

WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING MINUTES July 17, 2023
APPROVED

CALL TO ORDER:

ROLL CALL:

Mr. John Villani
Mr. Michael Galbraith
Mr. Frank Rica
Mr. Donald Huber (excused)
Mr. Scott Bowen
Mr. Anthony Paoella
Mr. Foster Cooper
Ms. Valentina Carleo Alternate # 1
Mr. Lenny Calvo Alternate #2 (excused)
Ms. Katharine Fina, Esq.

ANNOUNCEMENT:

Adequate notice of this meeting has been provided by posting Public Notice on the Municipal Bulletin Board on the main floor of the Municipal Building, and sending a copy to the Star Ledger, and filing a copy with the Municipal Clerk, all on January 11, 2023.

FLAG SALUTE

MINUTES:

The minutes of the June 5, 2023 were distributed for review.

Motion to approve was made by Mr. Villani, seconded by Mr. Galbraith to approve the minutes.

ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Paoella, Mr. Cooper.

COMMUNICATIONS:

None.

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING:

Floor is opened to any member of the public wish to make a statement, which is unrelated to the meeting agenda. Seeing no one come forward Mr. Cooper closed this portion of the meeting.

CLOSE THE PRIVILEGE OF THE FLOOR PORTION OF THE MEETING

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RESOLUTIONS:

CASE BA23-03 Dig4U, LLC
Block 71, lot 27, 8 Sydenham Road
Undersized lot in R-65

Mr. Rica made a motion, seconded by Mr. Villani to adopt the resolution

All were in favor.

CASE BA 23-02 Pier Pimental
Block 212 lot 1.08, 16 Old Smalleytown Road
Impervious coverage and building coverage variance (carried from
May 1, 2023)

Mr. Rica made a motion, seconded by Mr. Villani to adopt the resolution

All were in favor.

CASE BA 23-04 Dotan & Lisa Ziv
Block 71 lot 4.02, 71 Geiger Lane
Variance for Pool Cabana
Maximum building coverage relief/proposed 9.30%, 8.22% existing,
7.5% permitted

Mr. Rica made a motion, seconded by Mr. Villani to adopt the resolution

All were in favor.

CASE BA22-02A HSC Warren, LLC/Tractor Supply
Block 110, lots 9.03 and 9.04
Amended Variance for outdoor storage

Mr. Rica made a motion, seconded by Mr. Villani to adopt the resolution

All were in favor.

Award of Professional Services Contract-Mark R. Peck, Florio Perruci Steinhardt
Cappelli Tipton & Taylor LLC.

Award of Professional Services Contract-John T. Chadwick, P.P

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■ **HEARING/agenda items**

AGENDA CASE APPLICATIONS:

CASE BA 22-09 Calabrese
 Block 87.03 lot 5.04, 4 Hemlock
 Minor Subdivision with variances
 FAR of 0.142 vs 0.125 permitted (carried from June 5)

Mr. Jay Bohn came forward and stated that there were two requests made by the board at the June 5 meeting. One was to look at possibly squaring off the lot line by exchanging land with the neighbor. Ms. Calabrese, the applicant, has reached out to the neighbor. The second item was to follow up on a design with the garage under the homes.

Mr. Jay Bohn called Ms. Christine Caffone, the applicant's planner, and was sworn in. Daneila Calabrese, the applicant, was also sworn in. Mr. Bohn asked about reaching out to the neighbor. Ms. Calabrese had texts that Mr. Bohn distributed as Exhibit A-1. Ms. Calabrese had suggested re-aligning the property line and that she would pay for all the fees. They respectfully declined. Mr. Cooper asked if any public had questions for Ms. Calabrese. No one came forward. The neighbor's name is Li Cai.

Ms. Mueller came up as the engineer for the applicant. She again said that garage under the homes will not work due to the grade. She had a plan with side loaded, garage under, Exhibit A-1. She went over a larger plan for the board. Many of the neighborhood homes have side load, garage under set ups. These lots don't have the grade from left to right. They would have to cut into the property and then fill around the house, and it would require wall variances to create the garage under condition. They went over it in detail and compared the original plans submitted with the application.

