

**FREEHOLD BOROUGH PLANNING BOARD**  
**MINUTES OF APRIL 13, 2016**

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, April 13th at 7:00 p.m. in the Council Room of the Municipal Building.

Mr. Reich stated that this meeting was provided in accordance with the Open Public Meeting Act, by providing a copy of the agenda to the official newspaper and posting same on the official bulletin board of the Municipal Building.

Mr. Reich opened the meeting with a Salute to the Flag.

ROLL CALL

PRESENT	MR. WILLIAM BARRICELLI
PRESENT	MR. CORNELIUS BEGLEY
ABSENT	MS. JAMIE BENNETT
PRESENT	MS. MICHELE GIBSON
PRESENT	MR. GARRY JACKSON
PRESENT	MS. ANNETTE JORDAN
PRESENT	MR. ADAM REICH
PRESENT	COUNCILMAN GEORGE SCHNURR
PRESENT	MR. JEFF FRIEDMAN
ABSENT	MS. DANIELLE SIMS

Mr. Reich read Item 3 on the Agenda as follows:

Approval of Minutes from the meeting of February 24, 2016.

Mr. Barricelli made a motion to approve the minutes, Mr. Jackson seconded.

Yes	5	Barricelli, Begley, Jackson, Reich, Schnurr
No	0	
Abstain	1	Jordan
Disqualified	2	Gibson, Friedman
Absent	2	Bennett, Sims

Mayor Higgins administered the Oath office to the following new Planning Board Members; Jeff Friedman, Alternate #2 and Michele Gibson, Class IV Member.

Mr. Reich read Item No. 4 on the Agenda as follows:

5. Application Number PB-UV-2016-001  
Applicant: Howard Klotzkin t/a Amazing Escape Room, LLC

Location: 77 West Main Street, Block 35, Lot 40  
Request: Zoning Ordinance Interpretation/Use Variance.

Mr. Ron Cucchiaro, Board Attorney, explained the Municipal Land Use Law and the fact that Freehold Borough has a combined Zoning and Planning Board. He further explained that a member of the governing body could not sit on a Use Variance Application. Mr. Cucchiaro stated under the law, Councilman Schnurr must step down.

Councilman Schnurr stepped down from the dais.

Mr. Cucchiaro explained the proceedings are recorded as required by law. He explained everyone will have the opportunity to speak and comments from the audience during testimony are not permissible. Mr. Cucchiaro explained there are two parts to this application. The first being an interpretation of the zoning ordinance or appeal of the zoning officers decision considering the use of the property. If the decision is affirmed, the applicant requests a Use Variance as well as a Waiver of Site Plan Approval.

Mr. Cucchiaro further explained when the public would have the opportunity to ask questions and make comments. He explained that questions can not be directed to the board. Mr. Cucchiaro asked that all attorneys state for the record their name and who they are representing.

Mr. Vincent Halleran, Esq. of Freehold, representing the applicant.

Mr. John Sarto, Esq. of Giordano, Halleran and Cielsa, representing First Baptist Church of Freehold, adjacent property owners opposing this application.

Mr. Cucchiaro asked if any Board Members are members of the First Baptist Church.

There are none.

Mr. Cucchiaro asked Mr. Sarto if there were any objections to the notice of jurisdiction.

Mr. Sarto had no objection.

Mr. Cucchiaro asked if the application is an appeal or an interpretation.

Mr. Halleran answered it is an appeal.

Mr. Sarto questioned the application being an appeal. He did not see anything mentioned about an appeal in the application.

Mr. Halleran explained initially the zoning officer issued a Certificate of Occupancy and zoning permit finding that it was a permitted use. In December the zoning officer revoked that and sent a letter to the applicant instructing him to cease the operation unless he applied to the Planning Board for a variance. Mr. Halleran prepared the application as an appeal or interpretation as the use is a permitted use.

Mr. Cucchiaro explained there is a difference between an appeal and an interpretation.

Mr. Halleran confirmed the applicant is first seeking an interpretation of the ordinance.

Mr. Halleran called applicant Mr. Howard Klotzkin. Mr. Klotzkin was sworn in.

Mr. Halleran asked witness for his position within the company and to describe the nature of business.

