proposed there. We are not seeking any variances from there or waivers from there anything, and I don't know if this Board ever grants them, but we are not seeking any and we still have to comply with them. We have to comply with all the town ordinances.

CHAIRMAN ELWOOD: So on the original application, part of your own testimony is it could be multiple tenants, we'll comply with any ordinance requirements, there are in terms of that, but I think we're hoping somewhere around 50 to 70,000 square

feet for each one.

MR. FAIELLA: Is that still consistent with what the market is now two years later? I'll bring up our client about -- he has a better idea about the market now.

CHAIRMAN ELWOOD: That was your testimony on what's going to be in the building and now we're changing it.

MR. FAIELLA: Are we? I don't know if we are. It can be multiple, it can be single. I'm going to bring up him up for in terms of the testimony about some of the discussions they're having, but yes, they're trying to fill the buildings and I'll defer to him about what the ideal space is, what discussions they've had so far, what the market is looking like right now, because they've had many discussions with potential tenants, you know, in the last weeks, months, and things of the like, so he has a much better idea about what the -- what the current market is right now.

THE WITNESS: I will also say, you know, again, speaking with Peter, prior to getting our approval, they weren't permitted by Novartis to start parking the buildings, so it was a general assessment of what we thought, but I think now that

they've had many tenants walk in the buildings, we've have a much better idea of the tenants that are going to occupy the space, so yeah we'll have Peter speak more on that.

MR. FAIELLA: Before the original approval, the property wasn't subdivided, so it wasn't bought yet.

After the subdivision, then it got perfected and the sale close and the deed was transferred, I think it was the beginning of 2025 with the official deed transferring, and then they could move forward with the different marketing efforts.

It's kind of a quirk of New Jersey when it comes to a subdivision, you can't own a property until it gets subdivided. So they couldn't own it and to a certain extent, there are limitations on the type of marketing, depending on what the contract says.

So, you know, we're in a-- definitely in a more informed area now versus two and a half -- two years and change ago. And I think that our client when he discusses some of the operational parts, will be able to also talk about some of the discussions with brokers, potential tenants and

things of like, to give the board a little bit more favor on what discussions they've had and what the market is looking like.

CHAIRMAN ELWOOD: So do you want to move on past Mr. Welch at this point?

MR. FAIELLA: Yes.

CHAIRMAN ELWOOD: So I need to -- first does anybody up here -- obviously he's going to speak again, but does anybody want to go over anything now at this point?

MR. LEMBO: Yeah, you know what, I do.

Yeah, I just can't understand how you got from that to that. I mean, I come into your office and I get approved for that.

THE WITNESS: Well, again, this is our amended approval. This is what we're here for.

MR. LEMBO: I understand that, but as a professional, nobody told him you might have to get in front of the board again?

THE WITNESS: As a professional I told him that we would be -- originally I told him that we would need to come in for an amended approval.

MR. LEMBO: After it was done?

THE WITNESS: No.

MR. LEMBO: Before?

THE WITNESS: Before when we were talking about this.

MR. LEMBO: Okay. So how did they get to that point?

THE WITNESS: They built some shit that they weren't supposed to.

MR. LEMBO: Somebody is paying him. Who's paying him? Somebody is paying him.

THE WITNESS: The contract -- I --

MR. FAIELLA: There were actual discussions with town officials also about it being potentially an amended approval or a site field change. And there were discussions and there were indications that it could potentially be a field change. Instead of waiting until it actually was papered and actually being granted a field change, they took potentially can be as we can do this, and they built something that they shouldn't have done.

We have admitted that there were faults by the applicant and they should not have done that. And turns out, it needed an amended approval and we're here today for that amended approval.

CHAIRMAN ELWOOD: So what's your plan if we say no? What's your plan?

MR. FAIELLA: What's our plan if you

say no?

CHAIRMAN ELWOOD: Yeah.

MR. FAIELLA: We'll have to assess our options. It doesn't mean we can just operate without an actual approval. We have to see what we have to do, whether it's an appeal or if that gets denied, tear it down or just, you know, we can't do -- we can't operate something until it gets the proper approvals and we not going to be operating it until the actual approvals. We are not looking to start, you know, continuing construction on there until it gets the proper approvals. We're here now trying to get it.

Regardless of what was building built, we're here now to try to get that approved. And if the Board says no or yes, we have to assess our options of what to do next.

And to be clear, just so it's absolutely clear, we are not asking the Board to approve this because it was built. We are asking to Board to assess our application as it stands with the proofs that we're putting forward here.

CHAIRMAN ELWOOD: So it's no problem if I tell you to move it five feet over?

MR. FAIELLA: That's -- I mean, it

would be a question of whether that's arbitrary, capricious and unreasonable, but we'll have to talk to our client about that.

CHAIRMAN ELWOOD: Do any of our professionals have anything before we open to the public and obviously Mr. Welch will be back here?

MR. ZIMMERMANN: Matt is coming back?

CHAIRMAN ELWOOD: Yes.

MR. FAIELLA: Are you coming back for just planning testimony on the fences?

MS. GREEN: I'll wait until he comes back.

CHAIRMAN ELWOOD: Okay. So I need a motion to open public.

COUNCILMAN DEMAIO: Motion to open public.

COUNCILWOMAN JANDOLI: Second.

CHAIRMAN ELWOOD: All in favor?

(Unanimous Aye.)

CHAIRMAN ELWOOD: Anyone from the public who has any questions regarding the testimony given by Mr. Welch, please step forward, state your name.

MR. LOMBARDI: Motion to close public.

COUNCILMAN DEMAIO: Second.

CHAIRMAN ELWOOD: All in favor?
(Unanimous Aye.)
MR. FAIELLA: So at this time I would like to call Peter Gilpatric, a representative of the applicant.
THE WITNESS: Good evening.
MR. RUSH: Raise your right hand.
Do you swear or affirm the testimony you should give the Board shall be the truth and the entire truth?
THE WITNESS: Yes.
MR. RUSH: Can you state and spell your name for the record, please.
THE WITNESS: Peter Gilpatric, G-I-L-P-A-T-R-I-C.
MR. RUSH: Thank you very much.
DIRECT EXAMINATION
BY MR. FAIELLA:
Q. Peter, just to give the Board a background, can you explain your position relative to the applicant and then afterwards, get into some of the options, questions that have been asked and also just to give the Board some background on discussions with potential tenants and kind of the thought process behind what is being proposed today?

A. Sure. I'm real estate developer a real estate adviser to two owners at this property. I've been doing this for quite a while, 50 years.
So I've done a lot of office buildings. I was at least a leasing guy for a number of years, so I see things through the tenant's perspective and through --
THE COURT REPORTER: Just speak up a little bit, please.
THE WITNESS: Okay. Is that louder?
CHAIRMAN ELWOOD: The handheld, okay.
MR. FAIELLA: Try that one.
THE WITNESS: Is that better? I'll try that.
So I've done office space for a long time, I've leased office space for a long time, and one of the things -- and I'm going to answer your questions. There's really some misunderstanding. I'll start with the basics here.
The way tenants work today is different, the way workers in tenant space works, and it's different than --
THE COURT REPORTER: I'm sorry, I can't hear you. You have to just raise your voice.
MR. FAIELLA: You just have to hold it

a little bit closer and talk a little bit louder.
THE WITNESS: I'll try. Is that better?
CHAIRMAN ELWOOD: Just be loud.
THE WITNESS: My wife would say I was loud, that's about it. I'm a soft-spoken guy.
But in any event, I've done a lot of office space, I've worked for corporations for office space, the way people work is different.
So a lot of the changes you see have been driven by the fact that we've gotten from the market JLL, they're a marketing firm. We've talked to over a dozen new tenants, and I could share that with you, I've talked to three or four different coworking companies, but let me start with the basics.
These are office buildings. They are and will always be office buildings, that is the principal permitted use, as is coworking a principal permitted use. Any of the stuff on these plans are accessory uses to an office use, period. They are not open to the public, people can't operate in business in there to solicit the use of those facilities and make money with them. They are for the office building.

And yes, they did go off the rails last year, about a year ago. The woman who spit out all of that advertising had no relationship with us, no contract with us, was in negotiations with us, so just put that down. And there were misunderstandings, as it's been explained to you, we knew -- I knew we needed to do a plan, the plans were being done, and by the way, I think you got the plans three days after you shut down the job. Matt doesn't do plans in three days, they've been working along.
Let me explain what happened. There was an initial basket, the first set of outside amenities, we got feedback and one of those feedbacks was pickleball. I laugh every time I hear the game because my grandkids can play, all that sort of stuff. It is on fire.
So they said well, we need more pickleball and why don't we move them away from the building because it makes noise. For pickleball it's that pop, pop, pop, back and forth.
Padel is an emerging game, it started in Mexico, went to South America, went to Europe, it's coming here to this country like a tidal wave. We've talked to some people in Bergen County, they get players from New York City and there's a large

demand, but that all relates not to the industry of pickleball and padel, it relates to what tenants do when they're here.

You've heard about the people coming in for three days a week and all that sort of stuff. When they're here for three days a week, they're not at home, they're not going home, they're here, many of them, and they need stuff to do. So companies look to find places to do team-building or create a worker culture, or at least half of the people I've talked to talk about town hall meetings with a big cafeteria space to have a town hall meeting, it didn't happen when I was in the office space business, but it's happening now.

So we're trying to accommodate those needs top to bottom. What we found is the story that we can tell about these buildings and this location and this campus. We've talked to old building users, somebody came and wanted to take both buildings, they ended up in Short Hills, that was Selective Insurance and they came from up from Sussex County.

We've talked to people who want a whole floor, we've talked to people who want two floors, we've talked to people who want three floors. They all want about the same thing. They don't have

all private offices around, they have basically you come to work with a briefcase and a backpack and you silt down. Some have traditional offices, but many have open spaces. That's how people play and work today. It's just different, but it is the way it works.

I went to Horizon headquarters and I saw that when it was initially built. You open the doors where the workers are, there are bunch of high-low tables, you plug in a computer, you have two screens, you want a conference room, you have a private -- you go and you click there and your team knows where you are, that's the way these things work.

So one of the fundamentals here is how do you control that, because we own an office building. We do not want chaos. As much as you don't want chaos, we sure don't want chaos. I have to run an office building, so we need to hire a concierge or someone to manage all of this stuff.

People can't go use it willy-nilly, they have to make reservations. I don't want to answer one tenant's question what are those hundred people doing out three screaming, yelling, and disrupting my workforce, it can't happen. I know you

don't want it, but as a business, a person who's running an office building, I absolutely can't afford it.

So there are new rules. There's a lease that sets forth how the building is operated. There's a property management company, they run all of the things. We have sophisticated card access things so you can go here and there unless you have a car, including bringing food upstairs when you're working outside.

CHAIRMAN ELWOOD: Peter, please be a little louder for our stenographer.

THE WITNESS: I am sorry. I'm going to sit over here with you.

CHAIRMAN ELWOOD: Face her so she can read your lips.

THE WITNESS: But in any event, there are a lot of challenges to running an office building because it isn't what it used to be where somebody rented a floor and popped the door everybody came, it's just more dynamic.

We have a full cooking cafeteria, so we have food and beverage. People want food on demand. That means if you want to have a luncheon at 10:00 in the morning or 3:00 in the afternoon, if I'm

successful, I'll find a way for you to get you that food, it's nothing more, nothing less. In that cafeteria seating area, somebody can come down at 10:00 in the morning, park and play, if they don't like it, people that look down, they'll go over here, that's the way the world works. And so I'm trying to accommodate that.

So what's happens is that plan morphed to this plan, driven in large part because tenants had said I need this. We're trying to be elevated and differentiated, big words, but we're trying to lease a building.

