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TOWN OF WESTFIELD
BOARD OF ADJUSTMENT

IN RE :
PUBLIC HEARING :
SPECIAL MEETING - DAYBASE, INC. :
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TRANSCRIPT OF PROCEEDINGS
Monday, May 16, 2022

Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

1 B E F O R E:

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FRANK FUSARO, CHAIRMAN

3

CHRIS MASCIALE, VICE-CHAIRMAN

4

ALLYSON HROBLAK, MEMBER

5

MATT SONTZ, MEMBER

6

CAROL MOLNAR, MEMBER

7

CHARLES GELINAS, FIRST ALTERNATE

8

9

DON SAMMET, ZONING OFFICIAL/PLANNER

10

A B S E N T:

11

12

MICHAEL COHEN, MEMBER

13

ELDY PAVON, MEMBER

14

SAMUEL REISEN, SECOND ALTERNATE

15

A P P E A R A N C E S:

16

17

WELLS, JAWORSKI & LIEBMAN, LLP

18

BY: KATHRYN J. RAZIN, ESQ.

Attorney for the BOARD

19

NORRIS MCLAUGHLIN, PA

20

BY: CHRISTOPHER A. ERD, ESQ.

Attorney for the APPLICANT DAYBASE, INC.

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P R O C E E D I N G
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CHAIRMAN FUSARO: Please, everyone,
stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance
was recited.)

CHAIRMAN FUSARO: Good evening.
This a special meeting of the Board of Adjustment
of the Town of Westfield in which formal action
may be taken. The public will have the
opportunity to be heard as the Board considers the
application. Adequate notice of this meeting was
provided by posting on the bulletin board of the
town hall, mailing of the notices to the Westfield
Leader, the Newark Start Ledger, and filing with
the town clerk of the Town of Westfield. All in
accordance with the requirements of the Open
Public Meetings Act.

We have, as you know, one item on
the agenda for the special meeting this evening.
It is Application ZBA 22-022, Daybase, Inc.,
231 East Broad Street, Westfield. Mr. Sammet,
please call the roll.

MR. SAMMET: Ms. Molnar.

1 MS. MOLNAR: Yes.

2 MR. SAMMET: Mr. Gelinias.

3 MR. GELINAS: Yes.

4 MR. SAMMET: Mr. Sontz.

5 MR. SONTZ: Yes.

6 MR. SAMMET: Mr. Masciale.

7 MR. MASCIALE: Here.

8 MR. SAMMET: Mr. Fusaro.

9 CHAIRMAN FUSARO: Here.

10 MR. SAMMET: And Ms. Hroblak.

11 MS. HROBLAK: Here.

12 MR. SAMMET: And Mr. Cohen is
13 absent, Ms. Pavon is absent, and Mr. Reisen is
14 absent.

15 CHAIRMAN FUSARO: Correct. Thank
16 you, Don. I'm going to read what the application
17 entails. Applicant is seeking approval to
18 establish a co-working office space and coffee
19 shop on the first floor contrary to Section
20 11.25A3, 17.02B5, 16.04E1, and 16.04E2 of the Land
21 Use Ordinance. Ordinance allows business offices
22 on the second and third floor only. Ordinance
23 requires 48 parking spaces. Proposed are 8
24 parking spaces. Ordinance requires loading
25 spaces. No loading spaces are proposed.

1 Ordinance permits the wall-mounted sign. These
2 wall-mounted signs are -- I'm sorry -- ordinance
3 permits one wall-mounted sign. Three wall-mounted
4 signs are proposed. Ordinance permits a
5 3.5-square-foot window sign, and 4-square-feet is
6 proposed. Good evening.

7 MR. ERD: Thank you, Mr. Chairman.
8 By way of introduction, I was here at the last
9 meeting, but, my name is Chris Erd, E-r-d, and I'm
10 an attorney from the law firm of Norris McLaughlin
11 in Bridgewater, New Jersey. And I'm here on
12 behalf of the Applicant, Daybase. Thank you very
13 much for having this special meeting for us this
14 evening with the only item on the agenda. We
15 should be able to get through the entire
16 application tonight. We'll have a very brief
17 introduction since Mr. Chairman you just basically
18 said almost all the things that I was going to say
19 anyway. But we have our first witness will be a
20 representative from Daybase who will explain what
21 Daybase is, what they're planning on doing, a
22 little bit about their other sites and operations.
23 Then we have our architect who will come up and
24 talk about the few architectural issues at this
25 site. And then we'll have our civil engineer come

1 up. And then after that, we'll have our
2 professional planner testify at the end, which
3 will probably be the most significant part of the
4 expert testimony this evening. We do also have a
5 representative of the landlord here because our
6 client, Daybase, is a prospective tenant, for just
7 in case there are any issues that the landlord
8 needs to answer. And we also do have a traffic
9 expert here from the same firm as our civil
10 engineer just in case there's anything that's
11 really specific in detail about traffic that our
12 regular civil engineer feels that he's not capable
13 of handling or wants someone else to testify to.

14 So without further ado, this is the
15 231 Broad Street, and it's known on the tax
16 records as Block 2405, Lot 19. Some people may
17 notice it as the former location of Victoria's
18 Secret. It's my understanding it's been vacant
19 for a number of years. And Daybase would like to
20 come in and put in a co-working space with a
21 coffee shop. And they've vetted out this location
22 and think that it will be a good fit for this
23 location and for the downtown of Westfield to
24 revitalize some of the empty space. And the main
25 reason why we're before this Board is for the use

1 variance, and as you have alluded to, is because
2 the ordinance does not permit offices on the first
3 floor in the central business district where this
4 is located. So that's the primary thrust of our
5 planner's testimony when he comes up. But there
6 were a few other -- not really violations --
7 variances that we're requesting that are really
8 primarily related to the existing building and
9 some signage. The building, itself, is really not
10 going to be changed at all, but we're requesting
11 some changes to signage and some facade issues.
12 And then we're going to improve the parking in the
13 rear to the extent it's possible. It's a very
14 small on-site parking area. Thankfully, there's a
15 municipal lot in the back that can handle most of
16 the parking, and apparently used to when it was
17 Victoria's Secret.

18 So without further ado, unless you
19 had any questions for me, I would like to call up
20 my first witness who is from Daybase to give you
21 some background about their company.

22 CHAIRMAN FUSARO: Thank you. Before
23 he comes up, I just want to remind you that this
24 is a D Variance, as you mentioned. You will need
25 five affirmative votes. I apologize for only

1 having six members here this evening. We've let
2 you know that ahead of time, and you've agreed to
3 move forward. I just want to put that on the
4 record.

5 MR. ERD: Thank you. Yes, and I
6 understand the issue that we need to have five
7 affirmative votes. And with your indulgence,
8 since there're only six members here, when we get
9 toward the end, we would reserve the right if we
10 think there're are some difficulties or if the
11 Board would like to adjourn it on their accord,
12 that we'll cross that bridge when we get to it --

13 CHAIRMAN FUSARO: Absolutely.

14 MR. ERD: -- at the end of the
15 application.

16 MS. MOLNAR: Mr. Chairman, can I
17 make a recommendation that the Applicant use the
18 microphone? Otherwise, it just echoes in this
19 place.

20 MR. ERD: I thought this microphone
21 was picking it up.

22 MS. MOLNAR: I don't know. Is that
23 working?

24 CHAIRMAN FUSARO: That microphone,
25 correct me Don, is recorded into the record.

1 MS. MOLNAR: Yeah, but it's not
2 being broadcasted, it's going into the record.

3 CHAIRMAN FUSARO: I believe they
4 both are.

5 MR. SAMMET: Yeah. They're both
6 picking up on the recording. But it may just be
7 that one of the mics will need to be moved closer
8 to him.

9 MR. ERD: Maybe I'm just too tall
10 and it's over here. Is this amplifying if I'm
11 close enough? I have to put this up here on the
12 edge.

13 MS. MOLNAR: I have all this
14 equipment blocking me.

15 MR. ERD: That's better. Now that
16 it's up here, I can hear myself.

17 MS. MOLNAR: Perfect.

18 MR. SAMMET: You can also be able to
19 adjust the microphone on the stand.

20 MR. ERD: Yeah. And this one, we've
21 already figured out that it can be detached. Our
22 experts, when they're testifying to plans over
23 there will probably take this one over there with
24 them.

25 MR. SAMMET: I can see if our

1 wireless is working.

2 CHAIRMAN FUSARO: Thank you. Please
3 proceed.

4 MR. ERD: I think he was going to
5 check if you have a wireless microphone that
6 works. But if you want, we can get started while
7 he's researching that. Because our first witness,
8 I don't think is going to need the wireless mic.
9 Nic, why don't you come on up? You heard about
10 the microphone, you might need to pick it up and
11 do what I did hear so you can be picked up on the
12 overhead.

13 MR. RADER: Is this going to be
14 okay?

15 MS. MOLNAR: Yeah.

16 CHAIRMAN FUSARO: Please raise your
17 right hand.

18 NICOLAS RADER, having been duly
19 sworn, was examined and testified as follows:

20 CHAIRMAN FUSARO:

21 Please state your name and address
22 for the record.

23 MR. RADER: Nicolas Rader,
24 335 Madison Avenue, Floor 3, New York, New York
25 10019.

1 MS. RAZIN: Can you spell your last
2 name, please?

3 MR. RADER: Rader, R-a-d-e-r.

4 MS. RAZIN: Thank you.

5 BY MR. ERD:

6 Q. If I may, Nic can you just describe
7 briefly your relationship to the company Daybase,
8 the application here?

9 A. Yes. I'm one of the cofounders.

10 Q. And now, can you describe generally
11 what Daybase is and what Daybase does, and then
12 what Daybase plans to do specifically at this
13 site?

14 A. Yeah. There's a lot in there. So
15 we're a neighborhood co-working spot. We really
16 primarily are based on a gym membership model; to
17 be totally upfront about it. There's no dedicated
18 office space. It's \$50.00 a month for anyone that
19 wants to come and use the space. You cannot leave
20 your belongings there or anything like that. Two
21 core products inside of a Daybase location are a
22 day lounge, which really is a configuration of
23 sofas, some booth and banquet seating, some cafe
24 table seating. That area really is come and go as
25 you please, and that's really what a lot of our

1 members are most excited about. The second
2 component of what we have in a Daybase location
3 are bookable work spots. So that's meeting rooms,
4 focus rooms, open huddles, and workstations. You
5 can book those by the hour. You do not have to be
6 a member, by the way, to book those. You can as
7 any member of the public come in, pay for the
8 credits to use those spaces on an hourly basis.
9 As a Daybase member, of course, you get a slight
10 discount to those credits. So again, this is very
11 similar to a gym membership where you pay to go,
12 you can use a treadmill as many times as you want
13 and the free weights, if you upgrade and pay for a
14 personal trainer or a class similar to you know
15 meeting room and focus rooms and so on.

16 Q. Thanks. Now, with regard to the
17 hours of operation. You're going to have a cafe
18 that's open to the general public that's not just
19 reserved for members, but then you'll also have
20 the rest of the office. So if you could describe
21 the hours of operation of each and how they're
22 going to operate?

23 A. So today, we're open Monday through
24 Friday from 8:00 a.m. to 7:00 p.m.

25 Q. When you say "today" you're not

1 talking about this site?

2 A. Not this site, yes.

3 Q. So your plans for this site are...?

4 A. My fault. My plan for this site are
5 Monday through Friday, 8:00 a.m. to 7:00 p.m., and
6 Saturday from 10:00 to 4:00.

7 Q. So it would be close on Sunday?

8 A. That would be yeah -- just for
9 clarity -- that would be the Daybase-specific
10 portion. The cafe which would serve espresso and
11 cappuccino drinks of that nature would be open
12 seven days a week and available.

13 Q. So seven days a week and the
14 8:00 a.m., to 7:00 p.m. is seven days a week?

15 A. That is TBD; to be totally honest.

16 Q. No, you said you were talking about
17 the hours that you currently have. You have a
18 site that's already open in New Jersey; correct?

19 A. Yeah. Location Number One is open
20 in Hoboken, New Jersey at 1450 Washington Street.
21 We've been open for about three months, which has
22 been quite an incredible journey and learning
23 opportunity. We already have over 350 members
24 paying on a monthly basis. And we've had an
25 additional 400 people come in as drop-in

1 customers. So in three months, we've already had
2 over 700 different people through our first
3 location. And just for comparison, that location
4 is about 5,100-square-feet which is just a couple
5 of hundred square feet smaller than this location.

6 MR. MASCIALE: And that's your only
7 site?

8 MR. RADER: That's correct.

9 Location Number Two is in Harrison, New York.
10 That is currently under construction and we'll be
11 open on July 25.

12 MR. MASCIALE: Is there a
13 relationship in your business model because this
14 is new for the cafe and the workspaces. Like if
15 the cafe isn't working out, would that be
16 something that can be shut down or hours limited?
17 This is all new and I'm just throwing what-ifs out
18 there just to kind of understand. And also, kind
19 of a fish-out is we've had other applicants come
20 in front of the Board and put a retail in the
21 window and then close it out three months later,
22 and then had their other business, and kind of led
23 us down the road. So I was trying to come out and
24 ask you --

25 MR. RADER: Yeah, great question.

1 MR. MASCIALE: -- what your thoughts
2 are on it. Is it kind of, you know, a way to get
3 into downtown? I want to know what your
4 relationship is with the cafe.

5 MR. RADER: We're actually really
6 excited about it. We do have free coffee for the
7 people that are in a Daybase location on any given
8 day. We always partner with local roasters, which
9 has been very cool to see in Hoboken. We really
10 like the ideas because we see it almost as
11 top-funnel marketing for us. It's an opportunity
12 to welcome people in with a low threshold, low
13 barrier to entry. It will be simplified. We will
14 not have you know grease traps and vent hoods and
15 all that. It will be a simpler offering. Again,
16 really with espresso drinks, cappuccinos,
17 cortados, etcetera. Pretty low OpEx for us. So
18 we would continue to operate that regardless
19 because I know, I really know, and believe that
20 our members would latch onto it pretty
21 significantly.

22 MR. MASCIALE: That helps explain.

23 MS. MOLNAR: Is the cafe going to be
24 an independent franchise?

25 MR. RADER: No. We will operate it.

1 MS. MOLNAR: You'll own and operate
2 it?

3 MR. RADER: We will own and operate
4 it. This location, as well as our Hoboken and our
5 Harrison, New York locations; all three are owned
6 and operated by Daybase, Inc.

7 MS. MOLNAR: Are there any plans to
8 outsource it eventually?

9 MR. RADER: No.

10 CHAIRMAN FUSARO: Are the other two
11 locations both on the first-floor level in a
12 business district?

13 MR. RADER: Yes. That's really
14 important to your business model. Again, it's a
15 smaller format. One of our core design tenets is
16 accessibility. Myself and all the other
17 cofounders were all executives together at WeWork,
18 and they now have a terrible problem of being on
19 the 10th floor in financial districts where no
20 one; one, wants to commute to, and two; no one
21 wants to have to deal with a key card and a
22 security guard and getting in an elevator and all
23 that. So for us, accessibility is really
24 important. So ground floor is key.

25 MS. MOLNAR: How do you reconcile

1 your model with the fact that people are working
2 at home?

3 MR. RADER: Our number one answer to
4 the survey question of, "what do you like about
5 Daybase" is it's not their home. Everyone is
6 really looking for that mental relief and that
7 separation from their home. We often say that
8 Daybase is for when home is too close, but the
9 office is too far. And I think 74/75% of everyone
10 that we've surveyed from our Daybase members, that
11 was their number one thing; I want to get out of
12 the house.

13 MR. GELINAS: And other than space,
14 do you provide any kind of printers, scanners;
15 that kind of thing? Or is it just space with
16 Wi-Fi? What is it?

17 MR. RADER: Good question. Like I
18 mentioned, we have coffee, tea, and water. We
19 also do have a printer. The printer is free for
20 -- I was going to say members, but actually,
21 anyone that comes into Daybase and pays to use the
22 space which may be on a daily or hourly basis, has
23 access to that printer. One very, very important
24 thing that I haven't mentioned yet is we are
25 really, really hospitality forward. We always

1 have our base team on-site. Anytime we are open,
2 one of our employees is there to help our members
3 and kind of act like a concierge service. So
4 anytime someone needs help, can't get their
5 computer connected, something breaks in a meeting
6 room, there's always someone there to help them.
7 Another really cool thing about the base team is
8 that they've already established a lot of
9 relationships with neighboring businesses and
10 businesses. So there's a wine store next door in
11 Hoboken, it's higher-end; they have a cheese shop
12 and flower shop. They come in and do wine tasting
13 for our customers. SoulCycle is a couple of doors
14 away, as well as another brand called Jane DO;
15 they've come in and dropped cards for free classes
16 for our members and we've done vis versa. So
17 we're starting to really create a little bit of a
18 support system there with other businesses.

19 CHAIRMAN FUSARO: How many full-time
20 employees will be at the facility?

21 MR. RADER: That's a really good
22 question. In this location, we would have four
23 base team members. In addition to that, we would
24 have to have an additional barista. So at least
25 two base-team members on-site at any time, and

1 then in addition to that, a minimum of one
2 barista.

3 CHAIRMAN FUSARO: Approximately,
4 five for right now?

5 MR. RADER: Yeah. Approximately
6 five. I reserve the right to change that if our
7 hours of the cafe change based on operational
8 needs or something.

9 MR. SAMMET: Mr. Rader, will your
10 cafe have food as well? You mentioned the drinks,
11 but will there be any food preparation or food
12 availability?

13 MR. RADER: We will not have any
14 prepared food. We may have prepackaged food
15 available.

16 MR. ERD: Just to clarify, when you
17 say you won't have any prepared food, you actually
18 will have prepared food that you're just serving,
19 you won't be preparing the food.

20 MR. RADER: Yeah, sorry. We won't
21 have anyone preparing food on-site. We will
22 potentially have food that is packaged and readily
23 available for purchase.

24 MR. SAMMET: And I believe you met
25 with town officials before the application was

1 made and there was discussion about the size of
2 the cafe space and about what percentage of
3 frontage it could possibly occupy. And with the
4 current application, you're currently occupying
5 just roughly 50% of the frontage of the space. Is
6 there a reason or could you explain to the Board
7 why Daybase has chosen to only have that cafe on a
8 portion of the frontage, and then, I believe the
9 other portion of the frontage is what you
10 characterize as a lounge area?

11 MR. ERD: And just before he
12 answers. He can answer his part of that equation,
13 but we also have our engineer and architect who
14 will opine as to the similar issues as well.

15 MR. SAMMET: Okay.

16 MR. RADER: So let's see. The
17 building itself, there's a second floor to the
18 building. In the middle of that frontage, the
19 stairway that you access from the sidewalk, the
20 stairway goes up to the second floor. So along
21 that frontage, you have a stair that juts
22 approximately 20-feet into the space which makes
23 it extremely difficult and almost impossible from
24 an operational perspective to have a cafe span
25 that entire front in our business model. If we

1 were to build a 5,600-square-foot cafe, that might
2 be appropriate. But, unfortunately, that's just
3 not our core business. The reason we chose that
4 side versus the other side -- I believe one of the
5 questions in the response to the application --
6 was with regards to the inset doorway and having
7 that retail frontage. There're actually two main
8 reasons that it's on the side where it's currently
9 proposed. One is that is a larger frontage. The
10 storefront split is about 45/55. The side where
11 the day cafe is about 55% of it. So we wanted it
12 there because it did have a larger retail
13 frontage. The second reason it's there is there's
14 actually an entry in the rear-back municipal lot.
15 And having that direct alignment between the entry
16 in the back and the cafe in the front gives us a
17 straight line of sight operationally for security
18 and for help. So if the barista -- just as an
19 example -- is up front and gets overloaded and is
20 preparing coffee and a member comes in and needs
21 help and has a question, the barista can simply
22 say, go straight to the back, the concierge can
23 waive and sort of greet them on the way. If the
24 cafe was on the other side and we had that
25 scenario, there'd be sort of a labyrinth through

1 the space to go get help. So it's just a more
2 secure environment as well as a more
3 hospitality-forward one.

4 MR. SAMMET: And you mentioned, part
5 of your model is accessibility, but you're not
6 referring to accessibility for people with
7 disabilities? Just to be sure I understand,
8 you're talking about...?

9 MR. RADER: Accessibility for
10 everyone.

11 MR. SAMMET: For everyone in terms
12 of ease of access into your space?

13 MR. RADER: That's right.

14 MR. SAMMET: Do you feel that
15 Daybase could operate on an upper story as well?

16 MR. RADER: I don't have any basis
17 for knowing that historically since we only have
18 one location open. We do not believe that our
19 model works on the second floor.

20 MR. SAMMET: What's the reasoning
21 behind that?

22 MR. RADER: We believe that part of
23 -- first of all, Daybase is consumer-facing; this
24 is four individuals. Co-working is typically
25 company-forward and you have dedicated office

1 space that you go to three, four, five days a
2 week. You go there and work eight hours a day.
3 We really want people to come in and get out
4 within an hour. We don't want you to have to
5 fumble with stairs or an elevator or any other
6 security or access system. The moment that you
7 cross the threshold to the storefront, we want you
8 to be able to be greeted by someone. So on the
9 second floor, now you have basically two
10 thresholds that you have to deal with from a
11 hospitality perspective, from a security
12 perspective, and it's just not a great experience.
13 So that's why we believe we need to be on the
14 first floor.

15 MR. SAMMET: Did you look at other
16 locations in Downtown Westfield?

17 MR. RADER: We did. We looked at a
18 number of locations.

19 MR. SAMMET: Do you -- Mr. Erd, I
20 don't know if this is a question for your client
21 -- do you know any might have been
22 zoning-compliant?

23 MR. RADER: To my knowledge, none of
24 them were zoning compliant.

25 MS. MOLNAR: I have one more

1 question here. Could a small business sequester
2 and reserve a part of the premises for a year; for
3 example?