Mr. Klotzkin reported he is a partner with Amazing Escape Room. He described the business as a facility that has team building activities with organizations, families and individuals. The business is operational seven days a week.

Mr. Halleran asked Mr. Klotzkin to explain team building and his experience in the field.

Mr. Klotzkin explained the purpose of team building is to get people to work together. At Amazing Escape Room, a group of people are put into a themed room. Through a series of tricks, puzzles and riddles, they have to work together to escape the room. Many Fortune 500 companies use this type of exercise to strengthen the bond of the employees. Mr. Klotzkin has been in the escape room business since June 2015 and has three years experience as a public speaker focusing on team building. Mr. Klotzkin explained companies use team building activities to strengthen their teams. Some companies have HR Professionals monitor the experience and see who is a leader, who is a weak member, who is creative on the team. Human Resource Professionals have used this type of exercise during job interviews to see how they interact prior to hiring. Mr. Klotzkin reported team building is recognized all over the world. There are different types of team building activities and HR executives consider it to be a very important part of business to get their employees to work together on projects.

Mr. Halleran asked if there is any training available.

Mr. Klotzkin reported Rutgers University, Harvard and University of Texas all offer classes on team building. He explained how his employees are trained and the duties of the Game Master. There is a training manual that is provided. The company recently purchased team building software that provides the ability to evaluate every member of a group and the results can be reported back to the employers or companies that sent their teams.

Mr. Cucchiaro marked the following exhibits:

- #A-1: Amazing Escape Room Freehold Team Building Training Manual
- #A-2: Puzzle Break Publication article, "Why Escape Rooms Are The Best Team Building Activity In The World".
- #A-3: Support Letters from customers.

Mr. Klotzkin described the publication and the article that was written by Puzzle Break, which is a top company in the industry. Mr. Klotzkin provided a book of letters written by their corporate clients and Fortune 500 companies that have utilized the location.

Mr. Halleran asked how the location was chosen.

Mr. Klotzkin stated he liked the demographics, location and accessibility. Mr. Klotzkin completed the application in the Zoning Office and was given the CO and received the zoning permit. Mr. Klotzkin described the structure and how the reception area and escape rooms are laid out. Guests are challenged to solve approximately 12 puzzles in less than 60 minutes. There is a 30% success rate. Employees present are 1 Game Master per group, helping guests through the exercise when needed. The hours of operation are Monday: 5 PM-10 PM, Tuesday-Thursday: 12 PM – 11PM, Friday: 12 PM-12 AM, Saturday: 9 AM-12 AM and Sunday: 9AM-10 PM.

Mr. Cucchiaro asked Mr. Klotzkin to describe his profession.

Mr. Klotzkin replied he is a Team Building Professional. There is no license required and no code of ethics mandated. There are no mandatory educational requirements.

Mr. Cucchiaro read the ordinance and professions listed. He noted that team building does not appear to fall into Section A of the ordinance.

The floor was opened to Board questions.

Ms. Annette Jordan asked what percent of the business is corporate vs. non-corporate.

Mr. Klotzkin replied it is 50/50. He explained that even non-corporate guests are gaining team building and communication skills. They are learning how to work with other people.

Mr. Garry Jackson asked the price of admission.

Mr. Klotzkin replied the cost is \$28.00 per person. They do not offer a group rate but have worked with non-profits and donated money back to the organization.

Mr. William Barricelli asked if there are other locations.

Mr. Klotzkin responded there are locations in Staten Island, Philadelphia, Princeton and Cherry Hill.

Mr. Barricelli questioned if this is team building or entertainment.

Mr. Klotzkin explained that the exercise is entertaining, educational and fun. He reported Johnson and Johnson sends groups through all of their locations on a monthly basis. The corporations feel it is a huge benefit to their organization. The results are not certified.

Mr. Adam Reich asked if the employees include anyone aside from Game Masters.

Mr. Klotzkin responded there is a manger present as well, in the reception area. Employees are based on the reservations. The maximum employees would be 5 Game Masters and 1 Manager.

Floor was opened to Public Questions.

Mr. John Sarto asked if this is an entertainment use.

Mr. Klotzkin responded it is an entertaining use, but not an entertainment use.

Mr. Sarto referred to the Amazing Escape Room website, under About Us it is described as a retail entertainment chain.

Mr. Klotzkin replied it is possible, but he does not manufacture the website. That is done by his partners in Atlanta.

Mr. Cucchiaro marked exhibit:

#O1 – Screen shots of Amazing Escape Room Website.

Mr. Sarto asked if entertainment is allowed in a B-1 Zone.

Mr. Klotzkin was not sure and added although his business is entertaining; he does not consider it entertainment.

Mr. Sarto asked if there is a corporate office for the business.

Mr. Klotzkin responded his partner has an office in Atlanta Georgia. He does complete some office duties at this location.

Mr. Sarto asked about the Special Events and Birthday Parties that are referred to on the website.

Mr. Klotzkin replied there are special events every week such as a group of therapists or a college sorority. He is not sure the number of birthday parties that are done in this location.

Mr. Sarto asked if drinking was allowed.

Mr. Klotzkin responded absolutely no drinking or eating is allowed on premises. They provide water in the lobby, but there are electronic elements in the room and no food or drink is allowed. They have refused people entry who have arrived intoxicated.

Mr. Sarto asked about the parking lot.

Mr. Klotzkin answered on Friday and Saturday nights, there is a security guard in the parking lot. He directs the traffic, makes sure everyone is safe and he stays until the last car is gone. He also works some Sundays. The intent is make sure everyone is safe on the busiest days. There are 16 spaces that are not striped. The security guard will cone off the lot when it is full and help traffic move in and out. Guests are not encouraged to arrive more than 15 minutes early.

There being no further public questions, a motion was made by Mr. Garry Jackson to close the public portion, seconded by Mr. Neil Begley.

Yes                    7                    Barricelli, Begley, Gibson, Jackson, Jordan, Reich and Friedman

No 0  
Abstain 0  
  
Disqualified 0  
Absent 0

Mr. Halleran called Mr. Hank Stryker.

Mr. Stryker was sworn in.

Mr. Stryker stated he is currently retired, but was previously the Freehold Borough Zoning Officer, Director of Code Enforcement, Building Sub-Code Official, Fire Sub-Code Official and Construction Official for 25 years.

Mr. Halleran asked Mr. Stryker if he was the zoning official on the original application and on what basis the decision was made.

Mr. Stryker responded he was the zoning officer. He questioned the application and asked Mr. Klotzkin to explain team building to him. Once explained, he felt it was a permitted use and approved the application.

Mr. Halleran asked if his opinion has changed.

Mr. Stryker replied his opinion has not changed and he still feels it is a permitted use.

Mr. Cucchiaro marked exhibit:

#A4 – Application Packet which includes Mr. Stryker’s letters dated November 16, 2015 and January 6, 2016.

Mr. Halleran asked Mr. Stryker why the cease and desist letter was issued on November 16, 2016.

Mr. Stryker responded the letter was issued because the Borough was receiving complaints about traffic in and out of the property and a broken sewer line. Mr. Stryker reported he was instructed by the Borough Attorney to issue the letter.

Mr. Cucchiaro asked if there was any correspondence from the Borough Attorney instructing him to write a letter.

Mr. Stryker replied the letter he signed is the letter the Borough Attorney gave him.

Mr. Halleran asked about the letter dated January 6, 2016 and what was the reason for it being sent.

Mr. Stryker replied he was told to issue this letter as well.

Mr. Cucchiaro asked if there was any correspondence from the Borough Attorney asking you to sign it.

Mr. Stryker said no.

Mr. Cucchiaro asked how he received the letter.

Mr. Stryker replied he believed it was emailed to him. He is not aware if the email is still available. He signed the letters and had them delivered to the occupant.

Mr. Cucchiaro confirmed that two letters were signed by Mr. Stryker, although he did not believe them to be accurate in terms of the interpretation of the ordinance.

Mr. Stryker replied that was his opinion.

Mr. Cucchiaro asked if Mr. Stryker was coerced.

Mr. Stryker is not claiming he was coerced. He was given a letter and he said he would issue it.

Mr. Cucchiaro asked if it was common to confer with a municipal attorney on issues concerning legal interpretation of a zoning ordinance.

Mr. Stryker stated over the years he has conferred with the attorney.

Mr. Cucchiaro asked what elements of team building Mr. Stryker looked at to determine this as a professional use.

Mr. Stryker referred to the application. The attached determination is outlined for the applicant. Mr. Stryker always puts an attachment on the zoning applications.

The floor was opened to Board questions.

Mr. Friedman questioned the application stating it was for six people, when there are five rooms. That would be 30 people.

Mr. Stryker answered that is the legal occupancy load allowed per the uniform construction and fire code allow.

Ms. Gibson asked how the letter came about.

Mr. Stryker replied there was parking problems, a broken sewer line that resulted in a port-potty being place on premises and complaints were received. There were no violations or tickets issued.

Mr. Baricelli asked if Mr. Stryker feels it is a permitted use, despite the letters that he signed.

Mr. Stryker confirmed he believes it is a permitted use.

Mr. Jackson asked if traffic issues are considered when approving an application.

Mr. Stryker responded it is not.

Mr. Cucchiaro added traffic cannot be considered for approving a permitted use.

Mr. Begley asked why Mr. Stryker feels it is a permitted use.

Mr. Stryker believes it falls into the 18.36.020, Subsection A under “other generally recognized professional service, personnel and organizations”.

Mr. Cucchiaro warned there is no evidence of what the Borough Attorney said, it is hear say.

Mr. Halleran objected, stating the witness described what he was told.

Mr. Cucchiaro noted the objection and advised the board to give it whatever weight it feels appropriate.

The floor was opened to Public Questions.

Mr. Sarto asked if after seeing the website evidence has his opinion changed.

Mr. Stryker answered no.

Mr. Sarto asked if he has been compensated in anyway for his appearance.

Mr. Stryker answered he is not being compensated by the Borough of Freehold, Mr. Halleran or anyone else.

Mr. Richard Matisoff, 8 Empress Court asked if the zoning law was out of date and should be changed.

Mr. Stryker stated many older towns have older zoning laws. It’s quite possible it is outdated.

Mr. Sarto objected as Mr. Matisoff defined he is a member of the applicants company.

Mr. Cucchiaro stated he is also a resident. The objection is noted.

Mr. John Barone, 86 West Main Street asked Mr. Stryker if it is common to have the town lawyer write a letter and are complaints addressed right away or does there have to be a lot of complaints.

Mr. Stryker said it depends. On an issue like this, the lawyer sent the letter, he signed it and sent it out. All complaints are listened to and addressed by the appropriate office.

There being no further public questions, a motion was made by Mr. Barricelli to close the public portion, seconded by Ms. Jordan.

Yes	7	Barricelli, Begley, Gibson, Jackson, Jordan, Reich and Friedman
No	0	

Abstain 0

Disqualified 0

Absent 0

Mr. Friedman asked if the Master Plan has been reviewed in the last 10 years as required.

Mr. Stryker replied it has.

Mr. Halleran called Mr. Jim Higgins who was then sworn in.

Mr. Higgins, Licensed Professional Planner gave be board his qualifications. The board accepted Mr. Higgins qualifications.

Mr. Halleran asked if he was familiar with the business and location in question.

Mr. Higgins is familiar with the Borough Ordinance, looked at the property, inspected the use of the property while in operation.

Mr. Halleran asked if in his professional opinion it is a permitted use and provide analysis.

Mr. Higgins reported in his opinion it is a permitted use as it falls into the “other generally recognized professional service personnel and organizations”. The professions that are listed have been established for many years. The applicant has a new professional use which has evolved in the last five years. But it is a use that is professional use. Mr. Higgins stressed the use is not just entertainment guest get something out of it. Mr. Higgins gave examples of other professional services that could have offices in the zone that do no require a license. His opinion is the lack of licenses or industry controls does not make it any less of a professional business. It provides an important service to not only corporations, but other groups such as scouts, families and school to help people learn to work together.

Mr. Higgins reported the ordinance permits public institutions of higher education. It is available to the general public and provides an education facility that is beyond primary or secondary education. Although a degree is not given, it has an educational value to it.

Mr. Higgins stated the website describes the business as a retail entertainment use. Websites are marketing tools and things are put on websites to get interest in the business. What is said on the website may not be describing what the primary intent of the business is, which is to educate people to get them to learn to work together, to have teams built for business and other entities. Mr. Higgins stressed he believed it is a permitted use in the B1 Zone.

Mr. Cucchiaro questioned if it is inherently beneficial?

Mr. Higgins answered it is not and not all schools are inherently beneficial such as a dance school.

Mr. Cucchiaro questioned if other professions that have been around for many years, such as plumbers are included.

Mr. Higgins stated his point was that the professions that are listed in the ordinance are acceptable in the zone and the governing body chose not to list every profession by adding the “other” at the end allows for professions that are not listed.

The floor was opened to Board questions.

Mr. Begley asked to qualify as a professional use, what percentage needs to be corporate clients.

Mr. Higgins stated the only client there for entertainment would be the birthday parties and that is a very small percentage. Other clients that are not corporate clients are coming to have the learning experience and building relationships. The reason for coming does not need to be exclusive, but 75% should be coming for the learning aspect. Mr. Begley asked if there was any curriculum given to the visitors. Mr. Higgins said it is a school of sorts where there would be a learning process.

Mr. Begley asked if Mr. Higgins saw the letters signed by Mr. Stryker, Code Enforcement Officer.

Mr. Higgins has not previously seen them. He reviewed the letters. A discussion followed over each topic presented in the letter. Mr. Cucchiaro noted the last paragraph of the letter states a use variance is needed. Mr. Higgins stated in his professional opinion, he is not considering what is on the website and is discounting the letters based on Mr. Stryker’s testimony.

Ms. Jordan asked if the corporate clients set actual goals.

Mr. Higgins stated Mr. Klotzkin stated they were getting more sophisticated in that area.

Mr. Jackson asked is there anything in the ordinance that limits the hours of operation.

Mr. Higgins answered no. That is not typically part of a zoning ordinance.

Mr. Barricelli stated the list of professions in the ordinance are dated and the ordinance is meant to be broadened, not limited. Mr. Barricelli asked if Mr. Higgins agrees.

Mr. Higgins agreed.

Ms. Gibson asked is there a definition that can be provided for a Professional Service Personnel.

Mr. Higgins did not have that available.

Mr. Friedman confirmed that Mr. Higgins had not previously heard of team building.

Mr. Higgins stated he had not, but in doing research for this application, he has since learned there is an abundance of information on the internet, universities even provide classes on the subject.

The floor was opened to Public questions.

Mr. Sarto asked Mr. Higgins to read the Mission Statement provided on the website. Mr. Higgins read the Mission Statement.

Mr. Sarto asked if it mentions education or team building.

Mr. Higgins stated it is not mentioned, but in light of what escape rooms are, it is implied. Mr. Sarto continued to refer to the website, specifically the FAQ's, again asking if education or team building is mentioned.

Mr. Higgins replied it is not. The specific wording may be omitted, but the concept is not. Escape rooms are clearly a team building activity.

Mr. Sarto compared institutions of higher learning to a museum, theatre or hiking tour. Mr. Higgins offered the opinion that in this case, the program is very focused and the examples listed by Mr. Sarto are not focused. Mr. Sarto asked if any towns in New Jersey recognize escape rooms as a team building activity. Mr. Higgins is not aware of any.

There being no further public questions, a motion was made by Mr. Jackson to close the public portion, seconded by Mr. Barricelli.

Yes	7	Barricelli, Begley, Gibson, Jackson, Jordan, Reich and Friedman
No	0	
Abstain	0	
Disqualified	0	
Absent	0	

Mr. Halleran recalled Mr. Klotzkin who is still under oath.

Mr. Halleran asked if he is aware of any municipalities where this type of business has been permitted.

Mr. Klotzkin responded all of Amazing Escape Rooms in other communities are permitted in an office zone and are located in office buildings or industrial office parks. He added he had confirmation from five competitors which stated they too are in office zoned areas and considered professional use. Mr. Klotzkin said his new location in Cherry Hill is going into a mixed use zone and the new location in Montclair is in an office zone.

Mr. Halleran called Rabbi Avraham Bernstein, Freehold who was then sworn in.

Mr. Halleran asked Rabbi Bernstein if he familiar with The Amazing Escape Room.

Rabbi Bernstein explained he has a program that pairs high school students with special needs students to do different activities. The team leaders, who arrange the activities for the special needs students, recently completed the experience together. He also sends his group leaders and day camp counselors. This exercise teaches them to work together and helps them bond. Rabbi explained if he

was looking for only entertainment, he would buy tickets to iPlay America. The cost of \$28.00 for one hour is there for a very specific purpose, to .

Mr. Reich asked how often he sends the team leaders.

Rabbi Bernstein responded it was usually once a year. He has been providing team building events for his staff for over 20 years with about 250 kids. There are more tools available now for team building than there used to be. Rabbi Bernstein explained the escape rooms force you to work together. He believes to some people it might be entertainment, but it is not like going to the movies to going to Six Flags.

There being no public questions, a motion was made by Mr. Jackson to close the public portion, seconded by Mr. Barricelli.

Yes	7	Barricelli, Begley, Gibson, Jackson, Jordan, Reich and Friedman
No	0	
Abstain	0	
Disqualified	0	
Absent	0	

Mr. Sarto introduced Mr. John Giunco, Esq. for the record.

Mr. John Guinco, Esq. of Giordano, Halleran and Cielsa, representing First Baptist Church of Freehold, adjacent property owners opposing this application.

Mr. Giunco called Barbara Ehlen, Licensed Professional Planner. Ms. Ehlen was sworn in.

Ms. Ehlen gave her credentials and experience. The board accepted her qualifications.

Mr. Giunco asked the steps that were taken to prepare for the presentation.

Ms. Ehlen stated she analyzed Freehold Borough's ordinances and Master Plan. Ms. Ehlen visited the site to see the layout, surrounding environment and operations as well as reviewing the application.

Mr. Giunco asked what was found in that zone.

Ms. Ehlen reported in the B-1 Zone, there are professional offices. This is evident in the surrounding the location. There are attorneys, therapists and real estate brokers that are listed as recognized professional offices and services. The Borough ordinance in Section 20 & 30, notes that uses that are not specifically listed are prohibited within the zone. There is no provision that permits amusements or recreation.

Mr. Giunco asked if there was any finding for corporate team building.

Ms. Ehlen stated there was nothing defined in the ordinance or listed as permitted within the zone. Ms. Ehlen stated in her analysis she could not find any licensing procedure or definition for corporate team building. She reviewed the activities on the site and the application. Her analysis revealed the use is more of an entertainment or amusement use. This is shown not only by the website but also by definitions of recognized planners in New Jersey as well as YELP reviews. The YELP reviews describe what is happening at the site.

Mr. Halleran objected to the reviews. The reviews are not completed by Professional Planners and there is no opportunity to cross examine.

Mr. Cucchiaro instructed the board to give the reviews their appropriate weight and marked into evidence:

#O2 – YELP Reviews.

Mr. Giunco asked how the reviews are being used and what is the analysis conclusion.

Ms. Ehlen confirmed she was using the reviews to help formulate an opinion on the operation so the use can be interpreted. She is not relying on them for the truth of the statements in terms of compliance with the ordinance. Ms. Ehlen referred to The New Illustrated Book of Development Definitions, by Harvey Moskowitz. She researched and gave definitions for; Amusement Commercial Indoor, Amusement and Recreation Services, Recreation Facility, Recreation Facility Commercial and a Theme Park.

Mr. Giunco asked if there were any references to the business or professional experience associated with this activity.

Mr. Ehlen stated she did not find any references from any Fortune 500 companies.

Mr. Cucchiaro asked if Moskowitz's book has a definition for Professional Office.

Ms. Ehlen read the definition from page 299.

Mr. Reich asked if it was common to find Fortune 500 Company to use YELP.

Ms. Ehlen responded the company may not, but an employee would not be prohibited from writing about their experience.

Mr. Reich asked that since the commenter's are not here, we do not know if they are or are not members of a Fortune 500 Company.

Mr. Cucchiaro instructed the board they should not give much weight to the reviews.

Ms. Ehlen presented evidence from the website.

Mr. Cucchiaro marked into evidence Exhibits:

#O3 - #O6 – Enlargements of website four pages.  
#O7 – Enlargement of Groupon Advertisement.

Ms. Ehlen described the boards which were taken directly from the website. She highlighted that team building was not mentioned. She noted Facebook and Twitter are links which are typically not associated with corporate business. Ms. Ehlen noted that guests can be grouped with strangers, which is not team building. Ms. Ehlen described how Groupon works, advertising and driving business. Ms. Ehlen reported she did not find reference to educational materials or any preparation that is done for the team building aspects.

Ms. Ehlen described the hours of operation which are 7 days a week and go longer than typical professional office hours. Ms. Ehlen determined the ordinance is very specific about what the permitted uses are and feels there are other zones within the Borough that are more appropriate for this type of use, such as a B2B Business Zone permits indoor recreation. Ms. Ehlen feels the authors of the ordinance would have been expressly prohibiting uses that were not expressly permitted and not suitable for the B-1 Zone.

Mr. Cucchiaro asked if failure to mention uses excludes those uses. He stated that Section A does open up the fact that uses could be professional offices that are not listed.

Ms. Ehlen stated the types of uses that are listed give a characterization as to what is envisioned for that zone and what other uses should adhere to that vision. As a Professional Planner, it is her opinion this business should be in a recreational use zone.

The floor was opened to Board questions.

Mr. Jackson asked about the book used for the definitions.

Mr. Cucchiaro explained it is a reference book that is cited by the NJ Courts as an authoritative source.

Mr. Jackson asked for the definition of Professional Office.

Ms. Ehlen read the definition and stated the Amazing Escape Room does fit into this definition because it is not a recognized profession.

Ms. Gibson asked which category Ms. Ehlen considers this to be.

Ms. Ehlen felt it fits into the Gaming Parlor because it is a game played indoors.

Ms. Gibson questioned if professionals use YELP after a professional event and if Facebook and Twitter are used by companies.

Ms. Ehlen does believe after a corporate outing one would be on YELP, but the location of the outing may get a review. Mr. Ehlen's company does not use Twitter or Facebook.

Ms. Jordan asked if team building organizations were Googled during her analysis?

Ms. Ehlen did not Google that.

Mr. Reich asked if a therapy office which holds group therapy falls within the zone.

Ms. Ehlen stated it is a permitted use, but does not think the office would have groups hourly, everyday of the week.

The floor was opened to Public questions.

Mr. Halleran asked if team building was the main benefit would it be permitted.

Ms. Ehlen replied if team building occurred, it would be a happy coincidence, but does not make it a permitted use.

Mr. Halleran asked if she experienced a room or interviewed Mr. Klotzkin for her analysis.

Ms. Ehlen stated she did not purchase a ticket and experience a room. She did not speak to Mr. Klotzkin. She feels team building would fit in a B2 Zone as Entertainment, not Recreation.

Mr. Halleran asked why she did not Google team building.

Ms. Ehlen answered she saw this use as Entertainment. She had previously been through team building exercises and knew what team building in general was. It is not her opinion that team building is a professional use.

Mr. Halleran asked if the ordinance is trying to keep the uses that have a certain heritage to them.

Ms. Ehlen does not feel the ordinance could be more expansive.

Mr. Halleran asked if Ms. Ehlen was aware there are universities that offer courses in team building.

Ms. Ehlen has heard testimony tonight about that.

Mr. Halleran asked if she did research in team building. Ms. Ehlen answered no.

Mr. Halleran asked if the Facebook Page was visited and if she saw the corporate section.

Ms. Ehlen did visit the Facebook Page, but did not see the corporate section. She did see the corporate section on the website.

Mr. Cucchiaro entered exhibit”

#A5 – Amazing Escape Room Website; Corporate Page.

Mr. Giunco asked if a dance studio is expressly permitted in this zone and is there any restriction in the ordinance for the B-1 Zone that would restrict the Section B permitted uses, such as a dance studio, from inviting the public in.

Ms. Ehlen answered a dance studio is permitted and there are not restrictions for public access.

Mr. Giunco asked if there is a recognized profession for the Amazing Escape Room.

Ms. Ehlen stated research was done through the website and did not see any recognition or no professional licensing.

Mr. Giunco asked for a Professional Office Use, are there any characteristics that are excluded by this ordinance.

Ms. Ehlen responded they exclude anything with over three commercial vehicles. Ms. Ehlen described after reviewing the ordinance and application she didn't find anything that permits this use. The only other permitted uses conditionally would be private outdoor recreation areas, like what is found with a preschool. Ms. Ehlen stated as a Professional Planner, based strictly on the ordinance, the use would not be permitted.

Floor was opened to Public questions.

Mr. John Barone, 86 West Main Street asked if the traffic was analyzed.

Ms. Ehlen answered nothing was witnessed, information was gathered from the website.

Mr. Barone asked if Microsoft as a company would be allowed in this location.

Ms. Ehlen answered a company with that volume of employees would be directed to a corporate location. Even if it had a small satellite office, it would not be allowed because it would not be a professional office.

Mr. Barricelli asked Mr. Barone if his business is allowed in the B-1 Zone.

Mr. Barone described his business and stated he was given a CO and zoning approval.

Mr. Richard Matisoff, 8 Empress Court asked if she would take an Amazon review from someone that never bought the product.

Ms. Ehlen answered that she uses Amazon reviews for products even though she is not certain the reviewer purchased the product and takes into consideration the number of reviews.

Mr. Matisoff asked if a CPA would be allowed to have later hours because it is tax season.

Ms. Ehlen responded a tax firm would have a certain amount of employees working, not rotating people during those hours. This would be an exception to what is typically associated with the business.

Mr. Halleran asked if Ms. Ehlen’s professional opinion is usually based on research gathered from YELP and other social media outlets.

Ms. Ehlen answered this is not a yes or no answer. Different applications require different research procedures.

Mr. Halleran asked which sites were looked at.

Ms. Ehlen looked at Trip Advisor, Facebook and YELP.

Rabbi Avraham Bernstein asked if the activity of the business determines if it is a permitted use or is the use, hours and number of people coming. All of these topics have been discussed.

Ms. Ehlen responded is all taken as a whole. The different aspects cannot separated.

A discussion followed regarding if people come for the purpose of team building, then is the recognized business team building? Mr. Cucchiaro stated that Ms. Ehlen’s professional opinion is that team building is not a professional use, so the reason why people are going there does not matter. It is different than groups attending an AA meeting, because AA meetings are lead by licensed professionals.

Mr. Halleran confirmed the ordinance does say a licensed profession is required. It states it must be recognized profession.

There being no public questions, a motion was made by Mr. Barricelli to close the public portion, seconded by Mr. Begley.

Yes	7	Barricelli, Begley, Gibson, Jackson, Jordan, Reich and Friedman
No	0	
Abstain	0	
Disqualified	0	
Absent	0	

Mr. Halleran recalled Mr. Klotzkin.

Mr. Klotzkin understands that that Ms. Ehlen may not recognize Amazing Escape Room as a professional company, there are many corporations that do. Mr. Klotzkin read an extensive list of corporations and large organizations that have visited this location.

Mr. Cucchiaro why the list of clients was being presented?

Mr. Klotzkin explained the purpose of the list was to show that their clients are seeking professional team building. He added if “Team Building New Jersey” had been Googled, Amazing Escape Room appears on the fist page. They do not pay for that space, it generates from the number of hits. They

do pay for Groupon, which gives them more exposure. Mr. Klotzkin stated birthday parties are roughly 1% of the business.

Mr. Begley asked why does the Mission Statement, FAQ's or About Us section of the website not use the term team building?

Mr. Klotzkin answered the front page of the web site mentions team building and shows a video about team building. It is not listed in the Mission Statement because it listed in another section of the site.

Due to the late hour, it was decided the application be carried over until the next meeting scheduled on Wednesday, April 27, 2016. Attorneys were asked to submit summations be received by Wednesday, April 20, 2016.

Mr. Cucchiaro read Application Number PB-UV-2016-001, Applicant: Howard Klotzkin t/a Amazing Escape Room, LLC will be carried to the Planning Board's April 27<sup>th</sup> meeting. He explained to the public no notices will be provided for the next hearing.

Mr. Reich thanked everyone for participating.

Respectfully submitted,

Lynn Cannon