Mr. Chadwick felt this was critical to show in order to show a hardship.

Mr. Cooper asked if the board or public had any questions. No one came forward.

Ms. Christine Caffone came forward as planner and was accepted by the board. She went over the plan with a d variance for the FAR (.144 vs. .125 permitted). There is also a c variance for the lot width that is approximately 69 ft. where the zone requires a lot width of 100 ft.

The existing lot is 43,000SF and is the largest lot on Hemlock. There is a small home on the property with a detached garage and is not consistent with the homes in the area. The homes range from about 2400 SF to 3000SF. In her opinion the board could grant the lot width and use the c1 and c2 statutory criteria. The c1 can be used because the western portion of the lot cuts in at a very sharp angle and it is a unique

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location on the bend on Hemlock. The c2 can be granted with a more desirable visual environment. There is no substantial detriment. She also talked about the Kaufmann case and the lots created are more consistent with the area.

The d variance test is the Randolph Town Center case. Can the site support the excess FAR being proposed. The maximum building coverage is 10% and this is proposed at 8.4%. They meet the impervious coverage required. The two homes would fit in quite well with the neighborhood.

Mr. Cooper asked if the board had any questions. The board and public had no questions.

Mr. Bohn went over the minor subdivision plan with two variances, one for lot width, the other for FAR. The neighboring property did not want to participate in a lot line change. The grade level garages count as FAR but garage under do not and this has added to the variance requirement. It was shown they could not do a garage under without creating grade and require six foot walls. There is a master bath above the garage, it is a dormer.

Mr. Cooper asked if any members of the public had comments on the application. Mr. Li Cai from 6 Hemlock came forward. He was sworn in and asked about the garage being on the right side. It will be entered by the front.

Ms. Lisa Li came forward from 6 Hemlock and was sworn in. She asked about the garage and thought it was going to be open from the side. It is open from the street. She suggested that the two houses share one driveway in the center and the garages would be on the driveway side. All the garages in the neighborhood open to the side. The houses will look different from the others.

Mr. Cooper closed that portion of the hearing and asked the attorney to go over the deliberations. Ms. Fina went over the two variances, the c variance is the lot width 100 ft width is require and with this proposals (lot A) meets the requirement but lot B does not, they propose 69.56 ft. The d variance is the floor area ratio (FAR) max FAR in the zone is .125 and they propose .144 for each of the proposed lots.

Mr. Rica said it is typical to build to the topography and not create walls. There are very nice garage doors and they could request the property owner to ensure nice doors. Mr. Paolella agreed to build with the topography is best. The board members all agreed.

Motion was made by Mr. Rica, seconded by Ms. Carleo to approve the application.

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ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Paolella, Mr. Bowen, Mr. Cooper, and Ms. Carleo.

CASE BA23-06 Warren Village Associates
Block 89 lot 1.02 4 Mount Bethel/Mountain Blvd
Use Variance, Variance for Parking

Mr. Barry Mandelbaum came forward as attorney for the applicant, Warren Village Associates, and the space that was Kings Market. They sold to Albertsons and they have many grocery markets, which includes ACME near the Kings Site. They did not renew the lease at Kings and it has been vacant for more than two years. The owners of the shopping center have tried to get another grocer at the location. They have not been successful. Mr. Mandelbaum said they would hear from Jacob Klein, a managing member of the Warren Village, about the efforts to find a grocer for the location. Then Ed Martin from Atlantic Health Care will speak on the proposed use of the premises for a medical facility. The space is about 21,000SF. He will go over the site use, and parking. There are three existing facilities in Warren and they will be consolidated in the proposed facility. There will be testimony from Dynamic Engineering and their traffic engineer and he will explain the removal of the loading zone, the loading piers, and the addition of 44 parking spaces. Finally, Christine Caffone, planner, will go over the beneficial use and that it is not adverse to the intent of the zoning ordinance. The property is in a CB zone, which permits medical. The reason they are before the board for the use variance because it is a large medical facility for the site and was not planned for this larger use.

