

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
May 21, 2019

Chairman Leonardis opened the meeting at 7:00 pm.

Please stand for the PLEDGE OF ALLEGIANCE.

This meeting was held in accordance with the Open Public Meeting Act and as such, proper notice of this meeting was published in The Observer, The Courier News and The Star Ledger providing same to the Borough Clerk.

It is the policy of the South Plainfield Zoning Board of Adjustments, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

ROLL CALL:

Present:

Gino Leonardis, Chairman
Ken Bonanno
Maria Campagna
Frank Lemos
Joseph Scudato, 2nd Alternate
April Wasnick, 1st Alternate

Absent:

Darlene Cullen
Cindy Eichler
James Gustafson, Vice Chairman

Also attending: Larry Lavender, Esq.; Bob Bucco, PE, CME, CPWM; Stanley Slachetka, PP, AICP;
John Jahr.

MINUTES None

RESOLUTIONS: None

HEARING:

**A. Case #15-18 -- Starlight Properties, LLC
Block 528.01: Lot 45.01: M-2 Zone
50 Cragwood Avenue**

The applicant is requesting a *subdivision* and *preliminary and final site plan approval* that requires a *use and bulk variances*. Lot Width - Required: 300 feet – Proposing: 149 and 174 feet - Variance: 151 and 126 feet. Carried from March 19, 2019

James F. Clarkin, III, Esq. - Clarkin & Vignola, PC - attorney for the Applicant addressed the Board. Continuation from the hearing on March 19, 2019 which heard testimony from Patrick Amaral, Principal, and from a representative from Action Target. There was a recommendation of the maintenance of the system. The Applicant accepted as a condition that they will conduct the recommended maintenance plan. Had testimony from the Architect who had described the structure. Also heard from ventilation company that complies with OSHA and EPA. Chairman noted the Mr. Amaral's experience in gun training and safety, but concerned about experience with running a range. Will supplement Mr. Amaral's testimony. Will hear from Edward Zohn who is a firearms attorney as well as on the Borough Ordinance. Followed by Traffic Engineer and Planner.

Patrick Amaral - 31 Miko Road, Edison, New Jersey – remains under oath. Mr. Amaral addressed the Board. Reviewed audio of the last hearing. Wanted to clarify some items:

- HVAC system is very technical, monitored and controlled by computer systems. Those systems will notify of any issues. Anything catastrophic, the system will shut down. The system will not permit unsafe

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situations. They are standard in the industry. Not using a regular HVAC system or service, but one designed for this use.

- The steel used by Action Target submits their system to Underwriter Laboratories (UL). It is voluntary process to ensure the quality of their equipment. Chose Action Target for that reason.
- Transportation of firearms. Will leave for the Attorney. However, showed an ammo case and gun case... both empty. Demonstrated the lock system. When leave home... they are locked. Placed in a locked trunk. Those who own firearms know these rules. When arrive at the range... they remain locked. They remain locked until the shooting lane. When done in shooting range, they are returned to the locked boxes... unloaded. Brought back to their vehicle. If anything different, staff will stop them.
 - Mr. Scrudato asked if someone walks in with a case does not have a lock. Mr. Amaral stated they will be stopped. Mr. Scrudato continued... what if they leave the facility unlocked. Does someone stop them? Mr. Amaral stated they will physically be stopped. There will be some personal that will be armed.... But not all will be. With the confined quarters does not believe all staff members should be armed. Trainer and shooter for twenty (20) years... when there is an issue - 'hand on shoulder'. When you enter the range, everyone has to watch that facilities safety video to understand protocol. If Range Master yells 'seize fire'... firearm goes on table and step away. Have the ability to control the doors.
 - Mr. Clarkin stated the gun is in the case... are there any ammunition in the case. Mr. Amaral stated that they have to be separate. Chamber open. Locked independently of each other.
 - Mr. Lemos asked when someone leaves the facility, where does the case go. Mr. Amaral stated in the trunk. These laws are for the safety of a Police Officer. To make sure these firearms are out of the reach of everyone during transportation.
 - Mr. Lemos asked if it is illegal to carry a weapon in the car other than a trunk. Mr. Amaral stated that the State only grants a firearm holder permission to transport a gun to a range for training or for maintenance. The law does not specify the trunk. The attorney will explain better. It has to be apart from people and locked.
- Preparation for hearing was for the facility and the design. Understands the law. Does not know how thick the walls should be... or what type of HVAC system. Came to Carvana meeting to see the process. Thought it was important to understand the process. The Board made sure the area was proper and safe. This is his goal. Met with some for a pre-meeting. Did not expect questions about his management team or his experience. Knows the industry and his experience exceeds most others. Did not properly communicate that. These facilities are governed by the State Police and the ATF (Alcohol, Tobacco and Firearms). Have attended seminars provided by both governing bodies. Met with personal in preparation of the hearing. Gave the impression that he is the only one involved with this project... not accurate. Management team is experience and will be experienced. Has a combination of retired law enforcement, active Law Enforcement and champion shooters. Since there is no approval yet, some of those people are not present because they are employees elsewhere currently. Recruits the best possible personal. Goal is a safe facility. Industry professionals that need a place to train and educate. Have designed a safe facility in a safe location. 'Safety First'. Nothing more important is safety. Lacking this type of facility in the area for a long time.

Chairman Leonardis asked if the audience had any questions for this witness. No questions or comments.