4 MR. RADER: Sorry. For a year?

5 MS. MOLNAR: Yeah. Some small
6 business, say 10 employees, say we want to reserve
7 this space, have it all the time?

8 MR. RADER: We have not yet seen
9 that demand. What we have seen though
10 interestingly is there are small businesses of 8
11 to 10 people that have come in and said we would
12 like to book these eight workstations because
13 they're in the same sort of area, and we would
14 like to be able to have access to them one day a
15 month. So they come in, they bring their team in
16 from all over people travel, they use it for a day
17 in sort of a sequestered area, and then they
18 leave. We have not had anyone come in and ask for
19 -- either as an individual or as a group -- we
20 haven't yet had anyone come in and ask for even a
21 weekly or monthly annual.

22 MS. MOLNAR: Does your agreement
23 allow them to do that; those eight stations,
24 reserve them for the whole year every day?

25 MR. RADER: I can't say that we have

1 any policy in place that they couldn't do that.
2 We haven't seen it yet and we certainly don't
3 anticipate it. Being built, again, on a sort of
4 gym-membership model, that actually would hurt our
5 business. Because then, that space is no longer
6 accessible to the other, hopefully, 1,000 members
7 that we have on a per-location basis someday. So
8 we're actually really careful and protective not
9 to allow something like that to happen.

10 MR. SAMMET: I want to be sure I
11 heard your testimony correctly. You do allow for
12 sort of walk-in customers who may not have an
13 existing membership?

14 MR. RADER: Absolutely.

15 MR. SAMMET: And they don't need a
16 membership to utilize a space on an hourly basis?

17 MR. RADER: That's correct.
18 There're really two primary ways of doing that.
19 One is we have a day pass where for \$18.00 you can
20 come in for the entire day and come and go as much
21 as you like. The other way, if, for example, you
22 needed a workstation -- which is a sit/stand desk
23 with a monitor, keyboard -- if you just need that
24 for an hour, that's only \$4.00 an hour. They can
25 come in, give us four bucks, sit at that

1 workstation for an hour, and then leave if they
2 want; and they don't have to be a member.

3 MR. SAMMET: How do most people find
4 out then about Daybase? Do you have a lot of
5 folks that are walking by and say, oh, there it
6 is, what is that, I want to learn about it and
7 maybe pop in?

8 MR. RADER: Yeah. So we actually
9 have this pretty incredible omni-channel sort of
10 marketing initiative that we've had. One, we have
11 brand-building at the national level. So we've
12 been fortunate enough already to be in the New
13 York Times, and Wall Street Journal, and Forbes,
14 and Fortune, and all the big names. At the local
15 level, we have a marketing plan where we work with
16 local influencers because there's always someone
17 on Instagram or Twitter that is like "the person"
18 that knows about the coolest thing. We've run
19 localized social media campaigns that has an
20 incredible rate of return for us. As well as
21 Facebook and Instagram ads, which are targeted to
22 a certain geography as well as a certain
23 demographic. We found that about 65% of our
24 members describe themselves as quote-unquote
25 "living in the neighborhood." Which to us means

1 it's within walking distance.

2 MR. ERD: That's a good segue
3 because that's one issue that you hadn't really
4 touched on yet is how do you expect most people to
5 arrive and leave this sort of facility or your
6 facility, in particular?

7 MR. RADER: This facility primarily
8 will be -- we believe anyway -- biking and by car
9 given its situation in the town.

10 MR. GELINAS: And what in your
11 business model led you to Westfield as your second
12 New Jersey site? What is it about Westfield, the
13 Downtown Westfield in particular?

14 MR. RADER: It's amazing. For us,
15 it's important that we're in suburban and most
16 residential communities. We want to be close to
17 where people live. What we love about Westfield
18 is the synergy already downtown of the other
19 businesses. So we want to be a contributor to the
20 energy throughout the day. And we want to be able
21 to support other spaces. Like I already
22 mentioned, the gyms and the wine stores. But of
23 course, our members are coming, we don't have
24 food, so they're going next door to the
25 restaurants and cafes for lunch. So we really

1 love being in Westfield. It's a highly dense
2 residential community comparative to a farther
3 field. As well as a sort of commercial and retail
4 center downtown.

5 MR. SONTZ: So the cafe is not open
6 to the public to just walk in and buy something?

7 MR. RADER: Yes, it is.

8 MR. SONTZ: It is. So how do they
9 access the cafe and if they buy something, they're
10 allowed to just eat it in the lounge if they're
11 not a member and they're not paying for a daily
12 service?

13 MR. RADER: We will have small a
14 seating area up along the storefront in the day
15 cafe area for them to sit and use.

16 MR. SONTZ: And would a member or a
17 nonmember, is it just for them or are they allowed
18 to -- for instance, a lawyer can have a deposition
19 in the conference room or a realtor can have a
20 seminar in the conference room; is that permitted?

21 MR. RADER: Yes.

22 MR. SONTZ: And how do they pay for
23 that? Is it per person who walks in has to be
24 paid for?

25 MR. RADER: Awesome question. When

1 you book a meeting room or you book an open huddle
2 -- which are the two types of spaces that allow
3 for multiple people in them, they're big enough
4 for multiple people in them -- on person pays and
5 then they get to invite their guests for free. So
6 if an attorney has a deposition or a broker has a
7 meeting with a client, their client or their
8 guests are for free.

9 MR. SONTZ: So it's like an event
10 space, you can rent it as an event space
11 essentially? Just smaller than a ballroom; if you
12 will.

13 MR. RADER: Maybe I'm not
14 one-hundred percent sure. Are we discussing
15 meetings and business sessions or are we
16 discussing like...?

17 MR. SONTZ: If somebody -- thinking
18 the uses in Westfield, somebody comes in and says
19 I have a deposition on Friday, I'm expecting five
20 to 10 people, can I rent your space? Or a realtor
21 says I want to have a little seminar on hot tips
22 to sell your house, I'm expecting 15 to 20 people,
23 can I? Or the PTO can't get space in the school
24 and they say you know what, there's a place in the
25 downtown, after we get Starbucks, let's rent a

1 space for an hour. Is all of that permitted?

2 MR. RADER: Yeah. Thank you for the
3 clarification. Yeah, we would allow that. And,
4 in fact, on Saturdays in our Hoboken location,
5 we're considering opening up to all community
6 events. Of course, they'll need to reserve it
7 just so we make sure we don't have 10 large
8 community organizations show up at the same time.
9 But we're contemplating just opening it up and
10 allowing that.

11 MR. SONTZ: So it is possible -- I
12 mean you've used the gym model -- like if you go
13 to the gym on a busy day, there's no guarantee
14 you'll get a workstation?

15 MR. RADER: That's correct. That's
16 correct. What we've done is there's a couple of
17 bookable work types called an "open huddle." What
18 that is, is it's really movable whiteboards as
19 well as a table that accommodates six to eight
20 people, and it's in an open area. So in order to
21 allow some overflow space, we typically put that
22 in an area where we could take those movable
23 whiteboards, move them, and open up and expand the
24 day lounge. So we're able to sort of expand and
25 contract that space as needed when more and more

1 people come.

2 MR. SONTZ: So this would be
3 available for parties, office parties or birthday
4 parties? Things like that.

5 MR. RADER: No. We wouldn't allow
6 it. It would have to be a professional event or
7 some sort of professional organization. We
8 wouldn't allow parties.

9 MR. SAMMET: Mr. Erd, thank you very
10 much --

11 MS. MOLNAR: Wait, I have one more
12 question. Did you need a use variance in Hoboken
13 and Harrison to put this space use?

14 MR. RADER: No, we did not. And
15 they are on the ground floor.

16 MS. MOLNAR: Those places allow
17 offices on the first floor?

18 MR. RADER: That's correct.

19 MR. SAMMET: Mr. Erd, thank you for
20 answering all my questions. You've addressed all
21 that I had in my report. Thank you very much.

22 MR. ERD: No problem.

23 MR. SAMMET: That's great. One more
24 question, this one just popped in mind. I
25 understand your argument that you can really only

1 have one side for the cafe because of the second
2 story entry; I believe that was your explanation.
3 Has there been any thought to on that other side
4 of the building's street frontage you get a
5 separate second type of commercial space whether
6 it be sale of office supplies or -- I don't know?

7 MR. RADER: No. We have not
8 contemplated that at all. The lounge -- we'll,
9 first of all, everyone is welcome to come to
10 Hoboken. I'm happy to give you a tour anytime.
11 But the lounge is really always full of energy.
12 We've typically had 55 to 65 people there every
13 single day. And it's quite wonderful to see
14 because people who don't work together who aren't
15 friends who don't necessarily have any reason to
16 have started to meet and come have coffee and
17 chat, and it's become really a wonderful community
18 environment for them too. So it's pretty active
19 and energy -- it's not static like an office; I
20 guess is what saying.

21 MR. SAMMET: Would your business
22 model still work if you had to reduce the square
23 footage for the office/lounge proper part of
24 Daybase to put in another type of commercial use
25 along the frontage, a use that would be permitted

1 by the zone?

2 MR. RADER: I don't believe it would
3 work, no.

4 MR. SAMMET: Because why? A
5 follow-up question. If you reduce the square
6 footage of Daybase, for additional --

7 MR. RADER: That's a good one. So
8 it has to do with, of course, a proportion of
9 space and number of members that we think we can
10 have and how many square feet we need to basically
11 provide a wonderful experience for those members.
12 When it gets smaller, sort of the OpEx side of the
13 equation, the number of people that we have to
14 employ to run the space doesn't change. So as the
15 Daybase space would shrink, our proportion of OpEx
16 to revue would start to get out of whack, and it
17 just wouldn't work. A little -- my apology -- one
18 sort of finer point on that. From an experience
19 perspective, it's really, really important for us
20 to have natural light and to be on the street
21 level. So if you pull the Daybase away from the
22 windows, we think that would negatively impact our
23 members' experience.

24 MR. SAMMET: Again, thank you. I
25 know I asked a lot of questions.

1 MR. RADER: It's okay. It's great.
2 Thank you.

3 MR. SONTZ: One thing you might not
4 know about Westfield; on Fridays in the spring, in
5 the summer, in the fall, after 3:00, our downtown
6 becomes overrun with middle schoolers and high
7 schoolers. What stops them from turning your
8 coffee shop into a hangout and 20 middle schoolers
9 buying coffee or cakes and sitting in the lounge?
10 How does that comport with your professional
11 model?

12 MR. RADER: So, unfortunately, I
13 don't have a great answer for that. Except for
14 the day cafe really would probably sit between 8
15 to 10 people depending on the exact type of
16 seating and the furniture and configuration we
17 land on. There will be a physical threshold
18 between the cafe and the Daybase experience. So
19 they certainly wouldn't be allowed beyond that
20 threshold by the barista. Anytime a Daybase
21 member -- and again, when I say "member" I'm also
22 including people that are drop-in and use it on an
23 hourly basis and may or may not pay on a monthly
24 basis -- anytime a member comes in to access a
25 space they have a QR code on their phone that they

1 have to check-in so that we know that they're
2 there. We know who's in the space so if anything
3 happens, we can ensure a really secure
4 environment. So we can't, unfortunately, prevent
5 middle schoolers from buying coffee, but certainly
6 can prevent them from negatively impacting sort of
7 the professional experience beyond that threshold.

8 CHAIRMAN FUSARO: I have two quick
9 questions for you. Number one; how many members
10 are you anticipating at this facility?

11 MR. RADER: Our target for this
12 facility is to get a minimum of 800 members.

13 CHAIRMAN FUSARO: 800. Okay. I'm
14 just listening to your business model and if
15 anyone can kind of just walk in for \$18.00 for a
16 day you said, why would they become a member if
17 they can just walk in anytime and not be a member?

18 MR. RADER: Good question. Because
19 the math doesn't work out after a certain point.

20 CHAIRMAN FUSARO: After three
21 meetings --

22 MR. RADER: Yeah. After three
23 meetings, it makes more sense to have a
24 membership. What we -- one thing we've started
25 doing in addition to the memberships is we've

1 started selling credit bundles. And we're seeing
2 a real powerful thesis where we actually need a
3 tiered membership where \$50.00 a month is sort of
4 the baseline. And then there are people already
5 paying \$200.00 a month because that gives them day
6 lounge access as well as 100 credits per month to
7 use bookable workspaces. One-hundred credits
8 equate to about 50 hours at a workstation or about
9 12 hours in a meeting room.

10 CHAIRMAN FUSARO: You mentioned that
11 at your Hoboken facility currently on an average
12 day you have as many as 55 people there?

13 MR. RADER: Yeah.

14 CHAIRMAN FUSARO: I'm pretty
15 familiar with Hoboken having constructed some
16 retail spaces along Washington Avenue, and several
17 of my sons have lived there. Hoboken, obviously,
18 is a community where everyone walks pretty much
19 everywhere. In Westfield, that's really not the
20 case. If you were to have 55 people here, eight
21 parking spaces certainly isn't going to cut it.
22 Especially since five of them are taken up by your
23 employees which leaves three for your clients.
24 Has any consideration or what consideration has
25 been given to possibly finding some additional

1 parking spaces? I know there's a public lot back
2 there, but has any other consideration been given
3 to parking? And you don't need to answer that,
4 your professionals can answer that. That's fine.

5 MR. RADER: I'm going to say I defer
6 to the experts behind me.

7 CHAIRMAN FUSARO: I just wanted to
8 go on the record and one of your traffic engineers
9 or planner can answer that. That's all that I
10 had.

11 MS. MOLNAR: I have another
12 question; sorry. Daybase is basically owned by
13 venture capital; correct?

14 MR. RADER: Owned by venture -- no.
15 The co-founders maintain a majority stake. We do
16 have venture capital investors, yes.

17 MS. MOLNAR: Investors?

18 MR. RADER: Yes.

19 MS. MOLNAR: So they own at least
20 half, would you guess?

21 MR. RADER: No. They do not own
22 half. They own less.

23 MS. MOLNAR: There's something on
24 the Internet; I'm sorry. It says, "Daybase also
25 is a federally registered and approved franchisor

1 providing the opportunity for local entrepreneurs
2 to own their own hybrid work location through the
3 Daybase platform." Could you envision franchising
4 Westfield out eventually?

5 MR. RADER: No. The initial three
6 locations will always be corporate-owned.

7 MS. MOLNAR: Okay. Thank you.

8 CHAIRMAN FUSARO: Do any other Board
9 members have any questions from him? Does anyone
10 from the audience have any questions for this
11 Applicant? Seeing none. I thank you for your
12 time. Please continue.

13 MR. ERD: My next witness this
14 evening is our project architect. I'll ask him to
15 come up and introduce himself. Give the Board the
16 benefit of your professional recommendations after
17 you're sworn in.

18 CHAIRMAN FUSARO: Good evening.
19 Please raise your right hand.

20 ROBERT GATZKE, having been duly
21 sworn, was examined and testified as follows:

22 CHAIRMAN FUSARO: Could you please
23 state your name and address for the record. And
24 since I believe you haven't testified before us,
25 certainly this year, if you could give us a little

1 background, some of your credentials.

2 MR. GATZKE: My name is Rob Gatzke,
3 G-a-t-z-k-e. I'm with Vocon, we're at 530 5th
4 Avenue in Manhattan. I'm a resident of Montclair,
5 New Jersey. I've testified before this Board
6 twice before for residential projects I did in
7 Westfield. I'm a licensed architect. I've been
8 licensed for 20-plus years. In New Jersey, for
9 about 15.

10 CHAIRMAN FUSARO: Your current
11 license is active?

12 MR. GATZKE: Yes.

13 CHAIRMAN FUSARO: Does anyone have
14 any questions for the architect? We'll continue
15 to recognize you as an expert in the field of
16 architecture. Please continue.

17 MR. GATZKE: Great. I'm going to
18 refer to the board starting with the elevations to
19 show what we're proposing for the front facade.

20 MR. GELINAS: Is it possible to move
21 it a little this way because I can't see.

22 MR. ERD: And also, I'm going to
23 give you this microphone so you can take it with
24 you.

25 MR. GATZKE: I've moved this so

1 everyone can see.

2 MS. MOLNAR: What number would be in
3 our plans?

4 MR. GATZKE: A2.

5 MR. ERD: And this is exactly the
6 same as what's in the package including the color;
7 correct?

8 THE WITNESS: Yes.

9 MR. ERD: So, therefore,
10 Mr. Chairman, we don't need to have this marked.

11 CHAIRMAN FUSARO: If we have it in
12 our packet.

13 MR. GATZKE: So starting with
14 Drawing A2, which is Existing Elevations, the
15 bottom drawing, Drawing Number 1, Existing
16 Elevation, is the street facade. As you can see,
17 the aforementioned entrance to the second floor is
18 in the middle of that facade. That is remaining.
19 The rest of the storefront is going to be removed
20 and replaced. We are moving the doors from this
21 bay location to the far bay location, as mentioned
22 earlier. There's an existing canopy along the top
23 and some light fixtures. The light fixtures are
24 being removed. The canopy is being painted, but
25 it's going to be maintained. All the brick is

1 going to be painted and along the back as well on
2 the parking side. I'm just going to jump to the
3 proposed facade.

4 MR. ERD: This is A3, for the
5 record. And it's the same thing that's in the
6 packets.

7 MR. GATZKE: And again, if you look
8 between the two drawings you can see the changes.
9 The major change is the curb coming off along the
10 bottom, especially on the new doorway opening.
11 That's going to be replaced. Currently, there's a
12 curb below the existing storefront that appears to
13 be concrete. You'd probably see a new or maybe
14 poured concrete. It's parged and falling, so
15 we're removing that and replacing it with brick to
16 match the existing brick along the new curtain
17 wall -- or the new storefront. The entire facade
18 is being painted white along the base. The top
19 brick will remain as is. The canopy, again, is
20 being painted. And the window molding color and
21 the canopy are all the same in the Daybase brand
22 color, which is that royal blue that you can see.
23 The light fixtures, again, are being removed.
24 There are a few new light fixtures that are going
25 in on either side of the new entryway. The

1 existing electrical will be capped and painted out
2 to match the brick where those light fixtures are
3 along the current entrance. Along the back,
4 again, painting the brick all white. And again,
5 the same thing with the storefront and mullion
6 colors. It's a Pantone. I can give you the
7 Pantone color; it's a royal blue.

8 As far as the planning goes -- this
9 is Drawing A1, Existing and Proposed. The
10 existing, I'm not really going to go into what's
11 there. The changes and modifications we're making
12 again --

13 MR. ERD: Just let me slow you down
14 for a second. So this is the interior floor plan;
15 correct?

16 MR. GELINAS: Yes. Again, the
17 existing stairwell that goes up to the tenant
18 space in the middle, that is, what Nic mentioned
19 earlier, really the component that causes that
20 storefront not to exist in the entire front
21 facade. There's a vestibule that we're creating
22 coming into the cafe. And again, you can see
23 where it says "cafe" kind of the cash wrap and
24 bar, and then window seating along the window
25 wall. The entrance into Daybase is right when you

1 cross that on the page from white to blue. The
2 entire blue area is the Daybase space on the first
3 floor.

4 CHAIRMAN FUSARO: What in the
5 library area, the crosshatched area within the
6 library, is that a reference area, is it
7 bookshelves, is it --

8 MR. GATZKE: Anything that's
9 hatched, either a hatch or a crosshatch would be
10 millwork. It would be countertops, things like
11 that. Except for the NIC which is in the center,
12 which is that stairwell.

13 CHAIRMAN FUSARO: I was just
14 referring to the lobby. I wasn't sure if those --
15 or what exactly was going on there other than that
16 center workstation.

17 MR. GATZKE: I'm sorry. When you
18 say "lobby"?

19 CHAIRMAN FUSARO: I meant library.
20 I'm sorry.

21 MR. SONTZ: Where's the bathroom for
22 the cafe? Is it the restroom that says "101"?

23 MR. GATZKE: Yes. It's the restroom
24 right behind the cafe.

25 MR. SONTZ: So the customers are

1 allowed to enter the workspace and walk around?

2 MR. GATZKE: There is no physical
3 barrier to that. And as you can see, there are
4 toilet rooms in the back for Daybase, people who
5 are here for Daybase. But the smaller restroom is
6 right behind the cafe. And again, the way Nic
7 explained it earlier and the way the barista would
8 work as well as the Daybase employee; there is an
9 idea of who's in the space at any given time. So
10 the ability for patrons from the coffee shop to
11 use that restroom would be allowed.

12 MR. SONTZ: All right. But it looks
13 like it's just the one restroom. Is that enough
14 for the capacity of the cafe by code?

15 MR. GATZKE: Yes. Again, Nic
16 mentioned this evening earlier it's not a large
17 cafe.

18 MR. SONTZ: What's the occupancy of
19 the cafe?

20 MR. GATZKE: I think we're showing
21 eight seats, plus patrons coming and going which
22 is probably understandable, just coming and
23 getting coffee and leaving. But the amount of
24 people who could actually sit in the space, again,
25 is about eight people.

1 MR. SONTZ: Right. But there's
2 standing room; right? You're allowed standing
3 room?

4 MR. GATZKE: Yeah.

5 MR. SONTZ: Is standing room not
6 included in the calculation for bathroom use?

7 MR. GATZKE: It would be calculated
8 for the square footage, and the square footage is
9 not such that it would be more than one unisex
10 toilet room.

11 MR. GELINAS: Sorry. Just to harken
12 back to our discussion about you know the access
13 to the greater area in the back, the lounge, for
14 instance, can you -- forgive me, maybe I'm just
15 not seeing it here. Can you walk me through? If
16 a patron needs to use a restroom, it looks like
17 the door is around where the 101 is; is that
18 correct?

19 MR. GATZKE: Yes.

20 MR. GELINAS: So I mean it looks
21 like then that they have access -- you know, in
22 Matt's example with the 100 teenagers taking over
23 the lounge -- how does that work with the barista
24 that you control that area?

