

**CITY OF NEW BRUNSWICK
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 23, 2019
MINUTES**

MEETING LOCATION:
CITY COUNCIL CHAMBERS
CITY HALL, TOP FLOOR
78 BAYARD STREET
7:00 p.m.

I. ROLL CALL

√	John Cox (Chairperson)
√	Ivan Adorno (VC)
√	Michael
	Peg Chester
√	Sue McElligot
√	John Zimmerman
	Doug Sheehan
	Charlotte McNair
√	Evelyn Azcona
√	Nancy Coppola

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE PREVIOUS MONTH MEETING

Motion to Approve
Second
Approved by unanimous roll vote

V. COMMUNICATIONS AND REPORTS
Resolutions of Memorialization

None.

VI. PUBLIC HEARINGS

- A. GLORIA LEGACY - 294-296 LEE AVE, Z-2017-20** Application for Site plan and variance application for the construction of a 2 car garage and storage in the R-5A District at 294-296 Lee Avenue, Block 259, Lot 7.

Board Member, Evelyn Azcona, had a conflict of interest. Family Member is listed as owner. Will not be sitting for this application. Waiting for Applicant's to arrive.

- B. UNIVERSAL PROPERTY SERVICES – 127 EASTON AVE, ZB-2019-07, PB-2019-01** Application for Site plan, use and bulk variance application for the conversion of a Gas Station/ Auto Repair/ Retail Use into a Gas Station/ Retail Use in the C-3B District at 127 Easton Ave, Block 71, Block 29.01, 31, and 33.

Aravind Aithal:

Retail use is a permitted use. The lot is undersized. The applicant is proposing significant upgrades to the conditions of the property. The Existing Use is conditional, but the gas station predates them.

There are 'c' variances for front yard setback, side yard setback, building coverage, freestanding sign setback, and a design waiver.

Nancy Coppola is read into the record as in attendance.

Syed Kazmi, Applicant/ Principal of Universal Property Services:

Convert the repair station that is connected to this gas station into a "C" store. The garage is currently not up to operating or aesthetic standards. We have a great team to ensure we're operating correctly within local, state, and federal standards. We have a lease to convert current property into a "C" store. C-store meaning a convenience store. Products for the store would include daily convenience products and tobacco but would exclude vaping products.

Speaking to environmental concerns, the DEP requires several tests be done to ensure the property is not leaking or having other concerns and the property passed. When this property was sold circa 2010 an environmental Phase 1 and a Phase 2 were done as well as the installation of monitoring wells. Monitoring wells are tested annually.

Project would add benefit to the neighborhood. It would be cleaner and safer than it currently is. Would be a great aesthetic "Centerstone" for standards in the City.

Questions:

Nancy Coppola: What are your operating hours?

Syed Kazmi: We are currently operating from 6am to 10pm.

Sue McElligot: Do you also control the fuel sales?

Syed Kazmi: Yes.

John Cox: Since when you've been leasing?

Syed Kazmi: We have been leasing since Nov 2018.

Nancy Coppola: Is the gas station running 6am to 10pm.

Syed Kazmi: Yes.

Nancy Coppola: I would have a problem with it operating 24 hours a day.

Sue McElligot: You won't sell vape products, but will you sell cigarettes?

Syed Kazmi: Yes.

Todd Bletcher: Safety issues dealing with robberies and the like?

Syed Kazmi: 24-hour cameras and panic buttons to ensure police can be alerted in case something was to happen. Also have employee manuals for guiding how to act in bad situations.

John Cox: There's been a damaged door in the building for months, but you have not fixed it.

Syed Kazmi: Currently the property is maintained by the owner not us so we cannot fix it.

Sharif Aly: Existing conditions include 11 parking spaces, existing above ground oil tank, fenced in storage areas. Site lacks ADA accessibility and parking spaces are undersized. Landscaping, and a trash container in the back.