Edward Zohn - 7 Mt. Bethel Road, Warren, New Jersey - is sworn in. Attorney who is an expert in the field of firearms regarding the law. Mr. Clarkin questioned Mr. Zohn:

- Has reviewed the Statutes that have been stated in the review letters as well as the Borough Ordinance.
- Can be granted per Statute 2C39:5E. The parking lot is not school property... AdTech. No definition on what is 'school grounds'. Firearms are not permitted on the 'grounds of school, which this is not'. AdTech gave consent.
- 2:20-2 - carry conceal weapon. If someone has a carry a conceal weapon permit, they may carry anywhere in New Jersey except Court Houses, Police and other specifically listed public buildings.
- 2:20-3 - discharge ordinance. Prohibits discharge of weapon 'except in a regularly established shooting gallery'. This will be an established shooting gallery.
- 2:20-4 - discharge ordnance across a road nor a loaded gun within one thousand (1,000) feet of an occupied dwelling, public park or school playground. Indoor range. No firearms will be loaded in the parking lot. They will be in locked cases. This ordinance may not be enforceable. Statute 2c1-5 that prevents a Municipality to enact an Ordinance inconsistent with State Law.
- Owner consent.
- 3:22-13 - discharge of firearms, throw stones, sling shot etc. No shooting outdoors.

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- Can be granted by Federal and State Law. If consistent with State Law, Federal Law and ATF, then can be granted.

Mr. Lemos stated that cannot carry a loaded firearm. What is the definition of a loaded firearm? Assuming that firearm has no bullets in it. If someone has a clip in a packet, is that considered loaded. Mr. Zohn stated no... If the magazine was full and in the firearm, that would be considered loaded - even if the chamber is not loaded.

Mr. Scudato stated that a person can arrive at the facility with a case with a gun and another case with ammunition. If someone comes in with one (1) box, should it be assumed the bullets are in with the gun or in the pocket... will it be illegal. Mr. Zohn stated no... per Statute - 'carried unloaded contained in a closed and fastened gun box, secured tight package or locked in the trunk of an automobile that is closed and locked'. Not everyone goes to the range with two (2) boxes. It has to be unavailable to the driver in a vehicle. The law does not require two (2) separate boxes. Mr. Scudato stated thought a person had too... per testimony. Mr. Zohn stated that the literal reading of the Statute does not state you must have two (2) cases.

Mrs. Wasnick asked if someone did have one (1) case, would that person be stopped when enter the facility. Mr. Amaral stated it will 'raise an eyebrow' but not unusual. A lot of people in New Jersey are sensitive about carrying ammunition that they simply do not and purchase at the facility. There are many laws regarding the firearms. Some people 'play it so safe' they do not come to the facility with ammunition. Ammunition does go bad. Mrs. Wasnick stated previously stated that when someone comes to the facility, they will carry two (2) cases... one (1) with the gun and one (1) with bullets.... But that is not always the case. Mr. Amaral stated correct. Some people may not come in with any case because they may want to try out a new type of weapon and will rent it. Mr. Zohn stated that the facility can establish their own request... two (2) cases. Mr. Amaral stated when someone reviews our training, they will be advised that the facility prefers two (2) cases. Mr. Zohn stated long guns.... Rifles... two (2) cases are required.

Mr. Scudato asked can someone come 'off the street' and shoot. Mr. Amaral stated what the law states will not be granted at this facility. Mr. Scudato continued... what does the law state? Mr. Zohn stated that the law only regulates purchase and possession. Does not regulate use. Most clubs require their members to have a New Jersey Fire Arms Identification. Someone walking off the street will not have one.

Mr. Lavender asked Mr. Zohn to explain the process of received a New Jersey Fire Arms Identification Card. Mr. Zohn stated an application is completed. There is a background check done by the local Police which is submitted to the State Police which submits it to the FBI.... Three (3) different levels. Finger prints. Mr. Lavender asked who ultimately approves the application in the Police. Mr. Zohn stated the Chief. If no local Police, it is the local State Police Barracks. Mr. Clarkin asked if a mental health check is required. Mr. Zohn stated that a person has to sign a waiver for a county mental health check. All ten (10) finger prints.

Mr. Lemos stated if someone comes into the facility, no gun or no permit, is it true that they cannot shoot. Mr. Zohn stated not true... you can. But will not find a range that will you to. The law literally states that you can... is not aware of a range that will allow you to. Mr. Lemos stated that doesn't the person have to listen to a video or tape. Mr. Zohn stated the Statute does not state that. However, the facility requires you to do so.

Mr. Clarkin asked Mr. Amaral to state his protocol if someone comes 'off the street'. Mr. Amaral stated would have to have an FID card. Will have to have one (1) firearm with them. Reason being, if the State removed your firearm, you may still have an FID card. Mr. Scudato asked is there a database of those persons who have had their firearms removed. Mr. Amaral stated New Jersey is behind the times with technology... does not exist. Has been pushing for something like that for years. In his security business, there is a system that will check fingerprints and ID of someone that is registered in security. New Jersey does not have the same type of system for firearms. State issue. Internally, the ranges in New Jersey belong to a Cooperative. There is a 'red flag list'. It is not formal.... But among range owners.

Mr. Zohn stated if someone goes to the store to purchase a firearm and the dealer calls the Instant Background check... does not necessarily mean it is 'instant'. No such system where someone can put a Firearm Id number into a system to see if it is revoked.

Mr. Scudato asked Mr. Amaral if he 'comes off the street' is he allowed to shoot. Mr. Amara stated no.

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Chairman Leonardis stated within the last two (2) years, a lot of talk of fire ranges in New Jersey. What type of rules have changed recently? Mr. Zohn stated the Statutes have not changed. Still licensed under State Police. Must follow Federal Law. Unaware of any Statutes that have changed regarding licensing of ranges. Chairman Leonardis stated it seems that maybe the rules have lessened with the amount of ranges that have been developed. Mr. Zohn stated nothing in the Statutes... maybe news? Has no idea... except when you tell someone you can't do it; they want to do it more. No changes on a State level. Environmental issues are stricter.