25 MR. GATZKE: Again, the barista and

1 the Daybase employee who's monitoring who comes
2 in. As mentioned earlier, you're greeted when you
3 come in. It's that concierge effect. So patrons
4 who come in as opposed to people coming in for
5 Daybase is different, and they'll know who's
6 there. So someone coming around the corner,
7 there'd be an understanding that they're in the
8 space, they'd use the restroom and then leave.
9 Again, we don't anticipate -- or at least Daybase
10 doesn't anticipate -- kids, high school kids
11 coming in and using the space.

12 MR. GELINAS: That was an extreme
13 example, but okay. But the people who are either
14 the day customers or the members, there's not some
15 kind of control of access, it's just open,
16 essentially?

17 MR. GATZKE: It's open, and it
18 relies heavily on the concierge.

19 MR. SONTZ: Okay. All right.

20 MS. MOLNAR: I have a question on
21 A3. The blue that you mentioned, it looks a lot
22 like Valley National Bank. Is it the same blue?

23 MR. GATZKE: I don't know their
24 blue. I can find out.

25 CHAIRMAN FUSARO: I can answer.

1 Valley is a darker blue. This is a Met's blue,
2 royal blue.

3 MS. MOLNAR: Well, Valley had toned
4 it down because it was way too blue. My next
5 question is: Are you familiar with the Westfield
6 design guidelines?

7 MR. GATZKE: Yes.

8 MS. MOLNAR: Which states that, "If
9 the original storefront no longer exists you
10 should design a storefront that is compatible with
11 the size, scale, color, and character of the
12 building, and you should respect the overall
13 historic character of the building." Why did you
14 choose this bright blue for this historic
15 building?

16 MR. GATZKE: It's a brand color and
17 we believe, again, the historic precedent of the
18 building isn't such that we would have relied on
19 something that was historically precedent for this
20 architecture. Introducing a color gives it a
21 little more character than it would. The existing
22 facade is really lacking in a lot of character.
23 It also gave the owner an opportunity to introduce
24 their brand color.

25 MS. MOLNAR: So Hoboken and Harrison

1 all have this blue?

2 MR. GATZKE: Yes.

3 MR. ERD: And if I may, Rob, there
4 is a store next door, the Baron's Drug Store that
5 also has a blue. Is it in comparison to that --
6 it's on that sheet, the same A3?

7 MR. GATZKE: A3.

8 MR. ERD: Am I correct, it has a
9 similar blue?

10 MS. MOLNAR: This sign is blue, yes.
11 But it kind of pops out. You've got to consider
12 the character of the building as well.

13 MR. ERD: So you're not just talking
14 about the color of the Daybase sign itself, you're
15 talking about the blue stripe and the blue colors
16 around the window frames? Is that what you're
17 talking about?

18 MS. MOLNAR: Yes. Absolutely.

19 CHAIRMAN FUSARO: The blue band and
20 the blue storefront.

21 MS. MOLNAR: Yeah. That's not --

22 MR. MASCIALE: Can we just go back
23 to what color the brick is going to be? I heard
24 you're going to leave the brick alone with the
25 current color?

1 MR. GATZKE: The bottom of the
2 building is all being painted white. The top is
3 going to be maintained with the current brick.

4 MR. MASCIALE: Just my gut reaction
5 to that it's not a Colonial/Westfield-kind-of
6 look.

7 MS. MOLNAR: Westfield is more like
8 Victorian, not colonial.

9 MR. MASCIALE: Victorian. I'm
10 sorry, Victorian. Thank you. That's why I'm an
11 engineer. Yeah, it pops. It's not Westfield
12 Victorian.

13 MR. GATZKE: Understood.

14 MR. MASCIALE: That's just my gut
15 feeling, and I'm hearing the other Board Members
16 kind of throw that out there.

17 MR. ERD: Well, I just spoke with my
18 client and the Applicant, and at least the window
19 frame color blue could be changed to something
20 that is more in keeping with the historic nature
21 of the area. Not being an architect, not being a
22 historic preservation expert, I would leave that
23 up to the experts to determine what color would
24 better fit for the window frames.

25 CHAIRMAN FUSARO: The blue, in my

1 opinion, just jumps out at you a little too much
2 with the band and the storefront. I've got a
3 couple of questions for you. Your main entrance
4 in the front as well as the main entrance in the
5 back, you have some sort of -- is that reflective
6 glazing in there? Is it a mirror finish where no
7 one can look in? What is that?

8 MR. GATZKE: It's an applied graphic
9 on the glass, so it's -- you can see through it,
10 it's opaque. It's just a color applied to the
11 glass.

12 CHAIRMAN FUSARO: So it will have
13 that sunburst color?

14 MR. GATZKE: Yes.

15 CHAIRMAN FUSARO: Okay. On the
16 front and the back. Okay. On Sheet A03, you had
17 mentioned earlier you were removing the light
18 fixtures over the existing entrance and you were
19 going to install new ones. Will there be any new
20 ones over the new front entrance other than the
21 wall-mounted scones?

22 MR. GATZKE: Only the wall-mounted
23 sconces.

24 CHAIRMAN FUSARO: Okay. So no --
25 okay.

1 MR. GATZKE: In the back, there is a
2 bar light that sits above the entry.

3 CHAIRMAN FUSARO: Okay. And then,
4 going to A1, it appears that on the second floor
5 there are according to the plan I guess there are
6 numerous spaces that were locked and you were not
7 given access to. How many tenants are currently
8 on the second floor and are the rest of the spaces
9 unoccupied? Would you be able to answer that or
10 should we...?

11 MR. ERD: I don't think this witness
12 can. If you really want to answer the question --

13 CHAIRMAN FUSARO: Add it to my list
14 of asked to be answered later. No problem.

15 MR. ERD: And in that case, we'll
16 probably need to bring their landlord up for at
17 least a brief moment to testify about that.

18 CHAIRMAN FUSARO: Not a problem at
19 all. One other question -- two other questions, I
20 should say. Number one, on your, again, A01,
21 Room 114 which is just to the right of the pantry,
22 crosshatched area but a larger crosshatching. Can
23 you tell me what that is?

24 MR. GATZKE: It's an existing
25 chimney.

1 CHAIRMAN FUSARO: It's an existing
2 what?

3 MR. GATZKE: Chimney. It actually
4 you can -- it's called out on Number 2 on the same
5 sheet, A1 on the top. You can see it's an
6 existing chimney that's in the existing space.

7 CHAIRMAN FUSARO: Okay. And then,
8 we've heard from the Applicant that he's going to
9 have four full-time employees plus a barista for a
10 total of five. Is there within the space; where
11 are the four full-time employees going to be
12 stationed, so to speak? Do they have their own
13 private office or just constantly roaming around
14 and not have a...?

15 MR. GATZKE: It's my understanding
16 they move around the space.

17 MR. ERD: And also, just a point of
18 clarification. There're four employees, but only
19 two are planned to be there at any one time. That
20 was the total employees that was given before, and
21 I just want to clarify that.

22 CHAIRMAN FUSARO: Two at a time.
23 You just helped your parking situation. I don't
24 have any other further questions for the
25 architect. I would, as mentioned by several Board

1 Members, I think that -- I'm going to call it
2 electric blue -- be reconsidered and possibly the
3 white brick there as well.

4 MR. MASCIALE: Frank, is there a
5 historical committee -- Don can jump in on this --
6 is there like a committee in the town that they
7 could work with to come up with something that
8 would fit the criteria? Like is there a downtown
9 --

10 CHAIRMAN FUSARO: Architectural
11 Review Board. Something.

12 MR. SAMMET: Well, the Downtown
13 Westfield Corporation does have a, forgive me, a
14 Design Committee; essentially -- if that's the
15 correct title of it -- where they will meet with
16 applicants and work with them. They used to have
17 a program, I'm not sure if it's still in place.
18 The property also is in a town identified as a
19 historic district. So I think the Historic
20 Preservation Commission could provide comments to
21 them as well. And this Board could also seek the
22 opinion of that commission if it so chose, but I
23 don't know that we're at this point yet.

24 CHAIRMAN FUSARO: Do you know if the
25 WDC Review Board or Committee has looked at these

1 plans or seen these plans?

2 MR. SAMMET: I do not know that.

3 CHAIRMAN FUSARO: Thank you.

4 MR. SAMMET: I need to ask about the
5 recessed storefront. Any consideration to saying
6 that -- and you mentioned you live in Montclair.
7 I was the assistant planner in Montclair back 18
8 years ago. But at the time, on Bloomfield Avenue,
9 there used to be a lot of loss with recessed
10 storefronts and people were lamenting that fact.
11 So has there been any consideration, the recessed
12 storefront, to my understanding, is typically for
13 the display of merchandise and goods? A lot of
14 retailers have recessed storefronts. Here, this
15 one is being removed. Is there any thought to
16 actually keeping it? Maybe incorporating it
17 somehow into the Daybase floor plan? Maybe making
18 the doors swing open on a beautiful spring day and
19 provide fresh air? You know you see restaurants
20 now with French doors they're opening up, garage
21 doors opening up. People trying to bring the
22 outside in. And with that visual interaction that
23 was talked about earlier, maybe that's a thought
24 for consideration; keeping that recessed
25 storefront. It seems to be part of the original

1 design of the building, although, I really can't
2 verify that it is.

3 MR. GATZKE: Just to be clear about
4 what you mean about "recessed storefront."

5 MR. SAMMET: I'm sorry. The
6 recessed entry.

7 MR. ERD: Is that the one in front
8 of the staircase in the center of the space?

9 MR. SAMMET: To the right of that
10 staircase. It's really a recessed entry. It's
11 the existing entry to what was Victoria's Secret.

12 CHAIRMAN FUSARO: I believe that
13 entrance is set back several feet. It's not flush
14 with the front facade.

15 MR. GATZKE: Understood.

16 CHAIRMAN FUSARO: The storefront
17 you're proposing is one straight storefront
18 across.

19 MR. GATZKE: Given the lack of
20 retail that's going to be happening there, I think
21 that's why indicating the square footage that we
22 need to meet the program. I mean to your point
23 about retailers loving it, it's less of a retail
24 space now in that sense. So using it for displays
25 or things like that, that it would have had that.

1 MR. SAMMET: And also, just your
2 opinion on the ground floor of the brick being
3 painted white. Is that -- I mean it's there now,
4 but in your opinion as an architect, is it best
5 that the brick be the same, the original color
6 that it may have been, and that the paint somehow
7 be removed from that brick and it match the upper
8 stories?

9 MR. GATZKE: It could. I think a
10 painted brick is really the only way to go
11 considering we're removing that curb that's
12 damaged. We're planning on matching the brick in
13 size and texture once it's painted. But again,
14 the painting of the white and the blue being
15 something that we need to revisit, we could
16 certainly look at other colors.

17 CHAIRMAN FUSARO: Don, perhaps
18 getting back to your recesses entrance, having
19 heard from the architect that it really doesn't
20 work for them at its current location. Perhaps
21 working some sort of recessed entrance in the new
22 vestibule location?

23 MR. SAMMET: Perhaps. I think about
24 those design guidelines where it talks about -- I
25 should look at it -- but basically trying to

1 retain --

2 CHAIRMAN FUSARO: What's there.

3 MR. SAMMET: -- what's there based
4 on the character. It doesn't say you can't design
5 something new, it just should be compatible with.
6 And my thought was: Can what is there now be
7 retained?

8 MS. MOLNAR: Right now, the
9 second-floor entryway is recessed. Is that going
10 to disappear too? Is it going to be straight
11 across?

12 MR. SAMMET: I don't believe so.

13 CHAIRMAN FUSARO: I don't believe --

14 MS. MOLNAR: I can't tell from the
15 drawing. When you go up to the second floor, it's
16 recessed.

17 MR. GATZKE: I don't believe so.

18 MS. MOLNAR: So it will remain
19 recessed that way it is now?

20 MR. GATZKE: Yes.

21 MS. MOLNAR: It's hard to tell from
22 the drawing.

23 MR. GATZKE: If you refer to A2, the
24 Existing on the lower Drawing Number 1 on A2.

25 MS. MOLNAR: Yeah. I see. Okay.

1 MR. GATZKE: A2 is straight across.
2 And as far as the vestibule goes, I think that is
3 something we could provide. I mean given that the
4 Victoria's Secret entrance was recessed as an
5 entrance, it allows relief for patrons coming in
6 and out, and we can probably look at doing
7 something with the vestibule while still
8 maintaining ADA compliance.

9 CHAIRMAN FUSARO: Excuse me, I'm
10 just making a couple of notes.

11 MR. ERD: So rather than try to
12 obviously -- we're not going to redesign the
13 project right here with the Board.

14 CHAIRMAN FUSARO: We fully
15 understand.

16 MR. ERD: For the architectural
17 issues, what would be the next step? Whom would
18 we meet with? Would it just be your planner to
19 start with and then go from there?

20 CHAIRMAN FUSARO: You start with
21 Don, and he would probably refer you to A; if we
22 were to grant this application, one of the
23 conditions I'm thinking about is that the facade
24 be approved; reviewed, and approved by the
25 Historic Preservation Commission.

1 conditions. I believe that would be one of them.
2 Don, perhaps, I don't know, you mentioned the WDC
3 does or does not have a separate committee that --

4 MR. SAMMET: They did, I believe. I
5 would, of course, have to double-check, but I
6 believe that committee is still in existence.

7 MR. ERD: And if I may. I don't
8 believe my client met with that subcommittee, but
9 they did meet with the WDC. Before, at the very
10 beginning of the whole process when they were
11 looking for a place and talking about whether this
12 would work here, they had in-depth conversations
13 with them. Not necessary about the specific
14 design issues we're talking about right now, but
15 more about the use.

16 CHAIRMAN FUSARO: Just so that you
17 know some of the notes that I'm jotting down. The
18 architect had mentioned that -- I'm going to call
19 it the "sunburst glazing" for lack of another term
20 -- that that would remain transparent?

21 MR. GATZKE: Yes.

22 CHAIRMAN FUSARO: One of the issues
23 that we have with some of the areas downtown and
24 what we don't want is for an office to come in and
25 say, yes, it's going to be -- you know, people are

1 going to be able to look in and see all this
2 activity and so on and so forth; the cafe,
3 etcetera, etcetera. And then, you put these
4 blinds on the windows and keep them down 24-hours
5 a day, that's not going to work.

6 MR. GATZKE: Yeah. Understood.

7 CHAIRMAN FUSARO: Again, I'm sure
8 it's not a big deal, but that will be a condition.
9 Anybody else have any questions for the architect
10 at this time? Anyone in the audience would like
11 to address any of the architect's testimony?
12 Seeing none. Thank you.

13 MR. ERD: Thank you very much.

14 CHAIRMAN FUSARO: Please proceed.

15 MR. ERD: Thank you very much. I'm
16 not sure what time it is, whether we want to take
17 a quick rest break and come back.

18 CHAIRMAN FUSARO: We'll take a
19 10-minute break.

20 (Break taken.)

21 CHAIRMAN FUSARO: We're ready to get
22 started back again.

23 MR. ERD: Thank you very much.

24 CHAIRMAN FUSARO: Proceeded.

25 MR. ERD: I have my next witness up

1 with me here. He's our civil engineer who
2 designed -- not a lot of civil engineering on this
3 site -- but he is here to talk about that and also
4 about the signs.

5 CHAIRMAN FUSARO: Please raise your
6 right hand.

7 JAMES HENRY, having been duly sworn,
8 was examined and testified as follows:

9 CHAIRMAN FUSARO: Thank you, sir.
10 Please state your name and address for the record.
11 And if you haven't appeared before our Board
12 recently, just give us a little background of your
13 credentials.

14 MR. HENRY: Sure. James Henry,
15 H-e-n-r-y, is the last name. I'm from Dynamic
16 Engineering Consultants. Our address is 1904 Main
17 Street, Lake Como, New Jersey. I have before the
18 Planning Board before, but not before the Board of
19 Adjustment. I have a Bachelor of Science from
20 Rutgers University in civil engineering. A
21 Master's of Science from Rutgers University in
22 civil engineering. I have a minor in public
23 planning as well. I'm a licensed professional
24 engineer in New Jersey. I've testified before
25 over 25 boards in my professional career.

1 CHAIRMAN FUSARO: Your license is
2 currently active in the State of New Jersey?

3 MR. HENRY: Yes.

4 CHAIRMAN FUSARO: Great. Thank you
5 so much. Does anybody have any questions? No.
6 We'll continue to recognize you as an expert in
7 the field of engineering.

8 MR. ERD: Jim, if you could take the
9 Board through your plans and the project. You've
10 heard the prior testimony?

11 MR. HENRY: Yes.

12 MR. ERD: There are a couple of
13 issues that they'd like you to hit on, but let's
14 start with the overview. That would be great.

15 MR. HENRY: We're just going to mark
16 two exhibits to start out. We've got three
17 exhibits total, but one of them is just the
18 survey, which was previously submitted. So the
19 first exhibit is "Aerial Map" and that's dated May
20 5, 2022. And that's just a color version of the
21 aerial exhibit which I think is Sheet 2 of your
22 plan set. But it's a colorized version.

23 MR. ERD: So can we mark this A-1?

24 (Whereupon, Applicant's Exhibit A-1,
25 COLORIZED AERIAL MAP DATED 05/05/2022, was marked

1 for identification.)

2 MR. ERD: I just want to make sure
3 that we don't confuse it with the architect that
4 he was referring to sheets as A1, A2, A3. So
5 we'll do this A-dash-1.

6 MS. RAZIN: What?

7 MR. ERD: We're going to call this
8 one "A dash 1" if it's okay with you, because that
9 way, because the architect was referring to his
10 sheets as that the Board already had as A1, A2, A3
11 so we don't confuse them on the record.

12 MR. HENRY: And the second exhibit,
13 which is A-2, that is the Site Plan Rendering and
14 that's dated May 5, 2022, prepared by Dynamic
15 Engineering. And that is a colorized version of
16 the site plan that I believe is 4 or 5 in your
17 plan set.

18 (Whereupon, Applicant's Exhibit A-2,
19 COLORIZED SITE PLAN DATED 05/05/2002, was marked
20 for identification.)

21 MS. MOLNAR: Ours is not colorized?

22 MR. HENRY: Correct.

23 MR. SONTZ: Should we label the
24 exhibits from the engineer maybe E1 and E2 instead
25 of A-1, and then the architect is A1? I'm already

1 confused.

2 MR. ERD: That's fine.

3 MS. RAZIN: In the resolution, I
4 always call them -- like I usually always call
5 them applicant -- it's always A-1.

6 CHAIRMAN FUSARO: The architect's
7 drawings are not -- they're not exhibits.

8 MS. RAZIN: Right. Yeah. They're
9 not going to be exhibits. And it's really only a
10 reference for the resolution.

11 MR. ERD: Right. And I apologize
12 for confusing it, but I was trying to avoid the
13 confusion and I've seemed to have caused it
14 instead. But sometimes you get these exhibit
15 numbering conflicts, and I just wanted to clarify
16 it upfront.

17 CHAIRMAN FUSARO: Please proceed.

18 MR. HENRY: Thank you. I'm going to
19 start off by referencing A-1, which is the aerial
20 exhibit. You can see the site. The property in
21 question is numbered Block 2405, Lot 19. It's
22 located on East Broad Street. It's near the
23 intersection with Central Avenue on this exhibit
24 in the center, as well as the second sheet in your
25 plan set. We've got the property located

1 identified as "PIQ" in the center of the sheet,
2 and that outlines the property boundary. Outside
3 of that, there's a dashed line, a yellow dashed
4 line, on the exhibit, and I believe it's white on
5 your plan, which outlines the 200-foot property,
6 or the 200-foot dimension around the outside of
7 the property so you can see all the properties
8 that are located within 200-feet of the sight. We
9 also have on the exhibit the different zones. On
10 this exhibit, particularly, which is the A-1
11 Exhibit, A-dash-1 Exhibit, in blue, we have the
12 zone lines indicating the different zones.

13 The property is located kind of in
14 the center of the CBD business district. It's
15 0.314-acres. The property consists of existing
16 retail space. There is an existing drug store.
17 And then on the second story, there is existing
18 retail and office use. Adjacent to the site,
19 which is going to be part of our testimony and
20 part of the discussion here today, there is a
21 public parking area just to the west of the site.
22 Which, the parking area that's on-site does access
23 in order to get on and off their site. As far as
24 the uses; the proposed use for retail is permitted
25 that's out there today. The office on the second

1 story is permitted, and the office co-working
2 space is not permitted on the first story, which
3 is by we're in front of the Board of Adjustment
4 today. That is a not permitted use; that's a
5 variance. The coffee shop, which is proposed, is
6 part of the use as well. That is a permitted use
7 within the zone. The building itself is
8 approximately -- on the first story -- is
9 approximately 10,000-square-feet. Our particular
10 space is approximately 5,700-square-feet.
11 Includes roughly 131 parking spaces, four meeting
12 areas, and two lounge areas. The Baron's Drug
13 Store which also is occupied on the same property,
14 that's approximately 3,800-square-feet. And on
15 the second story, there're approximately
16 5,000-square-feet amongst the existing uses which
17 are not being changed as part of this application.

18 From a parking perspective, in the
19 CBD zone, there actually is not a parking
20 requirement. However, your ordinance says you
21 have to take the worst-case scenario of the uses;
22 the use, itself, versus the actual zone. So if
23 you were to look at it from a zoning perspective,
24 the CDB Zone actually does not require any parking
25 for the uses within the CBD Zone, but there is a

1 caveat in your ordinance which, basically says
2 that you should also look at the uses individually
3 and take the worst-case scenario of them. So I
4 believe what was done as part of the review
5 letter, it took the space that we're going to be
6 converting, you know basically the parking
7 requirement for that which is one per
8 300-square-foot, and came up with 22 spaces
9 required. Under the existing conditions, there
10 are now parking spaces on the property. There is
11 parking which takes place behind the building near
12 where we're proposing parking. That parking area
13 right now is not striped, but there're people that
14 park within the asphalt area, and I'll reference
15 A-2, which is our site plan rendering. Just to
16 continue, on the west side of the building,
17 basically, there's an asphalt area. And then
18 behind, just beyond the asphalt area, there's a
19 drive aisle which is part of the municipal parking
20 lot. As well as some electric charging stations
21 which are just on the other side of the drive
22 aisle adjacent to our site.