All the witnesses were sworn, along with the Township Professionals. Mr. Mandelbaum called up Mr. Jacob Klein. He is the managing member of Warren Village and they have owned the center for 21 years. Kings was at the location (they left in January 2021). They manage 35 shopping centers and the value of a grocery store is very high. For two years they tried to secure another store. The first one that seemed likely was Whole Food, although it was a smaller space than usually for them. They had hired an architect to present to Whole Food and spent close to \$100,000. It fell through. Then they tried Lidl and they turned it down. Aldi, a little more upscale store turned it down also. They tried Amazon itself, they run their own super market division, separate from Whole Food, and they turned it down. After about a year Kings Supermarket approached the Warren Village group and realized they had made a mistake closing this location. The ACME store is not performing well and they wanted to come back. The deal was not approved by their real estate committee. They tried the Village Supermarkets, which run Shop Rite, Fairways, and Gourmet Garage. They were all

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turned down. Foodtown is a small regional chain, with about four stores, they were not interested in Warren. Greenway Market also did not work out. Trader Joes said it is too close to Bridgewater Store. Mr. Klein had a page of these stores and it was entered in as Exhibit A-1.

They were not successful in getting a super market interested. Mr. Cooper asked if the board had any questions for Mr. Klein. Mr. Chadwick looked at the list and noted the no reply stores were listed. Gary's Wine and Liquor (large store) were approached and they felt it was expensive to get a liquor license and difficulty to get. There were no questions from the public.

Mr. Mandelbaum called Mr. Ed Martin from Atlantic Health Care. He is the director of design and construction with Atlantic Health based in Morristown, New Jersey. His primary work is any site outside of hospitals and has been doing this for 18 years. There are about 613 offices throughout New Jersey. The trend in health care is to keep the hospitals available for more sick patients. The hospital industry is pushing health care into the communities. If they can take care of patients near their homes and make it convenient and keep them healthier, the hospitals are available for the need.

They are prepared to make a multi-million dollar investment in this facility. The three existing facilities that are along Mountain Blvd will be consolidated within this proposed facility. They will also add subspecialties with urgent care also. They will have primary care, a physical therapy office, and an integrated care office will re-locate there. They also plan to add into this facility orthopedics, pain management, behavioral health, cardiology, and a blood draw facility. The proposed hours of operation would typically be open from 8:00 a.m. to about 5 p.m. Monday through Friday with perhaps a half day on Saturday. The urgent care might be 7 a.m. to 8 p.m. seven days a week. There will be no surgery at this site. Mr. Martin anticipates 20 professionals. Perhaps 14 professional medical personnel and 7 P.A.s. There are more than a dozen facilities that are larger than this proposal. Clark has two facilities, Westfield has a facility, in Rockaway, in Paramus, and several under construction.

Mr. Cooper asked if any of those were located in a retail shopping center. The big one in Paramus is. The Rockaway center is within the mall property. The parking ratio that works for them is about 5/1000SF. The staff personnel may be 21 support staff at any one time and they anticipate parking behind the building. (will have a staff entrance in the rear). They want the staff to be away from patient parking.

Ms. Carleo asked when the urgent care will be open, they anticipate 7 days a week, 7 a.m. to 8 p.m. There will not be a separate entrance to Urgent Care and they don't expect to change the exterior of the building much other than to change the colors and put the Atlantic Health sign where the Kings sign was. There will be one entrance to the building and there will be a central hall that will serve as the waiting area for all the different practices.

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Mr. Bowen confirmed there will be no surgical procedures and asked about the lease term. The lease will be 15 years. Mr. Galbraith asked how many patients might be present. Mr. Martin said there could be 50 patients in the building at one time. Ms. Carleo thought there would be more with the PT practice. There may be more in PT and less in orthopedics or cardiology; they look at the overall total.

Mr. Villani asked about the parking spaces; 5/1000SF? This plan proposes that. Mr. Cooper asked the board members if there were further questions. Mr. Chadwick asked about licensing for the facility. Doctors are licensed by the state, there are no licensing needed for the Department of Health.