Mr. Slachetka asked if the Borough Ordinance is pre-empted by the State Statute. Mr. Zohn believes it is. Does not know if it has been ever tested. Mr. Slachetka asked is it the entire chapter 2:20 or just 2:20-4. Mr. Zohn stated just the one (1)... the rest is consistent with the State Law. Mr. Slachetka asked if a person is carrying a loaded gun in a case, are they in violation of Borough Ordinance. Mr. Zohn stated they are in violation of the State Statute.... Anywhere in the State unless on your own property. Cannot carry a loaded weapon unless you have a conceal to carry weapon permit. Mr. Slachetka asked if the Borough Police Department can enforce the Borough Ordinance and State Statute. Mr. Zohn stated yes, they can. If a local Police Department Officer believes there is a person in the parking lot with a concealed loaded gun, they are in violation of the State Statute unless someone has a conceal to carry permit which is difficult to get in New Jersey. Mr. Slachetka asked if the facility will advertise outside of New Jersey. Mr. Amaral stated no.... Do have people in Pennsylvania. Mr. Slachetka asked if they are out of state and are coming to the facility, will those people be told what the protocol is? Mr. Amaral stated as a professional curiosity, will inform them. Often do not know when out of State people come to the facility until they are inside. Mr. Slachetka asked do most people come by appointment to the facility? Mr. Amaral stated both.... A portion of the business will be scheduled ahead of time and a portion walk in. Mr. Slachetka asked if there was a need for a map showing all the schools in the vicinity or is that not applicable. Mr. Clarkin stated correct... not the Applicants' intention to do so.

Mr. Zohn stated the part of 2:20-4 that may be not enforceable is not applicable to this application. The portion that is not enforceable is within one thousand (1,000) feet of a school. Will be inside a building that is specifically authorized. The only use of the firearm is in a licensed range. Transportation of an unloaded firearm and possession of a loaded firearm are very different things.

Mr. Lavender asked Mr. Zohn to explain how difficult it is to get a conceal to carry permit other than a retired Police Officer. Mr. Zohn stated nobody. Must show a judge in court that you have a 'justifiable need'. Mr. Lavender stated that Mr. Zohn has been doing this for many years and asked if he has been successful in getting anyone a conceal to carry permit. Mr. Zohn stated not too many. Mr. Lavender asked if there will be an increase of people walking around with guns. Mr. Zohn stated that people tend to not violate firearm laws near ranges. Has never heard of a problem in a range or near a range in twenty-three (23) years that he has been practicing. Very well-behaved people who have ID cards and have purchased firearms legally. Extremely difficult for a civilian to get a conceal to carry permit. Active Police Officers, Federal Officers, retired Officers have a different statute and are exempt.

Mr. Slachetka stated it was indicated in testimony that the school does not own the property, therefore, the parking lot, does not represent a school property per his opinion. Mr. Zohn stated there is no definition as to what is school property. Mr. Slachetka stated that it is his opinion. Mr. Zohn stated it is his experienced opinion if the law meant to define school property it would have. The difference between having a loaded gun on school property and having a loaded gun not on school property is the length of the sentence... both illegal.

Mr. Bucco asked Mr. Amaral how would groups be handled? Mr. Amaral stated depending upon the size, if they walked in, they would be turned away. Those type of events would be scheduled and controlled. Those who do not have an FID card would be 'married' or partnered with someone who does have an FID card.

Chairman Leonardis asked to explain the 'married' process. Mr. Amaral stated that the credentials would have to be verified. Would go through independent firearm training... basic safety pistol course. Most people who want to expose themselves to firearms with a friend. Mr. Slachetka asked can someone without an FID card purchase a firearm. Mr. Amaral stated no... they would have to go through the FID card process in order to purchase.

Chairman Leonardis opened the discussion to the public. No questions or concerns.

Mr. Clarkin questioned Mr. Amaral:

- Child care facility near the proposed range.
- Some child care facilities are classified as schools.

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- Must submit documentation to State Department of Education in order to be labeled as a school.
- Reviewed list of schools that are published by the State... Public and Private.
- Facility around the corner not listed as a school.
 - 1 Cragwood Road - L'Il Enfants.
 - Eight hundred (800) feet away.
 - Buildings, hill and woods between.
- Closest residence is other side of Route 287.

Mr. Slachetka stated that identifying the schools was through publication. Was the daycare facility contacted? Mr. Amaral stated that they did speak with the owner advising that they were going to the Board. No objection. Does not know the age range. Per website Pre-K. Tried to have owner attend the meeting. Currently in India.

Chairman Leonardis stated that the daycare is eight hundred (800) feet away, not in the notification area. Mr. Slachetka stated that they are over the two hundred (200) feet and are not required to be noticed. Mr. Clarkin stated the property may have been on the list. Mr. Amaral stated believes they were on the list. Mr. Scudato asked if they should be invited to the next meeting. Chairman Leonardis stated they were on the notification list. Mr. Amaral stated the name of the facility is Petits Enfants Academy, LLC. Chairman Leonardis stated that 1 Cragwood Road notice would have gone to the owner... not the tenants. Chairman Leonardis asked if the landlord must inform the tenants. Mr. Clarkin stated legally... no. Does not have to advise the tenants. Mr. Amaral stated he was in contact with Hitesh from the daycare facility.

Chairman Leonardis opened the discussion to the Public.

John Metzger - 51 Cragwood - owner of building next door. Concerned that the daycare facility has an outside playground that is in direct line of sight of the range. Believes not much of a difference between pre-k and school.