The good news is we have somebody who's been back five times or four and a half, I think they'll ask us for a lease. We've got last week a two-floor tenant. They wanted to come and see us because they couldn't be all on the same floor. They're over by the building. They came over, we're now number one or two on their list, why? This stuff, this story, it's what people are looking for, they happen to be a call center for a medical business between pharmacies, insurance companies, doctors, this is who we deal with and we're trying to accommodate.

But at the bottom of all of this, I

don't want what you don't want happening at this site. It is a closed campus. It is not open to the public. I do not want to public there. I do not want bars and restaurants and all of that sort of stuff going on. You want to see that, go to Bell Works down in Holmdel, they took these buildings and turned it into a peninsula.

We're trying to turn this into an amenitized office space. If you want to see the comparison, to the Connell center on Route 78 in New Providence. Go over to Latitudes up along 80 up above Cherry Hill Road, you'll see these amenities, you'll see a parking garage that works.

I don't want to have my tenants come in and say there are no parking spaces because somebody is having a hard time parking, I can't have that happen.

So there are controls that lead as an owner and a developer and landlord have on ourselves and with our tenants and also with our community. So if you have restrictions and you raised a bunch of things that make sense to me, you want control, we want life safety people, we want the police to know what's going on. If there are limits on things, we're happy to share that with you because the use of

the facilities. It's just coming to that accommodation.

But we put all of the net games out, away, clustered them on the place, so we did cluster them. The building, it's got a bathroom so we're going to keep it and it's a place to store stuff if you have an extra net or that sort of thing.

It's not open to the public, you've got to have a card to open the door. The lights are going on and off when they're used. We'll have reservation system so that the tenants know who's out there, they know who their employees are and they have control over that.

If you want to big party, there are a bunch of things that go on with a big party, including accountability, responsibility, insurance, you know, costs, costs that I'm not going to pass around to this tenant if you have a party, no, you've got to pay for it. So there needs to be something set up in the contract. Those are my real world realities of how you run an office building, it's just different.

But we don't want to be in conflict with East Hanover. I will apologize that we got way over our speed, there's no excuse for it. I told you

what he said, I can tell you what I said, but what is out there, could became would and all of a sudden, oops, there it is, and then we're shut down.

Have we been penalized for that, yeah, because all that stuff was set up there untouched, what's going on and, you know, what are you going to tell them.

We -- we're here tonight to try to get that approved. I don't personally think it's in conflict with the community or an office space. When you go around and look at some of these other places, we're cutting edge, but go look, you know. I'm the only the guy here who swore I'd tell you the truth.

But coworking, coworking is morphing also. There's the WeWork, WeWorks aren't like this. They took basically undervalued office space in the big markets, big cities, leased it, and then suddenly the rents went up, they got renewed, they couldn't afford it and they're out of business.

I like the idea of offering people like myself, because I'm a one-man band, a place to go that I could rent an office, I could go get a sandwich for four of $5.00, I have IT and it's secure and I go home. That's, to me, coworking.

Or if the four of us decided we wanted

to explore an idea for six months and try to be an entrepreneurial business and see if it flies, that's coworking. You can lease an office if you go to Connell center, which does it, and look at them, they've got big tenants out of their indoor spaces, it's that.

Do I want somebody who comes in and says I'm the regional representative and I'm going to have a thousand-people meetings every quarter, no, I don't want that person because they're going to mess up everything else in the building. It just isn't going to work.

But it goes back, nobody uses these facilities unless they are part of the primary use, office, coworking. Coworking is office space, it is not a party center. And the miscommunication came out through that padel stuff was an abomination, it just was. We have no relationship with that woman, she did it, she was promoted, she's doing other deals. If you still follow her, she's going into communities and she's arranging stuff, but it wasn't going to happen.

She knew it was closed to the public. It is closed to the public, I support it being closed to the public, that's it and that's our story. And I

hope I'm helping here because I'm trying to tell you where we came from, but ask me questions. Ask me questions.

CHAIRMAN ELWOOD: So in the beginning you said that sometimes it's a little slow with the plans and it took a while and the plans came to us three days later, but obviously the plans went to whoever is doing your construction because it's already built, so they were working off of something.

THE WITNESS: Yeah, they did. I'm looking you straight in the eye and saying --

CHAIRMAN ELWOOD: There wouldn't be any other way to do it.

THE WITNESS: It didn't happen in a vacuum. So somebody was passed the plans to the contractor, the contractor was doing his thing and it was over recommendations against that because you have to do plans, you have to build the plans, and I don't care whether they're before your Board or before your inspectors in the construction department, you have to have plans. And they were being made and they changed when they added something else and yes, it went out there because they were doing -- moving their big machines and they kept going. And there were inspections and, you know,

people said oh, they I got inspected maybe it's good. Plans were done, but it got closed down. Those plans, we're working on them for probably six months. Because there are technical things, there is -- there are gaps, it's all the things that human do. It didn't happen, I apologize for it not happening, period. I can't do anything other than say I apologize, period. It shouldn't have happened.

CHAIRMAN ELWOOD: When you guys discuss office space and I look at the other two properties that you own, are you looking to do similar to what's there where they have private restaurants and private gyms, you know, like basically their own businesses operating within the building. It's not necessarily an amenity to the building, all that is being offered to the people, but it's a separate business.

THE WITNESS: Interesting question and I'm going to give you the straight answer. I wish you hadn't asked me, but I'm going give you the answer.

CHAIRMAN ELWOOD: I know you did.

THE WITNESS: So we built 30 Farinella, we leased that to a biopharma company,

they came in and they met with you, they got their use approved, they're in there, they never really occupied and used it for subleasing it right now, but they built it all according to plan. We bought the building across the street, but they used to -- 31 Farinella where they used the grow crystals, try and mess around with it, decide we could tear it down, build what is now 31 Farinella, which is a 40,000-square foot building with an 8,000-square foot mezzanine.

And if my prayers are answered and the people from France didn't lie to me, they're going to sign a lease and that will be for the whole thing and the first part of July, and you've approved the use. Okay? They make syrups for coffee. Okay?

Now we got to 80 -- well, I call it 80, but it's 135, the building in the back that you approved. It is being built as a 200 -- 500-foot footprint with the ability to add 20,000 feet mezzanine across the back, we're not putting a mezzanine in the back, we did the other building, we learn our lessons.

I have from sports and recreation people probably 150 to 250 percent interest in that building, that means 200 to 250,000 square feet of

interest from the sports and recreation.

I have said to my people if we want to do it, we have to come talk to you, because that building right now is approved as a warehouse, light industrial building on the I-3 zone, and that is the peanut and popcorn because --

CHAIRMAN ELWOOD: And adjacent to the residents.

THE WITNESS: And adjacent to the residents, but it's also, you know, behind the movie theatre and the -- it's all that stuff. If you read it -- I called it peanuts and popcorn because it's just about everything you want to do there.

If I want to do something different than what is there, they've got to come in sit down state their case.

MR. FAIELLA: Just to be clear, if it's not permitted, it needs a use variance and even if it is permitted but a change of use, we likely need an amended site plan approval, that's when you say come back.

THE WITNESS: To your credit as a town, in those industrial buildings, you have a use already. So you bring in a tenant and the landlord and you want to know what's going to go on in the

building, the thing we do each and every time, and we place a user. If it's all consistent, if it's good, go. If it's not, we call and figure out what to do and who to talk to.

MR. FAIELLA: We've been doing preoccupancy meetings to make sure that the tenant meets the conformance standards.

THE WITNESS: Okay. He knows.

MR. FAIELLA: To make the technical terms --

CHAIRMAN ELWOOD: So just so I'm clear, I wasn't talking about those buildings, I'm talking about the building in Holmdel.

THE WITNESS: That's not mine.

CHAIRMAN ELWOOD: Oh, it's not?

THE WITNESS: No, no, no. I'm sorry, that was an AT&T headquarters thing that Sterling brought and they call it --

CHAIRMAN ELWOOD: I'll let you go ahead for a second. I'll find what I'm looking for.

BY MR. FAIELLA:

Q. Just going back to this building --

A. Going back to 135, I have a tenant that wants 40,000 feet and it's fully consistent with I-3, they make stuff, they put stuff up here, it

drops into that, raw materials comes in this side and out the other side.

So we're working at it and we broke ground last week, so we're ahead of the curve with that building. Now --

CHAIRMAN ELWOOD: I pull up the article that I'm referencing it has your picture right on the front of it with your name on it.

THE WITNESS: Well, there it is.

CHAIRMAN ELWOOD: From NVE, "NVE launched next phase of upgrades, amenities, as 600,000-square feet Arena campus takes shape in East Hanover," and it makes mentions of the other properties.

MR. FAIELLA: Is that this property?

THE WITNESS: Well --

MR. FAIELLA: I think it was --

THE WITNESS: If you add up the square footage of all four properties --

CHAIRMAN ELWOOD: There's your amphitheater.

MR. FAIELLA: Yeah, that's this one, this project.

THE WITNESS: So our marketing guy said meet these guys, tell them what you're doing and

let's get to work, and that's what we did.

CHAIRMAN ELWOOD: Right I thought it referenced -- go ahead keep going. I'll find it. It referenced two other properties that you guys have in East Hanover.

THE WITNESS: The only three we have are 31, 30, 135 plus these office buildings, that's it. It may have referenced others as a point of reference, i.e., look at these, they're similar, because a lot of the office buildings out there are -- they have a front door, back door, and big parking lot.

MR. CASTANO: Can I ask a question?

THE WITNESS: Yes.

MR. CASTANO: Operationally, right, so you have a building there, let's just work with even numbers, let's say you have a thousand people working in there, you're going to have a thousand badges?

THE WITNESS: Yes, sir.

MR. CASTANO: So if I'm Company Y and I rented 40,000 square feet here, I got 40,000 square -- I got 35, whatever, you know what I'm trying to say, so those people can come to that building and use the pickleball courts too, right?

MR. FAIELLA: Are you saying if it was

the same company where they have --

MR. CASTANO: People can come off-site if it's like at a WeWorks kind of thing.

COUNCILWOMAN JANDOLI: Right. So if they -- if they rent two floors in your 31 Farinella, let's just say, and they are renting a floor here, basically they could take their whole company from 31 Farinella and come over and actually utilize all of this because technically, they're friends and family.

MR. CASTANO: Are you operationally going to limit the amount of badges each company gets?

THE WITNESS: Well, we're going limit the number of people who are out there trying to play pickleball because eight people could play.

MR. CASTANO: That's what I was trying to say because if a company comes, like I said, Company X comes in there, they get a thousand employees within that, let's just say 50-mile radius, they could literally come in there and all -- and it won't happen, but they could all literally come in there.

MR. FAIELLA: We do that for my company also. If we have a different office in a different town, we have another officer in New York

City. If I'm need to go to New York City for a day, I can go there and use their amenities.

I will say, like, from just personal use, I don't see that happening where, like, people just go there constantly or a large amount, but if you're talking about in the immediate area, obviously it's a little bit different.

THE WITNESS: I just don't want -- my point is I don't want anybody that has, like, a company X card to be able to just go there, scan it in and go; you know what I'm saying?

MR. FAIELLA: So you're saying it should be building cards rather than company cards?

THE WITNESS: At one point in time, a max of 32 people can use all eight courts, and there's two on each side.

MR. FAIELLA: In active use.

THE WITNESS: In active use. And there's no room to stand around, there are no bleachers, there none of that stuff.

So when people play and I don't want to stand in line, you probably don't want to stand in line. There's an enormous demand for this game. People like to do it. We have a locker room in our building with facilities, we have a little gym, we

have all that stuff. Of course we have Novartis, but it's there and that's all part of the package. It's the health and wellness.