Ms. Carleo asked about deliveries and traffic. Mr. Martin said they are probably deliveries every day and they come in small vans, similar to Amazon vans. They will also open the blood draw center to any doctor in the community. Ms. Carleo suggested that may increase the traffic. Mr. Galbraith said you can't get another car in at Summit Health.

Mr. Kastrud asked about the 5/1000SF works well. He asked about the other sites and they did get a variance for parking and if they have issues. Atlantic Health care wants to be comfortable and are putting a big investment in this.

Mr. Cooper asked if anyone from the public had questions on the testimony just given.

Mr. Klein came back up and Mr. Mandelbaum asked about the lease. The lease is for 15 years. He also asked about the parking with Kings and if there were issues. Mr. Klein said right before Thanksgiving there was about 60 people working at the store.

Mr. Mandelbaum called Mr. Daniel Sehnal from Dynamic Engineering and gave his credentials and was accepted.

Mr. Sehnal went over the Site Plan sheet 2 that was submitted and dated last revised May 31, 2023. The site is block 89 lot 1.01. It is about 8.4 acres, there is a 2-story building bank, and the main building in the center. He went over the two existing driveways on Mount Bethel Road, one full movement and one right in, right out. On Mountain Blvd there is a full movement entrance. There are existing 308 parking spaces. The requirement is for 312 parking spaces. The rear portion of the site is generally wooded and there is a patch of wetlands. They did submit an OPRA to DEP and received a copy of an LOI that was issued around 2006. They compared it to the more current survey and confirmed no additional improvements or encroachments on the wetlands. They would not encroach.

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Mr. Chadwick asked if they explored the riparian regulations. They did and they will not encroach on it any more than existing. There was a compensation area that was deed restricted with the site. The letter was dated June 6, 2023 to Chris Kastrud and the land use coordinator stating there is no encroaching.

They are not reconfiguring parking in the front. They will use the area behind the building and do restriping for parking. They are adding 30 additional parking spaces to the rear of the building and they are strategically placed as to not block loading areas and flow. There is an aisle of about 24 feet so vehicles can back out. The only area with less than 24 ft. is areas that don't back out.

There are 308 existing and they propose 338 parking spaces. There is a requirement for 412 spaces. Warren requires 5 parking spaces for every medical professional and they anticipate about 20 professionals at the maximum time. And then (Warren requires) one parking space for 200SF. So for just the health care use it would need 207 parking spaces. He said the overall parking spaces required is 412. They will have 338 and be short by 74 spaces. The applicant is comfortable with this parking for their sites. (with just the medical facility it requires 107 parking spaces). It is not a stand alone facility. Mr. Cooper is concerned about the other tenants and parking impact to them.

They have added truck turning on the site and show it is enough. The trash facilities will remain where they are. One in the northeastern corner, and one in the southeastern corner. Mr. Cooper asked where the medical waste goes. Mr. Martin felt it is in a locked area and a separate company comes to pick that up.

Ms. Carleo asked about emergencies and one vehicle, and she believes there will be more. Mr. Villani asked about the parking and numbers. All spots existing are 308 and they propose 338 (adding 30). Per the Township Code 312 spaces are required, and with the proposed condition 412 would be required.

Mr. Cooper asked about the Urgent Care hours and shifts for personnel. There are not all shift /or many leave at one time due to doctors and professionals going to other sites. There will be some shifts and overlapping.

Mr. Kastrud said most of the comments from his report of July 11, 2023 had been addressed. Item 1.3 asked about the survey and is there a signed and sealed copy; they will be delivering them. Item 1.6 concerns filing with the Warren Township Sewer Department for the use. The applicant had requested 33 waivers from the check list. This is quite a lot. Mr. Chadwick felt it relates to the developed site and minimal changes. Mr. Kastrud mentioned the 20.8 ft for parking aisle by Starbucks and it seems too tight. Too narrow for garbage or emergency vehicles with cars parked.

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Mr. Sehnal proposed that if the board is satisfied with the number the applicant feels are adequate they could remove one or two spaces there to make it better. There was further discussion on those spots.

Mr. Kastrud went over his Item 2.3 and the two floors in the bank building and the footprint of the other building including a second floor, (there is not a second floor on main building), but there is a basement area in the eastern corner but is not utilized for patrons, it has some storage.