Robert Freud – Dynamic Engineering – 1904 Main Street, Lake Como, New Jersey – is sworn in and accepted as a Professional Engineer and Professional Planner. Mr. Clarkin questioned Mr. Freud:

- Plans developed under his supervision.
- Has been to the site several times.
- 50 Cragwood Road, South Plainfield, New Jersey.
- Block 528.01 Lot 45.01.
- M-2 zone.
- 15.087 acres.
- Using Exhibit A3 – Arial Map dated April 19, 2019.
 - North is top of page.
 - Route 287 left to right.
- Land use in area: industrial, office, residential across Route 287.
- Off Hadley Road to Cragwood Road.
- Points to the area of residential community across Route 287.
- Points to the area of residential community lower right, zone 7.5 – south of property.
- Currently on property:
 - Existing office building.
 - Three (3) story office building.
 - Approximately, ninety-five thousand (95,000) square feet.
 - Different tenants and uses
 - Portion of property that Applicant is seeking to develop is undeveloped.
 - Undeveloped wooded area.
 - Adjacent to existing parking lot.
 - Existing solar panels in parking lot.
 - Parking to the left, will be restriped.
 - Detention basin – north side.
 - Wooded and wetland.
 - Wetlands have been delineated by wetlands exports. Then confirmed by DEP in 2018.
 - Ditch along parking field.
 - Has Flood Hazard area to affirm that this is less than fifty-eight (58). Not regulated as a flood plain.

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- Proposing:
 - Existing parking underutilized.
 - New building off the existing parking lot.

Chairman Leonardis asked Mr. Freud to demonstrate the existing building. Mr. Freund indicated on Exhibit A3 the location of the existing building... northwest of the property. Chairman Leonardis asked what is under the solar panels. Mr. Freund stated parking. Subject to an application a year ago. Chairman Leonardis asked what is to the right of the solar panels. Mr. Freund stated an existing parking. Two (2) arrays of solar panels were permitted but not built because of this application.

Mr. Scudato asked where the preschool is located. Mr. Freund stated the preschool is on the corner of Hadley Road and Cragwood Road. Points to the building. Parking fields and buildings between the proposed building and preschool.

Mr. Freund introduces Exhibit A5 – Site Plan Rendering. Larger scale of the plans before the Board for easier read.

- Off the page is the parking area with solar panels.
- Bottom left corner – end of cul-da-sac.
- Proposing subdivision.
 - Lot A:
 - 6.17 acres
 - Consisting of existing office building and parking – two hundred thirty-four (234) spaces.
 - Lot B:
 - 4.14 acres.
 - First two (2) rows of parking.
 - Proposed building
 - Lot C:
 - 4.7 acres.
 - South end of property.
 - Frontage on cul-da-sac of Cragwood Road.
 - To remain as undeveloped.

Chairman Leonardis confirmed with Mr. Freund that this is one (1) lot to be divided into three (3) parcels. Mr. Freund agreed. Primary reason for the subdivision is to give the one (1) parcel ownership to the Applicant. The other two (2) parcels will remain under the current ownership.

Mr. Freund continued:

- Proposed building – thirty-six thousand (36,000) square feet.
 - Built in two (2) phases.
 - Phase 1 – sixteen thousand (16,000) square foot single story.
 - Phase 2 – north side addition – nineteen thousand (19,000) square feet – two (2) story.
 - Slight calculations difference between architect and engineer.
 - Finished building will be thirty-six thousand six hundred sixteen (36,616) square feet.
 - Plans will be adjusted.
 - No parking impact.

Mr. Lemos asked what is on the east side of the building. Mr. Freund stated it is existing undeveloped area. Existing wooded area. South east is the wetland area that will remain undeveloped. Mr. Lemos asked if the building is in wetlands. Mr. Freund stated the proposed building is not in the wetlands area. Have permission from DEP. Have minor modification to the fifty foot (50') buffer also permitted by DEP.

Mr. Scudato asked regarding the second part of the building.... When will it be constructed and what is the use? Mr. Clarkin stated it was previously testified by Mr. Amaral. Mr. Amaral stated to have in place if and when the customer demand is present, can be built. Expecting two (2) to five (5) years. Based on customer demand. Use is additional ranges.... Additional private ranges for training for: Garda, Brinks etc. They do not like to mingle with the general public. Additional storage.

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Chairman Leonardis confirmed with Mr. Freud it is a M-3 zone. Mr. Freud stated yes... Mr. Clarkin stated M-2. Chairman Leonardis asked for the lot minimum for M-2. What would be the lot size of each lot? Mr. Freud stated that the minimum lot size is one hundred twenty thousand (120,000) square feet or 2.75 acres. Lot A – office building would be 6.17 acres.... Lot B – application is 4.14 acres.... Lot C – 4.74 acres. All standards are met... setback, size etc. Two (2) variances being requested.... Relate to lot width and lot length due to the cul-da-sac and the angle.

Mr. Slachetka stated the bulk requirements on page 8 of his report, specifies bulk and yard requirement. There is an existing non-confirming setback. Mr. Freud stated he would like to get through development part then questions. Mr. Slachetka stated wanted to clarify setbacks. Mr. Freud stated will review the bulk criteria when he discusses planning.

Mr. Freud continued...

- East side:
 - Proposed a detention basin.... Stormwater management. Water quantity control.
 - Parking lot remaining. Will go to the existing basin.
 - Adding a driveway from the cul-da-sac.
 - Roof leaders to above ground detention basin. Do meet the one hundred (100) year storm.
- West side:
 - 9' X 20' Parking stalls.
 - Following existing pattern.
- Modification to islands.
- Loading area.
- Trash enclosure.