Novartis had a doctors office in the building. We're not putting a doctors office in the building.

CHAIRMAN ELWOOD: So what's preventing -- the way you say the same as you're a one-man show from me renting a spot there or you renting a spot there and your business is pickleball and now you're running a full pickleball league there and you have access, you can get everybody in.

MR. FAIELLA: That wouldn't be a principal -- you're changing the principal use.

THE WITNESS: You're not an office use, you're a pickleball user and you're not allowed to do that, I'm not going to rent you the space, period.

CHAIRMAN ELWOOD: No, I'm saying if I rented an office space there.

THE WITNESS: You can't operate a business open to the public at these buildings, period. That's what your law says.

CHAIRMAN ELWOOD: So no gyms or restaurants or things like that?

THE WITNESS: I can't open a gym to the public, I can't open a restaurant to the public. Even if I had the greatest idea and the best sushi in the world, I can't sell it to the public. Those are your rules.

MR. FAIELLA: Just to be clear, I guess, because you asked a different question and I just want it to be absolutely clear, like, for example, there's potentially going to be a coffee shop in there, it could be operated by a different company, but it would only be serving the employees, right?

THE WITNESS: Right, it can only serve the people -- yeah.

MR. FAIELLA: Did that answer your question a little bit better?

CHAIRMAN ELWOOD: I'm not really worried about -- so the coffee will be -- but there's not going to be a gym where I can go and get a membership and go to the building?

MR. FAIELLA: Correct, no, no, you are an office -- you could be an employee and you can use the gym, but you cannot get a membership to the gym, you cannot get a membership to the pickleball. I want to make that very clear in the conditions.

If you approved this, I'll work with your attorney Mr. Rush and we will make it very clear that there can't be a membership directly to amenities because that makes it a principal use and not an accessory use.

CHAIRMAN ELWOOD: That's what I'm getting at.

COUNCILMAN DEMAIO: So you're okay making that a condition of approval?

MR. FAIELLA: Absolutely, yes.

THE WITNESS: And that is my understanding of the ground rules here, I cannot take a business and make a principal use unless it's a permitted principal use. We're looking at office space and coworking space, both principal uses. Everything else is an accessory use to those. So they're not independent, they're absolutely not independent.

MR. FAIELLA: And we get the concern because it could seem almost like there's ways around to, like, make it look like it's a principal or accessory use but it's really a principal use, and we're willing to work, like, however you want to make it very clear it has to be accessory to the principal use.

Those types of conditions that there's no membership to it, absolutely. I think we've even put it in -- maybe not part of this application, but in prior writings, but yes, and we'll state it on the record, no membership for an accessory use.

We can do, you know, the timing, the lighting, lighting being motion sensors and things of that nature, the gate having a key fob access.

If there are other specific conditions, we absolutely want to work with you because we don't want there to be some type of workaround because it is an accessory use.

If it's starts being operated as a principal use, just like any other zoning violation, things can be -- there's zoning code provisions of fines, shutting down, and all of those things.

Everything that the town has currently for every single use if it's not operating the way it's supposed to would apply here. And we will take it that one step further about the Title 39 for parking because I think that is -- when you start getting people parking on the roadways, that would be a pretty obvious sign that something is not going right here. So we can absolutely grant that Title 39 right to the town.

If there are other conditions to make it very clear, we -- it's only an accessory use. So we, you know, it cannot be not operated as a principal use unless we came back here for a use variance for any or, you know, it can be done that way, it has to be an accessory use, that's how the zoning ordinance --

THE WITNESS: Our interest are aligned on this, I don't know if it's clear, but they are aligned. I have tenants, they get to use the stuff, it's not open to the public. You all, as much as I love you, you can't come over and use it.

CHAIRMAN ELWOOD: Anyone?

Ms. Green, go ahead.

MS. GREEN: Thank you.

Good evening Mr. Gilpatric, so there are courts fully encircling or -- excuse me -- there are fences fully encircling the pickleball and the padel spaces, correct?

THE WITNESS: Yes.

MS. GREEN: And your testimony is that they will be somehow key fobbed, car fobbed, secured?

THE WITNESS: My understanding, this fellow designed it, is there's a fence that goes all the way around the perimeter and there's a gate.

That gate that won't open unless you have the thing.

I was going to wear my tag so you could see what the tag --

MS. GREEN: And I want to leave it flexible because technology is going to change over time.

THE WITNESS: So the other thing I should say is we bought a new building management system, which is this electronic thing that allows all of this stuff we're talking about to build one day, so we got --

MS. GREEN: So it will be restricted access for the employees and/or their visitors pursuant to our ordinance?

THE WITNESS: If you and I want to play pickleball --

MS. GREEN: I'm not able to come. I understand the rules.

MR. FAIELLA: But yes, the answer to your question was yes, it will be restricted per the ordinance.

MS. GREEN: Correct. The guard shack, is now going to serve as the restrooms for the court space.

THE WITNESS: It seems to be a

practical thing, yes.

MS. GREEN: Agreed. And that also will be secured and only access via fob card something?

THE WITNESS: Correct, yes.

MS. GREEN: And your testimony is that there will be a building management person or company?

THE WITNESS: Yes.

MS. GREEN: And all events will run through that person or company?

THE WITNESS: Yes.

MS. GREEN: And I know you heard the question earlier about concerns of large events, is there a number of people in your mind that you think would be the appropriate threshold to notify the township? Is that number 500? What is that number in you mind?

THE WITNESS: It could be 250, 500, something like that. I have a conference room here that, an auditorium that seats a hundred people, tenants can rent it.

MR. FAIELLA: That we would expect to, but beyond 200 --

THE WITNESS: But outside two, 250 I

think is a reasonable number for you to know what we're doing, you tell me if it's not.

CHAIRMAN ELWOOD: Darlene, I think that he should be required that anything over, you know, a certain amount of people, whether it's 200 or 150, be required to get a permit through the building department.

MS. GREEN: We don't issue those kinds of permits.

CHAIRMAN ELWOOD: It's not the same as, like, when REI does outdoor.

MS. GREEN: But that's not a promotion, a promotion that is trying to sell you something. This is a team-building event, so they're not necessarily saying, but I think what --

CHAIRMAN ELWOOD: Just a gathering.

MS. GREEN: Right, it's a gathering. So what I think the applicant is offering actually goes above and beyond our ordinance, because it's not required to even notify us.

So if they notify, the other thing is we need to tell them who they're notifying.

CHAIRMAN ELWOOD: Right, because also I would think that the police would want to be notified.

MR. FAIELLA: That's what I was about to say is you tell us who to notify and then we'll also grant access to the town, whether it's emergency services or police, whatever the town decides is appropriate for what we're notifying them of, we'll work with them to come on the site and we'll grant access to the town officials. You just tell us who to notify and we certainly will.

THE WITNESS: And that become as condition of --

MR. RUSH: Why don't we pick a number now.

MR. LOMBARDI: 250.

MR. RUSH: 250, okay.

MR. FAIELLA: 250 or more, absolutely.

CHAIRMAN ELWOOD: 250 is a lot of people.

We're going to need to take a break.

MS. GREEN: I'm sorry, let's just finish.

CHAIRMAN ELWOOD: Yes.

MS. GREEN: You want them to notify the police chief and the building department?

CHAIRMAN ELWOOD: Yes.

MR. FORGIONE: And the fire

department.

MR. RUSH: Police, construction department, fire department.

CHAIRMAN ELWOOD: I would say minimum 14 days in advance.

MR. FAIELLA: I'm sorry, I couldn't hear that clearly.

CHAIRMAN ELWOOD: I was saying they would have to notify minimum 14 days in advance.

MR. FAIELLA: You tell me what the reasonable --

CHAIRMAN ELWOOD: It's got to be something --

MR. FAIELLA: Yeah, I know. I think 14 days might be a little bit long, but would seven days work, you know, a week long?

THE WITNESS: Or five minutes.

MR. FAIELLA: Calendar days, seven calendar days in advance.

CHAIRMAN ELWOOD: Okay.

MR. FAIELLA: I agree it can't be the day before because then you guys can't do anything, but if it's too long, then it's kind of big enough for tenants to have that flexibility, so I think seven; is that fair and reasonable?

CHAIRMAN ELWOOD: Yeah.

If you're done, Darlene, we're going to go ahead and take a break, I know our stenographer is definitely going to need it.

So we will take a quick break. We will come back 9:15.

MR. FAIELLA: And just to be clear, there's still open to the public for Peter.

COUNCILWOMAN JANDOLI: Why don't we open it to the public.

CHAIRMAN ELWOOD: He might still just come up --

MR. FAIELLA: Yeah, yeah, he'll come right back up for you if you want, I just wanted to say that it hasn't happened yet and we still want it to.

CHAIRMAN ELWOOD: Right, right, he'll come back up and then we'll see if anybody else has more comments and open to the public as well.

MR. FAIELLA: Perfect. We'll start with Peter then when we come back.

CHAIRMAN ELWOOD: 9:15.

(Break taken at 9:03 p.m. to 9:16 p.m.)

CHAIRMAN ELWOOD: I'd like to call the meeting back to order.

Can I get a roll call, please.
MS. KISS: Councilman DeMaio.
COUNCILMAN DEMAIO: Yes.
MS. KISS: Councilwoman Jandoli.
COUNCILWOMAN JANDOLI: Here.
MS. KISS: Chairman Elwood.
CHAIRMAN ELWOOD: Here.
MS. KISS: Members Lombardi.
MR. LOMBARDI: Here.
MS. KISS: Castano.
MR. CASTANO: Here.
MS. KISS: Lembo.
MR. LEMBO: Here.
MS. KISS: Knoll.
MS. KNOLL: Here.
MS. KISS: And Forgione.
MR. FORGIONE: Thank you.
CHAIRMAN ELWOOD: Okay.
Mr. Gilpatric, before we go back to you because we do no new testimony after 9:30, so the third application Hanover Owner, LLC, I would like a motion to carry that to the July 27th meeting with no notice.
If you are going to make any changes, our professionals require it minimum 21 days in advance.

COUNCILMAN DEMAIO: I'll make a motion to carry.
COUNCILWOMAN JANDOLI: Second.
CHAIRMAN ELWOOD: All in favor?
(Unanimous Aye.)
COUNCILWOMAN JANDOLI: And thank you for your flexibility.
MS. COFFEY: Thank you. No, I going -- I was saying we were late getting you updated plans. We have our professional had a death, so he was out of the office for a while.
So your professionals have not had their full 21 days even sitting here tonight, so we understand and we appreciate it and we'll see you all in July. Thank you very much. Have a good night, everybody.
MS. KISS: Just so you're all aware, the July 27th meeting is a Monday night because of Concerts in the Park. Okay?
MS. COFFEY: So you don't need an extension?
MR. RUSH: An e-mail is fine.
MS. COFFEY: Okay. Thanks, everybody. Bye.
CHAIRMAN ELWOOD: Goodnight.