Mr. Kastrud mentioned that some tenants will need loading dock access. They removed some of the loading docks and left some areas. Mr. Kastrud asked about the lighting, there have not been studies but the front is well lit. Mr. Kastrud has concern with the lighting in the back with staff parking.

The board of health has jurisdiction over the dumpsters. Mr. Cooper said the areas are in bad shape. Mr. Klein said they may be installing compactors instead of the dumpsters. That will need to be approved by the health department.

Mr. Kastrud asked about the proposed right of way to the county and if the applicant had talked with the county on improvements that end up within their right of way once that is completed. They will follow up with the county and another letter should follow from the county.

Mr. Villani asked about parking and more handicap spaces being required. Only 8 or 9 will be required for the number of parking spaces they have. The existing site has 12 so they exceed the requirement.

Mr. Kastrud also brought up the EV ordinance requiring additional parking and the township will look into the requirement, and if it can be EV ready.

The Fire Marshall had two reports and said that the original comments had been addressed. The applicant did make revisions to the Fire Marshalls comments on April 4, 2023.

Mr. Cooper asked if any members from the public had comments based on the testimony just given. No one came forward.

Mr. Mandelbaum called the traffic engineer, Mr. Craig Peregoy, from Dynamic Traffic. He gave his credentials and was accepted.

Mr. Peregoy gave his opinion that the parking is sufficient. They look at the change from the supermarket anchor to now a medical facility. The medical is a lower traffic generator. Supermarkets have traffic at different times and medical is more spread out.

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Mr. Peregoy said that Warren's ordinance is unique. It is 1 per 200SF and that is 5 per 1000SF and then another 5 per professional. He has not seen this number. Watchung is at 6/1000SF. Warren with the spaces for the professionals they require 9.6 spaces for 1000SF.

They are proposing 338 spaces and subtract 205 that are required for retail and that gives 6.9 spaces for 1000SF. So, it is more than 5 per 1000SF and is more in line with other townships.

They also gave reference to the ITE manual. There are many studies in the manual. The average maximum demand for medical office use is 3.23 spaces for 1000SF. The 85% studies are 4.59 parking spaces for 1000SF. They also give a 95% confidence rate, they are 95% sure that the maximum parking is between 3.04 and 3.42 per 1000SF.

He suggests that Trader Joe's would be difficult to park. Mr. Peregoy did look at the other sites for Atlantic Health and there is one at 140 Central Avenue in Clark. It is similar in size and they share with Walgreens. He took some counts from 10 a.m. to 6 p.m. with a break between 2 and 4 p.m. At the location the ratio is 3.29 per 1000SF.

The same day of those counts they counted the proposed site parking lot and the ordinance requires 205 spaces for the retail tenants and they saw at maximum 143 parked cars and that was around 1 p.m. Medical peaks around 11 a.m. He is assured there is enough parking for the proposed use.

Mr. Chadwick asked about the testimony and what is in the report dated June 19, 2023. Mr. Cooper said that the bulk of the patients will want to park close to the entrance. He also feels that the employees will park out front. That causes a challenge to the existing tenants.

Mr. Peregoy said in the front where Kings was there is 156 parking spaces, the maximum occupied at any time was 61 of those spaces. If there are 50 patients in the building if they all drove their own car, there is more than enough.

Mr. Cooper said the diner is busy at lunch and the pharmacy can be busy. The Marshall Arts studio brings in kids and parents dropping off and picking up. Mr. Cooper has concerns for the other tenants and what the plan is if there is an issue.

Mr. Klein came up and said if there is a problem they will address it. He believes that the Atlantic Health will need less than the 106 in the front, and employees will park in the back. Mr. Peregoy feels a supermarket would have more parking need.

There is a standard for parking for shopping centers. The medical parking standard was developed 15 to 20 years ago due to people parking along Mountain Blvd. They

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have expanded parking areas in those developments. Mr. Chadwick suggests Atlantic Health talk about how many professionals can be in the facility.

Mr. Kastrud asked about the 143 spaces/vehicles parked in the non-vacant area. All areas except the Kings are occupied. This 143 spaces relate to a number of spots 3.48 parking spots per 1000SF. Not five per 1000SF.