23 MR. SONTZ: Which drawing is this?

24 MR. HENRY: The A-2, which is, I
25 believe, Sheet 4 of your site plan set.

1 MR. MASCIALE: It's a colored
2 version of Sheet 4, Matt.

3 MR. SONTZ: Okay. I can't see the
4 drawing. The court reporter is directly in my
5 view. If you just reference the drawing, I'll
6 follow.

7 MR. HENRY: I can even lift it up if
8 you want. Do you want me to lift it up to your
9 level?

10 MR. SONTZ: No. No. I can just
11 follow along. You've just got to kind of tell
12 which drawing it is. So I have it. We're on 4?

13 MR. HENRY: Yeah, on 4. So along
14 the westerly property line of the site itself,
15 that's where the municipal parking lot is. There
16 is a paved area behind the building which really
17 if you go out there today -- I was out there
18 several times including the last hearing, this
19 hearing; I went back there, I took some photos --
20 there are cars that basically park in that area.
21 There's really undelineated(sic) parking there
22 right now. It's kind of a free-for-all. Whereas,
23 as part of this application, we're going to be
24 delineating the parking spaces and making them
25 tandem parking spaces. Right now, every time I've

1 been out there, there are basically people paring
2 in tandem. So that's kind of an existing
3 condition. But we're going to be actually
4 formalizing it, striping it, and basically
5 creating parking spaces for everyone. So there is
6 parking behind the building.

7 Now, I know there was a lot of
8 discussion about parking as part of the other
9 testimony of the other professional. So I believe
10 this particular use in talking to the Applicant
11 really peaks really in the morning time around
12 9:00 or 10:00 a.m., and then also peaks around
13 3:00 p.m. Which, you know, the average person
14 that goes into this type of use based on the
15 survey that was taken by the Applicant, they're
16 usually in the space for two to four hours. So
17 whereas the Applicant testified usually around 50
18 people or so are in there, you know, that's over
19 the course of a day. So there are people that are
20 in there for two hours, four hours, you know,
21 coming and going. So they're consistently -- you
22 know, let's say there're 50 people in there,
23 they're coming from various different roads. Some
24 might be walking, some might be coming from
25 adjacent businesses, some might be coming from

1 residential nearby, some might be biking, and some
2 may be driving. Now, the parking area that's
3 behind the site, it's a large parking area.
4 There's also another parking area off Central
5 Avenue. That parking is limited as far as how
6 long you can park there. Some of the parking
7 spaces are limited to four-hour parking, and some
8 of the spaces are limited to eight-hour parking.
9 I believe overnight parking is permitted by permit
10 only for overnight parking.

11 So this type of use, similar to
12 other uses I'm sure this Board has seen, is a
13 convenience-type of use. When this type of use is
14 peaking, it's not peaking at the same time as
15 probably the downtown. Whereas retail and
16 restaurants really peak -- there is a little bit
17 of a peak during lunchtime hours for restaurants
18 -- but you know retail and restaurants generally
19 peak at nighttime. In talking to the Applicant,
20 generally speaking, this use, by 5:00, it's a
21 ghost town. So you know at 5:00, there're three
22 or four people within the actual use itself. You
23 know the parking demand is basically zero, and
24 that occurs at the same time that the other uses
25 are starting to peak. So that's where the other

1 uses are then going to be capitalizing on the
2 municipal parking areas, whereas this use will
3 actually -- their highest demand will be during
4 the daytime hours when people are working and when
5 people are at school, and then it basically trails
6 off. And then, on the weekends, as the Applicant
7 already testified to, business is not very busy.
8 They're not open on Sundays. On Saturdays,
9 they're open, they're offering basically free
10 meeting time to different agencies. So that's
11 actually one of their least busiest times.
12 Whereas restaurants and your downtown is probably
13 peaking significantly during those hours and
14 during those days. So we're a very
15 complimentary-type of uses, whereas, the demand
16 for the public parking peaks at different times.
17 Also, when you look at it from an ITE perspective;
18 office actually has less of a peak demand than
19 retail. So, approximately, 2.39 per 1,000 spaces
20 are required for office, 2.61 for retail.
21 Obviously, this particular type of office I think
22 is a little bit unique. It's difficult to use
23 just standardized office projections. So we're
24 taking that into account.

25 And then also, as I mentioned

1 earlier, this is a convenience-type use. So if
2 you're similar to a gym and you're going to a gym
3 and there's no parking available for this type of
4 use and it's not convenient, you're not going to
5 go to that gym. This is a convenience-type use,
6 so if it's not convenient and there isn't
7 amenities set forth -- as the Applicant testified
8 they're doing a number of different things to make
9 it convenient and basically welcoming -- the
10 demand won't be there for that type of use. The
11 Applicant obviously has studied this particular
12 location and found it to be ideal for their type
13 of use. There isn't a lot of parking on-site
14 particularly. But as I mentioned, there is
15 municipal lots in the area as well as obviously
16 easy access to public transportation as well as
17 bike racks and thing like that.

18 MR. ERD: Jim, can I just slow you
19 down for just one second there. Your testimony to
20 a bunch of different numbers and characterizations
21 -- we also submitted a traffic report which is in
22 your packets that a lot of this information is
23 coming from. It's the one dated December 7, 2021,
24 from Dynamic Engineering; just for your reference.
25 Sorry, I just want to make sure --

1 MR. HENRY: Yeah. And if anyone has
2 any particular questions about the traffic
3 engineer testimony that I just gave.

4 MS. MOLNAR: I have a question about
5 the parking. In the parking lot behind the
6 building, aren't some of the spaces earmarked for
7 six hours?

8 MR. HENRY: I believe it's -- I took
9 a picture of it, let me just double-check it. I
10 thought it was four and eight.

11 MS. MOLNAR: They're not going to
12 turnover. These are people who could be people
13 who work in town or taking the train maybe that
14 will take those spots.

15 MR. HENRY: Right. And the other
16 thing is the peak of this use really occurs kind
17 of late. So if you're going to work at 8:00 in
18 the morning, you're going to get first dibs on
19 those spaces. So it says four hours for the white
20 spaces and then it's nine hours for the yellow
21 spaces. And you have to pay for parking between
22 10:00 a.m. and 6:00 p.m., Monday through Saturday.
23 And I believe free parking is available you know
24 nighttime, off-peak hours.

25 MS. MOLNAR: Did you do any study to

1 see the turnover of the spaces or anything like
2 that?

3 MR. HENRY: The traffic engineer can
4 kind of testify to that; if you want. But you
5 know, in particular, this type of use, you know we
6 just kind of -- we're going -- this is more of a
7 convenience-type use utilizing the existing
8 parking, so...

9 MR. SAMMET: I have a question. You
10 explained -- excuse me, Mr. Henry, you're
11 answering questions about the traffic report.
12 There's one I had, I think it was the last comment
13 in my report, this use will generate less
14 vehicular traffic than the apparel store,
15 Victoria's Secret that once existed there?

16 MR. HENRY: I'll double-check that
17 with the traffic engineer if you don't mind
18 because I didn't look at it from a traffic
19 generation perspective. I was more looking at it
20 from a parking perspective.

21 MR. MASCIALE: Well, it kind of
22 translates to parking in my mind. I had the same
23 question. I was thinking the same thing, Don. Is
24 this more intense or less intense than the trip
25 generation because it's part-time, it's not

1 all-day parking?

2 MR. SAMMET: Yeah. It may also go
3 to --

4 MR. HENRY: Yeah, so, in the a.m.,
5 there're actually three additional peak-hour
6 trips. In the p.m., there's one less. And then,
7 on Saturday, there's seven less.

8 MR. SAMMET: The question was that
9 -- let me look at my question again.

10 MR. ERD: I think it's Item 5, on
11 Page 10.

12 MR. HENRY: Overall there is a
13 slight reduction, but it's not like a
14 significant...

15 MR. SAMMET: I believe Mr. Rader
16 answered the question about is it anticipated that
17 most users would be Westfield locals who would
18 walk to the site. I believe Mr. Rader testified
19 they'd be walking and bicycling, which kind of
20 leads into my question. Can a bicycle rack be
21 installed?

22 MR. HENRY: And we are agreeable to
23 that. That's one of the things I was going to get
24 to. Yeah.

25 MR. ERD: That would certainly be an

1 agreeable condition.

2 MR. SAMMET: And the tandem spaces
3 are reserved for employees?

4 MR. HENRY: Yes. So the tandem
5 spaces are going to be split with the other user.
6 I believe four were basically designated for this
7 use as part of the lease agreement.

8 MR. SAMMET: Can you put in the
9 make-ready EV charging space in the back?

10 MR. HENRY: That was one of the
11 questions I had for you. I don't know if that
12 entirely makes sense. I mean if you've been out
13 there, there's basically two EV charging directly
14 adjacent to this parking area. You know, I don't
15 think this particular -- the state law doesn't
16 require it, it's the actual -- they usually only
17 require it if you're over I think 25 parking
18 spaces is that state law. Whereas you have a
19 local code that requires any parking area to have
20 the EV.

21 MR. SAMMET: We wanted to match --
22 we've updated our ordinance to be equal with the
23 state code.

24 MR. HENRY: Okay. So then the EV
25 charging isn't required then by the state code.

1 MR. SAMMET: Is it.

2 MR. HENRY: If you're under 25, it's
3 not. It's not required.

4 CHAIRMAN FUSARO: But our ordinance
5 says it is. I know that for a fact.

6 MR. ERD: That's what he's talking
7 about is the inconsistency between the two. Your
8 ordinance goes slightly beyond what the state
9 would require. And in this case, we're asking for
10 relief from that.

11 MR. GELINAS: Right. So given the
12 number of spaces you're supposed to have, how many
13 EV spaces would that be?

14 MR. HENRY: By your ordinance,
15 you're supposed to make a make-ready space, which
16 is basically like running the conduit. You're
17 supposed to do it for one. Per the state code,
18 you don't have to do it for under 25. And we have
19 a small parking lot like this, so...

20 MR. GELINAS: Sorry. But the
21 projected number of spaces you're asking variance
22 from is higher than 25?

23 MR. HENRY: Yes.

24 MR. GELINAS: So that would be two?
25 Is that how that works? Two make-ready?

1 MR. ERD: It's brand-new state law
2 and regulation which hasn't been subject to a lot
3 of interpretation yet. But the way I've seen it
4 interpreted so far is the actual number of spaces
5 that are put there, that's the standard use. Not
6 the number of spaces that would be otherwise
7 required. Because otherwise, you could end up
8 with all EV spaces.

9 MR. SAMMET: Correct. So the 25 or
10 fewer where you do not have to provide is for
11 retailers. So a retailer that provides 25 or
12 fewer off-street parking spaces or --

13 MS. RAZIN: Can I ask a question?
14 It's not just for new parking, it's for an
15 existing lot?

16 MR. HENRY: It doesn't
17 differentiate.

18 MR. ERD: It talks about when you
19 come --

20 MR. HENRY: The state code doesn't.

21 MR. SAMMET: I've been through this
22 with our Redevelopment Council.

23 MS. RAZIN: I've seen the email from
24 --

25 MR. HENRY: It's all over the place.

1 MS. RAZIN: It's all over the place.
2 My understanding is that the intent was not for
3 existing.

4 MR. HENRY: Right.

5 MR. ERD: Which is right. But the
6 statute actually says when you have preliminary
7 site plan approval, which is what we're here for.

8 MS. RAZIN: No, I know, it goes both
9 ways.

10 MR. ERD: It's all over the place.

11 MR. SAMMET: So I haven't seen
12 anything from the DCA either. I've been through
13 this exact same discussion with our -- well,
14 actually after you Frank, it was the state.

15 CHAIRMAN FUSARO: I'm going to give
16 you a little sidebar here. I own an office
17 building in town. Okay. I came before the
18 Planning Board, reduced the number of parking
19 spaces because my ground floor now has a staircase
20 and an elevator and they made me add an EV parking
21 space.

22 MR. SAMMET: The Chair was pre-DCA
23 ordinance, though.

24 MR. HENRY: We'll table that. I
25 guess we'll probably talk about it with the

1 Applicant I guess.

2 MR. SAMMET: What I can tell you is
3 that I've had this almost exact same discussion
4 without redevelopment counsel, and he is opined
5 that if you're coming in for site plan, you would
6 need to provide it whether the spaces are existing
7 or not because his literal reading of the statute
8 and what went up in our ordinance.

9 MR. ERD: All right. So if you're
10 coming in for preliminary site plan, which is
11 specifically what it says as opposed to minor site
12 plan, final site plan, amended site plan;
13 specifically for preliminary plan, which we are
14 here for. Preliminary and final.

15 CHAIRMAN FUSARO: We've historically
16 been asking for putting that condition on every
17 approval in the last year or two.

18 MR. SAMMET: Yes. Pre-DCA and post.

19 MR. ERD: Now the difficulty we have
20 here is the small space in the back there with
21 only eight parking spaces that are stacked, plus,
22 the one handicap or ADA accessible space. The
23 ordinance says also, I believe they strongly
24 suggest, but don't require, that the space be
25 fully ADA compliant. But if we are required to

1 put that in we would like to use the ADA space
2 because it's one that stands on its own as opposed
3 to the double-stacked spaces.

4 CHAIRMAN FUSARO: That's something
5 that we can certainly discuss, Don. My concern
6 would be if we do not require this ADA space, if
7 we don't insist on it being a condition, would
8 that trigger another variance because our town
9 ordinance says that it's required?

10 MR. SAMMET: Yes.

11 CHAIRMAN FUSARO: That's what I
12 thought.

13 MR. SAMMET: I mean I defer to
14 Katie, but I believe during the course of the
15 hearing you would have the ability I think to add
16 variances at the Board's request to be granted.

17 MS. RAZIN: Yeah. As long they're
18 not -- I would say "out of scope" with the nature
19 of the application and the Applicant provided the
20 catchall, then I would think that you're covered
21 if that was a request.

22 MR. ERD: We did provide the
23 catchall, and when we filed the application, I
24 believe the statute had been enacted, but the DCA
25 model ordinance wasn't out yet and your local

1 ordinance definitely wasn't adopted yet. So this
2 is all new.

3 MR. HENRY: One thing we can do to
4 try and address that; two birds with one stone.
5 We can kind of install the make-ready kind of
6 between the handicap and the one regular spot, so
7 that basically, two of the spots can --

8 CHAIRMAN FUSARO: Right in between.
9 Right. That's good. I just want to cover your
10 end and our end.

11 MR. ERD: I totally understand. And
12 every time I go through this EV thing and it's
13 happening all over the state, hopefully,
14 eventually it will get worked out without -- I'm
15 not suggesting it's going to be litigation here
16 whatsoever --

17 CHAIRMAN FUSARO: We'll all be
18 driving hybrids, so don't worry about it.

19 MR. ERD: Hopefully, they'll
20 straighten it all out, but sometimes it happens
21 when they pass ordinances and statutes quickly,
22 they don't think all the twists and turns out.

23 MR. SAMMET: Almost done. So
24 Mr. Henry, the rear entry to Daybase; is that a
25 public entry so people coming from the municipal

1 lot can enter from the rear?

2 MR. HENRY: You can enter through
3 there, yes.

4 MR. SAMMET: Is there a way to
5 somehow delineate a public walkway or some sort of
6 striping, something?

7 MR. HENRY: There's already a
8 walkway that's -- I mean we can stripe it if you
9 want. But there's basically a walkway that we've
10 undelineated, there're some bollards, we're
11 putting in a trash enclosure. Basically, it's a
12 nice walkway and then it goes out to the brick
13 paver area on the adjacent --

14 MR. SAMMET: It might not. And
15 because of the size, it may not be actually
16 necessary?

17 MR. HENRY: Yeah, I don't think so.
18 Because you can walk right down and get right --
19 you know basically into the municipal parking lot
20 was where that brick area is in the municipal
21 parking lot.

22 MR. SAMMET: The only other question
23 I had was the trash enclosure/dumpster enclosure.
24 Is it wood fencing? Vinyl fencing? We're
25 starting to see the vinyl fencing -- I guess the

1 comment that some of the vinyl fencing in the
2 parking areas can get beat up, they crack, and
3 they stay like that for a while.

4 MR. HENRY: Me, personally, my
5 preference -- you might not like it -- but it's
6 chain-link with vinyl coating. It's the most
7 durable and it stays the best. What I've found is
8 when you install wooden fencing, you know, it gets
9 beat up, it gets hit with trash trucks, things
10 like that, and falls apart. So, me, personally, I
11 would say I would prefer that just for the
12 Applicant's sake. But we're open to doing
13 whatever the Board feels is appropriate.

14 CHAIRMAN FUSARO: And while we're
15 talking about the trash enclosure, I would suggest
16 or certainly recommend that -- I see you have
17 bollards around the light pole stanchion; I would
18 suggest that you add two bollards in front of the
19 trash enclosure because I guarantee you someone
20 will drive into it.

21 MR. HENRY: Yup. You're saying at
22 the back of the trash enclosure?

23 CHAIRMAN FUSARO: At the corner.
24 No, no. The two corners.

25 MR. HENRY: At the corners, yeah, we

1 can do that. Yup. Just to continue to go through
2 our general testimony. From the bulk standards,
3 there really are no impacts. We did testify to
4 the lighting. There are wall packs being added.
5 Basically just sconces, decorative sconces on the
6 front and the back. There're seven total sconces
7 added. We are adding one LED bar, and we're
8 putting in one decorative light which is going to
9 match the decorative lights that are within the
10 municipal parking lot. We reached out to the
11 Board in advance of the application and pulled all
12 the appropriate specs to make sure it all matched
13 and kind of was in synergy.

14 On the lighting plan, we do show
15 some overflow into the municipal parking lot.
16 That's mainly because we modeled the existing
17 lights in the municipal parking lot just to show
18 that there was sufficient lighting on the overall
19 parking area for the parking area that we have out
20 there. We are doing LEDs which obviously is a
21 green technology. We're not installing and we're
22 basically going to match from a lighting
23 perspective the lights that are out there in the
24 rear parking lot so that it really kind of
25 continues the municipal parking lot between our

1 lot and the municipal parking so it matches.

2 I believe there was a comment in the
3 review letters. I think it was a comment about a
4 bike rack, which we're agreeable to. There was a
5 comment about just sidewalk, the walk, in front of
6 the new entrance. You know we kind of testified
7 about that. We are, as far as the sidewalk along
8 the front in front of Broad Street, we did submit
9 to the county. The county is reviewing that
10 application, so we're going through that with
11 them. One thing I just want to point out to make
12 sure the Board is aware; there is a signal right
13 in front of where we're building this facade, as
14 well as an APA crosswalk. So it's a little
15 complicated as far as store entry and the things
16 that were testified earlier from the architect as
17 far as just trying to maintain ADA compliance.
18 You know something to think about as we move into
19 the next phase just trying to figure out what
20 we're doing from an architectural perspective.

21 MR. ERD: Jim, just before we get to
22 completely off the parking, I think there is just
23 one other issue; there's no loading area.

24 MR. HENRY: Right. There's no
25 loading area. There's no loading area under the

1 existing conditions. I would imagine basically
2 small trucks be used for delivery here. And those
3 trucks would basically idle in the municipal
4 parking lot similar to what they do today or use
5 the parking spaces that are out there to service.
6 We don't anticipate any major deliveries to this
7 location. You know, occasionally, probably UPS or
8 something like that, but nothing --

9 MR. ERD: Certainly in comparison to
10 the prior use of the Victoria's Secret, it should
11 be much less of loading than that; correct?

12 MR. HENRY: Correct. Right. And,
13 obviously, from an access perspective, we're not
14 changing any of the access.

15 CHAIRMAN FUSARO: There's no plan to
16 have any type of package delivery service there
17 similar to an Amazon drop-off or UPS?

18 MR. ERD: No. Just so we're clear.

19 CHAIRMAN FUSARO: Additional
20 revenue.

21 MR. HENRY: Then, just going into
22 the signage, I think we're going to basically
23 agree to most of I think of what your comments are
24 going to be. So there is some signage that's out
25 there that doesn't appear to have been approved by

1 this Board or by the Planning Board. So we are
2 going to remove the signage. I believe that's for
3 the two uses; for the yoga as well as the other
4 use on the second story. So we'll remove that
5 signage as part of this application. We are
6 proposing one sign for the Daybase along the
7 street frontage. That sign, I believe you're
8 allowed to have one sign per entrance so that
9 we're complaint once you remove those two.
10 Because there is an existing variance sign out
11 there today for that use, and obviously, this use.
12 And then, I believe we're compliant -- there're a
13 few nonconforming compliances or nonconforming
14 issues which is just regarding the existing
15 signage, horizontal dimension of the Baron's sign,
16 and then, the maximum clearance for the Baron's
17 sign. And then from a window-mounted sign, I
18 believe there is a 3-and-a-half-square-foot
19 requirement. We were proposing 4-square-feet.
20 We're going to agree to go down to
21 3-and-a-half-square-feet to eliminate that
22 variance. And then, there's an existing
23 nonconformance for the window sign area, for the
24 yoga sign, which we're going to be removing. I
25 believe we've addressed -- I believe that's most

1 of your comments on the signage.

2 MR. SAMMET: So no more sign
3 variances are requested?

4 MR. HENRY: No. There're existing
5 sign nonconformities for the Baron's which are
6 going to be maintained.

7 MR. SAMMET: The Baron's will stay?

8 MR. HENRY: Yeah.

9 MS. MOLNAR: What about the
10 photograph on the second floor? You mentioned the
11 yoga signs that are coming down, but the
12 photographer sign is not legal either?

13 MR. HENRY: Yeah, we're removing the
14 photographer too. That one is being removed as
15 well. Sorry, I just couldn't think of the other
16 use.

17 MR. ERD: And then, the window sign
18 is going to reduce to be a conforming size.

19 MR. HENRY: And that concludes my
20 testimony. I think overall this is going to be a
21 very beneficial use to the community. I think
22 this really will complement your downtown very
23 well. It will help all the other uses around it.
24 I think it will be successful. It really peaks
25 from a parking perspective during times that are

1 not consistent with the other uses in your
2 downtown. And I think --

3 MR. MASCIALE: You're trespassing on
4 planning there. I know you've got a minor in
5 planning.

6 MR. HENRY: I'm also a licensed
7 professional planner.

8 MR. ERD: We have a planner who's
9 coming up.

10 MR. MASCIALE: I don't think we've
11 recognized you in the area of planning.

12 MR. ERD: No, no. He's just --

13 MR. HENRY: I'm also licensed in
14 planning. I'm licensed in planning as well.

15 MR. MASCIALE: I know it's natural
16 for you, but I think we'll reign you in a little.

17 MR. HENRY: Yeah. So I think it
18 will be a benefit to the community. But if you
19 have any questions, I'm here to answer any
20 questions for the Board.

21 CHAIRMAN FUSARO: I think I
22 mentioned all my items. Di we decide, Don, on a
23 wood or a chain-link with slots?

24 MR. SAMMET: We didn't. It's really
25 up to the Board's feel on that if they want, say a

1 wood board-on-board or if they're okay with a
2 chain-link with vinyl insert. I mean it is
3 visible from the municipal parking lot, so it's
4 not -- it's behind the building, but still in a
5 visible location. So I would say whatever you
6 feel is most aesthetically pleasing.

7 MR. ERD: And as far as the
8 Applicant's concerned, it doesn't matter one way
9 or the other. Just if you want it to be wood,
10 that's fine. That's what your planner had
11 requested. And it's just a question of whether we
12 leave it painted or unpainted. Obviously, the
13 unpainted with the natural wood would probably be
14 preferred.

15 CHAIRMAN FUSARO: As long as you
16 stick two bollards in front of it so no one
17 crashes into it, I'm good.

18 MR. ERD: The bollards will be
19 there.

20 MR. HENRY: There are a number of
21 other dumpsters out there. I'm sure you've been
22 back there. They're exposed as well back there
23 today. So this will be an improvement from what's
24 out there.

25 CHAIRMAN FUSARO: Thank you.

1 Anybody else have any other questions for the
2 engineer at this time? Anyone from the audience
3 would like to address the testimony of the
4 engineer? Seeing none. Thank you, sir.

5 MR. ERD: Great. Thank you, Jim.
6 We do have the landlord here. There was one
7 question that I believe Mr. Chairman had about the
8 other tenants in the building. So if we could
9 just bring him up just for that limited purpose,
10 he could testify to that. And I think that's all
11 we really needed him for. He was also here -- he
12 was the one that was kind enough to address the
13 issues of the signs on the second floor and
14 confirming that they will be removed.

15 CHAIRMAN FUSARO: Thank you, so
16 much. Please raise your right hand.

17 JEFFREY DAVIDSON, having been duly
18 sworn, was examined and testified as follows:

19 CHAIRMAN FUSARO: Please state your
20 name and address for the record.

21 MR. DAVIDSON: It's Jeff Davidson,
22 600 Salter Place, Westfield, New Jersey.

23 CHAIRMAN FUSARO: Thank you. Can
24 you please -- I believe the question I had asked
25 earlier pertained to the number of tenants on the

1 second floor. How many occupied tenants are up
2 there and how many vacancies are up there?

3 MR. DAVIDSON: There are three
4 tenants and zero vacancies. It's a yoga studio
5 and then a photography studio and another
6 professional office.

7 CHAIRMAN FUSARO: And how many
8 additional vacant ones are there? I'm sorry.

9 MR. DAVIDSON: Zero. There're no
10 other vacancies.

11 CHAIRMAN FUSARO: So the second
12 floor is fully occupied?

13 MR. DAVIDSON: Yes.

14 CHAIRMAN FUSARO: Thank you. I
15 wasn't aware of that.

16 MR. MASCIALE: How long has the
17 space been open unoccupied?

18 MR. DAVIDSON: Well, we signed a
19 lease with Daybase back in October, but before
20 then, it was two-and-a-half years.

21 MR. MASCIALE: Two-and-a-half years.
22 And were there people that were interested in the
23 property?

24 MR. DAVIDSON: There was one. There
25 was a pet daycare use which ultimately we went far

1 with, but I believe they were under-capitalized.

2 MR. MASCIALE: Just, you know, from
3 a general sense. I don't want to nail you down to
4 detail, but has there been a large retail demand
5 for this space do you think it's challenging?

6 MR. DAVIDSON: At this point,
7 there's been zero. You know it's a large space,
8 approximately, 6,000-square feet. I don't think
9 you're going to find a 6,000-square-foot retailer.
10 And considering all our liquor licenses are spoken
11 for, you're not going to find a successful
12 6,000-square-foot BYOB restaurant.

13 MR. MASCIALE: So you think a space
14 like this has been a challenge to fill?

15 MR. DAVIDSON: Absolutely. And it's
16 not for lack of effort or price. We have 15 other
17 -- sorry -- 14 other mixed-use buildings in town,
18 all of which are one-hundred percent occupied.

19 CHAIRMAN FUSARO: Has any
20 consideration been given to -- as you mentioned it
21 is a relatively large space.

22 MR. DAVIDSON: It is.

23 CHAIRMAN FUSARO: Has any
24 consideration or was any consideration given to
25 dividing the space?

1 MR. DAVIDSON: There was. It was
2 cost-prohibitive. And also, they weren't dividing
3 it into two 3,000-square-foot spaces. So again,
4 still large. You know if we were able to divide
5 them into maybe four 1,500-square-foot spaces,
6 then terrific. You know because a 1,000- and
7 2,000-square-feet in town, I mean as you see,
8 there's an increase in tenancy, it wouldn't be an
9 issue to rent. Unfortunately, the larger spaces,
10 I mean, you know Chico's spaces I believe I read
11 was vacant since 2016. The Kidville space I
12 believe has been vacant before then. That's not
13 our goal. We're not looking to have spaces you
14 know unoccupied for large -- you know eight years,
15 six years. Things like that.

16 MS. MOLNAR: You're saying you
17 cannot subdivide into two spaces of 2,500? Is
18 that what you were saying?

19 MR. DAVIDSON: Well, they would be
20 essentially two spaces of 3,000-square-feet, which
21 would still be a challenge.

22 MS. MOLNAR: Based on the discussion
23 I've had with the GAP, the trend is towards
24 smaller space. The new business model is a
25 smaller retail space. It might be a better use if

1 you could subdivide. Have you looked into it at
2 all?

3 MR. DAVIDSON: We have. You know
4 the cost was upwards of \$300,000 I believe.

5 MS. MOLNAR: Even though you could
6 get the tenant maybe; the proposed tenant to pay
7 for part of it?

8 MR. DAVIDSON: You know, if you can.
9 I mean what we've seen in town from the spaces
10 that we've had vacant, you know, it's mom-and-pops
11 coming in. So we've had two vacancies in the past
12 six months. One is now going to be Chutzpah
13 Kitchen; it used to be Savory Spice. And the
14 other was New Jersey Workshop for the Arts; which
15 is now going to be MiMi and Hill; which is an
16 interior design studio business. You know they're
17 not chipping in to divide the space; I don't
18 believe. This is, you know, I don't think they
19 can afford something like that.

20 CHAIRMAN FUSARO: And the signage,
21 just that we're all on the same page as well; I
22 believe the engineer had testified that some of
23 the current signage that's in the windows is going
24 to be removed.

25 MR. ERD: That's for the yoga so

1 that it's on the record.

2 MR. DAVIDSON: So they were put up
3 without our permission. I've already texted them
4 this evening to take them down.

5 MR. ERD: Just so they're specific,
6 we're talking about the yoga sign and the
7 photographer?

8 MR. DAVIDSON: Yes. Absolutely.

9 CHAIRMAN FUSARO: And the
10 photographer; the two. Great. I don't have any
11 other questions for the owner of the property.
12 Anyone else? Anyone from the audience have any
13 questions for the landlord? Seeing none. Thank
14 you, sir.

15 MR. ERD: Thank you. In that case,
16 I have one last witness. I don't think we need
17 any additional traffic and testimony. I think
18 we've addressed that in the report with our civil
19 engineer. So our last witness will be our
20 professional planner, Mr. McDonough, who has now
21 reached the stand up here.

22 CHAIRMAN FUSARO: Please raise your
23 right hand.

24 JOHN MCDONOUGH, having been duly
25 sworn, was examined and testified as follows:

1 CHAIRMAN FUSARO: Please state your
2 name and address for the record. And I believe --
3 if you've appeared before our Board, just kind of
4 go through your credentials just real quick if you
5 don't mind.

6 MR. MCDONOUGH: Sure thing,
7 Mr. Chairman. Hi there, everyone. My name is
8 John McDonough, M-c-D-o-n-o-u-g-h. I'm the
9 project planner. My planning license is current
10 and in good standing. I also have a national
11 AICP. And I've testified in front of this Board
12 many times and you surrounding communities as
13 well. Those licenses are both current and in good
14 standing.

15 CHAIRMAN FUSARO: Thank you. Anyone
16 have any questions? No? We'll continue to
17 recognize you as an expert in planning. Please
18 proceed.

19 MR. ERD: So Mr. McDonough will go
20 through the justification for the various
21 variances. Of course, the most important one
22 being the D Variance for the office use on the
23 first floor. But he'll go through an overview of
24 the entire application as part of the testimony
25 you've previously heard. He also has one exhibit

1 that's a stapled set. Am I correct or is it just
2 the one exhibit?

3 MR. MCDONOUGH: It is a stapled set
4 comprised of about eight sheets.

5 MR. ERD: So that, we don't have
6 mounted on a 24-by-36. Obviously, they're
7 11-by-17. So with the Board's -- the Chairman's
8 permission, I'd like to pass them out to the Board
9 Members so they all have them. And I believe
10 we're up to A-dash-3.

11 (Whereupon, Applicant's Exhibit A-3,
12 DOCUMENT SET WITH AERIAL VIEWS DATED 05/22/2022,
13 was marked for identification.)

14 MR. MCDONOUGH: Take it away, Chris?

15 MR. ERD: Go right ahead. Sorry, I
16 was just pulling my own copy out to follow along.

17 MR. MCDONOUGH: So again, just
18 bearing in mind that the primary relief the
19 Applicant is asking the Board to move here is use
20 relief to allow an office space on the ground
21 floor in your downtown in your central business
22 district. We know planning disfavors office in
23 your master plan, disfavors office on the ground
24 floor as well. Typically, it's considered dead
25 space. And clearly, the goal of a downtown is to

1 have a vibrant downtown; active land uses. And an
2 office would ordinarily be something that's
3 contrary to this. However, this is a different
4 type of office. It's certainly a hybrid. I think
5 the Applicant has done a real good job here to
6 mitigate any of the traditional planning concerns
7 with having an office at the ground level by
8 lining it with that retail use with that cafe use,
9 which is a permitted use. So the non-permitted
10 portion is effectively screened or concealed from
11 the public view, and this is going to create that
12 active presence on the street. Whenever we're
13 dealing with a use variance, we're always looking
14 at how well the use marries up with the particular
15 attributes of the site itself. I think this Board
16 knows well, site suitability is a key
17 consideration for a use variance whenever we're
18 looking at the positive criteria. And we'll come
19 back to the negative criteria that your ordinance
20 and master plan are looking to protect against as
21 well.

22 But to start off with the very basic
23 here; we are here -- I agree with your planner,
24 not necessarily on the fringe of the downtown,
25 we're in the heart of the downtown. We've got the

1 junction of Central Ave. and East Broad Street,
2 and again, backing up to a municipal lot. A
3 single tax lot; Block 2405, Lot Number 19.

4 MR. ERD: So John, just before you
5 go ahead; since you're going through Exhibit A-3
6 now, can you just give a brief overview of what
7 that is for the record since it's a whole set?

8 MR. MCDONOUGH: Sure. Basically, we
9 take you up in layers. We start with the very
10 basic, a simple tax parcel map. We add a few
11 layers to that just to show surrounding land use
12 context, land use condition. We bring in your
13 zoning, and then we start to zoom in to some
14 site-specific detail. And I think all these are
15 taken from the air, so you get good a sense of
16 context.

17 MR. ERD: Sorry to interrupt your
18 flow. So starting with the first page of A-3.

19 MR. MCDONOUGH: So again, 2405,
20 Lot 19 is the subject parcel. This is the first
21 sheet, Number 1, is a simple tax parcel map. It
22 is a large lot as you can see here in comparison
23 to some of the other lots in the area. It does
24 have good I'll say "tarrying capacity" to handle
25 the use that the Applicant is proposing here. And

1 I think our Applicant has done a good job here of
2 retrofitting its program elements into this space
3 on the ground floor.

4 Second frame shows the developed
5 condition of the property. Basically what you see
6 here is what you get with the familiar L-shape of
7 the building with the projection out to the back
8 and the parking area. Which is going to be better
9 organized, have better definition of space as you
10 just heard from Mr. Henry's testimony.

11 The third frame is a color-coding
12 from the MOD IV Land Use Classification System.
13 This is a pretty simple one. Everything around
14 here is shown in red. Other colors might be gold,
15 which would be residential uses. But this is
16 clearly a nonresidential area, and again, the
17 heart of your town.

18 The fourth page reflects the
19 existing condition and the fact that we are here
20 in the central business district which does
21 encourage a variety of uses. Certainly, it wants
22 to be a vibrant district that encourages street;
23 level activity. And an area in your community
24 that wants to pull people into the center of town.
25 This is exactly what this land use does here by

1 bringing people in, bringing in disposable incomes
2 that will have convenient access to the downtown,
3 and promote the sense of walkability and the area
4 as a shopping district; which is where these
5 people will spend money.

6 Frame Number 5 now takes us up into
7 the air looking at the head-on view of the subject
8 property. Again, at the junction of Central and
9 East Broad. It is that brown-colored building in
10 the middle with the projection off the back.
11 Again, a portion on the right-hand side is the
12 drug store, and you've heard that there are uses
13 upstairs as well. And we're dealing with
14 primarily the former Victoria's Secret space. We
15 know it was a national brand that just didn't last
16 there very long. It was there for a few years or
17 so. But as you just heard, this Applicant has had
18 trouble attracting I'll say "name-brand" retailers
19 into this particular space. We have here a
20 quality end-user that is going to attract quality
21 professionals to work in this space, and again,
22 that will add value and quality to the area as a
23 whole. And you can see also see from this vantage
24 point that we do have some good suitability from a
25 parking standpoint in that we do have the public

1 parking lot literally right there with ease of
2 access. And again, going towards what Mr. Henry
3 had talked about, this being a convenience-type of
4 land use that needs to be easy to get to, that
5 needs to be easy to navigate, and certainly
6 accessible, which is what that parking amenity
7 provides.

8 Page Number 6 is just a flip-side to
9 show how the parking lot relates to the back of
10 the building. And again, echoing the fact that
11 there is ease of accessibility here. The subject
12 building is the one in the middle of the frame
13 again with that L-shaped projection coming out
14 towards you. And what you see beyond is your
15 beautiful downtown and how this relates to the
16 rest of the downtown. And if one works here and
17 utilizes this space, one has access to all of
18 that, which is around it.

19 Frame Number 7 just takes you up to
20 the air a little bit higher than the prior view.
21 Just to show you how the public parking lot is
22 well organized. And this was taken I would say
23 mid-afternoon a couple of days ago. And again,
24 shows relatively easy access into the back of the
25 building.

1 And then finally, Page Number 8,
2 just a close-up of that physical where those
3 spaces are located at the back and how we're going
4 to have better organization and management of
5 those spaces, better definition of space under the
6 proposed development plant before you.

7 Now, taking you back to the relief
8 that the Applicant is seeking here. As I said,
9 we're sort of dealing with a nontraditional office
10 here, which is really the appeal of this
11 application from a planning standpoint. Your own
12 master plan recognizes the evolution of the office
13 and this new trend coming online which is
14 certainly popular among the younger generation and
15 companies in general as we've seen productivity
16 increase with these types of shared workspaces,
17 and I'll call it the "decentralization" of the
18 traditional office space. And it's been a very
19 successful model that I think our Applicant here
20 has put a nice spin on with the combination of the
21 cafe in the front that is going to look, feel, and
22 read, and actually be a retail use. Those hours
23 of operation for that cafe in the front are going
24 to be from 8:00 to 7:00 -- did I say that
25 backward? 7:00 to 8:00 or 8:00 to 7:00?

1 MR. RADER: 8:00 to 7:00.

2 MR. MCDONOUGH: 8:00 to 7:00 on
3 weekdays Monday through Friday. And then, 10:00
4 to 4:00 on the weekend, Saturday and Sunday. So
5 it certainly will be an accessible retail use as
6 well and continue that street wall effect, that
7 shopping feel that you have, and not create dead
8 space, which is what your master plan does not
9 want. It is also going to promote certainly a
10 sustainable economic base, and economic vitality
11 by bringing people to the area. Which is really
12 what your master plan wants. The United States
13 Chamber of Commerce recognizes this use as a good
14 use. Again, it provides for more networking
15 opportunity, exposure to chance, and opportunity
16 for working professionals getting them outside of
17 the office where they may be more contained. It
18 increases productivity. And as you've heard at
19 the outset, it is certainly an alternative to work
20 from home. It sparks collaboration. It's a cost
21 efficiency for companies as well that maybe are
22 looking to scale back. And it certainly takes
23 advantage of the technology that's out there right
24 now for remote work, and again, the evolving
25 nature of the office.

1 In terms of the positive criteria
2 and site suitability; certainly, the site does
3 lend itself well to the land use on the ground
4 level. The space adequately accommodates a retail
5 use in the front, so the street will be lined with
6 retail and the workspace in the back, which has
7 ease of access to the parking lot behind. So the
8 site is well-suited for the use that's before you.
9 It is also going to promote multiple fundamental
10 purposes in the zoning and the land use law
11 including Purpose A; the promotion of the general
12 welfare with a use that is gaining currency.
13 Again, your master plan recognizes the evolution
14 of this nontraditional workspace responding to
15 technology and progress that supports this mobile
16 working environment and remote working as well.

17 Additionally, this is going to
18 promote Purpose M, which is the planning goal for
19 efficient use of land. And Finally, Purpose I,
20 the promotion of a desirable visual environment
21 keeping that which is there and enhancing it
22 through the architectural testimony and the
23 interaction that you heard through the Board and
24 our architectural testimony. Counterbalancing
25 those public positives, we always look at the

1 potentially negative impacts either on your zone
2 plan or functionally aesthetic on the public at
3 large. Based on all the testimony on the record,
4 this is a really well-thought-out space plan
5 that's going to function, flow, and operate safely
6 and efficiently. It is going to be good quality,
7 comfortable interior spaces to work, and as I keep
8 saying, well concealed from the public view. This
9 is not going to be a substantial generator of
10 waste, of noise pollution, of light pollution, or
11 things that may cause a nuisance in your downtown.
12 It's actually going to contribute to the
13 well-being of the downtown as I said by adding
14 economic vitality which is a key goal of your
15 master plan and to have a sustainable economic
16 base. Your 2002 master plan, your 2009 master
17 plan reexamination, and then the more recent, as I
18 said recognize this exact land use as reflective
19 of a trend. And whenever we deal with
20 reconciliation of a use under the Medici criteria,
21 we turn to the Medici case itself which has a
22 footnote in there at the end of that case, Supreme
23 Court, Footnote Number 13, which recognizes uses
24 that are gaining currency. And clearly, this is a
25 use that was popular before the pandemic and

1 certainly has accelerated since the pandemic as
2 well as we recognize the technology that's out
3 there that sparks this demand for this type of a
4 land use.

5 So all said, I think from a planning
6 standpoint comes the primary relief that the
7 Applicant is asking the Board to move on. This is
8 a good fit at this particular location. The
9 Applicant has mitigated any potentially negative
10 impacts by lining this use with that cafe land use
11 which is a permitted use. In terms of the
12 remainder of the relief, we're looking at what's
13 listed in your planner's report. It's really
14 related to existing conditions that are not being
15 exacerbated. The rear-yard setback is an existing
16 condition not being worsened; 5.6-feet is what's
17 there now, 10-feet is what's required. Again, the
18 Applicant is simply asking the Board to move on
19 recognizing that and continuing that existing
20 nonconforming condition. Likewise, for
21 nonresidential zones, there's a requirement that
22 the parking setback be at least two feet from
23 other property lines. Here we don't have that
24 separation as well. Again, we're looking for that
25 positive interaction with the municipal parking

1 lot. So we think the continuation of that relief
2 makes good planning sense as well.

3 You heard about the parking
4 calculation and the justification through
5 Mr. Henry's testimony. Again, that there are
6 mitigative measures in place to offset the parking
7 requirement. I have eight parking spaces being
8 provided here whereas 48 are required; mitigated
9 by the presence of a municipal parking lot, public
10 parking lot, by accessibility to mass transit
11 including rail, including bus. As again, a
12 mitigative measure, not to mention the incredibly
13 high walk score that you have in this area as
14 well.

15 Also, we're looking at relief
16 related to loading. This does not have a high
17 loading demand here, so we think that relief is
18 also reasonable in the context of the use itself.
19 I have relief here related to the lighting
20 requirement that at ground level there is going to
21 be an existing condition that's also not going to
22 be exacerbated related to not exceeding
23 0.5-foot-candles at the property line, nor
24 0.3-foot-candles at any people line abutting a use
25 by or zoned for residential use.

1 Finally, the signage relief I think
2 has been justified by Mr. Henry's testimony that
3 the sign package has evolved to a point where it
4 is tasteful, where it is reasonable and
5 appropriate, it is not going to be excessive, and
6 will certainly blend well with the building
7 architecture. That said, I think all of the
8 subsidiary relief meets both the C1 Hardship
9 Criteria as existing conditions related to the
10 land and the structure is lawfully existing
11 thereon. And also, under C2 that this is going to
12 be site betterment. That this is going to be a
13 case where the benefits of the project as a whole
14 would substantially outweigh the detriments. That
15 said, I think the Applicant has met its burden
16 under the law with all of the testimony that's on
17 the record. As I said, it's a well-thought-out
18 plan and a good fit for this site. And I think it
19 will be a positive contribution to your community.
20 That's all I have on direct.

21 MS. MOLNAR: I have a question. You
22 said, what was the year of our current master
23 plan?

24 MR. MCDONOUGH: Online, you have a
25 master plan listed as 2019. And then, your

1 planner had called out something more recent in
2 2021.

3 MS. MOLNAR: And you said in our
4 master plan it discusses these co-working places?

5 MR. MCDONOUGH: It does. I have it
6 back there on the laptop. But in the 2019 master
7 plan, there's a discussion of co-work -- there's a
8 whole page devoted to it.

9 MS. MOLNAR: What does it say then?

10 MR. ERD: It's actually also in your
11 planner's report at the bottom of Page 5 too where
12 it's mentioned. "The town should explore ways to
13 permit ground floor office uses in the CBD Zone."

14 CHAIRMAN FUSARO: On the bottom of
15 Page 4 also references a unified land use and
16 circulation element adopted by the Planning Board
17 in June of 2021. And an excerpt from there reads,
18 "Uses occupied buildings ranging from single to
19 three stories and a majority of the buildings
20 contain quote-unquote 'active ground-floor uses
21 with less active uses such as residential or
22 office on the second and third floors.'"

23 MR. SAMMET: That's a description of
24 the existing conditions found in the Unified Land
25 Use and Circulation Element.

1 MS. MOLNAR: Well, this is saying
2 that it wants less active on the second and third
3 floor including office and residential.

4 CHAIRMAN FUSARO: Yeah. That's
5 describing what's there currently, right, Don?

6 MR. SAMMET: Right. So, yeah, it's
7 describing what it calls less active uses,
8 residential and office space as being on upper
9 stories.

10 MS. MOLNAR: Which is preferable on
11 the second and third floor?

12 MR. SAMMET: Right.

13 MR. MCDONOUGH: And if it helps, I'm
14 just looking at Page 149 of the 2019 Master Plan
15 Reexamination.

16 MR. ERD: Page 149.

17 MR. SAMMET: 149?

18 MR. MCDONOUGH: 149 there's a
19 Section ED3. It talks about the nontraditional
20 workspace. It's a whole half of a page. I won't
21 go through it all. But just some of the key
22 things there. This is 2019; in Westfield, 7.62%
23 of workers worked from home which is over double
24 that of the county share of 3.75%.

25 MR. ERD: And that was 2019, before

1 the pandemic; correct?

2 MR. MCDONOUGH: Correct. The future
3 workplace no longer looks like a cubicle but
4 rather a home office, a cafe, or a co-work space.

5 MS. MOLNAR: Future office.

6 MR. SAMMET: John, Mr. McDonough, I
7 think the Board needs to hear -- I think the
8 testimony we've heard, the use will -- if it's a
9 successful business model, it's not my place to
10 comment certainly on whether it will or will not
11 be, it has been in other locations -- that the
12 use, if it's successful, will bring people
13 downtown. I think the term "walking wallets" is
14 used a lot; if we haven't used it tonight, you
15 know we hear that in planning communities.
16 Mr. Chairman, I think you referenced that not long
17 ago. But the question that I think has to be
18 answered is: Why does this use need to be on the
19 ground floor apart from the operator's business
20 model? And we talked about, you talk a lot about
21 the site being accessible, the Applicant himself
22 talked about the site being accessible. You
23 showed clearly that it is adjacent to municipal
24 parking, its proximity, its location along East
25 Broad Street. And you say also that along the

1 street frontage it will be lined with retail, so
2 that adds to the site suitability argument. But
3 the Applicant isn't proposing a continuous retail
4 frontage. There's that gap even if it's 455% or
5 so of the width of the building where it's what
6 you're calling a -- and forgive me, a "lounge
7 area" essentially -- I'd have to look at the floor
8 plan to see exactly the term used again.

9 MR. ERD: It's huddle space, I
10 believe.

11 MR. SAMMET: Huddle space. Thank
12 you very much. It's not contiguous retail
13 frontage or frontage of permitted principal uses
14 on the first floor of the zone district. It's not
15 fully screened with the permitted use with the
16 office use in the back. That office use comes
17 forward as well. So how do we rectify that? It's
18 essentially breaking up I know what you've termed
19 a "ribbon of retail" along the street frontage.
20 So does that break in the grouping, if you will,
21 of permitted uses? We have retail shops here. We
22 have retail services. We have restaurants along
23 East Broad Street. I think what kind of sticks
24 out is the office space for Avalon Bay which is
25 certainly a different type of office. But how do

1 we justify that this does not impact that
2 neighborhood development scheme? That granting
3 this would not result in a substantial detriment
4 to the public good. Will it dilute the character
5 of East Broad Street as a destination -- I would
6 say still a destination -- at the risk of
7 testifying here, still a destination for shopping
8 and service and restaurants? Do you have any more
9 thoughts on that?

10 MR. MCDONOUGH: I do. And I think
11 the first question leads to the second one as to
12 why does this use need to drop to the ground
13 floor? And I think the answer is integration.
14 The nature of this use, the nature of people who
15 use this use want to be integrated with other
16 people, be integrated with your downtown, be
17 integrated with what's around it as opposed to,
18 let's say, a doctor's office or a professional
19 office where there may want to be isolation. So I
20 think that ties into the question about why it
21 needs to drop down is integration as opposed to
22 isolation. Likewise, I think the fact that this
23 line of retail as seeing people working at a cafe
24 or that shared space, the huddle space, is
25 something I think we're also being accustomed to

1 as well. If you've gone into a Starbucks or even
2 a Dunkin Donuts, very common these days to see a
3 table similar to this with a line of people
4 working on laptops. This is not much different in
5 terms of the look and the feel as well. So I
6 think again it's just something that is gaining
7 currency. It's something we're becoming more
8 accustomed to. It's not going to look and feel
9 like your traditional office, which I think is
10 different. Again, in the interest of integration,
11 this is going to have people coming and going and
12 be a very active space as opposed to the
13 traditional office where you may plant and stay
14 still. So I hope that answers the question.

15 MR. ERD: And also I believe the
16 standard isn't just whether there're negatives or
17 any detriments. It's whether it's a substantial
18 detriment. And here, I believe your testimony was
19 that it's not; correct?

20 MR. MCDONOUGH: Right. Again, this
21 is not going to create that ribbon of dead space
22 along your retail strip here.

23 MR. SAMMET: I guess we have to
24 think then about -- I mean how would you handle --
25 is it that this particular use of shared office

1 space you feel is appropriate for all ground-floor
2 tenant spaces throughout the CBD or does it have
3 to be a co-working type of office space that has
4 some sort of retail or a cafe component to it?
5 You know there are other sites available in the
6 downtown. Is it that this one has a particular
7 square footage that this type of use needs? Is it
8 that the zoning is out of place or even with our
9 recently updated master plan or it's that this
10 particular location is suitable for it?

11 MR. MCDONOUGH: It's the beauty or
12 the appeal of the use variance mechanism and why
13 that still remains there in the statute is that it
14 is site-specific, that's it's not districtwide,
15 that it does relate to individual pieces of
16 properties, and it enables Boards, such as this
17 Board, to scrutinize the way a use lines up with a
18 particular site. It does not mean that this use
19 may not be appropriate elsewhere, somewhere else,
20 but that would have to be evaluated on a
21 site-specific basis. I think the Board moving
22 favorably on this application here, I'll say does
23 not open the floodgates for, I'll say a domino
24 effect of this land use happening elsewhere. That
25 was the Medici case. The Board kept approving

1 hotels in a zone where it wasn't allowed, and
2 eventually, the court said that's tantamount to a
3 rezone. As far as I know, this is the first one
4 in your downtown.

5 MR. SAMMET: I'll say again -- I
6 guess this will be testimony -- but we have a
7 working committee discuss various uses, and there
8 has not been agreement on whether or not this type
9 of co-working space should be permitted on the
10 ground floor throughout the CBD. I mean the zone
11 district does allow for office uses on parts of
12 the CBD with a North or South Avenue frontage or
13 of course on upper space. I'll just say that
14 for...

15 CHAIRMAN FUSARO: I think one of our
16 major issues, okay, is that this isn't on the
17 periphery of the downtown central business
18 district/shopping district; it's smack in the
19 middle of it literally. So that's why we have to
20 give it a lot more consideration. If it were a
21 quarter of a mile down the road as the central
22 business district was you know exiting the town,
23 if it was on North or South Avenue county roads,
24 that again, have office space, I think it would be
25 a little easier decision. But being in this

1 specific location, where I believe is probably one
2 of the most visible retail areas of town, it's a
3 difficult decision for us. But we'll continue to
4 explore --

5 MR. ERD: Understood.

6 CHAIRMAN FUSARO: -- and review it
7 and so on. I just think that's the one major
8 factor that this specific location. I mean like I
9 said, even if it were four or five stores to the
10 right or the left.

11 MR. MASCIALE: Frank, just to add on
12 that. I think promoting a desirable visual
13 environment, preserving a small-town atmosphere in
14 the business district, and that is, plus, with the
15 Victorian look and the questions we raised on it.
16 But I don't think we've heard from the planner
17 that it is promoting a desirable visual
18 environment. I just haven't heard a strong focus
19 on that as I would have expected.

20 MR. ERD: On a visual impact, some
21 of that is undeveloped yet because of the
22 architectural that we came in with the color
23 scheme that we would agree as a condition to
24 change. So it would be more visually in keeping
25 at least from an architectural perspective. But

1 are you talking about more from the use
2 perspective?

3 MR. MASCIALE: Really both. Because
4 if you're walking downtown, is it a continuous or
5 are you creating a physical gap? I don't think
6 I've heard enough testimony that it is not
7 creating a negative impact, where creating that
8 gap. On top of that then is we need to look at is
9 this promoting a desirable visual environment. I
10 think we're being charged and you need to answer
11 that question. So really I'm looking for two
12 things here, and I don't think I've heard enough
13 of that from the planner.

14 MR. MCDONOUGH: Also, with respect
15 to site suitability; reminding the Board that we
16 do have the one-way vehicular traffic flow. We
17 have limited parking here. Things that may be of
18 appeal to a retailer are not necessarily present
19 at this particular location. So again, if the
20 Board is looking to distinguish this from other
21 locations in the downtown, I think the Board can
22 give some deference to that as well.

23 MR. SAMMET: I'm sorry, John. It's
24 the parking availability you said you said,
25 on-site parking availability is what you were

1 saying? I apologize.

2 MR. MCDONOUGH: Let me double-check
3 my pictures here, but I believe a lack of parking.

4 MR. SAMMET: I just missed if you
5 said that what was not lending the site to retail
6 use. I think that's what you're speaking to.

7 MR. MCDONOUGH: Yes. It's not -- as
8 I'm looking at Sheet 5 of the aerial, I don't
9 believe there's parking allowed in front of the
10 store because you're on the corner.

11 MR. SAMMET: Oh, I see.

12 MS. MOLNAR: Now, in the aerial
13 view, Number Page 8, there're already six cars
14 parking there. I suspect it's Baron's using the
15 parking spot?

16 MR. MCDONOUGH: I'm sorry. I didn't
17 hear the last part of your question.

18 MS. MOLNAR: On Page 8, there're
19 already eight/six cars parking in the back parking
20 lot. Does the landlord allow Baron's Drugs to
21 park there?

22 MR. ERD: We'll have the landlord
23 come up and he can speak directly on that point.

24 MR. DAVIDSON: Yes. They're allowed
25 four. So the other two are just random.

1 MS. MOLNAR: And you designed it for
2 how many spaces? It's got six or eight?

3 MR. ERD: There'd be eight plus the
4 one ADA space.

5 MS. MOLNAR: Eight. So Baron's
6 already gets four; half?

7 MR. DAVIDSON: Just to clarify.
8 When I say "four" they're allowed, you know, it's
9 two parking slots. So you know, tandem four; so
10 two and two.

11 MS. MOLNAR: Right. Okay.

12 MR. DAVIDSON: I don't want you to
13 think that it's four across and then...

14 MS. MOLNAR: No. No. But they are
15 going to utilize four spaces?

16 MR. MASCIALE: But there're eight
17 separate for this building. Baron's doesn't get
18 half.

19 MS. MOLNAR: Baron's would what?

20 MR. MASCIALE: Doesn't get half of
21 those eight. That's four separate is what I've
22 heard.

23 MR. DAVIDSON: Correct.

24 MR. MASCIALE: And then there're
25 eight separate for this Applicant.

1 MS. MOLNAR: Oh, I see.

2 MR. ERD: There's a total of eight
3 spaces.

4 MR. HENRY: Four and four.

5 MR. DAVIDSON: With the ADA space.

6 CHAIRMAN FUSARO: Nine total for
7 this particular use alongside -- and please
8 correct me if I'm wrong -- alongside of these four
9 slots that are tandem, which would be eight --

10 MR. ERD: Hold on. We have our
11 engineer coming up, he'll know and clarify.

12 MR. MASCIALE: That's good. Let's
13 clarify.

14 MR. HENRY: The use itself, there
15 are right now obviously there's an existing
16 parking area that's being utilized that's not
17 striped at all. And under the proposed
18 conditions, there're going to be four spaces
19 basically dedicated to the existing uses, and four
20 spaces dedicated to this use; with one ADA space
21 which will not be dedicated to any particular use.
22 And only if an ADA person arrives, they can
23 utilize the ADA spot. So nine spaces total for
24 the overall property in addition to the adjacent
25 municipal parking area.

1 CHAIRMAN FUSARO: Correct me if I'm
2 wrong, the area that we're seeing on this
3 photograph, Number 8, okay, there are going to be
4 -- it's going to be striped, there are going to be
5 four tandem spaces for a total of eight dedicated
6 specifically to this particular project. And
7 along to the left of that -- looking again at 8 --
8 to the left of that along Baron's wall, are there
9 any parking spaces dedicated to Baron's?

10 MR. HENRY: So to the left of that,
11 I'm not aware. That's outside our property line.
12 The property line actually runs basically along --

13 CHAIRMAN FUSARO: That wall.

14 MR. HENRY: -- the edge of the
15 building, yeah, of Baron's.

16 CHAIRMAN FUSARO: So this entire
17 area that I'm seeing in the back of this
18 particular building as the planner described, the
19 L-shaped building, the leg of the L which is
20 Baron's, that's the property line there?

21 MR. HENRY: Correct.

22 CHAIRMAN FUSARO: So Baron's has no
23 parking on any of this paved area to the right of
24 their L-shaped building; is that correct?

25 MR. HENRY: Going to the right of

1 the L-shaped building is the parking area that we
2 -- yeah, yeah.

3 CHAIRMAN FUSARO: For this
4 particular Applicant. It has nothing to do with
5 Baron's.

6 MR. HENRY: Right. And the one
7 thing obviously this parking layout there's a car
8 pushed all the way against the building. The way
9 we're striping this we're pulling the cars away
10 from the building so there's a trash area. So
11 it's going to be kind of organized in a little
12 better fashion. One of the things I wanted to
13 point out, I know the Board had brought up,
14 particularly suitability. Obviously, from a
15 retailer's perspective, we've gone over that this
16 particular use complements from a parking
17 perspective this downtown very well whereas they
18 peak during the middle of the day. If this were a
19 retailer, they would be competing with the
20 restaurants as well as the other retailers for the
21 municipal parking. Also, you know we brought up
22 earlier that this property is basically located
23 mid-block where there's uniqueness involved in
24 that because you know, there isn't great -- if
25 you're pulling up to -- if I'm from out of town

1 and I'm looking to access this particular use, you
2 know, I might not know where to park. It's not
3 really a great parking setup because as you come
4 down Central, you're forced to make a right-hand
5 turn. So you really have to know your way around
6 downtown in order to get access to this particular
7 piece of property. Whereas a lot of the other
8 businesses which are along the street along Broad
9 Street have better accessibility. They're easier
10 to get to. They're more -- I'm trying to get my
11 directions right -- but more downtown than this
12 particular use. Also, from a retailing
13 perspective, you know during the peak hours on the
14 weekends, at nighttime, there is going to be
15 competition for the parking stalls within the
16 municipal spaces that does not exist for this type
17 of co-working space use.

18 CHAIRMAN FUSARO: It would appear
19 also from Photograph 5, there are one, two, three,
20 four, five, six, seven, eight parking spaces along
21 East Broad Street, but they're all to the left of
22 the property. There's nothing in front of the
23 subject property because of that ADA.

24 MR. SAMMET: Yeah. In my mind's
25 eye, I see the crosswalk, and obviously, you can't

1 park directly across.

2 MR. HENRY: And you can see on A-2
3 where we show the striping the signal is actually
4 located directly in front of this use where
5 there's not great accessibility to this particular
6 use. I'm not sure you're really familiar with it
7 where you know to go around the back and go to the
8 municipal parking spaces. That's one of the
9 unique things about this particular property.

10 MR. SAMMET: Is there on-street
11 parking available between the intersection of
12 Mountain Avenue and after its intersection with
13 Central? So that would mean also that those other
14 tenant spaces would you say as part of your
15 argument are not particularly suitable for retail
16 as well?

17 MR. HENRY: If you go down towards
18 Mountain, which I believe is to the north,
19 basically, there's a that's to go straight and
20 there's a left-hand turn lane there. You can see
21 that actually on Sheet 5 of the planner's exhibit.

22 MR. ERD: It's Exhibit A3.

23 MR. HENRY: You can see that there's
24 a line of cars which are basically taking up the
25 area, which, in theory, would normally be used for

1 parking in front of this particular building.
2 It's actually a drive lane. Whereas all the other
3 retailers in downtown have some sort of parking
4 directly in front of their facility. Whereas,
5 this particular building does not.

6 MR. SAMMET: But then neither does
7 Lucky Brand Jeans, the optometrist, Baron's.

8 MR. ERD: Yeah. One of the things
9 we have to keep in mind here is that if this
10 building were being built now, things would be
11 done differently. But the building is what it is.
12 The amount of paved area in the back is what it is
13 and we're trying to do the best we can with it.

14 MR. HENRY: The other thing about
15 those other uses as you get closer to the corner,
16 there's also you can clearly see if you're a
17 vehicle passing by there, you can see that there's
18 an adjacent parking space, parking area adjacent
19 to those buildings. So whereas, we're kind of --
20 we're mid-block where there's not great visibility
21 of really any parking space unless you're familiar
22 with the area. As you get closer to the corner,
23 you can see through the trees that there's a
24 parking area directly next to that building, and
25 presumably understand that you would park there.

1 Whereas, our building is kind of uniquely
2 mid-block and isn't near the corner.

3 MR. SAMMET: I'm not sure I follow.

4 CHAIRMAN FUSARO: There's no
5 designated parking for any of the tenants
6 upstairs?

7 MR. ERD: No, there's not.

8 CHAIRMAN FUSARO: No. Okay.

9 MR. HENRY: I'll handle it back to
10 Mr. McDonough. Thank you.

11 CHAIRMAN FUSARO: Thank you. Anyone
12 else have any other questions for the planner?

13 MR. GELINAS: I don't know if it's
14 appropriate for the planner or otherwise. Can I
15 get clarity on the huddle space again, the one out
16 front? How is that assigned and used? Is that
17 something that's going to be --

18 MR. ERD: That, We're going to need
19 our representative back for that how it's used.
20 Just for the record, Nic Rader, come on up to the
21 microphone.

22 MR. GELINAS: How is it assigned?
23 How is it used? Historically, what kind of
24 occupancy do you have in a space like that?

25 MR. RADER: So that space now is a

1 misnomer. We did this plan now several months
2 ago. What that space would be used for now is
3 what we call our library area. Which, for an
4 individual, that's typically a little bit of a
5 quieter area. But people often work at those
6 tables separately. I believe in the plan there
7 were two eight-person tables in the front or maybe
8 they were six-person tables in the front. They
9 would come and use them much like you would a
10 communal table in a library where they sit there
11 with a laptop, they move around. What we're
12 seeing is that people typically come and use those
13 for about two to three hours at a time. So it's a
14 constant cycling through. Even stepping back a
15 little bit further, that would be part of the day
16 lounge area which is our most active space.

17 MR. GELINAS: So that was similar to
18 the analogy I think made to a Starbucks as well
19 with the long tables.

20 MR. RADER: That's correct, yeah.
21 And what we're seeing is a lot of people grab
22 their coffee like at a Starbucks, they go sit at
23 the table, do work on their laptop quietly, and
24 then cycle through all day.

25 MR. GELINAS: So that would be

1 occupied pretty -- you think it would be occupied
2 continuously?

3 MR. RADER: Very occupied. Again,
4 you're welcome to come visit Hoboken. We have a
5 similar space in the window in the front.

6 MR. SONTZ: One of the things -- I'm
7 not sure who this is a question for -- going back
8 to Chris's point of looking visually. It seems to
9 me, the cafe, the huddle space is kind of really
10 trying to be used to say, look, this the not an
11 acceptable use, but we're trying to make it look
12 like the rest of the town; like a retail use. But
13 a big problem I'm having is the front looks like
14 an office front. Yes, there's a cafe behind the
15 window. But to the casual person, to me, it comes
16 off like a Florham Park office building. If you
17 go into any office building in Florham Park, it's
18 an office building, you walk into the lobby, and
19 yes, there's a public cafe in there. Yes, it's
20 open to the public, but it's not really for the
21 public. I think you should have something -- and
22 we were talking about maybe you have the vestibule
23 be a recessed vestibule. It just looks like an
24 office. You know another way to walk into an
25 office, and I don't think the public is going to

1 feel like this is open to the public. What can
2 you do to make the cafe look more like a retail
3 business so that it looks inviting from the front?
4 As you drive down Central, it looks like a cafe
5 like any other cafe, so that you're really -- you
6 know, it's the illusion that you're trying to
7 create in the downtown to meet the variance, but,
8 to me, it's not doing a good job of meeting the
9 illusion.

10 CHAIRMAN FUSARO: No one knows that
11 that's a cafe.

12 MR. SONTZ: Right. There's no
13 signage that it's a cafe. You know there's no --
14 most cafes don't have a vestibule, you walk in,
15 turn right, and then there's an office right to
16 the -- maybe I'm not being very articulate, but
17 that's what I'm getting at.

18 MR. MCDONOUGH: Totally get it. And
19 I think we all know the appeal of this land use if
20 it works, is that it's activation. It is an
21 active land use. So it sounds to me like the
22 Board is leaning towards the look of the use
23 itself and creating that illusion. I think the
24 answer is more architectural than planning. But
25 again, that's -- I think that's what I'm hearing;

1 is the look.

2 MR. MASCIALE: I totally agree with
3 Matt. And I think he's picked up on my comments
4 about you know promoting a desirable visual
5 environment, preserving a small-town atmosphere in
6 the business districts. I do have a follow-up
7 question just because it's going to happen. So
8 now that it's not a huddle space but it's library
9 space that we're going to be looking in and
10 there's going to be desktops on there, what's
11 going to happen when the sun is shining in that
12 window and somebody asks you to close the blind?
13 Because it's going to happen, and I would not want
14 that blind to be shut permanently.

15 MR. SONTZ: Try not to reference The
16 Children's Place.

17 MR. RADER: I'm not an architect. I
18 know, well -- Rob can talk. Our current space
19 right now has south-facing as well as east-facing
20 windows. We installed blinds in the windows
21 thinking we would need them. We've never once put
22 them down.

23 MR. MASCIALE: Okay. I think in
24 this location you're going to need them. Because
25 there's another location not far from here that

1 have shut their blinds and have never opened them
2 again. And we've had lots of good testimony from
3 that applicant, and those blinds remain closed
4 today. So I think we're going to need a
5 condition, we've been bitten, and I'm --

6 MR. SONTZ: Right. It went to the
7 illusion of, yes, we're kind of retail, and then
8 as soon as it was built and the blinds came down,
9 it's not retail, it's closed, it's closed office
10 space.

11 CHAIRMAN FUSARO: That's why I had
12 mentioned that transparent... If I may, what is
13 the term of the proposed lease? Is that something
14 that you can --

15 MR. RADER: Ten years.

16 CHAIRMAN FUSARO: It's a ten-year
17 lease. Thank you.

18 MS. MOLNAR: That's right. This is
19 in perpetuity now; correct? Once the use is
20 granted, it's granted.

21 CHAIRMAN FUSARO: No, I don't
22 believe so. I believe we've had this discussion
23 before. Don, can you correct me on that? Another
24 applicant --

25 MR. SAMMET: It's interesting to --

1 MS. RAZIN: No. You don't mean the
2 use?

3 MR. SAMMET: Yeah. Thank you,
4 Katie.

5 MS. MOLNAR: It's grandfathered.
6 The use is --

7 MS. RAZIN: It's not grandfathered.

8 MS. MOLNAR: Well, once you give it
9 it's there unless somebody converts it back to the
10 original retail use.

11 CHAIRMAN FUSARO: I don't believe
12 so.

13 MS. MOLNAR: Yes.

14 MS. RAZIN: No. The use -- the
15 variance runs with the land. But that doesn't
16 mean it has to be converted back into retail. I
17 mean their lease is 10 years, so if they leave --
18 if they stay for 30 years, they'll continue to go
19 with the variance.

20 MS. MOLNAR: But if they leave,
21 another office can move in.

22 MS. RAZIN: Not another office --
23 well, it's got to be very substantially similar to
24 what -- it's got to be that type of office, not an
25 office-office.

1 MS. MOLNAR: It can't be any office.

2 MS. RAZIN: I would argue it can't
3 be a typical office. I don't think the request is
4 an office.

5 MS. MOLNAR: But we're granting a
6 use variance to allow office on the first floor.

7 MS. RAZIN: Correct. But I think --
8 well, I think you could specify what type of
9 office you're permitting on the first floor.

10 MR. MASCIALE: Let me just jump in
11 because I think Carol is asking a good question.
12 The sense is this just a blanket office use so we
13 get the variance, or is it unique to the testimony
14 and use we have before us. So that if five years
15 from now another occupant comes in --

16 MS. RAZIN: But I don't think that's
17 accurate. I don't think that's what you can do.

18 MR. MASCIALE: Does it come back in
19 front of the Board?

20 MS. RAZIN: I don't you can do that.
21 I don't think that that's what you can do. I
22 don't think that you can make that -- you can ask
23 those types of questions, but that's not subject
24 to this -- like you can't say start like thinking
25 about this Applicant saying okay well -- like you

1 have to start thinking about this application.
2 This is the application that's before you, so
3 that's what you have to think of right now.

4 MR. MASCIALE: Right. But the
5 question is if we grant the first floor --

6 MS. RAZIN: The variance runs with
7 the land. So if you want to carve out what type
8 of office you're approving --

9 CHAIRMAN FUSARO: A co-working
10 space, then we would have to say --

11 MS. RAZIN: -- then you should make
12 it specific to a --

13 MR. MASCIALE: That's fair.

14 MS. RAZIN: -- co-working space
15 office and not a general office, right. And there
16 are ways to make it more specific and not a
17 typical office.

18 MS. MOLNAR: But it will still a
19 co-working space?

20 MS. RAZIN: It would be a co-working
21 space office if that's the term that you want to
22 use. Then it runs with the land until somebody
23 comes in and asks for another approval or it goes
24 back to all the other permitted uses that are
25 allowed in the zone.

1 MR. GELINAS: Does that relate to
2 the earlier question about if the cafe isn't
3 working out?

4 MS. RAZIN: But again, I just want
5 to say one thing. That does not go to the
6 Applicant's proofs. Okay? So let's just --
7 that's a separate issue than the Applicant's
8 proofs. Because in any other variance, we could
9 say, well, we never grant the variance because it
10 runs with the land. I mean that's true about any
11 variance. So let's just be careful about it. You
12 know what I'm saying? We don't hold that against
13 an applicant because it runs with the land.

14 MS. MOLNAR: We don't want to go in
15 that direction, yes.

16 MS. RAZIN: So we have to just
17 acknowledge that.

18 MR. ERD: And I agree with the
19 analysis that we're not asking for just generic
20 office space, we're asking for this specific
21 office space; which is co-working with the cafe.
22 And that's what would run with the land if this
23 were granted. And if this Applicant stays
24 forever, then they keep it forever. But if
25 somebody else were to come in, they'd have to do

1 something that was substantially similar, if not
2 identical. And if they didn't, they would either
3 have to get a new variance or revert to something
4 that was permitted.

5 MS. RAZIN: They'd have to come
6 back. The next user would come back in. I mean
7 come back in no matter what; right? Even if
8 they're substantially similar, it's likely they're
9 coming in for some sort of --

10 CHAIRMAN FUSARO: A sign variance or
11 something. Is there any other testimony?

12 MR. ERD: I don't think we have any
13 additional testimony on direct at least.
14 Obviously, if there're questions, and I think
15 there're members of the public that wanted to as
16 well.

17 CHAIRMAN FUSARO: We'll do that in a
18 second.

19 MR. ERD: Thanks. And then, of
20 course, as we talked about early on, there're six
21 members here, so I would appreciate the
22 opportunity to at least hear some discussion,
23 perhaps a straw pull before we decide whether to
24 call a vote.

25 CHAIRMAN FUSARO: Absolutely. No

1 problem at all. Why don't we close the portion of
2 the meeting for the professional testimony and
3 open it up to -- anyone from the public have any
4 questions about the application whatsoever, please
5 come forward. I appreciate you waiting this
6 evening. Thank you so much. Please raise your
7 right hand.

8 MR. MASS: Hello again.

9 DARREN MASS, having been duly sworn,
10 was examined and testified as follows:

11 CHAIRMAN FUSARO: Please state your
12 name and address for the record.

13 MR. MASS: Darren Mass,
14 944 Wyandotte Trail, Westfield, New York -- I'm
15 sorry, New Jersey. I've met you all before. I
16 came from New York.

17 MS. RAZIN: M-a-s-s?

18 MR. MASS: M-a-s-s, yes.

19 MS. RAZIN: And it's Darren?

20 MR. MASS: Darren.

21 CHAIRMAN FUSARO: Please proceed.

22 MR. MASS: All right. So I am
23 presenting on behalf of the Retail Advisory Board,
24 which I co-founded and am a chair of for the Town
25 of Westfield. And this is our opinion on the

1 Daybase location that they're trying to get a
2 variance on.

3 MS. MOLNAR: Do you own a business
4 in town?

5 MR. MASS: No, I do not. I run the
6 Retail Advisory Board, which is a volunteer ground
7 of Westfield residents with professional
8 backgrounds that help support our retail
9 community. We meet on a weekly basis with
10 retailers to focus on their businesses by
11 providing support, guidance, and advice. I have
12 no affiliation with Daybase. In fact, I've only
13 met them here. And a lot of what I'm going to say
14 I think is pretty much a summary of what we've all
15 heard today, but this has been written, so I'll
16 read it as is.

17 "Our reason for making a
18 recommendation in support of Daybase are as
19 follows: This is a retail business. This is the
20 new model of retail for today's working
21 environment. It is not a private office. They're
22 essentially selling access to desks to the public
23 in small increments of time as their business.
24 This means businesses, the business, can have a
25 broad appeal to both residents and people outside

1 of Westfield. The net impact of having this
2 location here will be a larger population
3 occupying the downtown during working hours and on
4 weekdays. This town is missing foot traffic.
5 That's really important. These people will be
6 buying breakfast, coffee, lunch, snacks. At
7 times, they will stop in our other local retail
8 businesses before, during, or after work. Based
9 on the size and utilization estimates, the
10 location is expected to draw 80 to 90 people per
11 day at peak into the heart of our downtown area.

12 Additionally, this group of people
13 will vary on a daily basis. Daybase estimates
14 that after they ramp up, the location will have
15 800 or more members. Most of those members would
16 use this location at least once per month, and
17 many of them will invite outside nonmembers to
18 meetings further increasing foot traffic and
19 visibility to Westfield. There is a tremendous
20 value to the town in being known as a place where
21 high-concept start-ups and brands want to plant
22 their flag. We have seen this recently with
23 Wonder launching in Westfield, Warby Parker
24 choosing the town as its second destination
25 location outside of Hoboken, Karma opening their

1 second dealership here, and now, the recent
2 arrival of Surreal Creamery. The more new retail
3 concepts and brands that chose Westfield, the
4 greater our profile becomes.

5 The fact that Daybase wants to open
6 one of their first locations here will continue
7 that trend. Many of us on the Retail Advisory
8 Board, as along with many of our friends, are
9 currently either working from home or in
10 hybrid-working models. While this offers a lot of
11 convenience, there are times where we need a
12 change of scenery for a more peaceful,
13 professional environment. I have kids; I want to
14 leave my house. There are also times we want to
15 be able to collaborate professionally without
16 being in someone else's home. As such, the kind
17 of service Daybase is offering is something that
18 we can definitely appreciate and would likely
19 utilize. No business is guaranteed success. But
20 in this case, if Daybase succeeds, then we have an
21 expanded customer base for our downtown businesses
22 as well as bragging rights for the town. If they
23 don't succeed, the space becomes eligible again
24 for a different retailer.

25 In short, we believe that a variance

1 to permit this use would be great for the town and
2 its residents increasing weekday daytime foot
3 traffic to local merchants, creating an additional
4 draw to bring people in from nearby towns into
5 Westfield, and further building our reputation as
6 the place to for new high-profile brands.
7 Westfield simply cannot miss out on this
8 opportunity to be on the forefront of the
9 ever-changing professional landscape. We cannot
10 let this flagship newsworthy opportunity slip to a
11 competing town. Thank you for the time and
12 consideration." I can answer any other questions.

13 CHAIRMAN FUSARO: Thank you very
14 much. We appreciate your time, and we appreciate
15 you waiting so long.

16 MR. MASS: No problem. I love this.
17 Thank you.

18 CHAIRMAN FUSARO: Do have any
19 summary of anything else you'd like to add?

20 MR. ERD: My summary will be very
21 brief. I think between our planner and the public
22 that we just heard come up here this evening, we
23 really think this would be a good fit. There's no
24 doubt this is a new and relatively unique and
25 up-and-coming type of use. I can understand why

1 this Board or any board would have some struggles
2 with this and what is this. I do think it's more
3 of a sort of a gym-type of a membership. It is a
4 place where people can go outside their homes for
5 short periods of time. In that way, it's akin to
6 a retail use. It's not like an office building
7 where you'd go in the front door, you go up to
8 your office, you sit there, you come out. It's
9 designed to be short-term use membership-based. I
10 think it fits in the well with this town. It
11 certainly has been doing well, as you heard
12 testimony, in Hoboken. They hope it will do well
13 in other similar communities including Westfield.
14 And I believe we've met all the standards. The
15 C Variances, I think are secondary, if not
16 subsumed completely within the real issue which is
17 the D Variance, obviously, with not allowing
18 offices on the first floor. Again, this really
19 isn't really our traditional office. This is
20 something different that you've heard many times,
21 so I won't repeat that yet again. With that all
22 being said, I think the Board should vote in favor
23 of this application. And I would like to hear any
24 feedback that the Board may have before we decide
25 whether to call for a vote this evening.

1 CHAIRMAN FUSARO: We're going to
2 close that portion --

3 MR. MASCIALE: Can I share a comment
4 first, Frank?

5 CHAIRMAN FUSARO: I'm sorry, Chris.
6 Go ahead.

7 MR. MASCIALE: So there was
8 discussion about the working with the town whether
9 it was the Architectural Review Board or the DWC
10 as far as the visual presentation of the building.
11 There was discussion from the Board. I almost
12 feel like there's a branding that they're trying
13 to have with their colors that I personally don't
14 feel fits in with Victorian Westfield. Would the
15 Applicant be willing to work with either our DWC
16 or our professionals and our --

17 MR. ERD: Oh, absolutely.

18 MR. MASCIALE: -- Architectural
19 Review Board to come to an agreement on a
20 visualization of the building that fits the
21 building?

22 MR. ERD: Absolutely. That would be
23 -- we discussed that earlier and it would
24 certainly be an acceptable condition of approval
25 to work with whichever sub-committees, boards,

1 other commissions from the township. Just if
2 there be one ultimate decision-maker, I ask that
3 your planner be the final say on it so that we
4 won't have to come back to the Board again.

5 MR. SONTZ: I wasn't taking it to be
6 that. My thought would be you'd go, make the
7 changes first, and then come back.

8 MR. ERD: Well, that's why I brought
9 that up earlier when I had a discussion with the
10 Board Chairman about whether we were going to go
11 that route or we would go the other route which
12 would be as a condition of approval to work with
13 them. So, obviously, we'd rather have a condition
14 of approval so we don't have to come back again,
15 but if that's what the Board insists upon, then
16 obviously that's what we'd have to do.

17 CHAIRMAN FUSARO: What I might
18 suggest is we're going to have a Board discussion.
19 You're obviously going to hear the Board
20 discussion. And then, after that, I will ask you
21 to come back up and you can take five minutes or
22 10 minutes with your clients, decide whether you'd
23 like us to ahead with a vote or whether you'd like
24 to present some other options; which I'm sure
25 you'll hear during our discussions. Is that

1 acceptable?

2 MR. ERD: That's fine. Thank you.

3 CHAIRMAN FUSARO: Perfect. Great.
4 Thank you. So I'll close public comment and
5 testimony and we'll open up to Board discussion.

6 As I'm sure you've heard for the
7 last several hours, the application before us.
8 Again, my initial concern, and I'm sure one major
9 concern of our Board is that this happens to be
10 smack in the center of the central business
11 district in probably one of the most popular
12 retail portions of our downtown. We have to give
13 it some serious consideration as to whether we
14 approve this application or deny it. We've seen
15 what has happened in the past with other office
16 areas that we've allowed to be in the downtown
17 central business district. If we were to approve
18 the application, I'm just going to kind of run
19 through some notes that I've made, and then I'd
20 like to hear from everybody else. And then, as I
21 said, we'll give the Applicant some time to decide
22 whether they would like to have us vote this
23 evening or whether they would come back. Again,
24 I'm going to try and keep it as brief as possible.

25 Number one; I would like to see if

1 we were to move on this application, that the
2 cafe, we list a condition that the cafe remains in
3 operation regardless of whether -- that it remains
4 in operation period. We know why the cafe is
5 there. It's obviously there to appease us to have
6 some sort of retail. But we need to put a
7 condition in there that it remains in operation.
8 We discussed and the engineer mentioned that they
9 have already agreed to add a bike rack in the
10 rear. I would put that as a condition. I agree
11 with Chris and Matt that the application needs to
12 be presented to the Historic Preservation
13 Commission and/or the Architectural Review Board
14 for their review, their comments, and their
15 approval. The last storefront, that it remains
16 transparent. I've already mentioned that several
17 times. Again, we have an issue with someone
18 having a glass window and then putting a mirror
19 finish in front of it, no one could look inside.
20 I don't know if we ask the WDC if they still have
21 that committee that's in operation whether we have
22 them review this as well.

23 MR. SAMMET: They do.

24 CHAIRMAN FUSARO: We discussed the
25 EV charging station. I'm of the opinion that it

1 should be added. I don't really have an issue
2 with adding it as part of the -- or adding it
3 either in between or adjacent to the ADA compliant
4 parking space so that it could be used both in
5 that one space and the ADA space as well. We
6 discussed bollards in front of the trash enclosure
7 at the rear of the building. We can discuss
8 amongst ourselves the type of fencing around that
9 trash enclosure. It really doesn't matter to me
10 all that much whether it's wood or whether it's
11 chain-link with slats. We've heard from the
12 engineer that the chain-link with slats is
13 certainly more durable. I tend to agree with him.
14 And again, that's something that I think is
15 relatively minor.

16 We will require that the "illegal"
17 I'm going to call it, or nonconforming signs, be
18 removed from the upstairs windows. We should
19 address some sort of window blinds. I don't
20 exactly know how we would do that, but we'll have
21 to come up with some verbiage pertaining to the
22 windows. Again, having to do with being
23 transparent and remaining open instead of having
24 them closed where no one would be able to see the
25 operation inside the building. And then, perhaps

1 the most important, that it remains -- that the D
2 Variance that we're granting pertains to this
3 specific use of this office in that it be a
4 co-working space office; not in a general office
5 use. Those are the comments that I've written
6 down. I'd like to hear from the rest of the
7 Board.

8 MR. SAMMET: Mr. Chairman, did you
9 also -- with the signage, did you also mean, you
10 mentioned the windows signs which were
11 nonconforming, did you also mean to include in
12 that the wall-mounted signs for the upper-story
13 building businesses that aren't conforming as
14 well?

15 CHAIRMAN FUSARO: Yes. No problem.

16 MR. MASCIALE: You mean the
17 photography signs, Don?

18 MR. SAMMET: Yeah. There's the yoga
19 studio and the photography studio that have signs
20 adjacent to the doorway.

21 CHAIRMAN FUSARO: Both of those --
22 the photography studio apparently has two.

23 MR. SAMMET: Maybe one in the front,
24 one in the back. Yeah, along East Broad -- I just
25 looked at it again today -- both the photography

1 studio and yoga along East Broad have wall-mounted
2 signs right next to the doorway which goes up to
3 the second story. Those types of signage are not
4 permitted. The owner could install a business
5 directory sign at that location, but you can't
6 each individual business can't.

7 CHAIRMAN FUSARO: And that business
8 directory sign can be outside the building?

9 MR. SAMMET: Yes.

10 CHAIRMAN FUSARO: It doesn't have to
11 be inside the vestibule?

12 MR. SAMMET: Um-hmm.

13 CHAIRMAN FUSARO: Outside?

14 MR. SAMMET: Um-hmm.

15 CHAIRMAN FUSARO: Okay.

16 MS. MOLNAR: What about redesigning
17 the front? Somebody here said it looks like an
18 office without the vestibule.

19 MR. MASCIALE: I think that ties
20 into the review that we want to have by the
21 Historical --

22 MS. MOLNAR: Well, I want to see
23 what they come up with first before I vote.

24 CHAIRMAN FUSARO: Yes, I agree.
25 Matt brought up a very good point in that, yes,

1 it's a flat front elevation and perhaps something
2 needs to be created there with respect to a
3 setback; something along those lines. And then,
4 the other thing that I didn't mention is that I
5 don't know, since we already have a signage issue,
6 Don, I don't know how we would address making that
7 cafe visible.

8 MR. SAMMET: They would be permitted
9 -- well, the cafe is part of Daybase. They could
10 put a window glass sign in that identifies the
11 cafe.

12 CHAIRMAN FUSARO: Okay. Board
13 Members?

14 MR. SONTZ: Yeah. I'll just comment
15 because I know people are interested in my
16 thoughts. I would not be comfortable approving
17 anything tonight and delegating changes to someone
18 else. As they say, right, I've been once bitten,
19 now I'm about ten times shy. I'd like to see the
20 changes. Burned once before on the illusion
21 itself being illusory, and I won't be burned on
22 that again. So I want the changes, I want to see
23 how the illusion is going to be permanent. And
24 then, I'm not necessarily against this use, but
25 that's something I need to see.

1 CHAIRMAN FUSARO: Duly noted. One
2 other item that I don't think I mentioned, but we
3 discussed early on and that's probably why it got
4 lost in my notes somewhere; it pertains to the
5 color. We had said that that -- I'm going to call
6 it "electric blue" Mets blue -- I'm a big Mets
7 Fan.

8 MS. HROBLAK: Royal blue.

9 MR. GELINAS: Is it the white bricks
10 on the one floor and then --

11 MS. MOLNAR: What about the brick?

12 MR. GELINAS: The bricks; the white,
13 yeah.

14 CHAIRMAN FUSARO: I don't think the
15 painted white brick and a blue band and the blue
16 storefront fits into that colonial Westfield look.

17 MS. MOLNAR: Victorian. Victorian.
18 We're not colonial, we're Victorian.

19 MR. MASCIALE: Victorian, yes.

20 CHAIRMAN FUSARO: Chris?

21 MR. MASCIALE: Yeah. I just keep
22 saying promoting -- you know, we have the basis on
23 promoting a desirable visual environment
24 preserving our downtown atmosphere in the business
25 districts. And you know I think there's some room

1 here for changes. If they can talk with Historic
2 Preservation or the appropriate committee and come
3 back with a plan. You know Matt's point about us
4 having to approve it. I have confidence in those
5 other groups, but if you want to come back here,
6 I'm fine with that too. They would come right to
7 the front of our agenda. I think we could approve
8 it very quickly because it would you know a
9 representation. I think we'd do it at the next
10 regular meeting I think we'd get this into. I
11 don't think this would be very detrimental to the
12 Applicant having them to schedule; they would jump
13 to the front of the agenda, I believe.

14 MR. SONTZ: And just to be clear. I
15 do want them to go to the groups you and Frank
16 have outlined, and I'd take their word if they
17 came back and said it's gone to the board, they've
18 approved this change; that would be very moving to
19 me. You know the Architectural Review Board or
20 the Historic Preservation Commission, if they put
21 in their two cents, I'm looking for that.

22 CHAIRMAN FUSARO: Charles?

23 MS. MOLNAR: I'm still wrestling
24 with the issue that the master plan was just
25 passed in 2019, and it's very clear they only want

1 office on the periphery of town; that's the word
2 they used, on the "fringe." And that it was clear
3 that we should just have retail in the downtown,
4 and it's smack in the middle of town. So I'm
5 still wrestling with this concept.

6 MR. GELINAS: And I view -- similar
7 to some of the testimony given by the Retail
8 Advisory Board -- I view this as a different
9 product than office. I view it as a product being
10 sold in a monetizing time and availability and
11 space. But I would also ask: What is the
12 legal effect of a decision by the Historic Review
13 Board? What happens if they say...?

14 MS. MOLNAR: It's advisory.

15 MR. GELINAS: It's only advisory?

16 CHAIRMAN FUSARO: They just advise
17 us.

18 MR. GELINAS: All right. So if they
19 come with a suggestion, we're not beholden to
20 that?

21 MR. MASCIALE: I would -- I just
22 want to jump in -- I would like to have guidance
23 from the Town to what their view of the look. We
24 have historic Victorian-looking buildings, and now
25 somebody is proposing to white wash it with white

1 paint with a blue electric stripe down the middle.
2 I don't think anyone here on the Board has --

3 MR. GELINAS: But we're not beholden
4 to that decision; is what I'm saying.

5 CHAIRMAN FUSARO: No.

6 MR. MASCIALE: But I'd like to get
7 some guidance from the Town on what they would
8 like to see. And as far as the retail with the
9 vestibule, breaking it up, which we heard
10 commentary on that, and making that retail look --
11 I would like to have some advisory. You know the
12 Board should not be deciding that.

13 CHAIRMAN FUSARO: Yeah. Their role
14 is solely advisory. If they say we want it to be
15 pink, and we think that's crazy...

16 MR. GELINAS: That's fine by me.
17 That's fine by me. So we really couldn't have
18 sent them -- I mean I suppose we could have sent
19 them to the Advisory Board -- having it approved
20 now, we could have sent them there and then they
21 would have taken whatever recommendation. But I
22 understand the need to have it come back here for
23 a final decision.

24 MS. HROBLAK: I understand
25 everybody's points. I have a question about the

1 EV space. Could they satisfy your EV concern by
2 putting it next to the existing ones outside their
3 space?

4 CHAIRMAN FUSARO: You mean the
5 public lot?

6 MS. HROBLAK: Yeah.

7 CHAIRMAN FUSARO: I don't think so.

8 MR. SAMMET: No.

9 MS. HROBLAK: You can't satisfy it
10 that way?

11 MR. SAMMET: No. It wouldn't be
12 on-site.

13 CHAIRMAN FUSARO: The public lot is
14 not part of -- it doesn't pertain to the
15 application.

16 MR. SAMMET: There's another option
17 -- I'm waiting for Katie to yell at me -- for the
18 approval, if the Board was apt to vote and grant
19 them the preliminary site plan, you could make a
20 condition of the preliminary site plan that they
21 go to, say the Historic Preservation Commission
22 for comments, they come back here, and you review
23 those comments and move for a final approval. I
24 think that's allowed. I know that's what the
25 Applicant doesn't prefer.

1 MR. MASCIALE: I would not just
2 expect comments. I would expect to have any
3 changes made in plans.

4 MS. RAZIN: You wouldn't come back
5 -- I don't think -- right.

6 CHAIRMAN FUSARO: He would like to
7 hear recommendations from them.

8 MR. MASCIALE: Well, I'd like to see
9 the Applicant come back in front of us with
10 something.

11 (Crosstalk.)

12 MR. SAMMET: That's what I mean.

13 MS. RAZIN: That's what he means.
14 He's saying another option, right, is to go -- is
15 to grant preliminary or something, grant
16 preliminary, they would go with the conditions
17 that were listed designing.

18 MR. MASCIALE: I think from Matt's
19 strong statement that we've taken the preliminary
20 approval off the table.

21 MS. MOLNAR: I agree with Matt on
22 that.

23 MS. RAZIN: I think what Don was
24 saying is all of the design elements have to go,
25 and then they would have to come back for final to

1 get approval of all the design changes.

2 MR. MASCIALE: I think there's been
3 a significant number of Board Members --

4 (Crosstalk.)

5 MR. SAMMET: If the Board is not
6 comfortable voting on the use variance issue now
7 --

8 MS. RAZIN: It's, essentially, to
9 grant the -- right.

10 MR. GELINAS: Just to get clarity
11 again; what are we being presented with? We're
12 being presented with an opinion by that committee,
13 plus new designs? How does that work? Does
14 someone come and testify?

15 MS. RAZIN: They'd have to come --
16 if they came back for final; the final plans would
17 be final. So they would come back with updated
18 plans having gone to those --

19 (Crosstalk.)

20 MR. GELINAS: Right. With their
21 updated plans. But can get an opinion also from
22 the --

23 MS. RAZIN: Yes. Yes. So if
24 there's something you wanted to tweak, I mean I
25 think at that point you would...

1 CHAIRMAN FUSARO: Just tweak it.

2 MR. SONTZ: Yeah. They would come
3 back and either testify or have something written
4 from those boards and tell us, well, this was
5 their input.

6 MS. RAZIN: Either way, they have to
7 come back with some version of final -- either
8 way, it sounds like, they're going to come back
9 with some version of updated plans.

10 MR. MASCIALE: I would like to have
11 something visually to see what any changes or
12 recommendations that we can see. I don't want to
13 you know, leave it up to our imagination. I'd
14 like to see --

15 MR. GELINAS: I agree.

16 MS. RAZIN: I don't think anyone
17 suggested -- I don't think that was a suggestion.

18 MR. SAMMET: I'm not suggesting
19 that; no. It wasn't the suggestion at all. If
20 you wanted to vote on the use variance issue this
21 evening, and at the same time grant preliminary
22 site plan, you make a condition of your
23 preliminary site plan approval that the Applicant
24 appears before the Historic Preservation
25 Commission for their advisory comments, they get

1 those, revise the plans, come back to you and say
2 here's what was recommended.

3 MS. RAZIN: Then they'd come back.

4 CHAIRMAN FUSARO: It's certainly an
5 option. What I would also like to state for the
6 record is as you know, we have six members -- six
7 voting members this evening. I will -- I can't
8 guarantee you, but I will try my hardest to have
9 seven members at a subsequent meeting. That
10 seventh member will listen to the audio and read
11 the transcript of this meeting, so they will be
12 able to vote on it as well. I wanted to let you
13 know that also.

14 MR. SAMMET: Please be sure to leave
15 your exhibits here with us.

16 MR. MASCIALE: One more quick
17 comment. Just some of the other variances that
18 are being proposed here; I don't have a problem
19 with the parking. We've heard testimony that the
20 trip generation would be slightly less than the
21 previous retail. I just wanted to point that out.
22 I think the use is beneficial. I think the
23 application is very beneficial for foot traffic
24 downtown. We've heard the testimony. I do
25 believe the comments of "walking wallets" or other

1 estimates of what this would do for the downtown
2 during the day, additional foot traffic. You know
3 for these reasons, I'm in favor of granting
4 variances. I just think we need to get the
5 visual.

6 CHAIRMAN FUSARO: Yeah. I think
7 we're close. I support the application with again
8 the numerous conditions that I've spoken about. I
9 think it can be incorporated into an approval. I
10 would agree with you that perhaps we should hear
11 from several of these other boards. I think we're
12 having more of an issue with what it looks like,
13 more than the business model.

14 MS. HROBLAK: My section question.
15 We can come back.

16 CHAIRMAN FUSARO: Go ahead.

17 MS. HROBLAK: Thanks. Besides the
18 EV space, you know, trying to utilize the existing
19 infrastructure, that's right next to our space.
20 But for the cafe itself, that seems to be a big
21 hang up in the front; is it possible to
22 incorporate a requirement for a minimum square
23 foot of cafe so that it's very specific to...?

24 MR. SAMMET: I would say it'd be in
25 accordance with the plans that are before you.

1 MS. RAZIN: We could require it to
2 be -- usually, a typical condition of what we'd
3 say is that the plans -- that it has to be
4 constructed in accordance with the plans.

5 CHAIRMAN FUSARO: They would have to
6 show the plans --

7 MS. HROBLAK: Would it make anyone
8 happier if the cafe was bigger?

9 CHAIRMAN FUSARO: We might be
10 happier. We've heard the Applicant say that it
11 doesn't work with his business model. We've asked
12 them to expand it to the other side --

13 MS. HROBLAK: I'm asking you guys.

14 CHAIRMAN FUSARO: Yes. We certainly
15 can. If you feel -- you know, this is,
16 approximately, a five to 6,000-square-foot space.
17 If you say, hey, I need 10% of it to be --

18 MS. HROBLAK: That makes it look
19 more like a storefront; a cafe or a storefront.

20 CHAIRMAN FUSARO: However, if you
21 look at the floor plan, there is an entrance to
22 the second floor, smack in the middle. So that
23 divides the space basically in half.

24 MS. HROBLAK: Right.

25 CHAIRMAN FUSARO: They're choosing

1 the cafe and the --

2 MS. HROBLAK: But people can use the
3 bathroom behind there anyway, so they could kind
4 of rethink the front.

5 CHAIRMAN FUSARO: I don't -- and Don
6 also asked earlier on if they could switch it to
7 the other side.

8 MR. SAMMET: Or do a second
9 storefront.

10 CHAIRMAN FUSARO: Right. And do a
11 second storefront or switch the cafe to the other
12 side, and you heard testimony that said the reason
13 it's on the left is because it has a direct
14 access, hallway, corridor -- whatever you want to
15 call it -- to the rear entry. So other than
16 saying, hey, we think 10% of the space should be a
17 cafe, I don't really think --

18 MS. HROBLAK: Not 10% but you know
19 the square footage in the front.

20 CHAIRMAN FUSARO: Whatever. I just
21 gave that number. I usually do square foot
22 calculations, I didn't square foot calculate how
23 many -- how big that cafe was, but we can
24 certainly do it.

25 MS. HROBLAK: I only ask this

1 because the issues are coming from us primarily.

2 So I'm trying to figure out a way to --

3 CHAIRMAN FUSARO: Understood.

4 MS. HROBLAK: -- massage that cafe
5 around the stairway.

6 CHAIRMAN FUSARO: Or we move the
7 cafe to the second floor. Anyone else? Any other
8 Board Members? No. You're up.

9 MR. ERD: Thank you.

10 CHAIRMAN FUSARO: And again, I
11 appreciate everyone's testimony. I know it's a
12 late hour. Thank you so much for your time. And
13 you've heard the Board's discussion. You kind of
14 see you need five affirmative votes. You've kind
15 of heard everyone give their opinion. I think in
16 general terms, we're in favor of the application.
17 However, there are some areas that we feel need to
18 be tweaked. I will attempt to have a seventh
19 person here, and almost guarantee it for you at a
20 future meeting.

21 MR. ERD: I understand.

22 CHAIRMAN FUSARO: And I will give
23 you some time to discuss it with your client.
24 You're welcome to it.

25 MR. ERD: I will. But first, I want

1 to thank you very much for the time and for the
2 open discussion that you allowed us to sit in on
3 to listen to the concerns. Especially to you,
4 Mr. Chairman, for running an excellent meeting and
5 for directing all the traffic; I should say. So
6 I'll talk to the client. I've had a couple of
7 very brief little conversations right now. I know
8 it's getting late, so we won't take long. So if
9 you could give us maybe 10 minutes to talk. But
10 we've heard what you all said. And the only thing
11 that I'd ask beforehand: If we were to come back
12 -- and what I've really been hearing about is the
13 sort of architectural design issues really of the
14 front facade -- where would we go and how quickly
15 could we get a meeting? Like is it before a full
16 board or is there --

17 CHAIRMAN FUSARO: That gentleman at
18 the end would probably be best to answer that
19 question.

20 MR. ERD: Because sometimes that can
21 take weeks just to get before a board.

22 MR. SAMMET: I know. The Historic
23 Preservation Commission, under their advisory
24 review powers for properties identified in the
25 historic district, would be the full commission.

1 So I mean their meeting is next Monday. I don't
2 know what their agenda is like.

3 MR. ERD: A week from today?

4 MR. SAMMET: Yeah.

5 MR. ERD: But I'm going to assume
6 that you would want to see something ahead of
7 time, and not just have us show up there for the
8 first time.

9 MR. SAMMET: We certainly have the
10 digital copies we can share with them.

11 MR. ERD: Okay. Yeah. And we can
12 certainly send them directly, quickly. But we're
13 inside a week now until their meeting. That's one
14 concern. Then there's this Architectural Review
15 Board?

16 MR. SAMMET: It doesn't exist. I
17 think the Architectural Review Board doesn't
18 exist. Is the DWC member still here? Yes, I
19 believe there's still a Design Review Committee of
20 the DWC. But I would suggest to the Board that
21 this be referred to the commission under their
22 advisory review power as this is a property that
23 has been identified as a historic district.

24 MR. ERD: So we're looking at just
25 going to the Historic Preservation to get their --

1 MR. SAMMET: That would be my
2 recommendation.

3 MR. ERD: And that makes sense to me
4 too because of the historic nature and trying to
5 -- the ideas of what you've been talking about
6 making it look like the rest of the downtown. It
7 seems like that would be the appropriate location,
8 or at least to me. Let me talk to my client.
9 And, hopefully, we can get in for Monday next
10 week. But they meet once a month; you said?

11 MR. SAMMET: Yes.

12 MR. ERD: So then we would be
13 looking at if we miss that not being able to come
14 back here for two months. If we can make that,
15 then maybe next month. So just let me...

16 CHAIRMAN FUSARO: Just so that you
17 know I have received what our agenda looks like
18 for the next several months, and we pretty much
19 have a -- not pretty much -- we have a full
20 agenda.

21 MR. ERD: I understand that.

22 CHAIRMAN FUSARO: However, your
23 application would be moved up to the front.
24 Currently, we have one carried application in
25 front of you that's supposed to come before us on

1 June 13, it's already been carried twice. I
2 assume it's going to be heard the 13th, if it
3 isn't, we're going to ask him to kindly step
4 aside. Which you would be the first application.

5 MR. ERD: I appreciate that, and I
6 also heard what you were saying that hopefully if
7 we work it out with the Historic Preservation, we
8 shouldn't be here very long at the next meeting.

9 CHAIRMAN FUSARO: It isn't going to
10 be -- now you understand why I asked for a special
11 meeting. If we had six applicants in the
12 audience, they'd be ready to crucify all of us.

13 MR. ERD: I knew we weren't going to
14 make it in one-hour last time, so thank you.
15 We'll take 10 minutes. Thank you.

16 CHAIRMAN FUSARO: Thank you so much.
17 We'll see you in 10 minutes.

18 (Break taken.)

19 CHAIRMAN FUSARO: We're back. Thank
20 you so much. Please proceed.

21 MR. ERD: Thank you very much. I've
22 discussed it with my client and our professionals,
23 and again, thank the Board for their time this
24 evening, and we'd like to not call for a vote this
25 evening. We hear what the Board has said with

1 regard to especially the architectural issues and
2 how those tie into the use. And that I understand
3 the reasoning that they're sort of inseparable to
4 the Board, the use and the architectural, so it's
5 not as easy as granting the use as had been
6 suggested and then just having an administrative
7 procedure to deal with the architectural. I
8 understand how they're tied together. So that
9 being said, we hope that we can get on the Monday
10 night Historic Preservation. As your planner
11 said, you already have the electronic plans. Is
12 that something that would be transmitted
13 yourselves? Because we could do that tomorrow
14 from my office. I just don't know where to send
15 them.

16 MR. SAMMET: I can do that myself if
17 that's what's determined to do. And I'm going to
18 do it before I leave here this evening. I'll
19 email the commission chair to see if she can get
20 you on their agenda for next Monday, and I could
21 share the digital set of plans with the
22 commission.

23 MR. ERD: If you don't mind, I know
24 you have my stuff from various documents, but
25 here's my card. So that way, you can let me know

1 if you need anything for me to send, who the
2 people are, where we might meet; those sorts of
3 things, so we can stay on schedule as close as we
4 can. And so what we'd like to do is you transmit
5 those plans over, we talk with them on Monday, but
6 we won't really have any revised plans because
7 we're waiting for their feedback. Then we'll get
8 their feedback, and instead of submitting
9 additional revised plans to the Board because of
10 the time constraints with the 10 days that we
11 would like to just bring exhibits. We don't
12 expect the changes to be huge because the building
13 is still the building. It's going to be facade
14 and color changes maybe some textures and things
15 like that, that the architect --

16 CHAIRMAN FUSARO: Larger cafe.

17 MR. ERD: That, I'm not sure we can
18 do. I heard what you were talking about with the
19 square footage, we didn't have -- I don't believe
20 we had the square footage called out on the plan,
21 but as your Board attorney said, and I believe
22 Mr. Chairman you said as well, that the plan is
23 that on the plan, it just may not have the
24 specific square footage. So that's what we're
25 asking for. With that being said, the Monday next

1 week would be Historic Preservation. When would
2 be the next meeting here?

3 MS. RAZIN: June 13th.

4 CHAIRMAN FUSARO: June 13th is our
5 next meeting. And I believe it's July 9th after
6 that.

7 MS. RAZIN: We can't carry to one
8 particular meeting. If they're not here, if
9 they're not ready, we'll carry it again.

10 CHAIRMAN FUSARO: We'll carry you to
11 the June 13th meeting without further notice. And
12 if for some reason you're not ready at that time,
13 we can carry it to July.

14 MS. RAZIN: Without further notice.

15 CHAIRMAN FUSARO: Without further
16 notice.

17 MR. ERD: Thank you. And you're
18 okay with us just bringing exhibits for the next
19 time?

20 CHAIRMAN FUSARO: I believe so.

21 MR. ERD: Instead of submitting them
22 in advance.

23 MS. RAZIN: If you have anything in
24 advance just --

25 CHAIRMAN FUSARO: If you have them

1 in advance.

2 MS. RAZIN: Just so that it can be
3 postal. Because I know that, I believe Kristine
4 posts stuff on...

5 MR. ERD: If we have them more than
6 10 days or at any time before?

7 MS. RAZIN: Anytime. I don't know
8 how far in advance -- I honestly don't know how
9 far in advance she posts them, but just in terms
10 of people having --

11 MR. ERD: I'm just concerned about
12 the 10-day notice period, you know the plans are
13 supposed to be on file.

14 MS. RAZIN: I think the substance of
15 the application has -- I would argue -- has been
16 presented.

17 MR. ERD: I would too.

18 MS. RAZIN: So I don't think it's an
19 issue of not -- of the public and the Board not
20 being aware of what's being presented. So it's
21 just a matter of the fact that -- I know that -- I
22 think that was probably started during Covid, but
23 it continues to be posted online. Just so I think
24 if they're even a few days ahead of time. The
25 applications are still posted online so to the

1 extent that you can get it in and they're posted
2 online and then anybody can go check it.

3 MR. ERD: We'll do that. Thank you.

4 CHAIRMAN FUSARO: Thank you for your
5 time.

6 MR. ERD: Thank you so much. Have a
7 good evening, and we'll see you again soon.

8 CHAIRMAN FUSARO: Motion to adjourn.

9 MR. MASCIALE: So moved.

10 CHAIRMAN FUSARO: Second.

11 MR. GELINAS: Second.

12 CHAIRMAN FUSARO: Have a good night,
13 everybody.

14

15 (The meeting was adjourned at

16 11:03 p.m.)

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