Chairman Leonardis asked about the parking needs. Mr. Freud stated there is no specific count for this use. Traffic Engineer will speak in detail. Basic numbers... Lot A – One (1) per two hundred (200) square feet. Requires four hundred seventy-five (475) spaces but in an existing situation of two hundred four (204) spaces. Lot B... one hundred five (105) required. Site plan shows one hundred two (102). Taking two (2) spaces out per owners request to leave two (2) spaces in front of the door 'stripped out'. Therefore, proposing one hundred (100) spaces. Mr. Clarkin asked how many are ADA space. Per Mr. Freud, five (5). Architect testified that the building will be elevated from the existing grade. Therefore, entrance to the door will have several steps. Handicap spaces are off set to the left with ramp system. There is reinforced area around the building for loading zone. Access to basin for maintenance.

Chairman Leonardis asked what does it mean 'reinforced area'. Mr. Freud stated it is an area that will be stronger to move dollies and supplies. Will look and feel like grass.

Mr. Freud continued...

- Lighting:
 - Around building.
 - Will relamp some existing lights in the parking lot.
 - Solar array have under canopy lights.
 - Twenty-five (25) to thirty (30) foot light fixtures.
 - LED lights.
 - Dark sky compliant.
- Landscaping:
 - Planting around trash enclosure.
 - Planting around the sign.
 - Screening of 'hot box'. Water service – above ground.
 - South curb line – planting.
 - Fifty-two (52) plants.
 - Two (2) shade trees.
 - Seventeen (17) shrubs.
 - Various ground cover.

Mr. Clarkin asked Mr. Freud to address the Environmental Commission report dated June 21, 2018 comment that asked to consider different species. Will comply.

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Mr. Freud stated did tree inventory... Three hundred eighteen (318) trees to remain.

Mr. Clarkin stated that in both Mr. Slachetka and Mr. Bucco's reports, requested to have more trees remain. Mr. Freud stated did have conversation regarding the trees. There is a retention basin. From that basin moving south that are is being cleared do to grading. Do not want ponding. Existing conditions to create two percent (2%) slope to prevent ponding and mosquito issue per Mosquito Commissions request.

Mr. Freud stated that there will be a green box per the water company's request that will be heated. Will have meter. There is a sewer that runs along the office building. Has a small ejector pump. Electric and gas will be provided from the same area.

Mr. Freud continued...

- Signage:
 - Ground sign at Cragwood Road.
 - Compliant with the standards.
 - Facing Cragwood Road. Detail in the plans.
 - Six feet (6') high with a four inch (4") base.
 - Five foot (5') sign.
 - Landscaped.
 - Two (2) wall signs on the building.
 - 10' X 100 square feet on west face.
 - 10' X 150 square feet on north face facing Route 287.
 - Need variances. Maximum sign area ten (10) square feet with maximum size of five feet (5').
 - Significant setback from Cragwood Road. Need for bigger sign. Also, facing Route 287.
- Mechanical units – roof.
- Recycling and refuse:
 - Northwest side of building.
 - Off parking lot.
 - North of the building is loading zone.
 - Enclosed.
 - All constructed with Phase I.
- Building and site improvements part of Phase I... basin, trash enclosure etc.
- Phase II is only the addition.

Chairman Leonardis requested more information on the lighting... back and sides of building towards the woods. An isolated part of the development. Mr. Freud stated behind the building will be eight (8) building mounted lights. Fifteen feet (15') high. Dark sky compliant. Down focused lights. Twenty (20) to twenty-five (25) feet of illumination around the face of the building. No spillage onto Route 287.

Chairman Leonardis asked if there will be any security cameras. Mr. Amaral stated 'lots'. Important to see people approaching property. Motion sensors, camera's in parking lot, camera's on building as people approach, inside the building, corner mounted camera's, CCTV coverage of entire perimeter, will be integrated with South Plainfield Police Department. Will be able to look whenever they want. Mr. Clarkin asked what CCTV is... per Mr. Amaral – Close Circuit TV.

Mr. Clarkin addressed items that require comments on Mr. Bucco's review letter dated March 29, 2019.

- Page 7 – Item E4 & E5 – clearing of additional trees. Requesting a waiver of the standard.
- Page 9 – Item E6 – waiver of easement of deed restrictions. Had application involving solar panels. Either received or waived documents at that time. Excess of forty (40) items. It is determined that the case was heard by the Planning Board. Mr. Bucco will look into the item.
- Page 12 – Item G7 – request for fencing around proposed basin. Mr. Freud does not believe needs fencing due to the design of the basin... not wet basin. Remote area of site. Mr. Bucco stated it is generally sloped and two (2) to three (3) feet deep. Mr. Bucco agreed based on design, location and depth.
- Page 13 – Item G18 – two (2) year storm. Meet fifty percent (50%) reduction. Mr. Bucco stated it is a technical design. Applicant requesting waiver. Mr. Bucco agreed.
- Page 17 – Item III 4 – turning template. Did provide template.

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- Page 18 – Item I4 – repeat of tree removal. Mr. Bucco asked if the Applicant is seeking a waiver. Mr. Freud stated correct... seeking a waiver.
- Page 20 – Item K3 – grinder pump. Will provide all details of pump to Engineer for review.
- Page 21 – Item L1 – EIS. Will work with Professionals.
- Page 22 – Item L4 – Typo. Will correct.
- Page 22 – Item L7 – covered.
- Page 23 – Item L10 – labeling. Will add to plans.
- Page 24 – Item O2 – lighting. Will comply.
- Page 25 – Item O3 – lighting. Will work with Professionals for additional lights.
- Page 25 – Item O4 – planting. During Phase I.
- Page 26 – Item Q7 – magnetic locks. Yes.
- Page 27 – Item R2 – landscaping. Partial waiver. Mr. Bucco stated that is the Environmental Commission request. Mr. Clarkin stated would like to request a partial waiver.
- Page 28 – Item R5 – Per Mr. Clarkin, if approved, will do as condition of approval.