Mr. Cooper said the exam room number around 60 and not counting PT and people waiting. That is a lot of cars. Mr. Perego felt if it was really busy and full there may need to be 100 spaces. Not all exam rooms are occupied, some are being turned over, cleaned.

The original ordinance was done to correct the problem that was occurring a few years ago. The medical industry has changed and the individual practice is less prevalent. Mr. Chadwick does feel the corner of the building near Starbucks spaces should come out as it is a tight corner. He again suggests to clarify who manages the facility, who would enforce the parking in the back, etc.

Mr. Mandelbaum discussed the Florham Park shopping center and the tenants have a decal for their cars and they have to park in the rear. There was a person on staff to ensure maintenance of the property and check that cars don't park in the fire zone, and this enforcement of parking in the rear.

Mr. Chadwick said all the testimony is based on 20 professionals and support personnel. The number of rooms and unspecified rooms is many and how can you be sure there will be 20 professionals and not 40. Mr. Villani feels that the parking ordinance in place worked out well for Warren and sometimes certain lots where there is therapy places, like JAG, there is no parking spaces left for anyone else in the building. It is an ongoing problem.

Mr. Cooper asked if anyone from the public had questions for the witness. No one came forward.

Mr. Mandelbaum called up Ms. Coffone the planner. She has seen the reports, has been to the site, there have been meetings. She has concluded that this use variance for CB zone (that does allow for personal services) is warranted. The reason they are before the board because of the multi-discipline use was felt to be beyond the scope of what the actually CB ordinance permits. The back and front parking arrangement is suitable, the staff prefers to use a different door than patients so this works. The site is suitable. The purposes of the land use ordinance are advanced by the application, with criteria g, which speaks to sufficient space in an appropriate locations for a variety of reasons. They are proposing to re-purpose a 21,460SF space. In her opinion as a planner, there is more repurposing with shopping centers going through changes. This introduction of this use is more suitable than other uses. Criteria m relies on efficient

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use of the land. Empty store fronts do not use land efficiently. This use will bring people in and does not have substantial negative impact on the public good. The Warren ordinance is restrictive with respect to parking.

The numbers are compelling that were presented, 9.64 per 1000SF is required for medical use parking and it is an excessive amount of parking. The applicant also doesn't want a parking problem and hear complaints from their clients. They are investing a significant amount of money to come to this location. It is important for adequate parking for them as well. They know that 5 spaces per 1000SF is comfortable for them. The master plan of Warren recognizes that continued residential development will require expanding facilities in the form of community facilities and other facilities. There are many housing units in Warren coming on line and there will be an expanded need for medical facilities. The Master Plan also proposes to discourage strip retail development and provide flexible development standards to further encourage renovation, expansion, of existing commercial areas concentrating on façade improvements, walkways, parking, landscaping, signage and general design standards.

Ms. Caffone continued and said the property has been vacant for two years and Mr. Klein has tried to get grocery stores interested with no success. This is a viable tenant. Another use may need more parking than existing. Health care is changing and this type of facility is being developed more often. Ms. Caffone feels with all of this the board can grant the parking variance, as well as the d variance and it will balance the positive and negative criteria. The site will be adequately parked, with a total of 338 parking spaces, and take up the 205 required for the retail, that leaves well over 100 spaces. So even if all 60 exam rooms were and all were occupied and there were 10 people in the waiting room and there are 40 personnel present, it is 110 spaces required.

When Ms. Caffone looked at the zone plan to create a village type with varied uses, and the Master Plan discouraging traditional strip retail, and with her experience going to medical facilities within shopping centers, she feels it will keep the center vibrant and viable. There is nothing in the application that rises to substantial detriment with this application. And she feels parking could be exacerbated using some of the as of right uses. She feels with increased demand for services and the goals of the retail areas supports the Master Plan. She feels they meet all the statutory proofs at all points. The applicant is comfortable with demand for 5 spaces for 1000SF and they are at 6.19 spaces per 1000SF. Mr. Mandelbaum and Ms. Caffone do feel it is an inherently beneficial use.

There were no questions from the board and Mr. Cooper asked if the public had any questions for the witness. No one came forward.

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Mr. Chadwick wants information in writing on how to manage the level of service/number of personnel at the site. What were the numbers used to support the parking numbers presented. If they testify that it is 20 professionals at the site, it should be a condition. Different days of the week there may be different number of personnel on site.

Mr. Rica said there are concerns on parking. The town ordinance for retail is 405 spaces and no one can meet that requirement. There was discussion on the number of personnel, they could agree that there could be no more than 23 on site. Mr. Chadwick asked if Atlantic Health had annual reports for themselves on personnel levels/numbers. They could provide a document on that. Mr. Martin said they could live with a cap of 25 medical professionals. There might be 20 support staff at one time.

Ms. Carleo asked what Mr. Martins role is and he does look at the sites to know what works and don't work.

Mr. Villani said using the applicant's numbers it appears there would not be a problem but his experience over the last 30 years show it is never what we were told and there have been issues with parking. If the practice expands and more people come there could be issues.

Mr. Cooper suggested supplying some statistics on similar size facilities and parking and traffic, as well as medical professionals and support staff present. The board agreed that statistically information will be helpful.

Mr. Mandelbaum stated they wouldn't be coming to this location or town unless they thought it was a good fit with adequate parking.

Mr. Bowen feels the medical industry has changed and they want to keep it moving and don't book so many people in the same appointment time any more.

The applicant agreed to submit documentation and come back to the August 7 meeting, and the hearing was carried to August 7, 2023 at 7 p.m. at 44 Mountain Blvd., Warren with no further notice.

CASE BA23-05 DISH Wireless LLC
Block 211 lot 11 35 Old Smalleytown Road (cell)
Request for Interpretation

Mr. Kevn Jones, attorney for the applicant, Dish Wireless, came forward. Dish Wireless is a FCC licensed carrier who is building out a 5G network, totally cloud base. Sprint and T-Mobile merged and the FCC did not want just three carriers. Dish Wireless was picked to build out a 5G network. They looked for existing structures. The FCC passed regulations in 2012 to streamline applications on co-locations. This facility is an eligible

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facility. They have passed more regulations to streamline since 2012. They propose using an existing transmission tower at 152 ft tower with AT&T and Verizon wireless have antennas on it. This proposal is to put a 10 ft. extension on the pole to install to install its three antennas. There are existing large shelters beneath the tower. There is a proposal for a 38 ft. shed and it will be painted red to match the other shelters. This meets the eligible facility request.

Mr. Chadwick stated this is an interpretation that the FCC regulations apply here. And is eligible for an administrative approval. The zoning officer can't make the determination, the board can. It avoids site plan application. An analysis was done to ensure the tower can accommodate the antennas.

Mr. Cooper asked for any public comment. No one came forward.

The board discussed the application on the interpretation

A motion was made Ms. Carleo, seconded by Mr. Rica to agree the application meets the interpretation of eligible facility.

ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Paolella, Mr. Bowen, Mr. Cooper, and Ms. Carleo

Against: None.

CASEBA20-08 Rica Properties, LLC
 256 King George Road
 Block 82, lot 4.01
 Preliminary and Final Site Plan and Variance-Extension Request

Mr. Rica recused himself and left the dias. Mr. Sasso had submitted a letter requesting the extension of approval for two years.

The board had no issues with the extension. Mr. Chadwick said nothing has changed with the zoning or the application.

Motion was made to grant the extension by Mr. Paolella, seconded by Mr. Bowen.

ROLL CALL

For: Mr. Villani, Mr. Galbraith, Mr. Rica, Mr. Paolella, Mr. Bowen, Mr. Cooper, and Ms. Carleo

Against: None

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Next meeting will be August 7, 2023

Pending applications

BA20-09 Team Contractors (last heard Oct 3, 2022 waiting on soil testing) Block 12 lots 17 and 18, Second street subdivision with variances. Revised plans submitted, awaiting professional reports.

Motion was made to adjourn, seconded, all in favor

MEETING ADJOURNED: approximately 9:50.