Proposal is to shrink the rear portion of the building and removal of several rear tanks to clean up rear of the property. Removal of existing shed and the garbage container will be enclosed in the block area. Parking spaces will be reduced from 11 to 7 and one-way entrance via Easton Ave. Two exists on Prosper Street. Removal of lights to install LED lights and redoing the entire landscaping area. The sign will stay, but it is already a pre-existing condition. Building coverage on site is reduced and FAR is also

reduced. 5-6 design waivers and exceptions, all pre-existing conditions.

Will comply with all the items of Delaware Raritan comments and will comply with all items of the Bignell Planning report, plus a 6-foot-high vinyl fence along the perimeter of the property frontages with the residential properties.

Nancy Coppola: Re-explain how anyone will come in if they want to get into the convenience store.

Sharif Aly: Entrance will only be one way from Easton and only out onto the one-way street of Prosper St.

Sue McElligot: Putting up a 21-foot sign to a replace an 8-foot sign?

Sharif Aly: We are keeping the existing sign, but we are initially formalizing it into the record.

Todd Bletcher: Explain how loading and gasoline delivery will occur.

Sharif Aly: 34-foot-long loading area on the Prosper side of the site, gasoline trucks will come in from Easton and leave via Prosper.

Frank Aiello; Architect:

Keeping shell of the building though much demolition will occur. Keeping the gas station and abandoning the repair shop. Modifying the façade with faux brick and metals. On the inside we are removing anything related to the repair shop. Replace with retail for service and a coffee shop. Enlarge the existing room for ADA compliance.

Frank Antisell, Planner:

The proposed additional use is within the parameters of the C-3B zone. Most convenience stores are attached to gas stations and this site does not meet all conditions of the conditional gas station use, thus the D3 variance. The applicant has attempted to mitigate several of the deviations of the site. Variance for the freestanding sign and its dimensions. Site satisfies all necessary positive and negative criteria for this project.

Public Comment:

John Varga; 280 Easton Ave.:

I've lived in their neighborhood for almost all of my life. I have never received a notice for this property. Applicant says they can't fix the property, or cleanliness and I have a rat and tenant issue because of this

property. Car abandoned on lot for 3 months. Drug dealing and abandoned cars were located on this property for months. I have tenant from 119 Easton Ave. who is now in fear of her life. I do not rent to college students, I rent to quality tenants. The one thing that has not been addressed is that the kids who are walking to and from school and lots of college kids walk with their faces in their phones. Wawa and QuickChek have much larger parking spaces. What's going on at this gas station is one tenth of circus. Quality of life here will deteriorate if this is approved.

DH: The notice went out to you, but remained unclaimed. I have proof of this. I sent out the certified mail.

Aravind Aithal: The notice was proper.

John Varga: I own Fritz's at 115 Easton Ave.

John Cox: Will applicant speak to the issues of abandoned cars and drug dealing.

Syed Kazmi: We attempted to work with the police and the DMV to take the proper protocol to get the vehicle removed. Not within our power to perform drug control, part of the redevelopment is to install lights and cameras in order to enforce the law and assist the police.

Syed Kazmi: I would be very open to security conditions imposed by the Board if the Board were to act favorably on this project. 18 camera system and monitored 24 hours day via ADT. Would cover entire property plus 5 additional feet out of the property.

Sue McElligot: Who will ADT call if there is an issue?

Syed Kazmi: Will contact directly to the local police.

Sue McElligot: Will you put up signs to remove any cars that leave them there and abandoned?

Syed Kazmi: Yes.

John Cox: Will you put up signs that ban overnight parking.

Syed Kazmi: Yes. Local company will drive by every 15 minutes to tow abandoned/left behind cars.

Aravind Aithal: Four notices were sent for the notices, that they be by certified mail, and the applicant went above and beyond by providing return receipt.

Johnathon Guarino, 115 Easton

Share ownership of Fritz's with Varga's wife.:

On Mother's Day a woman was booted when she parked there to get food at Fritz's. The parking spaces are currently rented out to construction workers and that is not permitted. I am concerned that 6am to 10pm is a bad timing for the business to operate.