Mr. Bucco stated there were a lot of continued comments that were missed.... Mostly will do or will not. Mr. Bucco asked if the Applicant can comply. Mr. Freud stated that the items that were not discussed are items that will be addressed as requested. Mr. Bucco reiterated that all 'continued comments' will be complied with. Mr. Freud stated yes.

Chairman Leonardis opened the discussion to the Public. No comments or concerns.

Mr. Clarkin requested a recess. Chairman Leonardis agreed.

Chairman Leonardis called meeting to order.

Mr. Clarkin called upon two (2) members of the management team.

Sam Callahan - 159 Linden Street, Bridgewater, New Jersey - is sworn in. Mr. Clarkin questioned Mr. Callahan:

- If application approved, will be employed by Applicant.
- National competitor and Champion in several shooting disciplines... three (3) gun (multi-faceted sport), USPSA (pistol), sporting clay (shotgun).
- Shooting since eight (8) years old.
- Sister - National Champion.
- Range Safety Officer - certified by National Rifle Association (NRA).
- Certified pistol, rifle, shotgun instructor.
- Instructor over ten (10) years.
- Instructor for NRA for over five (5) years.
- Regular instructor is involved with competitive sport. NRA instructor is a National recognized certification all encompassing.
- Must re-qualify every two (2) years.
- Teachings six (6) days a week.

Mr. Scudato asked if Mr. Callahan would be the person who would 'stand next to him' while he shoots. Per Mr. Callahan, yes.

Mrs. Wasnick asked as an instructor, does he get a 'gut feeling' of someone being at the range for other purposes. Mr. Callahan stated absolutely.... As a Range Safety Officer must check the 'attitude of people'. Must use all senses... body language, eye contact etc. Likes to talk to people to 'get a feel for them' before instruction begins. Mr. Wasnick continued.... If there was a sense of nothing good who do you contact. Mr. Callahan stated that a consent is signed when you come to the range. Will advise the person 'not a good day to do this for safety reasons'. If feels a self-harm or outer harm... will report to local police. When have their driver license easy to inform local Police Department.

Chairman Leonardis asked Mr. Callahan how many ranges has he been employed at. Mr. Callahan stated six (6) in New Jersey. Chairman Leonardis continued... how many are card holding and how many are walk-ins. Mr.

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Callahan approximately 50/50. Yesterday had several card holders for lessons. Just came from a lesson of three (3) New York Jets defensive linemen who do not hold cards.... 'Saw John Wick and wanted to exercise their rights'.

Mr. Scudato asked if there have been any issues with someone that he was instructing that had to stop. Mr. Callahan stated it is more safety issues. Unload, clear and have a stern conversation. Generally, an ignorance issue not malicious.

Chairman Leonardis stated that Mr. Callahan commented 'take the finger off the trigger before firing'... what does that mean. Mr. Callahan responded, to line up the shot before putting the finger on the trigger... aim first... then finger squeeze. Separate processes.

Chairman Leonardis opened the discussion to the audience.

Alexander Rubion - New Jersey Second Amendment Society - wanted to reinforce some points. Travels the country and works with some of the best instructors in the world. Wants to emphasize the level of safety inside the ranges. Seen many instructors, is a certified instructor, have pulled people off the line... not prepared, take a step back, work on other issues, then start again. Understands everyone's concerns.

Mr. Rubion asked Mr. Callahan how many women has he trained. Mr. Callahan stated half which struck him to be unusual. Many couples and women groups. Has noticed women seem to be better shooters than men. Sister is a Clay Champion. Not only a 'guys thing'.

Mr. Rubion stated that Mrs. Wasnick stated would like to learn to shoot and self-defense. What would be his recommendation? Women who want to protect themselves. Mr. Callahan stated that his Monday client is a female - 4'10" approximately one hundred (100) pounds, mother of two (2). Had a messy divorce. Wanted protect herself and children. Has become more confident.

Joe Dapalitto - 515 Carbrey Road, South Plainfield, New Jersey - from the audience, asked how many students have been involved in self-defense situation that Mr. Callahan has trained. Mr. Callahan stated none so far. Part of his training is 'situational awareness'. To know when to leave a situation that will escalate before it happens. Has an Elizabeth Police Officer that was involved in a fatal shooting last year? Partner did not back him up. Felt overwhelmed. Trains with him weekly.

Mr. Slachetka asked if there is a way externally, visually, to identify if the gun in the case is loaded. Mr. Callahan stated there are several guns that have indicators... but not guaranteed. Taught from a kid, treat every gun is loaded until known otherwise. State of New Jersey dictates that the guns are to be locked and unloaded during transport. Unless carried by uniformed, retired or off-duty officer. There is no guarantee if a gun is loaded or unloaded unless you check for yourself.

Mr. Scudato asked when Mr. Callahan is instructing someone, when is the gun loaded and who loads it. Mr. Callahan stated that the gun is loaded only at the time about to fire. When finished fire, immediately unloaded. The magazine is removed and slide is pulled back and locked. That is when it is visible to all the instructors that it is safe. It is never loaded unless it is going to be shot. When the gun is in the shooters hand that is the safest time to load the gun. Mr. Scudato continued.... asked is the gun safety mechanism on when it gets loaded. Per Mr. Callahan, yes, always.

Mrs. Campagna stated that Mr. Callahan stated that when he feels that someone does not belong at the range, use the phrase 'not prepared to do this today'. What happens if someone challenges him? Mr. Callahan stated that it is stated everywhere in the port that the Range Safety Officer is always right. Will take control of the situation and radio the front desk that they are aware that the person is done for the day. There are so many eyes and support in the range that the Range Safety Officer is not alone dealing with situations.