Sorry about that.
MR. FAIELLA: No problem.
So we will call back up Mr. Peter Gilpatric, he was in the middle of questions from the Board and we still need to open it up to the public.
In terms of our testimony, we basically are done with direct, but I have Mr. Welch be called back up to put on a little bit more for variances and also to answer any further questions from the Board because I think you guys might have had some. And if Peter Gilpatric can answer them hopefully, but if not, he can come back after.
COUNCILWOMAN JANDOLI: Motion to open public.
CHAIRMAN ELWOOD: You're still under oath.
THE WITNESS: Yes, sir.
MR. LOMBARDI: Second.
CHAIRMAN ELWOOD: Questions first.
COUNCILWOMAN JANDOLI: Sorry.
CHAIRMAN ELWOOD: Darlene or Craig, either one of you have anything?
MS. GREEN: Nothing further for this witness.
MR. ZIMMERMANN: I do, and I've been

trying to articulate my response to this.
This came in -- this application came in when I first started with this town, so I wasn't here as part of the Planning Board for whatever approvals you got over here to the right, so when I pick it up somewhat in a vacuum, what I received or we received or the town received on the left, I'm trying to figure out still how it got that way.
I hear you say you take responsibility for it. You apologize, mea culpa, you understand there's an issue here. I think you, you know, the temperature of the Board, if I may speak for the Board, from what it seems like, you know, they're aggrieved by this because this has caused a lot of chaos in the last half a year, nine months, even more.
Can I see that document?
MR. FAIELLA: Yeah.
MR. ZIMMERMANN: Sorry, I just want to kind of get my thoughts together.
So it's hard for me also to understand how it got from A on the right to B on the left when I'm opening it up for the first time seeing it for the first time when I'm trying to review an amended application from the A to the B.

I've been an engineer for 30 years, I've been doing municipal for 10, I understand this in the terms of what you get approval for, what is the approved plan that signed and put on record and then you go and start the construction and you sign it, you field changes, et cetera.

I say this is almost in some ways professionally insulting to have to pick this up like this to find out how did it get like this, and I haven't heard why and I'm curious as to why it got here from there, where the disconnects where.

If there was issues on both sides, you know, miscommunication, it happens with these type of projects and it has to be all reined in, I have to start from a time zero in which to stay on top of this moving forward with the building department, with any inspectors that go out there, making sure that stuff is built correctly.

When I look at B, the new stuff, the amended stuff, I think it's a nice -- I think it's a nice -- I think it's a good plan, it makes sense on the provision that it is private to the tenants, as I think we're hearing in this room, allays any of the fears that was going wildfire that this is a public thing open, and I think, you know, I'm hearing that

it is private to the tenants, and I think that is something that needs to be specifically called out any type of condition of approval, if the Board is inclined to give you an approval.

From an engineering standpoint, I went through it to the best of my ability and I can see that I think the basins work, which, you know, the stormwater works and I'm just going to ask Matt, if you can come up one more time, if you don't mind.

MS. GREEN: Matt's coming back.

MR. FAIELLA: Yeah, he's coming back.

MR. ZIMMERMANN: Well, I'll save that for him.

It really needs to be specific going forward, and I would recommend, and I don't think I did this in my plan. I was thinking about this and I'm trying to find some time-zero stamp that I was wondering if there can be considered or suggested as part of any potential conditional approval an as-built survey of what is out there to date to use as a mechanism going forward to see them through in construction, or you might be able to answer the question as to when the last as-built survey was done, that might be a question for Matt as well.

So Matt, kind of think about that when

you come up.

That's just my initial commentary in regards to this. I think I'll reserve a few questions for Matt when he comes up, it's a comment I don't need any response to that, but you can get the trepidation I'm having with some of the understandings of how we get here. Thank you.

MR. RUSH: Chairman, if I may, I just want to ask Mr. Gilpatric some questions just simply for the fact what I'm trying to clear up, because I know the Board seems to have some concerns with respect to the makeup of the tenancy, meaning that obviously, as you heard our concerns with it being, like, a WeWork space and things likes that.

So if you were going to say percentage-wise, is there going to be a limit on the number of people that can, as you said, just kind of come in and plug in versus tenants who are going to have specific amount of floor space that are going to be, like, on their annual leases for specific floor space, more of a traditional tenant versus the newer model type tenant which you were describing before.

THE WITNESS: Good question.

We've talked to people about a half a floor or a whole floor of coworking. There are eight

office floors plus the first floor, so that's 10, 15 percent of the area.

CHAIRMAN ELWOOD: Just for reference, how many square feet are we talking about on each of those?

THE WITNESS: A floor is 34 and change, so a half a floor is 17 and change.

MR. RUSH: And approximately how many people do you think you could accommodate with this type of --

THE WITNESS: Well, so the seating and that sort of stuff is like a normal office space. So if you could get a person for every 200 square feet or something like that, it's not more than that. There may be more members because they don't all show up at the same time.

One of the things we talked about and I think is good for you to understand, many of these coworking tenants are corporations. They're regional offices, they're just not somebody walking in off the street, so it's specifically office space. So if the coworking guy had 40 seats and eight people show up, he has a problem.

So it really does, I don't want to say self-govern, but you can't oversubscribe.

MR. RUSH: Well, I would with the actual building manager limit the amount of --

THE WITNESS: What happens is they build -- there are usually tiers, so you may have open desks, which means you're not assigned, but you can come in and sit down and use that desk or use that desk.

You can have assigned seating, so now that's a one to one based on your ratio, so nobody else can sit there. You can have an office with a lock on the doors that's yours, they're all within the realm of coworking. Whereas if you were single-practitioner attorney who wanted a place to go and you didn't, you know, get tired of your wife and dogs and the kids, if you wanted to go somewhere and sit lock your door and keep your files in there, that's coworking.

The advantage of this is you open the door, you walk out, you go over and you get a cup of coffee or something and you're in a big office complex, you can sit out there and drink a cup of coffee and you have the advantage of amenities. So it's not --

MR. RUSH: I think the --

MR. FAIELLA: Just to be clear, what

you described would be an open floor space or assigned desks and also, you know, smaller companies versus big companies, that's also for regular office tenants, correct?

I mean, whether it's shared office space or not, office tenants can do that same type of seating?

THE WITNESS: Yeah, so there's real tenants. When I say real tenants --

MR. FAIELLA: Traditional.

THE WITNESS: They come in, they sign a lease, and they may have 2500 feet and they put five people there and it goes for two years, three years, five years and then you get big ones, you sign them up for 10 or 15 years, gives more stability.

We actually like a mix of the building, it keeps it from being one big hole, but be that as it may, these businesses don't oversubscribe themselves because they have finite seats, there's a plan, there's a corporate and it has common seating and it has workstations, it has offices, it has these little phone boots or huddle rooms or whatever they call them these days where people take calls, but they don't go nuts.

CHAIRMAN ELWOOD: How do you control the building as far as security for who has access to get into the building?

THE WITNESS: They have a card. If you don't have a card, you don't get in.

CHAIRMAN ELWOOD: So what about for the guy that, like you say, he's just coming into a common space, he has to precontract before?

THE WITNESS: Yeah, absolutely.

COUNCILWOMAN JANDOLI: He's got to be registered.

CHAIRMAN ELWOOD: Is there a minimal amount of time for, say, like, a week lease or a month lease to take a space?

THE WITNESS: Yeah, I think they're monthly or they're quarterly, no shorter. They're not daily.

CHAIRMAN ELWOOD: Have you considered at all making some of these amenities only to the larger officers that have a certain amount of square footage minimum?

MR. FAIELLA: I think that might limit us in attracting the people coming in.

I mean, I'll defer to you, Peter, but I think that doing so kind of defeats the purpose of

having any, you know, having coworking space.

Like are you saying if it's somebody using coworking but they don't have enough space, they can't use it?

CHAIRMAN ELWOOD: Say you have a tenant that has to have, let's just say a minimum of a thousand square feet rented in order to get a fob that goes to some of the amenities.

THE WITNESS: Well, I would do it differently. The tenant itself cannot over -- so I have an amenity, I have a conference room, it can't be booked ten times by ten different people, that tenant can book it for one of its clients or your corporation can reserve it for your team, but if it's reserved, it's done, there's no other time available. It's first come, first serve here.

CHAIRMAN ELWOOD: Right, for the conference room. I'm just trying to think along the lines of the amenities, like, the outdoor amenities are really more for let's call them the anchor tenants, the larger tenants.

THE WITNESS: For the people who work.

MR. FAIELLA: We don't treat the outdoor amenities different than, like, the lawn area or the gym inside. We -- these are truly amenities

for the office buildings we're not -- they are amenities for the office users just like the gym inside the building is. We wouldn't restrict somebody's access to the gym inside.

MR. RUSH: Let me tell you what the Board's concern is, and I think the testimony kind of hits on that point.

The Board's concern is simply the fact that, and the Chairman kind of raised the point, one person, one of these people can come in and rent or book the -- all eight pickleball courts for the entire day so that you're talking about one person now having eight pickleball courts for the entire day where suddenly they have about a hundred friends and family show up and now there's, you know, a pseudo pickleball tournament occurring because one person rented that space.

MR. FAIELLA: That I wouldn't call an accessory use, it would be a principal use, and I agree.

MR. RUSH: And that's --

CHAIRMAN ELWOOD: There has to be way to police that.

MR. RUSH: That's the Board's concern.

THE WITNESS: Here's my thought about

it, and I'm open to your suggestions, that one person is not leasing those pickleball courts, that tenant is a half a floor or a whole floor is leasing that court. Okay? That's how it has to work.

So it's not an individual play. And there have -- I agree with you, I need layers and management layers so I don't have a mess up there, because I don't want a mess and I don't want one person doing exactly --

MR. RUSH: I don't think the Board is insinuating that that's your intention, but the concern is the intention of the people that would be leasing space from you, like, the idea that one person could look at this, oh, wow, this it is a way for me to actually run my side business which is, you know, running pickleball tournaments.

CHAIRMAN ELWOOD: Say even a team comes in from Chicago for something that's going on here, they rent a conference room for two hours and they bring --

COUNCILWOMAN JANDOLI: Or for two days or longer.

MR. FAIELLA: They can't rent a conference room if they're not an office tenant.

COUNCILWOMAN JANDOLI: But if they

rent it for a month, say that lease the space from you and they're here and it's a whole team, I mean, and we're running a whole set of activities.

The other than question I have is because we don't know, right, who the tenants are, what they're going to use, the size, the amount of people, why four of each? Why not two of each? How did you come up with four that -- is it because it's fitting that whole space and you just use the whole space? Why that mix?

CHAIRMAN ELWOOD: You basically came in with the original application, the buildings have not changed one square foot and two courts were okay for the amount space you had and now all of a sudden with no tenants you want to change it to eight.

MR. FAIELLA: That was the problem, two courts -- from the -- I'll let Peter talk about it, but the problem was --

CHAIRMAN ELWOOD: You can't tell me you're not renting the buildings because you don't have enough pickleball courts.

MR. FAIELLA: No, but it was feedback from potential tenants and what they wanted to see, and I'll defer to Peter.

THE WITNESS: One of the fellas looked

out the window and he looked over at Novartis and Novartis was putting up pickleball courts and basketball courts and there were four courts and there were a bunch of people waiting to play.

COUNCILWOMAN JANDOLI: So he walked out and said I'm not going to rent from you?

MR. FAIELLA: No, no, no, seeing there's a demand of the office use. And there was also discussion with brokers and potential tenants.

CHAIRMAN ELWOOD: It's a hot commodity, they should take the place now while they can play.

MR. FAIELLA: I would love if they did, yeah, I would love if office tenants did.

COUNCILWOMAN JANDOLI: But I still don't understand why it's not for -- I mean, so your feedback said four is a perfect number for this amount of square footage? That's what I'm trying to understand.

THE WITNESS: It's the limitation of the space available in putting two type of games on that space, you have four courts each, that's actually how it happens.

COUNCILWOMAN JANDOLI: Which also is very interesting because you made some comments in

your testimony about this padel.

MR. FAIELLA: Padel.

COUNCILWOMAN JANDOLI: I guess, padel, whatever it's called. I'm sorry if I'm saying it incorrectly.

So -- and that's there only one in our whole tri-state area in the vicinity in New York, that there's only one. So that alone is going to be a huge attraction, right, which is very interesting to me that I caught onto.

THE WITNESS: That's not what I said.

COUNCILMAN DEMAIO: It's a cross between squash and --

THE WITNESS: I talked to some guys in Bergen County who ran a club. They have a bunch of courts, eights courts in an old industrial building up Alpine, up that way, he said interestingly enough on the weekends, we get people from New York coming up here. I said how is that? He said bridging into Manhattan, there's 15 or 20, just so happens that's the only antidote I have.

COUNCILWOMAN JANDOLI: Oh, I thought you said because there was a limitation in New York that there was hardly any other --

THE WITNESS: No, no, the limitation

in he asked about putting it in a building. You need 22 feet clear, so you can't put it in an office building, that's the problem. So you have to -- and New York City is constrained spaces, so it's just a game that's growing. If you go down -- I live in Morristown, you go down James Street, there's the racket club over on the left going out of town, they have -- it's just something that's happening. They I think it's going to be an olympic sport.

CHAIRMAN ELWOOD: You can put it inside 135.

THE WITNESS: You could. You could and I'd be back in front of you again.

CHAIRMAN ELWOOD: It's okay, I like you.

THE WITNESS: We can do beers later.

CHAIRMAN ELWOOD: I don't drink anymore.

COUNCILMAN DEMAIO: Because of this.

THE WITNESS: So it's an emerging game, it's an exciting game, and I was amazed at the number of people when we walking around with executives that knew about it. I didn't know about until somebody said -- I Googled it. If you Google it up and read a little bit about it, it's an

emerging game. I watch people playing it and I for the life of me, they weren't advanced at how to play pickleball, but yeah, occasionally off the wall and then as opposed to just shoo, shoo, shoo, but it's a game, people like it, and it's how people are doing their stuff now, it's just, it's accommodating the workplace.

It's a little different to me because I went to work, you know, he went to work at 8:00 and got out at five and they thank you and they dock you if you were late. It's not the way it is anymore.

CHAIRMAN ELWOOD: Okay.

THE WITNESS: I think your ideas of putting some operation constraints or asking us to come up with operating constraints is a practical one, and we will be talking about some of those. And what we talked about outside is those constraints go into leasing so tenants understand what the parameters are, how to use them, that's what a lease is.

And I'm a landlord. I'm not an operator, I'm not a pickleball guy, I just want to lease my space to good quality tenants. So you'll have jobs, you'll have people, you'll have money in town, better taxes, all that stuff.

It's a great location, a good town, appreciate your support.

CHAIRMAN ELWOOD: Craig, anything else?

MR. ZIMMERMANN: I'll save some for Matt.

CHAIRMAN ELWOOD: Okay. So anyone else for Mr. Gilpatric before I open to the public?

At this point, I'd like to open to the public if anyone has any questions on the testimony given.

Sandy, come on up. For the record, state your name and address.

MS. VERDERAMO: Sandy Verderamo, 124 Troy Road.

Is it going to be open on Saturday and Sunday for pickleball and the other game?

MR. FAIELLA: It's -- if an office user wants to use it on the weekends, it can be done. It's not expected to be done frequently, but I have seen offices being used on -- I've gone into the office too many times on weekends and I have seen it, like, accessory uses and gyms get used on the weekends and other, like, team-building events on weekends as well.

So they're -- it will be potentially used there. The anticipation is it won't be used frequently on the weekends.

MS. VERDERAMO: Okay. Thanks.

CHAIRMAN ELWOOD: Anyone else from the public?

MR. LOMBARDI: Motion to close public.

COUNCILMAN DEMAIO: Second.

CHAIRMAN ELWOOD: I have a motion and a second. All in favor?

(Unanimous Aye.)

MR. FAIELLA: So if there's nothing further for Mr. Gilpatric, we'll recall Mr. Welch, he'll put on just a tiny bit more testimony that's specific about the fences. I think we touched on it, but I would like to talk more about the actual variances we're applying for and then also to answer questions from the Board and then we can also -- if there's further discussion needed about different conditions of approval to ensure that these are accessory and not principal, we can certainly discuss that further too.

CHAIRMAN ELWOOD: Okay.

MR. WELCH: Welcome back myself.

DIRECT EXAMINATION

BY MR. FAIELLA:

Q. You're still under oath.

CHAIRMAN ELWOOD: You're still under oath even though you have a different hat.

THE WITNESS: Yes.

All right. So we did state there are two variances, both associated with the fences around the court. There are eight foot around the pickleball courts and 13.1 feet around the padel courts, which again is a -- truly a -- three quarters of that is tempered glass with a fence on top.

MR. ZIMMERMANN: That's total, though, right?

THE WITNESS: 13.1 is total, correct, or four meters if you want to be the metric system.

MR. ZIMMERMANN: Thank you.

THE WITNESS: So again, these are purely for the functional need to keep balls on the court and the padel court balls bounce more than pickleball courts, which are why they are taller. And really no negative impact as again, they're screened from the public right of way, they are entirely internal to the site. So again, it's not the same as if you had, like, a super tall fence on a property line that your neighbors would see it.

And again, these are associate -- these are amenity spaces with a modern project, which as Peter testified to, we're really looking to bring more amenities into the site, modernize it, and hopefully finally get some tenants in these buildings.

In terms of purpose of zoning and MLUL, Purpose G we highlighted in terms of how we came to number of the courts, it fits the space, plain and simple. Balancing out additional impervious with stormwater management, it was really that. So, you know, Purpose G provides sufficient space and appropriate locations for recreational uses.

There's really also nothing else you can really do with space, so an amenity space was really the only option. And again, the pickleball and padel courts was something that the applicant felt would be a good amenity to a lot of the tenants they were seeking for the building.

So in my professional opinion, the variances for the fence heights should be granted and, you know, I think the benefits of them, they're necessary for the courts and again, there's really no negative impacts. And I'd be happy to answer any

questions.

CHAIRMAN ELWOOD: So you haven't given any testimony in regards to the signage.

So what happens when the tenants occupy these buildings and now they're looking for signs on Route 10?

THE WITNESS: So the only sign on Route 10 and again, I didn't give too much on signage because nothing has changed since the prior approval, so the only sign on Route 10 is the Arena sign, which is where the former Novartis sign was. And when you come onto it --

CHAIRMAN ELWOOD: Wait. Back up again. So there's currently a Novartis monument sign there.

THE WITNESS: Correct, so that's being removed and replaced in kind with the Arena monument sign.

CHAIRMAN ELWOOD: So then it will just say "Arena?"

COUNCILWOMAN JANDOLI: Same size?

THE WITNESS: Yes, only Arena. Same size, no tenant names on it. Actually, I think we have the exact permitted size on our plans which conforms with the ordinance. It is -- let me find

the exact dimension that it's permitted.
CHAIRMAN ELWOOD: Okay. As long as it complies to the ordinance and it's the same and it's not additional.
THE WITNESS: Correct.
CHAIRMAN ELWOOD: Ms. Green will have you back here so fast.
COUNCILWOMAN JANDOLI: And it's not lighted or anything?
THE WITNESS: No, it is. It's similar to the Novartis sign.
CHAIRMAN ELWOOD: The Novartis sign is not lit.
THE WITNESS: I think it's backlit.
COUNCILWOMAN JANDOLI: I didn't think there was a backlight, was there?
MR. FAIELLA: There's lights out there?
CHAIRMAN ELWOOD: It's not backlit. There a spotlight, but it's not backlit.
THE WITNESS: The only other signs visible, and we talked about this on our prior approval, are the two wayfinding signs when you come in off of Route 10. And the condition that was placed on the prior approval is -- obviously I'll

have to change those because the text is different, but to utilize the exact same post, that was a condition from the prior approval.
MR. FAIELLA: And then there's internal wayfinding signs.
THE WITNESS: There is internal wayfinding signs, all of which really direct either to Novartis, to Route 10 or to the addresses 20 Arena, 40 Arena, and 80 Arena.
COUNCILWOMAN JANDOLI: So thank you.
So on page LS-509, you have examples of hammocks, U-framed structures, all kind of chairs, where are these going?
MR. FAIELLA: Are we able to put those up on the screen? What sheet was it again?
COUNCILWOMAN JANDOLI: LS-509. Like is that in the open space? Is that near the pickleball?
THE WITNESS: So most of that's in the passive area. There's also of some potential types around the building areas, those were added as -- to address a comment. Again, these are --
COUNCILWOMAN JANDOLI: To address?
MR. FAIELLA: A comment from a review letter.

MS. GREEN: My comment.
COUNCILWOMAN JANDOLI: Oh, to see what they were putting, but I guess the question is --
MS. GREEN: They're going in between the buildings.
COUNCILWOMAN JANDOLI: Should they be putting these in the building hammocks between trees and all this stuff?
MS. GREEN: Welcome to the 21st Century workforce, it is special.
MR. FAIELLA: I just put a hammock up on my deck.
MR. CASTANO: I got to get a job here.
THE WITNESS: Again, these are examples of what could go there, I think ultimately it will be a tenant decision once the tenants occupy the building, in terms of what they want to see out there.
CHAIRMAN ELWOOD: We can't get tenants because none of these people want to work.
COUNCILWOMAN JANDOLI: So what's the number? We have numbers and specifics or a set requirement or we're going to have them just all over as big as they want?
MS. GREEN: They shown --

THE WITNESS: So on sheet --
COUNCILWOMAN JANDOLI: 509.
THE WITNESS: -- LS-103, which is a couple sheets before that.
MR. CASTANO: What page?
MS. GREEN: Twenty.
THE WITNESS: Darlene says 20, believe her.
COUNCILWOMAN JANDOLI: LP-103?
THE WITNESS: LS-103, it's before the LPs because S comes before P.
So here it is, it's up on the screen. So what this is, it's a schematic layout of the courtyard areas between the buildings. We've been talking about a number of ideas on how to better activate these spaces for tenants. And so to make sure we had something on paper, we put the schematic plan together.
Nothing is proposed to be constructed at this time, but we wanted to give the Board an idea of what could go between the buildings should tenants want them. So it is a mix of -- it's a mix of various seating options, decks, small chairs, larger seating areas.
COUNCILWOMAN JANDOLI: And there will

never be a permanent structure, correct?
THE WITNESS: So if that's --
COUNCILWOMAN JANDOLI: An overhang, a permanent pergola?
THE WITNESS: So one of the items on here are covered walkways between the buildings and an architectural plan was provided for that within the package.
There's also some shade structures shown. Again everything is schematic, but wanted to give the Board an idea of -- because you walk through there right now, it's kind of dead space. So to have some active areas around the buildings, you can step out, have a cup of coffee, eat some lunch, a team meeting when it's nice out. It's a nice little amenity compared to having to, you know, walk all the way to the -- some of the other areas.
COUNCILWOMAN JANDOLI: And that tenant gathering space is absolutely not going to have a permanent overhang?
THE WITNESS: Nothing permanent, no.
COUNCILWOMAN JANDOLI: Or a pergola, something built, nothing --
THE WITNESS: Nothing permanent, no.
MR. FAIELLA: We can put in a

condition of approval that if something like that is proposed, we have to come back for an amended approval, Councilwoman.
MR. ZIMMERMANN: Yes.
COUNCILWOMAN JANDOLI: Okay. I'd like to do that.
MR. FAIELLA: We can write that specifically for that outdoor tenant cabinet space.
COUNCILWOMAN JANDOLI: Actually, if it's not just there, but it's for anything. If it's a permanent structure like that, you should really need to come back.
MR. FAIELLA: Should we say it's set for this area where we're already showing permanent?
COUNCILWOMAN JANDOLI: Well, is this -- this isn't permanent.
MS. GREEN: You have something over the grill area, Matt.
THE WITNESS: We do.
MR. FAIELLA: There are some permanent structures there. So do we want to say besides this courtyard if there's a permanent structures added anywhere else, then we'll come back for an amended approval?
THE WITNESS: What would make the

Board most comfortable?
CHAIRMAN ELWOOD: First of all, where's the grill area?
THE WITNESS: We show the schematic grill area, it's the upper right on the sheet.
CHAIRMAN ELWOOD: So based on the fact that there's no roadways near that, if there was a fire there, how's the fire department supposed to access that area?
THE WITNESS: We'll remove it from the plan.
CHAIRMAN ELWOOD: What?
THE WITNESS: We'll remove it from the plan.
COUNCILMAN DEMAIO: That's one way to do it.
THE WITNESS: If the Board has concerns, we'll get rid of it.
MR. ZIMMERMANN: When you say it's schematic --
THE WITNESS: It's schematic.
CHAIRMAN ELWOOD: The pickleball courts, you want to take those off?
MR. FAIELLA: Hold on one second.
MS. GREEN: Matt, that is next to your

one-way exit in front of the building if I'm -- wait, no, I'm sorry, I'm on the opposite end.
THE WITNESS: That area is over here.
COUNCILWOMAN JANDOLI: You can't barbecue back there. If there's a fire, there's no way for the fire truck to get back there.
MR. FAIELLA: We would certainly want fire department approval, but if the Board is concerned about it, we'll remove that.
MS. GREEN: Okay.
MR. FAIELLA: I guess just to go back to the councilwoman's point, we'll make it a condition of approval if we add a permanent, you know, structure that's -- what do you want to say, not shown on the plans, then we will come back to the board for amended approval?
CHAIRMAN ELWOOD: Okay.
MR. FAIELLA: Does that sound good?
CHAIRMAN ELWOOD: Basically because this one almost, like, snuck in there. Are there any permanent structures that haven't been testimony on that, basically, on this plan? You know, because plans are kind of small, so that maybe we're not seeing.
MR. FAIELLA: Do you want to go into

this a little bit more, Matt?
THE WITNESS: I mean, there's shade structures called out in the plan that was provided, those are all consistent with the prior --
COUNCILWOMAN JANDOLI: But that was from the last --
THE WITNESS: That was from the last one.
COUNCILWOMAN JANDOLI: Right, that was from the last testimony.
MR. FAIELLA: We submitted specific plans just --
THE WITNESS: There was not before --
COUNCILWOMAN JANDOLI: This was not before us before.
MR. FAIELLA: In our response letters we talked about this specifically, there was a separate set of plans just for this area, I believe we called it the breezeway plans we called it.
So we weren't trying to sneak it in, but you're right that we didn't really put much testimony on it, I think we got caught up in some of the other areas.
So I think Matt, it would be beneficial for the Board if you kind of walk the

Board a little bit more through this. Let's just take a step back. What is going on here?
THE WITNESS: So again here, it's basely we were trying to plan out how to utilize this space and trying to limit the amount of times we have to come back to the board, so we're like let's show a number of different programming options.
What will ultimately be built is opening it out to the tenants to occupy the space so we can get some value at.
So a couple things. One, I'll start at the parking garage, which is plan left on sheet -- again, we're on LS-103.
So one of the things that jumped out at us right away is the fact that it's raining, it's nice that you can park in the garage, but then you're walking outside.
COUNCILWOMAN JANDOLI: Totally. And I agree a hundred percent, if that's the walkway, that's a different -- but let's just understand what that looks like and what that means.
THE WITNESS: So there was in response to comments. So initially we showed it schematically, we met at a TRC meeting, had comments to include plans, so we worked with an architect and

there was a separate architecture package submitted. Basically those are standalone structures not attached to the building, they have their own footings, and it basically allows for a couple walkways so if it's raining, inclement weather, you can get from the garage all the way over to 20 Arena without having to get wet.
COUNCILWOMAN JANDOLI: Okay.
THE WITNESS: Immediately adjacent -- let me start with some of the bigger areas.
All the way over on plan right, this is where one of the larger conference rooms are. So that's an area that we sought to, you know, maybe put some deck area, some outdoor seating, so if you in there for a conference, you can move outside, have lunch. And then there's also another kidney shaped deck area in the courtyard along with a number of scattered tables and seating areas throughout.
Again, it's trying to activate this exterior space, give tenants a way where they can go outside for a half hour, get some sun, have a quick bite to eat, take a phone call.
And again, if you're by yourself, you might want a small table, if you're with larger a team, you might want some of these larger seating

ares. So again, a variety of options throughout depending on your specific need.
Darlene, I think you had one comment in your letter about this connected element note, that's purely just like a decorative paver.
We want -- another part of this is we want to maintain that initial -- I'll call it a swoosh design that was done for the sidewalks back when these buildings were built. So there is some elements that kind of swoosh their way through that.
So we maintained that, kept all the existing impervious surfaces where they were and kind of worked around the trees and areas to really upgrade the design.
When you walk through now, a lot of the block that's there start to come loose. It's really not in the greatest shape. So again, trying to envision, stick to the original intent, but really modernize it and activate the areas.
And again, everything I said before, everything is schematic, but we wanted to provide as much information as we could to give the Board, to give the township an idea, get something on the plan that the Board has seen, that way, if the tenant does want to do this, we do have kind of a basis of design

for us.

CHAIRMAN ELWOOD: Do the people that have access to the one building have access to both buildings?

THE WITNESS: Well, you have to walk through 40 to get to 20, so I would think so. I think -- and again, I don't know how the elevator systems work inside if, you know, if, you know, if your office is on the, you know, third floor and the elevator restricts you, I don't know. I know my building I walk in, we're on the fourth floor, but I can directly get to any floor I want.

So I'm not aware of the security system in these buildings. It was originally built for a single tenant, Novartis, so there might have been some flexibility in it and maybe that has changed, but --

COUNCILWOMAN JANDOLI: Yeah, but they're new elevators, right? I mean, depending on the facilities that you decide.

THE WITNESS: I don't think so. I mean --

COUNCILWOMAN JANDOLI: You just punch the floor that you're going to, that's the only floor that it goes too. So when you get in the elevator,

there's no numbers.

THE WITNESS: Yeah, it's like when you're in a hotel, you got to scan your card to go to your floor.

So again I'm not an elevator expert, but --

CHAIRMAN ELWOOD: What about garbage in all these areas, all these outdoor spots?

THE WITNESS: So all garbage currently is -- basically it's internal to 40 Arena. There's a loading dock area on the north side of the building that's accessed from --

COUNCILWOMAN JANDOLI: He's talking about the open space, the recreation space.

THE WITNESS: Oh. You probably have, like, just like trash receptacles around that building maintenance goes and clears out every day.

MR. FAIELLA: Going back -- I don't want to spend a whole ton of time, but I feel like we haven't adequately answered one of the question that Board had about how do we prevent -- I know this is kind of breaking thing up, but you mentioned outdoor recreational spaces, how do we prevent the one or four-person office renting it out to a hundred people.

In the same way that we would have to notify the town if there's more than 250 people total, we can do some type of ratio of number of employees verses number of guests. Like if there's more than five guests for every employee that wants to use it, we have to notify the town and the police department.

Something like that might help restrict to alleviate the Board's concerns that it's not going to be one person renting it out for a thousand people. I feel like that might be a way that still maintains flexibility for tenants that we're not restricting those, but also to address the concerns, because we want it to be accessory, so that was something that we came up with during the testimony if that's something that the Board would want to see as a condition of approval.

CHAIRMAN ELWOOD: Anybody have any thoughts on that?

MR. CASTANO: One person could have --

MR. FAIELLA: No, I'm saying if one person works there and they invite more than five visitors for every employee.

MR. CASTANO: So you're saying they can't use the amenities?

MR. FAIELLA: They would have to notify the town and notify the police, make sure that it is truly accessory to the area, it's not like any type of principal --

MR. RUSH: Well, the one thing I can say is we can put on the record here that for the Board were inclined to accept the proposal and also then go on to approve the application, based upon that proposal, that that proposal be deemed the material term to the inducement of the Board for the approval. And should the applicant be found violating, you know, that provision with respect to having too many guests on-site, that would be used in any type of prosecution of the matter.

Meaning that obviously the town attorney could then pull the transcript and it could be brought to the attention that they used this proposal to induce this Board to approve and now they're going to go and violate that, that should be viewed on a much higher threshold and a much stricter level when it comes to any type of penalty or any type of violation, so I mean --

MR. FAIELLA: And to take it one step further, the conditions of the 250 or the five to one have been notified, we'll put it in the lease of

every tenant as a condition of approval.

We want to enforce this. And I know that the town or the Board is concerned about how to enforce it. So we're trying to come up with creative ways that doesn't tie our hands back behind our backs, but also make it what we're proposing, because we're proposing an accessory use, we're not proposing a principal use.

So these questions, as Peter said, are not only good, but they actually help us too because this will help us with our operations and our management because now it's very clear-cut standards.

So we won't want to risk our approval and get the whole operation shut down and we'll put it in the leases. So that way if the tenant is the one that violates it without our knowledge, they will be violating their lease.

MR. RUSH: And we're going make that subject to the township's approval as well? Meaning that when the town gets notified, if the town has cause or reason to want to basically deny --

MR. FAIELLA: Yes, it has to be some type of cause.

MR. RUSH: It just can't be arbitrary, but yes.

MR. FAIELLA: If there's a cause or reason, and they need to get seven days notice as well.

MR. RUSH: Yeah. Like obviously so if ten employees, one-man employees suddenly put in an application for all five that day, meaning that you then have 50 people, then the town could say okay, that's an excessive use of or if all scheduled for same time type of thing like that, it would be an excessive use.

MR. FAIELLA: I mean, I was thinking more like if the town sees that they are not using it as accessory, like, if they actually do have visitors, like their family is coming, that shouldn't be a reason to deny it.

If it's something like they have, you know, they're selling tickets on the side, that's absolutely a reason. There has to be somewhere in between. Obviously those are two extremes.

MR. RUSH: Or if it seems like there's a concerted effort by several of the employees to almost be running a tournament, that kind of thing.

MR. FAIELLA: Correct. That to me, would be reason to deny it, yes.

MR. RUSH: Yeah.

MR. FAIELLA: I mean, we can put -- I don't think we can define every reason, we would just say it would have to be with cause.

MR. RUSH: It would have to be with cause, yeah.

MR. FAIELLA: But I think what we're talking about are examples, but not limitations --

MR. RUSH: Right.

MR. FAIELLA: -- for the town.

CHAIRMAN ELWOOD: Does anyone else have any opinion in regards to the 250 people? Personally, I think the number is a little high.

MR. FAIELLA: Do you want to make it 200?

CHAIRMAN ELWOOD: If you put 200 people out there, that's a lot of people, you know, any suggestions?

MR. RUSH: That would be 200 --

MR. FAIELLA: That's 200 for the whole outdoor amenities, right? You're talking like 200 people not just at pickleball? I thought the whole point was if they use the gathering space and the pickleball --

CHAIRMAN ELWOOD: I mean, I want it to be that, you know, all of a sudden you're going to

have a weekend picnic or barbecue but it's going to be all those people, you know, I think at that point, like, the police should know, so this way, you know, it's a big gathering going up there.

You've only got single lanes going in and out of the property, so it could be an awful loft cars and, you know, it could be a lot of guests that don't realize that they have to park in the garage.

COUNCILWOMAN JANDOLI: And it can't be rented for anything else.

MR. FAIELLA: Yeah.

COUNCILWOMAN JANDOLI: Even on off hours, you know, of the office or for special events or anything like that.

MR. FAIELLA: Correct.

COUNCILWOMAN JANDOLI: So like no group gatherings of huge amounts and things like that.

MR. FAIELLA: I mean, Chairman, if there was a number.

CHAIRMAN ELWOOD: We'll amend that to 200.

MR. RUSH: That would be for all the outdoor amenities versus what we were talking about earlier --

MR. FAIELLA: For the pickleball specifically.
MR. RUSH: -- for the pickleball specifically with --
MR. FAIELLA: Pickleball and padel.
(Crosstalk.)
CHAIRMAN ELWOOD: I think we should limit the hours that it could be to go to -- I mean, 11 o'clock at night to me is pretty late.
MR. FAIELLA: Do you think to make it ten? I mean, we were trying to just be consistent with the lighting for before. I think you're right that there's a very, very low chance of somebody using it after, you know, that late.
If there's a different time that you want to propose, I mean, we're open to it. We were just being consistent with the lighting. And like we said, we'll keep the lighting on a motion sensor. If there's an earlier time that makes sense, we can certainly do that.
CHAIRMAN ELWOOD: I think, like, 8:00 in the morning till 9:00 at night should be sufficient for an office building.
MR. FAIELLA: Can it be a little bit earlier in case somebody comes before work to play?

Because I think even, like, the --
COUNCILWOMAN JANDOLI: Our ordinance starts at 7:00, so nothing can go before that, so -- oh, except that Route 10 is 24 hours.
MR. FAIELLA: Seven to what was that?
CHAIRMAN ELWOOD: 7:00 to 10:00, you said?
MR. FAIELLA: Yeah, 7:00 to 10:00.
MR. RUSH: During the hours of 7:00 to 10:00, I guess is that Monday through Friday or is that every day?
MR. FAIELLA: Well, it is on weekends too.
CHAIRMAN ELWOOD: Well, weekends can start a little bit later. There's really no residences right there.
MR. FAIELLA: Yeah, yeah, Sundays can start later. Yeah, I was thinking the earlier times makes more sense for during the week.
CHAIRMAN ELWOOD: I think Sundays 9 a.m. start.
MR. FAIELLA: Sure. I think that's reasonable, right? That works. That's perfect. And I think --
To kind of bring it back, now we have

a little bit more going to the fences for the -- do you want to talk about the fencing a little bit more or did you already --
THE WITNESS: I already talked about it, like, five times, Adam.
MR. FAIELLA: All right. I think that concludes our direct testimony if you have any questions for Mr. Welch or any other discussions about conditions of approval to make sure that this is truly accessory.
CHAIRMAN ELWOOD: And so the fencing that you're looking to put up by the pickleball courts is inside that white, I don't know what you call it, like a slat fence that you currently have there?
MR. FAIELLA: So wait. I think there's different fencing. There's fencing around the perimeter.
CHAIRMAN ELWOOD: So if you go with your finger up, up to the pickleball, right there. Okay? Right now you -- no, to the top, the very top, right there, you have a white fence that has, like, three or four slats that go across.
THE WITNESS: The top of the retaining wall.

CHAIRMAN ELWOOD: The split rail, yeah, top of the retaining walls, your chain-link fence will be inside that, correct?
THE WITNESS: Correct.
MR. FAIELLA: The ones that need variances are only the interior ones, right?
THE WITNESS: Yeah.
CHAIRMAN ELWOOD: The reason why I bring that up is those slat fences that you have right now, I mean, you go and you hold the rails, you can go like this and probably if someone who is 200 pounds leaned against it, you could probably fall right through it and basically there's, like, a cliff there where the retaining wall is.
MR. ZIMMERMANN: Yeah.
CHAIRMAN ELWOOD: So I mean, as long as the other fence is inside it, I don't really see how anybody is getting to that fence.
THE WITNESS: So that fence is there for permanent fall protection.
CHAIRMAN ELWOOD: It ain't stopping somebody from falling, I'll tell you that much.
THE WITNESS: I do want to see what we call for on our plans on top of those walls.
MR. LOMBARDI: Right now it's a PVC,

like, split rail.
CHAIRMAN ELWOOD: Yeah, it's PVC and it's very, very flimsy.
THE WITNESS: Let me put this as a condition. I'll work with your engineer to make sure that the property specified on top of the walls is sufficient.
MR. FAIELLA: From a safety standpoint?
THE WITNESS: From a safety standpoint, yes.
MR. ZIMMERMANN: And you also have fencing around all the proposed detention basins, bioretention basins?
THE WITNESS: Yes.
MR. ZIMMERMANN: To protect people from falling into those.
THE WITNESS: Correct, yup. And we have -- it's consistent with what's around the existing basins, that will be extended to the new ones.
MR. ZIMMERMANN: Is that berm in -- remind me, is that berm in -- to the west, yup, right there.
THE WITNESS: Yup.

MR. ZIMMERMANN: That berm is in currently?
THE WITNESS: I believe a decent portion of that berm, yeah, because basically it's kind of two fold, it helps with screening and also utilize, you know, some of the --
MR. ZIMMERMANN: What's on top of that? I'm trying to figure out. It looks like a sand trap or something.
THE WITNESS: Listen, when you hit a really bad golf ball, it can go all different places.
MR. ZIMMERMANN: What is that? I don't think there was anything -- it's not going.
MR. FAIELLA: Let's keep the record clean, Matt.
THE WITNESS: Sorry. It's late.
MR. ZIMMERMANN: That might be your golf ball.
THE WITNESS: I haven't played yet this year. I don't know what my shot is going to look like.
MR. ZIMMERMANN: It's not that important, but I would like to know what those white rectangles are on either side of the hundred-foot gathering spot.

THE WITNESS: These are shade structures.
MR. ZIMMERMANN: They're shade structures?
THE WITNESS: Yup.
MR. ZIMMERMANN: How tall are those?
CHAIRMAN ELWOOD: Didn't you give testimony that there's nothing on top of those structures, on top of the hundred foot by hundred foot?
THE WITNESS: So this is clear, they're -- these you're talking about these rectangles on the side?
CHAIRMAN ELWOOD: Oh, it's beyond the hundred feet?
THE WITNESS: Correct, yeah. No, we're not planning interior to here. These are shade structures on the other end.
MR. ZIMMERMANN: On either end of the hundred by hundred?
CHAIRMAN ELWOOD: Outside the --
THE WITNESS: Correct, and it might overhang by, like, a foot, but..
CHAIRMAN ELWOOD: How about security for the site? At the previous application, you guys

talked about how, you know, if there was an emergency, they come to the guard shack at Novartis and then they're brought up somewhere, but now that you're subdivided, realistically that wouldn't tie into you anymore.
THE WITNESS: Correct. So it's open access from Route 10. One of -- and to that point, one of the reasons we gave these buildings individual addresses is that way all right, if there was an emergency at 40 Arena Way, the emergency services knows where they're going.
CHAIRMAN ELWOOD: Is there a reason why the road that's just above the pickleball courts that's basically a direct road going back to 135, why is that not made wider?
I mean, on your plan, you're showing it one point -- it's only 12 feet wide, but yet, you know, if you're getting deliveries of tractor trailers coming back there, I mean, it's pretty narrow.
THE WITNESS: So this was reviewed in detail on a prior approval. So it's 12-foot wide lanes and then there's shoulders on either side. I can pull up the exact dimensions.
MR. FAIELLA: And right at that spot,

it's one way, correct, in that area that you just pointed to?

THE WITNESS: It's one way here and then it goes to two way. So there are 12-foot lanes with six-foot shoulders.

COUNCILWOMAN JANDOLI: It's actually 36.

THE WITNESS: Yeah, so it's 36 feet. The councilwoman did faster math than I did. And we do have truck-turns plans on sheet CS-201.

MR. ZIMMERMANN: I tend to think it's adequate, calming.

THE WITNESS: I think remember too is --

MR. ZIMMERMANN: You don't want two lanes racing through there.

THE WITNESS: The other thing too is, again, there's no warehouse developments over here. We have a lot of trucks coming in and out, it's really just occasional lay people, because the industrial building is not a warehouse, we made that clear in the approval.

MR. ZIMMERMANN: Those island areas in the triangular island areas in the road -- yup mountable curb, can you check that?

THE WITNESS: Let's see what we call for.

MR. FAIELLA: That's not changing from the prior approval, right?

THE WITNESS: No, it's consistent with the prior approval.

MR. ZIMMERMANN: It looks a little different, I can't tell.

MR. FAIELLA: It might just be the rendering.

CHAIRMAN ELWOOD: I believe they were mountable.

MR. ZIMMERMANN: It looks like they're mountable. I would like them to be mountable. And the green on the inside, it looks like it hatched green, I don't know if that means pervious or if it's all concrete.

THE WITNESS: It's grass internal.

MR. ZIMMERMANN: It's grass.

THE WITNESS: Yeah.

MR. ZIMMERMANN: Mountable?

CHAIRMAN ELMWOOD: No, I think the whole island is made of Belgian block, right?

MR. ZIMMERMANN: Mountable Belgian block or laid back?

CHAIRMAN ELWOOD: Yeah, I'm pretty sure. I could be wrong.

MR. ZIMMERMANN: You have approvals for vertical curb?

THE WITNESS: I think that was concrete -- I think that's all concrete curb. Some of the Belgian block that's still there, it was left over from last time, but I believe this was all just concrete curb.

MR. ZIMMERMANN: Vertical face?

THE WITNESS: Yup.

MR. FAIELLA: And we're not changing that, correct?

THE WITNESS: We're not changing from the prior approval.

MR. ZIMMERMANN: Is the applicant going to consider doing as built of the curb conditions so I can start at zero going forward so I can understand what's going on out there a little bit better?

MR. FAIELLA: Yes.

THE WITNESS: Sure, yes.

MR. FAIELLA: And --

MR. ZIMMERMANN: I would like that for the entire application.

MR. FAIELLA: Yeah, not just the changes.

MR. ZIMMERMANN: Please.

MR. FAIELLA: Yup. The entire site, let's say, the site of the application, to make it clear.

MR. ZIMMERMANN: Yes.

CHAIRMAN ELWOOD: So Mr. Zimmermann, they are not mountable curbs and they do have grass in the middle and they have lighting on them.

THE WITNESS: Yeah, that's all from the original approval.

MR. ZIMMERMANN: Okay. Thank you.

CHAIRMAN ELWOOD: You're welcome.

MR. FAIELLA: So Mr. Zimmermann, just to be clear, for an as-built, you mean, like, what is built today or like --

MR. ZIMMERMANN: Yes.

MR. FAIELLA: That's what you want?

MR. ZIMMERMANN: Yes.

MR. FAIELLA: Okay. We can do that as a condition of approval.

MR. ZIMMERMANN: Almost like an update of letting me know what has been built to date.

MR. FAIELLA: Okay.

MR. ZIMMERMANN: And then be time-stamped for everyone involved so we can know what still needs to be built if the Board is inclined to approve this.

MR. FAIELLA: Absolutely.

CHAIRMAN ELWOOD: Mr. Welch, just so you can see, this is the fence I was talking about.

THE WITNESS: Got it.

MR. ZIMMERMANN: Everything else is -- we checked. According to your plans, the lighting is compliant. There's no bulk variance being requested.

MR. FAIELLA: The only bulk variances are for the fences specifically around the padel and pickleball, no other variances whatsoever.

MR. ZIMMERMANN: I mean on zoning two. I think on your page 2 -- I just want to be sure that what was approved -- I think it's page 2.

THE WITNESS: Yes.

MR. FAIELLA: Zoning statistics and CS-002, which is the second page.

THE WITNESS: Correct, the real second page.

MR. FAIELLA: Yes.

MR. ZIMMERMANN: Yeah, if you zoom in center there, Al, if you can.

THE WITNESS: Yeah, so what we did on this column is we showed what was previously approved and proposed.

MR. ZIMMERMANN: Can you talk about these two previous?

MR. FAIELLA: The existing nonconformities or loading and unloading, and then the fencing is exactly what we were talking about. Is it --

MR. ZIMMERMANN: Al, can you come out a little?

MR. FAIELLA: Is the Building 315 loading area going into adjacent drive island or additional zoning statistics table?

MR. ZIMMERMANN: Well, I would like Mr. Welch to talk about what is previously approved -- what was previously approved and what is proposed.

THE WITNESS: Do you want me to go through everything or just the nonconformities?

MR. ZIMMERMANN: I think everything complies, right? You're saying everything complies?

MR. FAIELLA: Yeah, there's one other existing nonconformity that I don't think -- did we even change that in our prior approval? I think it

was just an existing --

THE WITNESS: So there was an existing nonconformity for we talked about earlier where the trash loading is built on 40 Arena, that was an existing nonconformity that was testified to.

MR. ZIMMERMANN: Al, can you put it up a little so I can see more of this? Good, right there. Thank you.

THE WITNESS: So in that lower table, the only change we have is the fence height.

MR. ZIMMERMANN: The fence. Right, I see it. Okay.

THE WITNESS: And again, prior we had that eight-foot pickleball fence, which is the 13.1-foot padel fence.

MR. ZIMMERMANN: I'll put my headphones away. I'm sorry. I'm being rude showing my back.

MR. FAIELLA: That's okay.

MR. ZIMMERMANN: It's the -- we were hearing something about impervious too and some of the shifting, it looks like you're covered with maximum lot coverage. It was 39.17, you're asking 44.5 and 60 is permitted, so --

THE WITNESS: Correct.

MR. ZIMMERMANN: Okay. I'm fine with that. You're fine with that.

THE WITNESS: I will say also just one item note on that table, under the priors approvals, we were going to demolish the former guardhouse, now we're just repurposing it, so that's where the accessory building height changed.

MS. KNOLL: You're going to demolish it?

THE WITNESS: No, we're not demolishing it.

MR. FAIELLA: No, we're not.

THE WITNESS: Previously we were because --

MS. KNOLL: That's where we're going.

MR. FAIELLA: It will be bathroom, like I think there's a little storage, like, if somebody wants to put their racket down there or something like that.

THE WITNESS: It's a nice looking building.

MR. ZIMMERMANN: Stormwater compliance 7:8.

THE WITNESS: We comply.

MR. ZIMMERMANN: What date, please?

MR. FAIELLA: It complies with all of the --

MR. ZIMMERMANN: I guess it would be one. Well --

THE WITNESS: Well --

MR. ZIMMERMANN: It's January, so I think you're still -- I think you're grandfathered in.

MR. FAIELLA: Yeah, we're not under the real rules.

THE WITNESS: The real rules got deferred.

MR. ZIMMERMANN: Yeah, the real rules are --

MR. FAIELLA: Exactly.

THE WITNESS: They're proposed to be deferred.

MR. ZIMMERMANN: They're going to be deferred for the year, I don't know if anyone keyed in on that.

But you're still back in 7:8 last done in January, but I think this application came in in December, I think.

MR. FAIELLA: Yeah, we submitted in December of last year.

THE WITNESS: But it's the 2023 rules, right, so we do have the larger storms.

MR. ZIMMERMANN: That's correct. That's all I need to know. Okay.

I think I have no further comments.

CHAIRMAN ELWOOD: Anything else regarding your review letters?

MR. ZIMMERMANN: No. Well, I mean some of the stuff I asked, it kind of covered.

THE WITNESS: We do have a couple additional things in there, Craig, if you want as a condition of approval, which we have no objection to.

MR. FAIELLA: Yeah, I was going to say all of the comments, conditions of approvals and review letters we agree to comply with and we'll work with your professionals to satisfy them.

Any comment about testimony, I hope we addressed and if not, we can always address it afterwards with comment letters, but we take no exceptions to the review letters and any of the comments there.

CHAIRMAN ELWOOD: Darlene.

MS. GREEN: Only one question for Matt, we haven't talked about soil movement and because you need a major soil-moving permit, do you

want to put some testimony on the record about how much?

MR. FAIELLA: I think you said how many trucks and the difference in soil, right?

THE WITNESS: I did, but I also talked about fences three times.

So it was an additional, I think we put an initial approximately 600 cubic yards of export, so 30 trucks.

MR. ZIMMERMANN: 30 trucks.

MR. FAIELLA: An additional 30?

THE WITNESS: Additional 30 because we activate that basin.

MR. ZIMMERMANN: No, that makes sense.

THE WITNESS: And then we would use Route 10, 27, no overlays.

MR. FAIELLA: And also conditions of approval that were granted last time, we'll still comply with, like, there were restrictions on the days of construction and things like that, so we will still comply with prior conditions of approval to the extent that they're not changed by this application, which I don't think any of them were by these changes.

MR. ZIMMERMANN: The requested as

built will show this, but the basin status? Along the raceway, you have a basin there that you are proposed, I don't know if that is started yet. You have the bioretention basin, which I'm not sure is in yet, and you have the two that are -- the two teardrop ones that are up to the east that remain unchanged.

THE WITNESS: So these remain unchanged, they're fully constructed, 2A and 2B.

MR. ZIMMERMANN: Good.

THE WITNESS: 1B is partially constructed is my understanding and will need to conform to the plans, and 1A I do not believe anything has occurred out there aside from starting to put some silt fence and I told them to please stop.

MR. FAIELLA: Okay. There were --

THE WITNESS: That time they listened to me.

MR. ZIMMERMANN: You have geo- -- remind me, please, geo for the new area?

THE WITNESS: We have testing for all the basins, yes. We did not count any groundwater. And these are all lined with underdrains because we can't infiltrate here.

MR. ZIMMERMANN: Okay. Thank you.
MS. GREEN: I have no further questions.
CHAIRMAN ELWOOD: Okay. Anyone else up here?
Okay. Open to the public. If anybody has any questions of this witness based on the testimony given by Mr. Welch, please step forward, state your name. Seeing nobody --
COUNCILMAN DEMAIO: Motion to close public.
MR. LOMBARDI: Second.
CHAIRMAN ELWOOD: All in favor?
(Unanimous Aye.)
MR. FAIELLA: So that concludes our direct testimony, I'll save a quick summation after public comments and questions from the Board, I'll sum up at the end, but I'll wait after any questions from the public or comments generally for the application rather than to a witness.
COUNCILWOMAN JANDOLI: Motion to open public.
CHAIRMAN ELWOOD: Do we want to first put on whatever we want -- if there's anything anybody here wants to discuss?

MR. FAIELLA: You guys tell us. Whatever you want. I just wanted to save my summation until after.
CHAIRMAN ELWOOD: Motion to open public.
COUNCILMAN DEMAIO: Second.
CHAIRMAN ELWOOD: All in favor?
(Unanimous Aye.)
CHAIRMAN ELWOOD: Anyone from the public who has anything in regards to the entire application, please step forward, state your name.
Seeing nobody, I need a motion to close public.
COUNCILMAN DEMAIO: Motion to close public.
MR. CASTANO: Second.
CHAIRMAN ELWOOD: All in favor?
(Unanimous Aye.)
MR. FAIELLA: Thank you.
So I think -- I don't want to repeat a lot of what was said, but clearly the applicant made mistakes leading up to here. But we're here today seeking an amended site plan approval to revise -- mainly to revise the outdoor amenity spaces and do some other changes like stormwater and there were

some lighting and landscaping changes as well.
We're here today to ask the Board to review what is being proposed. And we are also agreeing that this needs to be accessory to the principal office use and that there shouldn't be any types of workarounds that it would not be accessory, that was always the plan, implications that it wasn't otherwise are why, you know, the prior person is not any -- has no relationship whatsoever with the applicant.
And I agree with the Board that, you know, about some of the past mistakes that the applicant made should not have been done, it's very clear, but what we are here today for is to build something that we believe will help attract office tenants, and that's what we're looking to do, do it for the office employees.
We are not looking to hold pickleball tournaments or padel tournaments. We're not looking to let any of the employees or tenants of the space do that as well.
We do agree to the conditions of approval that were stated on the record. We want to make sure that this operates smoothly and we want to make sure that Board feels comfortable and that the

town has these types of safeguards in as well.
So we do ask that Board approve the application for the record -- for the reasons stated on the record and because of what is permitted and what is allowed here as an accessory use. And I think any conditions of approval that are reasonable to make sure it's accessory, we're certainly open to.
If there's other things that we haven't addressed, we've been trying to put on our thinking caps from the beginning of the application to the break and then to the later part as well and trying to come up with creative ways to make sure that the Board is comfortable.
So we do ask that the Board approve this. We don't think the variance are offensive at all. We do think this is a better way to attract office tenants, and that's what we're looking to do.
It's, you know, if you go to the buildings, they are beautiful office buildings, you know, I was lucky enough to get a tour from our client. It's beautiful on the inside.
We do believe this will help bring in -- that we will be able to attract office employees, have a nice use that the town would like here to reactivate these uses and to have a modern

office building and office amenities here.

So we do thank the Board for its time. We also thank the Board for its questions and its comments and to try to help, you know, at the end of the day, it helps us with trying to manage this. So some of the suggestions I think were very helpful to us, so we do thank you for that and we thank you for your consideration here. And so thank you again for having us.

CHAIRMAN ELWOOD: Thank you.

Okay. I need a motion to approve or deny.

COUNCILWOMAN JANDOLI: I'll make a motion that we deny this application for many reasons. First and foremost, the fact that we don't understand the tenants within this facility, we don't understand that this recreation area, you know, is truly needed, you know, for the size that it is, especially since it's quadrupled, you know, from the original plan.

I don't believe that that is a hardship that should be considered or rebrought back in front of this Board, and my opinion is that there is a process for a reason and that we follow the process and that we come in with plan that we agree

on and that we move forward with. And anything above and going beyond that, especially with all these open items here. If these are beautiful buildings, they should be able to sell themselves, and I don't believe going quadruple on the pickleball courts is going to make a difference.

My opinion, I would like to vote that we deny the application.

COUNCILMAN DEMAIO: I'll second the denial.

CHAIRMAN ELWOOD: Okay. So we have a motion and a second. So just to be clear, on a roll call, a vote of yes is a vote to deny the application.

MR. RUSH: Correct, yeah. So you vote yes, you're denying it.

CHAIRMAN ELWOOD: Roll call, please.

MS. KISS: Member Lombardi.

MR. LOMBARDI: Yes.

MS. KISS: Member Castano.

MR. CASTANO: Yes.

MS. KISS: Member Lembo.

MR. LEMBO: Yes.

MS. KISS: Member Knoll.

MS. KNOLL: No.

MS. KISS: Member Forgione.

MR. FORGIONE: No.

MS. KISS: Councilwoman Jandoli.

COUNCILWOMAN JANDOLI: Yes.

MS. KISS: Councilman DeMaio.

COUNCILMAN DEMAIO: Yes.

MS. KISS: Alan Elwood.

CHAIRMAN ELWOOD: Yes.

MR. RUSH: The application is denied.

MR. FAIELLA: Thank you for your time tonight.

CHAIRMAN ELWOOD: Thank you.

I need a motion to adjourn.

COUNCILMAN DEMAIO: So moved.

MR. LOMBARDI: Second.

CHAIRMAN ELWOOD: All that favor?

(Unanimous Aye.)

(Matter adjourned at 10:27 p.m.)

CERTIFICATE

I, PATRICIA A. PUCCIARELLO, a shorthand reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

Notary Public of the State of New Jersey
My commission expires April 7, 2029
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