I heard a lot about landscaping and I have some photos here showing the homelessness on these lots. After losing the ACLU case the police cannot fight against the homeless in the area and this might only make this worse.

John Cox: Do you want to address any of these concerns? (Speaking to Applicant)

Representative of Applicant: I just want to point that the proposed use is a permitted use and that the Applicant is investing a tremendous amount of money to fix the site. We are only for the preexisting nonconformances that have led us to apply for variances. At some point, the Board has to weigh the professional testimony keeping in mind the amount of investment that the Applicant had made into the site and to ensure that the site is operated safely. No one is disputing the history that has been going on at the site, including the inappropriate uses. The point being that this is an opportunity to remedy this and to cure the lot. I think that everyone is well aware of what is going on out here. And I think that if we do not move in this direction, the conditions of this site might get worse. And that's what the Applicant is here to tell you. Mr. Syed will like to address a couple points.

Syed Kazmi: Mystery shopping is done by both Shell and ourselves in order to ensure that our applicants are acting correctly. Very strict on bad actor hires. In redeveloping this site, we are looking to be more active in stopping these activities cause now we are going to be using that premise on a daily basis. At this point I can't confirm that this problem will be addressed.

John Cox: Have you driven past and seen your attendants?

Syed Kazmi: New crew is required to sit in front of their property. The initial crew was fired 3 months ago. Current crew has a seat right in front of the building.

John Cox: I drive by everyday and I see the workers sitting in a chair underneath the Shell sign. I don't find the current configuration of where your employees sit to be professional.

Syed Kazmi: When the site is redeveloped, it will allow us to fix this each by providing an appropriate seating for at least 2 workers. That will address a lot of the issues. It is very unprofessional for the employees to sit in that spot and I will have that addressed. But I do want to bring to the Boards attention that having nonconforming employees is common in every industry.

John Cox: Let me ask you a question, you said you usually have two employees there, is one supervising and the other one not?

Syed Kazmi: Yes.

John Cox: Then let me ask you this, Are you open to the Board providing conditions that your supervisory employee must perform routine walking/monitoring the site every hour or so?

Syed Kazmi: Yes that is something that we would like to have is one person be outside the store and another be inside the store. Therefore, we are monitoring behavior.

John Cox: Are construction workers paying to park on this site?

Syed Kazmi: Yes, the workers from the collegiate.

John Cox: That is in violation of the zoning code.

Syed Kazmi: The Construction workers that are building an adjacent property asked us if they can park there, and we told them that since we are not using that area properly and have not received zoning for it, that they can park there. Will correct immediately.

John Cox: You know that this lot is not zoned for that use. It is only zoned to be used as parking for that business. As of right now, you are in violation of the zoning law.

Syed Kazmi: I will correct this.

Sue McElligot: How will residents report issues on the site?

Syed Kazmi: The is an app we use and website where people can report issues, and we contract with Terminix in order to have pest control monthly.

Sue McElligot: Why can't you fix this now?

Syed Kazmi: It is currently unprofitable and thus this how we can make things work in order to invest resources to correct issues on the site. But we would like to get somewhere to at least supersede the site.

John Cox: I think that what the Board is concerned about is the ability of the residents to communicate immediately and effectively, correct?

Sue McElligot: Right and right now everything that I am hearing seems to be only after the store is built.

John Cox: Are you open now to providing a means of communication?

Syed Kazmi: I can always provide my cell phone number.

Sue McElligot: Will you do anything to correct it now?

Syed Kazmi: If there is an issue, we will take action to remedy it. Like the parking situation. I went out in the middle of the night to board up a part of the site personally.

John Cox: We need you to at least provide your phone number so that the residents have it.

Syed Kazmi: The police force has my number and I currently work with them at all hours. I try to do as much as I can. I will try to respond within 48 hours.

Todd Bletcher: If the boards concern is the inadequate employee seating, you can ask the Applicant if they would be okay with adding a condition to include a kiosk between the two gas pumps so that the employee can stay there and when someone comes in for a refueling, he or she, will be right there.

Syed Kazmi: Currently we cannot, but we could if the project were to be approved and the store is built.

Andrew Spina, 54 Hassart St. Owns and operates 118 Easton Ave:

I used to be on Somerset but moved specifically for the reasons that John specified. I have no confidence on the applicant's ability to properly run this site. He is not someone of good judgment and he is committing several labor violations. I pretty have front view of the property 56 hours a week and in that time I have witnessed employees smoking with one employee working everyday for most of the day. I worry that the worker is going to be tired, and there is a serious concern from working with dangerous chemicals. Furthermore, what we have is absentee ownership at its worst. All of us at this section of Easton Ave are very connected and we look out for each other. Also no one has brought up the fact that I believe there was a Homicide or aggravated assault

happened on this site in July with a drug deal gone bad with a person ran over. Just a rumor on the street, so it probably varies.

DH: What business do you own? Have you made police reports?

Andrew Spina: I operate a Vinyl records store. I have never made reports or complaints with respect to this property, but I have spoken to the police on numerous occasions.

John Cox: And do you have any documentation right here, right now that supports your testimony?

Andrew Spina: No

John Cox: So even though your residents complain about the site, you've never filed a complaint with the police?

Andrew Spina: Because it is difficult for the police to do something after the incident has happened.

Mr. Arora, 109 Easton Ave.: I own Butler Food store on 109 Easton Ave. One new store may hurt existing stores. Lists several local stores that closed in the past 6 years.

DH: Primary objection is that you view this as competition?

Arora: Yes.

Terry Finklestein; Attorney for Mr. Arora:

DH: Mr. Finklestein cannot provide testimony. He was not sworn in.

Aravind Aithal: For now, he has not crossed the line yet.

Terry Finklestein: Explaining the variances on the property. Big difference in terms of the variance and what is allowed. Right now the zoning is 6.5 feet. Even though there are many, many cars, the zoning is 30 feet.

Representative of Applicant: I am going to need to object to this, If Mr. Finklestein will like to put an expert on to debate the nature of the variances, I do not have a problem with that. But I do have an objection with Mr. Finklestein testifying regarding the plan. I will like to know where he is going with this, so that I can cross examine my engineer, my architect. I just don't understand what exactly he is testifying for.

Aravind Aithal: I think that Mr. Finklestein is just providing expert testimony. As soon as he starts discussing that there is no planning justification for the variances being granted, certainly the Chair can step in.

Representative of Applicant: Fair enough. Continue.

Terry Finklestein: Right now the zoning is 6.5 feet. But now that the Applicant opened up a can of worms, the zoning is 30 feet. I just wanted everyone to make a note of this.

Representative of Applicant: Chairman, if I could, I would like to have my Planner make a comment on this.

Frank Antisell: This is for a pre-existing non-conformity.

Frank Antisell: Mr. Finklestein is confused.

Sharif Aly: We have 5 parking spaces on the right side of the building. In the past there were 9 spaces. We have typical 8x22 foot spaces. The other 2 spaces on the prosper side, one is an ADA space and one is for the staff.

John Cox: Normal size of a parking spot
Sharif Aly: 8 and 9 by 22.

Todd Bletcher: Our ordinance allows 8 or 9 by 22.

Frank Sciotto, 108 Easton and 116 Easton Ave.:

Property has fallen apart into disrepair after you've acquired the property. We are open late there and the undesirables have really changed the neighborhood.

Nancy Coppola: 24 hour openings would be very problematic or employee safety issues. There is a lot of foot traffic and intoxicated young people.

Syed Kazmi: I am okay with being only open from 6am to 10pm.

Aravind Aithal: Add it in as a deed restriction.

Syed Kazmi: We took over the site after the prior tenant essentially abandoned the site for about 4-7 months after they left.

John Varga: Was not closed for a year. Guy who owned Tire Barn on route 130 but eventually it was closed only 3-4 months.

Charles Kratovil, 143 Suydam St:

Will the applicant give me his phone numbers?

Syed Kazmi: Yes.

Charles Kratovil: Who approached him for the parking?

Syed Kazmi: Was the contractor of the Collegiate.

John Zimmerman: This is becoming a quality of life issue and there are perhaps too many convenience type stores in the area. Getting too crowded.

John Cox: What happens if the applicant closes the place down? Will it be able to re-open as a gas station?

Aravind Aithal: Yes, if it isn't formally abandoned.

Himelman: Ordinance was put in place after use. Applicant is willing to invest significant funds into the improvements of the site and just because there are too many convenience stores is not a valid legal argument as it is a permitted use.

Himelman: Closing Statement: I believe the applicant has provided sufficient rationale to deal with the variances and with the improvements and investment into the site. Applicant has been more than willing to cede to many conditions of approval. Please act favorably on this application.

Sue McElligott: The site will not improve the way it is. They need to make these serious improvements. What can be done for pedestrian safety issues?

John Cox: Have been running business for 8-9 months now, but you've been doing a bad job with your business, i.e. broken windows.

Sue McElligott: If you spend a half million dollars then you won't trash it.

Nancy Coppola: Either way the Applicant can do the convenient store use. But If we do the deed restriction to not be open after 10 then it may be worthwhile to do so. And at least now we can put in place some safety measures. Otherwise the

Applicant will be allowed to have the store open for as long as they want.

Ivan Adorno: I agree with the deed restriction.
Sue McElligott: So do I.

John Cox: What would be the hours of delivery be?
Syed Kazmi: I can choose when my deliveries are. We typically would prefer overnight.

Nancy Coppola: Can we do 10am to 2pm?
Sue McElligott: Add a condition for this.

Nancy Coppola: How frequently do you fuel up?
Syed Kazmi: I usually get one delivery a month in the evening.

Nancy Coppola: What about the convenience store vendor?
Syed Kazmi: Same company handles both deliveries.

Todd Bletcher reads the conditions into the record.

Aravind Aithal amends conditions with additional notes.

Syed Kazmi: During Construction site will be closed and gasoline sales will be unavailable. There will be some sort of enclosure.

Motion to Approve

First: Sue McElligott

Second

	YES	NO
John Cox (Chairperson)		√
Michael	√	
Ivan Adorno (VC)	√	
Nancy Coppola	√	
Evelyn Azcona	√	
Sue McElligott	√	
John Zimmerman		√

A. GLORIA LEGACY - 294-296 LEE AVE, Z-2017-20 Application for Site plan and variance application for the construction of a 2 car garage and storage in the R-5A District at 294-296 Lee Avenue, Block 259, Lot 7.

*Evelyn Azcona leaves the meeting as she has a conflict with the applicant
Aravind reads into the record the request from 294-296 Lee*

Mark Shane Esq: This site has been a convenience store for at least 60 years and a garage on the rear of the property was demolished, the applicant seeks to rebuild that garage once again. The current conditions of the building is residential upstairs and commercial downstairs. Its been that way for almost as old as I am. Lots 50 by 65 feet. It's a corner lot with a two story building. There is a grocery store on the ground floor and two residential units on the upper floors which have restrictions that they cannot park in the parking behind the building. That is existing. My client only wants to improve this property from the condition that it is now. You will hear testimony from our planner, engineer and architect. There used to be garage in the back of this building. The footprint is still there it was taken down. My client wants to put up a building there, as storage for goods for the business. The parking in the back would only be used to get in and out of the storage area. They want to enclose the stairway to the second floor. And they want to create an enclosed refuse area for the business. Most of things that you see are existing like side yard setback have been there for a long time.

Ramon Azcona; 294 Lee Ave.: I am a principal and one-half owner of the store at this address. I own a second store and a laundromat. I have ran this site since 2009. Tenants nor employees park on the site. Two employees walk to work. There are four employees in total. I want to improve the site with a new façade, enclose rear stairs, area to receive goods and enclose garbage area.

John Cox: Will the storage area be refrigerated or need mechanicals?
Ramon Azcona: No.

Nancy Coppola: Do you have existing storage? If so, where is it and will you still be using if the new storage building is built on site?

Will the storage area to be built have security lights and a lock and key?

Ramon Azcona: There is an existing storage area off site and I will still be using it in conjunction with the new storage. Yes, it will be under lock and key, with security lights.

Gary Segal, Licensed Architect in NJ, NY, Connecticut since 1987:

Existing mixed-use building as presented. Bring building up to code and make meaningful improvements to the aesthetics and condition of the interior and exterior. Create better, safer storage. Enclosing the rear stairs and rebuilding the stairs to comply with code. Improvements for electrical, fire safety, plumbing. As an architect I am very interested in how the building will look from the street frontage. Recycling and multiple classifications of sorting and refuse and will be enclosed.

John Cox: Does any board member have any questions for the Architect?
Board Members: No

Mr. Young, Licensed Engineer in NJ:

Existing two-story mixed use. Not changing any grading on the site. No increase in run-off for the property. We are providing a new drain to the street curb to assist with drainage from site. Landscaping to add wall mounted LED lighting and a 6-foot boarded wood fence. All utilities will remain as the same. Space in the rear for storage and loading the site.

Gary Segal: The enclosure of the stairs will be with 2x6 framing and insulation.

John Cox: Does any board member have any questions for the Engineer?
Board Members: No

Edward Kolling, Licensed Planner in NJ, AICP since early 1980s:

As the Board knows this is not a permitted use in the R-5A zone but has been a mixed-use building since the 1950s. At one time it was a meat or butcher shop. Asking for a D2 Variance, an expansion of a pre-existing, non-conforming use. The granting of this variance will make it better conform to the rest of the neighborhood and create a better situation. Currently the building siding is a little worn. The proposal will include to clean up the signage and put up new siding. Addition of a storage facility for storage and trash. This will allow trash to stored in an enclosure instead of being out in the open. Will provide effectively for the positive and negative criteria of the variance requirements. We

are also looking for a D4 variance, for FAR. The additional FAR will help keep the refuse off the street. The site can accommodate the proposed use because they had previously been a garage that was only destroyed 5 years ago. And rebuilding the garage will not result in a substantial detriment by allowing storage and refuse off street. Will not result in over development of the site. Therefore the granting of this variance, will allow the site function to better without substantial detriment. For the bulk standards, as the attorney mentioned, most of these are pre-existing and we are in same increasing the variance for the setback with the addition of the garage. I think that you need to look at these more from the C2 criteria, because this is a pre-existing small lot, that can't be expanded. It also goes with the D2 standard as to the benefits outweighing the detriments. I do not see a substantial detriment. It is beneficial to the general welfare. The variances are also in line with the positive and negative criteria.

John Cox: Does any board member have any questions for the Planner?

Board Members: No

Mark Shane: Do your clients walk or drive?

Ramon Azcona: My clientele just walk.

John Cox: Do you have canopies on the sidewalk with selling goods outside?

Ramon Azcona: Sometimes, but just some fruit.

John Cox: Do you have the right to do that from the city? Do they give you a permit as this is expanding your use onto the sidewalk?

Ramon Azcona: No I do not have a permit

John Cox: I was just wondering as I was passing by there and noticed that the canopy impedes the ROW. You can double check, but I am almost positive that the you need to get permission from the city and the city council to set up canopies in the ROW.

Ramon Azcona: I will look into correcting that.

Public Comments:

Vanessa Rodriguez 209 Talmadge St Resident: Will the property across the street from the store is intending to rebuild a garage?

Mark Shane: No, it's just a rebuild of the structure on the base of the existing old garage.

Vanessa Rodriguez: Constantly trash from that area is coming through the neighborhood from this area. Responsible for 25 inches from the curb and enforcement has been problematic. A lot of people go to the store driving, blocking driveways, doing U-turns in people's driveways. This is largely because of the trash producing sites such as this and many of the other stores in the area. The noise has also been a nuisance, especially on Fridays when music is playing non-stop. Owners are never there to enforce clean up of accumulation of debris, as the area is mostly renters.

John Cox: The music is coming from the store?

Vanessa Rodriguez: No, from people entering the store, doing U-Turns through the property.

Mark Shane: Would enclosing the trash space help?

Vanessa Rodriguez: Yes. I advocate for collaboration and less trash.

Todd Bletcher reads the conditions into the record.

Variance: non-conforming use, far, two side yard setback, building coverage, impervious cov, parking variance.

Applicant testified that they would remove illegal sides, and submit a sign plan for the site.

Motion to Approve

First

Second: Nancy Coppola

	YES	NO
John Cox (Chairperson)	√	
Michael	√	
Ivan Adorno (VC)	√	
Nancy Coppola	√	
Evelyn Azcona	√	
Sue McElligot	√	
John Zimmerman	√	

VI. OTHER MATTERS OF INTEREST TO THE PUBLIC

Charlie Kratovil: (Question about noise earlier in the meeting) Is the Minor Site Plan Sub Committee part of the TAC or am I mistaken? I am bringing this up because I filed an OPRA with the city to get copies of recordings and agendas from the TAC and any subcommittees that it might have. And I got a response that basically said that sorry we are not giving you that information.

Aravind Aithal: There is no subcommittee. There is a Minor Site Plan Committee. TAC is just a meeting of professionals prior to the public meeting. There is no action taken at any technical reviews.

Charlie Kratovil: I understand and I spoke to the planning director about this that the meetings do not get recorded for public record.

Dan Dominguez: They are not recorded as public record. I recorded them for notes. But since it is a closed meeting, those records do not need to be shared. So they are being kept closed. Just like if the City Council went into a closed session, the reports taken during that time would not necessarily be OPRAble. As such, I did share the now open Minor Site Plan Committee that we had in August. That audio was there and is open, where I included it to be shared.

Charlie Kratovil: The other piece of my request is for the agendas.

Dan Dominguez: I did provide that for you as well. But I think there might have been some confusion.

VI. DISCUSSION ITEMS

Nancy Coppolla: I received nothing about this meeting. No email. I got a phone call last Friday that asked me if I was coming. But I got no email about it. So I just want to know what happened. I had no agenda, nothing.

Other Board Member: That happened with me also. I did not receive anything.

Aravind Aithal: Have you received them in the past?

Katie Puniello: Will look into what happened.

Public:

Vanessa Rodriguez: I have two quick questions. This is only my second time here so I do not know the process. But I just wanted to ask if something is going to be done about the noise that's going to take place when they are building.

John Cox: There is set hours when they will be able to operate.

Nancy Coppolla: But if you have further concerns, you need to call the city.

Dan Dominguez: The Applicant could apply with the city for relaxation of the noise, but it would have to go to the city council.

Vanessa Rodriguez: My second question is what are the hours that businesses in residential hours are allowed, that business is currently open from 5am to 11pm.

John Cox: I believe that we could set a condition for this, but not if concerns aren't brought to our attention during the hearing.

Nancy Coppolla: But I think if you have a concern, you can always just go to the city council and discuss this.

Ivan Adorno: That's correct.

Dan Dominguez: I have a quick question, are you saying that the 9am to 11pm is city law or that is what you are seeing in your neighborhood.

Vanessa Rodriguez: That is what I have been seeing for this particular business.

John Cox: Just for the record you should voice these concerns during the process of the application.

Motion to Adjourn

First

Second

All in Favor.

VI. ADJOURNMENT