John Metzger - audience member - stated that Mr. Callahan mentioned 'self-harm'. What is done to prevent an issue. Mr. Callahan stated that most ranges have a single shooter rule. If you do not have a Fire Arms Identification card, you do not shoot by yourself. The Fire Arms Identification card holders have gone through a mental check. Someone who is going to self-harm usually does not come with a 'buddy'. Body language is a big factor.

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Mr. Slachetka asked terms of the operation of the facility, are there monitors or other personal that are present external to the facility. Internally in the facility will have several Safety Range Officers. Outside there are many 'eyes' looking around. If someone sees something, they will call for someone. There is also at least three (3) layers of people watching each action. Mr. Slachetka stated more like the parking lot, when people get out of the car or walking up. Mr. Callahan stated there are a lot of cameras on at all times. Benefit that the local police can 'look in'. Does not know of any facility that has external presence. Mr. Slachetka asked if there should be additional people in the parking lots. Mr. Callahan stated that the laws in New Jersey are very strict on transporting guns. Cannot confuse where you going without breaking the law if they do not follow New Jersey carry law. Mr. Slachetka asked is it unusual for this type of facility to have shared parking. Mr. Callahan stated that in Union, they share a parking lot with Harbor Freight and a car wash. Randolph shares parking with six (6) to seven (7) businesses. Mr. Slachetka asked is there any different monitoring at those facility. Mr. Callahan other than CCTV, no.... No external security.

Scott Lukes - Active Police Officer - prefers not to give resident address. Chairman Leonardis understands and agreed. Mr. Lukes is sworn in. Mr. Clarkin questioned Mr. Lukes:

- Active Police Officer with Edison Township.
- Eight years with Edison.
- Worked for Middlesex County Sheriff's Office prior to Edison Township.
- Military prior to Sheriff's Office.
- If application is approved, will work for Starlight as a Range Safety Instructor.
- When in military was Gunnery Mate. Weapons specialist. Small arms (rifles, shotguns).
- Became Range Safety and Judgmental for the military.... Shoot - no shoot scenarios, use of force, etc.
- New Jersey Certified instructor.
- Methods of instruction class.
- Narcan instructor - through Middlesex County.
- Taser Instructor - through Middlesex County and Taser Incorporated.
- Been instructor since 2003.
- Detective with Edison.

Mr. Bucco asked if had to go through special training to identify someone should not be there. Mr. Lukes stated was through several academy's in the Coast Guard, went through Federal Police Academy, Glencoe, Georgia, New Jersey Police Academy and other schools. Read people for a living... how people act or carry themselves are indicators.

Chairman Leonardis stated there has been many redundancies regarding watching and oversight. Chairman Leonardis asked Mr. Lukes in his opinion what is the advantage to have this facility in town. Mr. Lukes stated, the ability to shoot as an educated and trained citizen. Purchased first gun in Virginia within fifteen (15) minutes... gun and ammunition.

Chairman Leonardis asked Mr. Alexander to explain how people can purchase fire arms in other states. Went to a Wal-Mart in upstate New York during a soccer tournament and noticed that someone can purchase a gun and ammo. What are the rules in other states? Mr. Alexander stated that the rules that are in New Jersey today was adopted in 1966. Before the Federal NICS - National Instant Criminal Check System done by the FBI. An out dated system. FBI checks, the State Police can do as well. Virginia will use the National system. In New Jersey, must go to the Police Department, complete paperwork, State Police and FBI do background checks, employer check... more thorough but labor intensive. Including mental health.

Mr. Alexander asked if anyone knew Matt Evans. He was a high school student who went to gun range for the first time with dad and his friend. Became so good ended up in three (3) Olympics and National Championship. Have three (3) National Competing students who got College Scholarships. Mr. Alexander explained about the various awareness classes that are held at gun ranges and used several different actual incidents of women who were killed because they could not find a gun range to teach awareness.

Mrs. Wasnick stated that there is testimony about safety but all hear on the news are deadly shootings... legal or illegal. That is the concern. Those who are committing those acts are not the ones that are going to the shooting range. Mrs. Wasnick asked if the Applicant believes people will be 'hanging out' in the parking lot. Mr. Lukes and Mr. Alexander stated not that they are aware.

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Mr. Lemos stated that he has shot 'black powder' as a member of a Civil War group for twenty-one (21) years. Group members would bring their wives and children during reenactments. Never once had any adverse incidents relating to guns.

Mr. Campagna asked regarding loitering... how would loitering be handled? Mr. Amaral stated 'bye'... no loitering. Mr. Clarkin stated it is a simple call to the Police Department.

Mr. Slachetka asked if see someone with a case on the CCTV and 'loitering around'. How would you respond? Mr. Amaral stated if it is suspicious, will contact Police Department.

Mr. Lukes stated not only is this facility for citizens, but this gives the opportunity for local Police Departments to sharpen their skill more regularly other than the few times of the year that are mandatory.

Chairman Leonardis asked regarding the neighborhood around RTSP. Mr. Callahan stated that the Union facility on Route 22. It is surrounded by various businesses... including a White Castle. The Randolph location is on Route 10 also surrounded by other businesses. No nefarious people would come to with Police in and out all day. Deters a lot of outside activity.

Justin Taylor - 1904 Main Street, Lake Como, New Jersey - is accepted as a Traffic Engineer and is sworn in. Mr. Clarkin questioned Mr. Taylor:

- Prepared Traffic Impact Study.
- Familiar with the site.
- Looked at existing volume.
- Land use not studied from an ITE standpoint.
- No traffic information for this use.
- Studied traffic pattern at RTSP... Saturday and during the week.
- Did peak Saturday count and evening count.
- Intersection to be impacted the most - Cragwood and Hadley.
- Minimal impact at signal - 'D' or better during peak hours.
- Developments recently approved in the area... Chick-Fil-A and sizable residential development on Durham.
- Parking - asking for parking variance.
- No standard for parking for this use.
- Retail component.
- Instructors and class size up to forty (40) people.
- Range.
- Phase 1 - Parking demand eighty-two (82) spaces.
- Phase 2 - Parking demand one hundred five (105) spaces.
- Peak hours - Friday evening and Saturday day.
- Shared parking.
 - Peak hours of shared parking are during the day Monday through Friday.
- Requesting parking variance.
- Counted existing building (office) parking during the day - 7 am to 7 pm.
 - Maximum demand - two hundred fifteen (215) vehicles at 2 pm on a Tuesday (February 26, 2019).
 - Saturday (February 23, 2019) - seventy (70) vehicles.
 - Thursday (February 21, 2019) - one hundred ninety (190) vehicles.
- Reached out to owner of office building - ninety-five percent (95%) occupancy.
- Increased demand to make sure full occupancy.
- Maximum demand - two hundred twenty-six (226) vehicles.
- Proposing two hundred thirty-four (234) spaces for the office building.
- Proposing one hundred (100) spaces for Applicant.
- Shared parking agreement - can use Applicant space during peak hours - 2 pm on Thursday. Applicant can use the parking on Saturdays during their peak hours.
- Two (2) points of entry.
- Pedestrian accommodation along front of building - side walk, handicap spaces.
- Reducing parking by two (2) from original count of one hundred two (102).
 - Removing two (2) front spaces for pedestrian movement and safety.
 - Believes do not need the two (2) spaces.
- Sufficient road way.

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- Sufficient parking.

Chairman Leonardis stated is familiar with the area regarding traffic and spaces. Does not believe need one hundred four (104) spaces. Chairman Leonardis asked how was the need of one hundred (100) spaces developed. Mr. Taylor stated he came up with that number as the 'worst case scenario'. According to ITE, retail space of three thousand (3,000) square feet requires ten (10) spaces.... Forty (40) students will come in their own vehicle.... Both instructors in their own car.... Then the ranges. Believes more than plenty but went with 'worst case scenario'. Mr. Clarkin stated that there will be a very limited amount of people just coming to use the retail part of the facility.

Chairman Leonardis asked Mr. Amaral what would be the employee count on a Friday night with a party. Mr. Amaral stated ten (10). It depends on the party size.... Maybe fifteen (15). Seventy (70) lanes... fifty (50) people plus staff. Mr. Amaral stated that his current office is on Hamilton Boulevard next to a site that has had ongoing parking issues and wanted to make sure his sight had no parking issues.

Mr. Jahr stated the reason for the 'conservative approach' on parking for a number of reasons. Looked at the number of parking RTSP needs. Everyone who is coming to the facility is in their own vehicle... not always the case but for a worst case scenario approach. Make sure the parking does not overlap with the office building. This is an 'ideal' shared parking arrangement. When the office building is at its peak, the range will have very limited need for parking. Mr. Jahr confirmed with Mr. Taylor that the range will be open from 10 am to 10 pm. Primarily peak parking for the office building is from 11 am to 2 pm. When is the gun range peak hours? Mr. Taylor stated the peak hours would be on Saturday or Sunday. An increase demand on a Friday night. During the week, approximately twenty (20) parking. Mr. Jahr asked if there is ever a forty (40) person class between 11 am to 2 pm on a weekday. Per Mr. Taylor, no. Mr. Jahr stated he is focusing on the 11 am to 2 pm because does not want to see 'parking overruns'. Mr. Taylor stated the maximum would be approximately thirty (30) parking spaces. Mr. Jahr stated looked at the office building and the range, believes there is adequate parking. Mr. Jahr advised the Board Members that there is sufficient shared parking.

Mr. Jahr stated he has looked into the traffic in the area. During the peak hours, there is terrible congestion in the area including Route 287. A considerable development in Piscataway and South Plainfield became the 'receptient of the traffic'. Did look carefully at traffic. Monday through Friday, no significant increases during the day. Saturday's does have traffic issues 11 am to 2 pm due to the shopping uses in the neighboring town. Does concur with the Mr. Taylor's report. Have demonstrated clearly that their traffic impact is minimal. Mr. Jahr stated he did go to RTSP and verified the parking.

Mr. Jahr asked Mr. Taylor if a truck circulation plan was submitted. Mr. Taylor stated yes... a WB 30, a garbage truck and the fire truck that was provided to him by the Fire Department. All circulate through properly. Will forward to Mr. Jahr.

Mr. Jahr stated that the Board should receive a copy of the Shared Parking Agreement and have it reviewed by the Board Attorney. Mr. Clarkin stated will do as a condition of approval and with the approval of the Board Attorney.

Chairman Leonardis opened the discussion to the audience. No concerns or questions.

Mr. Clarkin stated that in all his years as a Board Attorney and as an Attorney representing an Applicant, has not seen a Board reviewed an Application as thoroughly as this Board has. It is understandable and this is how applications should be reviewed.

Mr. Clarkin requested to return on July 2, 2019 and no new notices required. Chairman Leonardis agreed.

B. Case #04-16 -- Robert Cusick
Block 311: Lot 9: R-10Zone
1055 New Market Avenue

The applicant is requesting a *preliminary* and *final site plan approval* that requires a *use and bulk variances*.

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Mr. Lavender announced that he had received an email from the attorney representing the Applicant requesting an adjournment to July 16, 2019.

Chairman Leonardis stated that the hearing for this Applicant is being carried to July 16, 2019.

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 10:30 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary