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BOROUGH OF GARWOOD
PLANNING BOARD

----- :
: TRANSCRIPT
CASE #PB15-01(S) : OF
484 FOURTH AVENUE : PROCEEDINGS
BLOCK 102, LOT 10 :
ANGELA & SANDRO VILLARUAT :
----- :

Wednesday, January 14, 2015
Municipal Building
403 South Avenue
Garwood, New Jersey 07027
Commencing at 8:05 p.m.

BOARD MEMBERS PRESENT:

- KATHY VILLAGGIO, Vice-Chairwoman
- ROBERT SCHERER
- PAUL TARANTINO
- GENE JANNOTTI
- MIKE VENA
- PATRICIA QUATTROCHI

ALSO PRESENT:

- ADELE C. LEWIS, Board Secretary
- Tony Gallerano, P.E., Board Engineer

MICHELE QUICK
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1 A P P E A R A N C E S:

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2 PERROTTA, FRASER & FORRESTER, LLC
3 16 Valley Road
4 Clark, New Jersey 07066
5 BY: DONALD B. FRASER, JR., ESQ.
6 Counsel for the Board

6 HEHL & HEHL, P.C.
7 370 Chestnut Street
8 Union, New Jersey 07083
9 BY: STEPHEN F. HEHL, ESQ.
10 Counsel for the Applicant

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1 CHAIRMAN GREET: With that, I will
2 recuse myself. I live within 200 feet of the
3 property that the applicant is coming before the
4 Board for and I was noticed, so with that being
5 said, I will recuse myself at this time, and I
6 believe there are some other recusers.

7 MR. PATERSON: Bruce Paterson. I have
8 to recuse myself also. I'm in an adversarial
9 position, in that I'm appealing the first part of
10 the approval.

11 MR. NIERSTEDT: And Madam Chair, I
12 assume --

13 VICE-CHAIRWOMAN VILLAGGIO: Madam Vice
14 Chair.

15 MR. NIERSTEDT: Madam Vice Chair,
16 based upon my understanding and Mr. Fraser's
17 concerns, neither the Mayor nor I can participate.

18 MR. FRASER: Yes, Mr. Nierstedt, I've
19 had an opportunity to discuss the matter with
20 applicant's counsel, Mr. Hehl, as well as with
21 yourself, and I'm in agreement with him that this is
22 a continuation of the prior application which was a
23 Board of Adjustment matter, which is a seven-member
24 Board; therefore, as a matter of law, Mayor and
25 Council members, I don't remember what class that

1 I N D E X

3

2 WITNESSES SWORN
3 THOMAS J. QUINN, P.E.
4 GLEN R. POTTER, AIA

7 EXHIBITS MARKED INTO EVIDENCE

9 <u>NUMBER</u>	10 <u>DESCRIPTION</u>	11 <u>PAGE NO.</u>
12 A-1	13 Colored rendering of site plan	14 17
15 A-2(S)	16 Architectural rendering	17 101

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1 is, but those members do not participate, so have a
2 nice evening.

3 MR. NIERSTEDT: Thank you very much.

4 MR. FRASER: You need a simple
5 majority of seven, right, Mr. Hehl?

6 MR. HEHL: Yes.

7 MR. NAPOLITANO: I have to recuse
8 myself also. I'm the applicant's corporate counsel.

9 MR. FRASER: Just identify yourself.

10 MR. NAPOLITANO: Steve Napolitano.

11 MR. VICTOR: And Madam Chair, Tony
12 Gallerano of Harbor Consultants will be sitting on
13 this application --

14 (Many people in the room are speaking.)

15 MR. FRASER: Hold on. First of all,
16 when you have a court reporter, we can only have one
17 person speak at a time. It's never going to work.
18 Okay? Because that's hard enough to do with only
19 one person speaking. All right? Go ahead.

20 MR. VICTOR: Chair, Tony Gallerano of
21 Harbor Consultants crafted the review letter on this
22 application, he did it in its entirety, and he will
23 sit on this application for Harbor Consultants as a
24 Professional Engineer and Professional Planner.

25 VICE-CHAIRWOMAN VILLAGGIO: Okay.

6

1 Thank you.

2 MR. VICTOR: Thank you.

3 VICE-CHAIRWOMAN VILLAGGIO: Bob, do

4 you have something to bring up about the door or

5 something?

6 MR. SCHERER: Oh, no, I don't quite

7 care to have this door open.

8 VICE-CHAIRWOMAN VILLAGGIO: Okay.

9 MR. SCHERER: My back door.

10 VICE-CHAIRWOMAN VILLAGGIO: Okay.

11 MR. SCHERER: You can leave it open

12 but a police officer -- I want someone to stand

13 there.

14 MEMBER OF THE PUBLIC: It's for safety

15 and security reasons, you're saying, or medical

16 reasons?

17 MR. SCHERER: Yeah. You have a metal

18 detector up there, security cameras up there. Okay?

19 MEMBER OF THE PUBLIC: Okay.

20 MR. SCHERER: I've been shot once, I

21 don't need to be shot again, especially in the back.

22 VICE-CHAIRWOMAN VILLAGGIO: Mr. Hehl?

23 MR. HEHL: Good evening. Are we ready

24 to roll?

25 MR. FRASER: We are, but maybe it

7

1 would just be a good idea, because we had some

2 musical chairs going on, if we could just identify

3 who are the seven members sitting on this

4 application, which, given the size of the audience,

5 may be interesting.

6 Okay, so Kathleen, you want to...

7 BOARD SECRETARY LEWIS: We have six.

8 MR. FRASER: There's six members

9 sitting and do we have any alternates here tonight

10 or is it six members of the Board? So we have six

11 people and we have no other alternates who are here.

12 VICE-CHAIRWOMAN VILLAGGIO: No.

13 BOARD SECRETARY LEWIS: That's

14 correct. Mr. McCarrick didn't come in, right.

15 VICE-CHAIRWOMAN VILLAGGIO: No.

16 There's a six-member Board.

17 MR. FRASER: Six-member Board, it's

18 not a use variance, so you have a simple majority of

19 the quorum. We have six, so you would need four out

20 of six, the way I do the math. Mr. Hehl, do you

21 agree with my analysis?

22 MR. HEHL: Yes.

23 MR. FRASER: All right. Now,

24 customarily, the Board, if there is less than a full

25 complement, affords to the applicant the right to

8

1 decide whether the applicant wishes to proceed with

2 less than a full complement of members, which the

3 applicant does at the applicant's peril, or if the

4 applicant prefers to carry his or her application.

5 Do you wish to proceed tonight?

6 MR. HEHL: Let me just consult with my

7 client for a moment.

8 (Off-the-record discussion)

9 MR. HEHL: Yeah, no problem.

10 MR. FRASER: Okay, so just for the

11 record, the applicant is voluntarily deciding he's

12 going to proceed with a six-member Board,

13 recognizing he has to win four to two.

14 MR. HEHL: Correct.

15 MR. FRASER: Okay, fair enough. Your

16 floor, Mr. Hehl.

17 MR. HEHL: Okay, thank you very much.

18 Good evening, Board members, Stephen Hehl, the firm

19 of Hehl & Hehl, representing the applicants, Sandro

20 and Angela Villaruat.

21 This is an application on a bifurcated

22 basis. We were before this Board last year and the

23 Board granted the variances associated with this

24 application, it remains -- as Mr. Fraser indicated,

25 it remains a Zoning Board of Adjustment type case.

9

1 You granted the D variance and bulk variances

2 associated with this application, and as noted in

3 the review letter and in our application of the

4 review letter from Harbor Consultants, this is now

5 for the site plan portion of the application and

6 there are no variances associated with this

7 application, so it's for site plan but no variances.

8 So we are seeking approval from this Board for the

9 site plan. We have received the -- and again,

10 what's been granted by this Board already is the

11 approval for the townhome complex with the nine

12 units, those being four three-bedrooms and five

13 two-bedrooms, and the bulk variance -- I'm sorry,

14 the bulk variance for stories and the D variance is

15 for the use, the height and the density. All that's

16 been granted by this Board and now we're --

17 MR. FRASER: Was the height a D

18 variance?

19 MR. HEHL: What's that?

20 MR. FRASER: The height, was that a D

21 variance?

22 MR. HEHL: Yeah, that was a D.

23 MR. FRASER: Okay.

24 MR. HEHL: Yeah. The stories wasn't,

25 the stories was a C, bulk variance. And what,

10

1 again, we're seeking now is the use -- I'm sorry,
2 the site plan portion of the application.
3 We have received, and obviously Adele
4 is always great about getting it to us, we received
5 the letter and comments from the police department,
6 from your fire department and from Harbor
7 Consultants and we have no problem addressing any of
8 those comments, so what I'm indicating to the Board,
9 and you can certainly defer to your counsel and to
10 Mr. Gallerano, it's focusing on, again, the site
11 plan portion and these variances have been granted.
12 So -- and we feel that the comments made by your
13 professionals are fairly minor. Many of those
14 issues were discussed at the previous hearing. The
15 police -- yeah, police in particular cited two of
16 their previous comments and our engineer plans to
17 address those and we'll have no problem complying
18 with those conditions, and again, the letter from
19 Mr. Gallerano was fairly straightforward and a lot
20 of the comments were just "We'll make a notation to
21 the plan" and the like.
22 So that's an overview of what our
23 presentation is this evening and what I'd like to do
24 first -- you'll see some of the same witnesses that
25 appeared last time -- first I'd like to call Thomas

11

1 Quinn, who's our engineer, to take us through the
2 site plan. Now, many times what happens when you
3 have these bifurcated applications is when you
4 present them on the first go-around, you have fairly
5 detailed plans already, and that occurred in this
6 case, to give the Board and its professionals enough
7 information to feel comfortable in granting the use
8 variance portion and any bulk variances associated
9 with it. So the plans that you will see this
10 evening are very similar to what was presented to
11 the Board at the first portion of the hearing. So,
12 again, I'd like to call upon Thomas Quinn. He was
13 previously sworn in and accepted as an expert in
14 connection with the first stage of the application
15 but I'll ask him to be re-sworn and re-qualified for
16 this portion of the proceedings.
17 So Mr. Quinn, again, if you could
18 please be sworn in.
19 T H O M A S J. Q U I N N, P.E., EKA Associates,
20 P.A., 328 Park Avenue, Scotch Plains, New Jersey
21 07076, first having been duly sworn, testified as
22 follows:
23 MR. FRASER: Would you state your name
24 and address?
25 MR. QUINN: Sure. Thomas Quinn,

12

1 business address, 328 Park Avenue, Scotch Plains,
2 New Jersey.
3 MR. FRASER: Quinn, Q-U-I-N-N?
4 MR. QUINN: Say that again?
5 MR. FRASER: Q-U-I-N-N?
6 MR. QUINN: Two Ns, yes. It's the
7 Catholic way. Protestants use one N, so I'm told.
8 VOIR DIRE EXAMINATION BY MR. HEHL:
9 **Q.** Mr. Quinn, you testified before this
10 Board and were accepted, but if you could please
11 give the Board and the public the benefit of your
12 work, educational experience, area of expertise.
13 **A. Sure.**
14 **Q.** Again, obviously, you've been accepted
15 as an expert in the field of civil engineering.
16 **A. I'm a 1993 graduate of NJIT, New
17 Jersey Institute of Technology, I obtained my P.E.
18 license in the State of New Jersey in 1997, I have
19 served as the board engineer on probably seven or
20 eight or nine different boards throughout the last
21 20 years. I currently serve as the board engineer
22 for Bernards Township and I submit development
23 applications throughout the State of New Jersey and
24 I have been before this Board, as Mr. Hehl says, for
25 the use variance portion of the application.**

13

1 MR. FRASER: And you were accepted as
2 an expert at that time in the field of engineering,
3 if I recall.
4 MR. QUINN: Yes, sir.
5 MR. FRASER: And are your licenses
6 still current?
7 MR. QUINN: Yes, they are.
8 MR. FRASER: Madam Chairperson, I
9 recommend that Mr. Quinn be accepted as an expert in
10 the field of engineering.
11 MR. QUINN: Thank you.
12 VICE-CHAIRWOMAN VILLAGGIO: Okay,
13 he'll be accepted.
14 MR. HEHL: Thank you very much.
15 DIRECT EXAMINATION BY MR. HEHL:
16 **Q.** Mr. Quinn, you heard my opening
17 statement and if you could take the Board through
18 this site plan portion of this application as you
19 prepared it and submitted it to the Board and I
20 think you have -- I believe the exhibit you have is
21 merely a mounted version of the plans that were
22 submitted in connection with this application?
23 **A. That's correct. I have the mounted
24 set of plans. What I've flipped to right now is the
25 existing-conditions plan, which is a snapshot of the**

14

1 **site as it currently exists. It should be the last**
 2 **sheet --**
 3 VICE-CHAIRWOMAN VILLAGGIO: Is that
 4 this one.
 5 **A. -- in your set.**
 6 VICE-CHAIRWOMAN VILLAGGIO: Is that
 7 this one.
 8 MR. QUINN: Yes, but it's all the way
 9 at the very end. It should be the last sheet.
 10 MR. HEHL: And Mr. Fraser, since this
 11 is an exact duplicate of what we submitted, I didn't
 12 find a need to mark it as a separate exhibit, unless
 13 you would like us to do so.
 14 MR. FRASER: That's correct, it's the
 15 Board's practice that if it's what was submitted, we
 16 don't separately mark it.
 17 MR. HEHL: Okay. Thank you.
 18 MR. FRASER: I would ask the witness,
 19 if he's referring to a page, he should indicate the
 20 page number.
 21 MR. QUINN: Sure. This is actually
 22 Page 1 of 1 and it's entitled "Existing Conditions
 23 Plan."
 24 Okay, so for the record, the subject
 25 site is known as Lot 10 in Block 102. It's 44,775

15

1 square feet, which is just a little bit more than
 2 one acre. It's located in the RA or single-family
 3 residential zone. It borders Fourth Avenue to the
 4 south, residential properties to the west, the
 5 Brookside detention basin to the north and east, and
 6 some additional residential dwellings to the
 7 southeast.
 8 As you see, the lot is a very long,
 9 narrow shape. It's approximately 500 feet at its
 10 longest point and its maximum width is about 135
 11 feet, so quite a long, narrow shaped lot.
 12 The front one-third of the lot has been
 13 cleared of all woods and contains the Five Star
 14 Catering business and a very small parking area.
 15 The total impervious surface on the lot now is about
 16 a tenth of an acre. As a matter of fact, the
 17 parking area for that Five Star Catering is so small
 18 and affords such little circulation that, pretty
 19 much, the predominant movement for anybody pulling
 20 out of there is to back out, very small, limited
 21 parking circulation area associated with that.
 22 The back two-thirds of the lot is
 23 wooded. The entire slope of the property goes about
 24 eight feet from the front along Fourth Avenue, the
 25 high spot, to the low spot at the north corner of

16

1 the site.
 2 There are wetlands at the far northern
 3 portion of the site. Those are associated with the
 4 existing Brookside detention basin. There's also a
 5 flood hazard area or a flood boundary that occupies
 6 the north -- far northern portion of the site and
 7 that's associated, again, with the Brookside
 8 detention basin and the Gallows Hill Road branch of
 9 the Rahway River that feeds into that detention
 10 basin.
 11 That's a snapshot of the existing
 12 conditions, and again, my intent is to step you
 13 through, in broad detail, all of the components and
 14 then go into as much detail as you would like.
 15 What I'm going to do now, in order to
 16 talk about the proposed condition, I brought a
 17 colored rendering, which is not in your set and I'm
 18 going to mark.
 19 MR. HEHL: So can we mark that as A-1?
 20 MR. FRASER: Right. This will be A --
 21 Mr. Quinn, mark it A-1 with today's right.
 22 MR. QUINN: You got it.
 23 MR. FRASER: And Adele, you'll give
 24 him the application number to mark on it?
 25 BOARD SECRETARY LEWIS: Yes. 15-1(S).

17

1 MR. QUINN: That was easy.
 2 BOARD SECRETARY LEWIS: Site plan.
 3 (Colored rendering of site plan is marked as
 4 Exhibit A-1.)
 5 MR. QUINN: I gotta remember to write
 6 '15 and not '14 for the year.
 7 Okay. So the proposed condition
 8 involves construction of nine single-family
 9 townhomes. They're clustered in two buildings. The
 10 southernmost cluster consists of five units, the
 11 northernmost cluster consists of four units. Each
 12 of the units features a two-car garage and an area
 13 equivalent to two parking stalls immediately and in
 14 front of the garage because they're 18 feet long, so
 15 effectively, we have parking of four -- basically
 16 four stalls associated with each one of the units.
 17 In addition to that, we have five stalls located on
 18 the easterly side of the parking area. Those are
 19 for visitors. So the site total proposed is 41
 20 stalls whereas the RSIS requirement for the site is
 21 at 22 stalls, so we far exceed the requirement for
 22 parking on the site.
 23 The site also includes a 10-by-18
 24 dumpster located on the easterly portion of the
 25 access drive just to the south of the visitor

18

1 stalls. That is going to be -- it's a concrete pad,
2 again, 10-by-18, it's got a board-on-board fence to
3 enclose the dumpster so it's out of viewshed.
4 We've got a lighting scheme that
5 involves 15 freestanding lights. They're all ten
6 feet tall. For this scheme, we're using -- the
7 reason why there's so many number of poles is
8 because they're all very low, the pole standards are
9 very low. It's a general rule in lighting that if
10 you're going to minimize your fixtures, you need to
11 elevate the pole heights, but that gets you not only
12 high poles and obtrusive lighting, that also gives
13 you hotspots throughout the parking lot, so what
14 we've done to provide a very uniform lighting and
15 low level of lighting is we have 15 ten-foot stalls
16 -- uh, ten-foot poles, they're all LED lights and
17 they're 58 watts, so they're relatively very low
18 wattage. They all have house-side shields on the
19 sides bounding either the adjacent properties or the
20 residential buildings to prevent spillover of light
21 on the adjacent properties; this way, light is
22 concentrated in the area that is needed, which is
23 the parking area.
24 We've got ample landscaping, we've got
25 a series of 40 rhododendron and azaleas along the

19

1 easterly property line. We've got arborvitae
2 evergreens, I think about 10 or 12 of them, that
3 ring the dumpster enclosure area to help screen,
4 even though there's a fence. We've also got a
5 series of boxwoods, I believe 13 boxwoods, that
6 surround the perimeter, the eastern perimeter of the
7 visitor parking area. Again, the intent of all of
8 that is to screen the easterly side where the car
9 lights coming out of the garage and the car lights
10 that will be splaying onto the easterly side of the
11 property as they the enter the visitors' parking
12 area, we've attempted to screen that whole area with
13 the series of landscaping that I've just indicated
14 to you.
15 We've got all existing utilities,
16 sanitary sewer, water, electric, gas, coming from
17 existing services located on Fourth Avenue. There
18 will be a sanitary sewer extension main -- it won't
19 be a main but it will be a sanitary service
20 extending into the property. We'll also have water,
21 a water main, extending into the property as well.
22 The one thing we should talk about a
23 little bit is stormwater management. What you don't
24 see on that plan because it's underground is the
25 stormwater management system. This project proposes

20

1 to increase a net impervious surface by about 4/10
2 of an acre. That defines the project as a major
3 development for stormwater management in the State
4 of New Jersey. Major developments for stormwater
5 management purposes are obligated to comply with
6 three aspects, the three-legged stool, as we call
7 it, of stormwater management. That's water
8 quantity, water quality, and groundwater recharge.
9 This project is designed to comply with the
10 standards associated with a major development.
11 For water quantity, in order to address
12 water quantity, the system is designed to handle --
13 to provide, I'm sorry, a 3,000-cubic-foot
14 underground detention facility. That detention
15 facility essentially accepts all the runoff from the
16 buildings as well as all of the parking lot. It
17 meters out the collected runoff through an outlet
18 control structure that daylight on the north side
19 of the parking lot adjacent to the wetlands.
20 VICE-CHAIRWOMAN VILLAGGIO: Would you
21 show us, please.
22 MR. QUINN: Yeah, actually -- you know
23 what? I'm going to flip now to a sheet in your set,
24 the grading and drainage plan, which will show those
25 features in more detail, and that is Sheet 3 of your

21

1 set.
2 You'll see a very lightly shaded area
3 that's bordered in a broken-line hatch, located
4 about the eastern side -- the eastern central side
5 of the parking lot, just adjacent to the five-stall
6 visitor area that we discussed. That's the
7 underground detention system. That receives, again,
8 all the runoff from the buildings, all the roof
9 leaders or pipe to it, the entire parking area is
10 piped to it. There's a single inlet, a catch basin
11 inlet, which collects all of the parking-lot runoff,
12 directs it to the system, and all the roofs are
13 piped through the ground, directly hardlined. We do
14 that so that -- in these large developments what
15 happens a lot of times is you get snow melt off the
16 roofs, and in a system like this where it's designed
17 the greatest design from the west side to the east
18 side so to preclude runoff or icing from the parking
19 lot that run from the buildings into the detention
20 area, all the roofs are hardlined. The discharge
21 point is controlled by an outlet control structure,
22 which then takes the effluent, the water, and
23 discharges it through a scour pad, anti-scour
24 erosion device, just outside of the parking lot and
25 just to the adjacent wetlands, adjacent to the

1 wetlands.
 2 The water quantity design aspects
 3 require that the post-development discharges for the
 4 two-, ten- and the hundred-year storms, in the
 5 existing condition, the post-development discharges
 6 are reduced by 50 percent for the two-year, 25
 7 percent for the ten-year, and 20 percent for the
 8 hundred-year. So that's part of the regulation. So
 9 the runoff discharge rate leaving the property in
 10 the proposed condition will be less than the
 11 existing condition and that's dictated by statute.

12 The water quality aspects of the
 13 stormwater management rules require that you treat
 14 runoff effluent to remove 80 percent total suspended
 15 solids. That's done many ways. In this particular
 16 case, we've used a combination of things. One is a
 17 Stormceptor device, which is a mechanical treatment
 18 device which is rated by the DEP for TSS removal.
 19 Essentially, that's between the collecting inlet and
 20 the detention system so it treats the water before
 21 it gets into the detention system. That provides 50
 22 percent TSS removal. The remaining TSS removal is
 23 provided via off-site vegetative swale treatment.
 24 So it's a nonstructural method and, actually, the
 25 DEP is promulgating as many nonstructural methods as

1 applicants can work into their applications for
 2 water quality. So that -- by the way, that
 3 structural unit, that Stormceptor unit, will have to
 4 be maintained over time and the maintenance of that
 5 involves vacuuming it out on the order between one
 6 and -- once a year or once every two years.

7 The third component of the three-legged
 8 stool is recharge. This site is located in the PA-1
 9 metropolitan area so you're not obligated to provide
 10 a recharge on sites that are being redeveloped.
 11 Because this site is partially redeveloped, we have
 12 a partially recharged component underneath the
 13 detention area. So the recharge component is meant
 14 to provide a sump that will not take water --
 15 collected water gravity feed off the site. It's
 16 meant to provide a sump where groundwater has to
 17 recharge, collective water has to recharge. There
 18 is just such a sump six inches deep, a big stone
 19 area, that sits under the detention system. That
 20 six-inch area never drains, technically. It is
 21 allowed to percolate and recharge the groundwater in
 22 accordance with the third leg of the stormwater
 23 management design criteria. So that's how the
 24 stormwater management system is designed.

25 There are -- the one thing I didn't

1 mention about the dwellings apart from the garages
 2 and the parking areas in front, there are also
 3 patios, 10-by-16, I believe -- yeah, 10-by-16-foot
 4 patios located along the back of each one of these
 5 units. Now, these units are sited to be 15 feet
 6 from the easterly property line so there's room for
 7 a ten-foot patio and a five-foot area for drainage,
 8 fencing, whatever else goes back in that area.

9 That's a very brief but comprehensive
 10 snapshot of the components of the system. I will be
 11 guided by your questions and interest as to what
 12 further you would like to explore or questions you
 13 have about any of the components. I would be happy
 14 to answer or go into more detail with any of them.

15 MR. VENA: Okay. You were talking
 16 about the water treatment. How is that water
 17 treated?

18 MR. QUINN: The water treated is --
 19 the first step of the treatment is the Stormceptor.
 20 Basically what it is, it's a cylindrical -- it's
 21 like a manhole, it's a cylindrical device. Water
 22 comes in about mid-height and it swirls around and
 23 creates a sediment containment device on the bottom.
 24 Overflow water, the flow out is about the same
 25 height as the flow in, so when the sediment

1 containment chamber fills up, then water spills out
 2 over the top, so it's got a very deep, large, sump
 3 and it creates a vortex designed to capture and hold
 4 the sediments, which become sludge, which then gets
 5 vacuumed out periodically, as we talked about.

6 MR. VENA: Okay. Thank you.

7 MR. QUINN: Sure.

8 MR. SCHERER: When this all gets
 9 filled up to its capacity of water, where is all the
 10 water going to go, down the driveway?

11 MR. QUINN: No, no, no, no. As a
 12 matter of fact, I may have gone too quickly with
 13 this, but the way the site is graded in the proposed
 14 condition, much the way it is now, the high spot is
 15 located here on Fourth Avenue (indicating). The rest
 16 of the drainage heads towards the Brookside
 17 detention basin. That drainage pattern, that
 18 grading pattern, is mimicked, so our high spot is
 19 located just behind the right-of-way.

20 MR. SCHERER: Okay.

21 MR. QUINN: So the only water going
 22 out into the street is maybe, you know, five feet
 23 behind the existing sidewalk, because you generally
 24 want to make a high spot so that gutter water
 25 doesn't enter the site. So we have a local high

26

1 spot immediately behind the right-of-way; everything
 2 else drains towards the north, towards the Brookside
 3 detention basin, but all the buildings and the
 4 parking area are collected by the stormwater
 5 detention system. The water quantity, the rates are
 6 reduced through the outlet control structure and
 7 then it's directed right back out to the wetland
 8 area adjacent to the Brookside detention basin, just
 9 the way the water would go, the way it goes now.
 10 MR. SCHERER: Well, it's permitted,
 11 right, from the EPA?
 12 MR. QUINN: Oh, absolutely.
 13 MR. SCHERER: Okay.
 14 MR. QUINN: A major development in New
 15 Jersey, when you do stormwater management for a
 16 major development in New Jersey, it's like dealing
 17 with sanitary effluent, it's very involved and
 18 there's a lot of components to it, and this complies
 19 in every way with the stormwater management rules,
 20 yes.
 21 MR. SCHERER: And this won't affect
 22 any of the neighbors that live in these houses
 23 around there?
 24 MR. QUINN: No, sir, the way -- again,
 25 by statute, the way that stormwater management is

27

1 designed is I'm obligated to reduce the runoff rate,
 2 so if you imagine whatever rate the water is leaving
 3 the site off site, I'm obligated to reduce that
 4 level of -- that rate of discharge in the post-
 5 development condition, so there are not expected to
 6 be negative impacts off site.
 7 VICE-CHAIRWOMAN VILLAGGIO: Mr. Hehl
 8 --
 9 MR. FRASER: Is the direct of this
 10 witness concluded?
 11 MR. HEHL: No.
 12 MR. FRASER: I didn't think so because
 13 he kind of tendered himself.
 14 MR. SCHERER: Oh, I'm sorry.
 15 VICE-CHAIRWOMAN VILLAGGIO: No, no, we
 16 opened it up.
 17 MR. FRASER: But what I'm saying, Mr.
 18 Hehl, is this hearing will go on for years -
 19 MR. HEHL: Yeah.
 20 MR. FRASER: -- if, every time Mr.
 21 Quinn finishes a point, he tenders himself for
 22 examination.
 23 MR. HEHL: Yeah. So I think he was
 24 just asking if there were any specific questions
 25 related to the drainage or drainage plan.

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1 MR. FRASER: But the problem is, that
 2 will then open that up for everybody --
 3 MR. HEHL: Yes.
 4 MR. FRASER: -- on every subject that
 5 he individually tenders himself for. Do you intend
 6 to do that, Mr. Hehl?
 7 MR. HEHL: No, not at all.
 8 MR. FRASER: All right, so you're
 9 continuing with your direct of this witness?
 10 MR. HEHL: Correct.
 11 CONTINUED DIRECT EXAMINATION BY MR. HEHL:
 12 **Q.** So, Mr. Quinn, you've given an overview
 13 of the drainage and lighting. If you could take us
 14 through any other aspects of the plan before you
 15 move on to the reports issued by the professionals.
 16 **A. I know these were touched upon by the**
 17 **professionals but the only thing I would say is that**
 18 **the outside agencies that will have some**
 19 **jurisdiction or approval authority over this will be**
 20 **the DEP, we'll have to get the wetland line verified**
 21 **and there will be some buffer averaging associated**
 22 **with that, with the development, and also, we'll**
 23 **have to get a flood hazard area jurisdictional**
 24 **determination from the DEP once we locate exactly**
 25 **where that flood hazard area is. Also, it will be**

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1 **subject to Soil Conservation District and your local**
 2 **water and sewer departments. Those are all the**
 3 **outside agencies I believe will have jurisdiction**
 4 **over this.**
 5 **Q.** Okay.
 6 All right, if you can now take us
 7 through the Harbor Consultants letter dated January
 8 9, 2015. I will point out the introduction
 9 paragraph is consistent with your opening statement
 10 with respect -- or your initial testimony with
 11 respect to what is proposed here, which is depicted
 12 on your site plan. If you could briefly review the
 13 zoning comments, I believe it indicates consistency
 14 with what I indicated in my opening statement as to
 15 the C variance and the D variances that were granted
 16 in connection with this application?
 17 **A. Right. I mean, I won't -- I won't**
 18 **recite what Harbor has done a good job of reciting,**
 19 **but as Steve mentions, Item 1 outlines all of the**
 20 **previous relief that was granted in association with**
 21 **this application, we have no new variances.**
 22 MR. FRASER: Do you disagree in any
 23 way with Harbor's recitation of Point 1?
 24 MR. QUINN: No, sir, I do not.
 25 **Q.** Do you also agree that, and based upon

1 your review of the site plan, that there are no new
2 variances, either C variances or D variances,
3 associated with the site plan portion of the
4 application?

5 **A. Yes, sir, I concur with that, yes.**

6 **Q.** Okay. Take us, then, through the
7 general comments, which will emphasize the other
8 aspects of the site plan, and we're now turning to
9 Page 2 of 5 --

10 **A. Right.**

11 **Q.** -- and I'm not going to ask you each
12 one --

13 **A. Right.**

14 **Q.** -- but if you could take us through
15 each one and if there's a simple one that just says
16 "A note will be added to the plan," if you could
17 make a comment.

18 **A. Well, what I'm going to do is, I've
19 gone through all of these, I've circled the ones
20 that I believe require some testimony, initiated by
21 Harbor; the rest of them, I'm going to agree to. So
22 the ones that I highlight for discussion now, if I
23 don't highlight it, it's agreed to.**

24 **So General Comments, I'm going to drop
25 down to No. 8 because Items 1 through 7, we have no**

1 issue with.

2 MR. FRASER: Okay.

3 **A. So No. 8 requires some testimony
4 regarding the capacity of the refuse enclosure.
5 That refuse enclosure, as I indicated, is 10-by-18,
6 very ample size. You could fit four four-cubic-yard
7 dumpsters in that enclosure area. We probably won't
8 need that many but I'm not sure -- at the time I
9 designed it, I wasn't sure how many categories of
10 recycling they would break it up into so we provided
11 what we believe is a very ample dumpster enclosure
12 sufficient for this site, clearly.**

13 MR. FRASER: Okay.

14 **A. Item 9, then, is actually a very good
15 point. There's some talk about providing a six-foot
16 privacy fence along the rear yards of the proposed
17 units, basically following the common wall of the
18 units, thereby affording some privacy between the
19 adjacent patio areas. To the extent that that
20 doesn't require any relief from the ordinance, we
21 have no problem complying with that, it sounds like
22 a good suggestion.**

23 **Okay, now, I have no problem with Items
24 10 through 15 in this section, so I'm going to jump
25 to Page 3 of 5, Site Layout, Circulation & Traffic**

1 **Comments.**

2 **Item 1, "Testimony regarding adequate
3 space for emergency and service vehicles to access
4 the site." This site will not accommodate the
5 turnaround maneuver of a fire truck. It will
6 accommodate the turnaround movements for garbage
7 vehicles, for ambulances, but a 47-foot ladder
8 truck, which is what most towns would typically use,
9 will not be able to pull in and turn around. Based
10 on the Fire Chief's comments, which I'll get to, he
11 wants to see a fire lane striping, which I believe
12 will happen along the driveway in this area, just to
13 preclude people from potentially parking here. So
14 the fire truck can make the turn in here, he can sit
15 astride here and fight the fire as he wants; they're
16 going to have to back out of the site, though, and I
17 think they're aware of that. There will be
18 sufficient radius for the truck to get in and out
19 but not to come in, do a K-turn, turn around; that
20 would be implausible for a site like this. And just
21 so you know, the RSIS requires that a multifamily
22 court, which is what this driveway is designed as,
23 be no longer than 300 feet or else there's an
24 obligation to provide a cul-de-sac and a turnaround.
25 This complies with the multifamily court definition,**

1 **so no turnaround is required or deemed necessary
2 with this.**

3 MR. FRASER: How deep is yours?

4 MR. QUINN: 260.

5 Okay, I'll drop down to -- well, we've
6 got Item 3, "The applicant should provide testimony
7 as to what impact the proposed development will have
8 on surrounding streets and intersection." There was
9 a lot of testimony about this at the first use
10 hearing regarding traffic. I am not going to
11 regurgitate all of that testimony except to say that
12 I recall that there was a lot of level-of-service
13 analyses done in the area and that the level of
14 service for all of the intersections and movements
15 were found to be more than adequate. I would leave
16 it at that because I -- again, because I am
17 rehashing what testimony was already provided, on my
18 memory, to this Board regarding the impacts on
19 traffic, which were deemed to be very minor because
20 the levels of service were excellent.

21 MR. FRASER: And as well, the density
22 has now been approved.

23 MR. QUINN: Right.

24 MR. HEHL: Right. And the Board will
25 recall, at the last hearing, Joseph Staigar, who was

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1 our traffic engineer, was accepted as an expert and
2 provided that testimony. Again, that gave the
3 justification for this Board to grant that variance.
4 MR. FRASER: But the point is that
5 that variance has already been granted.
6 MR. HEHL: Correct.
7 MR. QUINN: Correct.
8 MR. FRASER: It's not presently before
9 the Board.
10 MR. HEHL: Correct.
11 MR. QUINN: Okay, so I have no problem
12 with Item 4 on this thing. So I'm going to drop
13 down now to the next category, Grading, Drainage &
14 Utilities. Actually, I don't have any problems with
15 any of those, so to the next page --
16 MR. FRASER: If you might --
17 MR. QUINN: Sure.
18 MR. FRASER: I'm sorry, Kathy, you had
19 --
20 VICE-CHAIRWOMAN VILLAGGIO: No, go
21 ahead.
22 MR. QUINN: If there's something you
23 want me to discuss, I gladly will.
24 MR. FRASER: I want to just go on to
25 No. 8, "Comply with the directives of the Borough

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1 Fire Official," because it tied into what you were
2 just talking about about the striping.
3 MR. QUINN: I'm going to get to his
4 letter.
5 MR. HEHL: Yeah, we were going to go
6 through the Harbor letter first and then --
7 MR. FRASER: Okay.
8 MR. HEHL: -- move on to the fire and
9 the police.
10 MR. FRASER: I'm just saying, we were
11 going past Point 8 there a little quickly.
12 MR. HEHL: No, we weren't going --
13 VICE-CHAIRWOMAN VILLAGGIO: Can I just
14 --
15 MR. HEHL: Sure.
16 VICE-CHAIRWOMAN VILLAGGIO: -- throw
17 something? For the benefit of the audience, if --
18 like, you're saying "1 through 8." Nobody knows
19 what "1 through 8" is. Just so, you know, the
20 audience is aware --
21 MR. QUINN: Okay.
22 VICE-CHAIRWOMAN VILLAGGIO: -- of what
23 you're agreeing to --
24 MR. QUINN: Yeah, we were agreeing to
25 --

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1 MR. HEHL: That's an excellent point
2 and that's what I was just about to say --
3 VICE-CHAIRWOMAN VILLAGGIO: Okay.
4 MR. HEHL: -- that we have the benefit
5 of having the letter but if you could briefly touch
6 on what the nature of those comments are and why you
7 have no problem complying.
8 MR. QUINN: So we're at -- I'm on Page
9 3 of 5, Grading, Drainage & Utilities. These are
10 some comments that Harbor has made that either
11 require some notes be added to the plan or they're
12 just noting that -- what regulations are subject to
13 the application, so I --
14 VICE-CHAIRWOMAN VILLAGGIO: What I
15 meant was, you know, No. 1, you know --
16 MR. QUINN: Oh, you want me to read
17 them.
18 VICE-CHAIRWOMAN VILLAGGIO: -- "proposed
19 water main" --
20 MR. QUINN: Oh, I'm sorry, okay.
21 VICE-CHAIRWOMAN VILLAGGIO: -- "size
22 and material will be subject to" --
23 MR. QUINN: Yeah, I'm sorry, I thought
24 we were trying --
25 VICE-CHAIRWOMAN VILLAGGIO: -- and you

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1 have no problems.
2 MR. QUINN: -- to avoid reciting
3 everything.
4 MR. HEHL: Yeah, why don't you just
5 touch on what each of them are. They're quite
6 short, so...
7 MR. QUINN: Okay.
8 So, yeah, we have no problem with the
9 proposed water main size being subject to the New
10 Jersey American Water Company approval. Clearly,
11 they own the utility, they're going to decide.
12 "The applicant shall verify that the
13 existing water main in Fourth Avenue has sufficient
14 flow and pressure." That will be supplied via a
15 fire-flow test that will be coordinated.
16 "Test pit provided prior to
17 construction to verify the seasonal high water
18 table." Don't have any problem with that either.
19 That will be applied. There will be a note on the
20 drawing to indicate that such a task has to be
21 performed prior to construction.
22 Item 4 just recites that the stormwater
23 design is subject to DEP approval because it
24 requires DEP permits.
25 Item 5 likewise recites another

1 regulatory aspect of the project that we have to
2 comply with, which we have no problem with, which is
3 the FHA, the flood hazard area.

4 Item 6 acknowledges that the wetlands
5 buffer will be shown on our plan, it is appropriate
6 and permittable and by the state, and again, this is
7 all subject to...

8 MR. FRASER: And that state approval
9 is required, correct?

10 MR. QUINN: Correct. Yes.

11 Item 7, a stormwater management
12 operations and maintenance manual will be provided
13 prior to construction.

14 Item 8, the applicant will comply with
15 all directions of the Borough Fire Official and I
16 will go through that.

17 Now we're on Page 4 of 5, lighting and
18 landscaping. Item 1, the lighting plan is in
19 conformance, such is the comment that it conforms.

20 Item 2 is providing some indication of
21 the finishes or color of the light poles. Again,
22 what I had testified to was that we have ten-foot-
23 high light fixtures. They have -- what I didn't
24 cite was that they have a decorative kind of globe
25 fixture on top of these poles. These poles, the

1 applicant indicated, will be a metallic finish, very
2 likely black. That's really all there will be.

3 Item 3 refers to the back shields that
4 I indicated we're providing on the lights adjacent
5 to the property line to prevent light spillover.

6 Item 4 indicates requirements for some
7 shade tree sizes and ornamental trees, which we will
8 show the on the plan to be more specific.

9 BY MR. HEHL:

10 Q. And just if you could, again, for the
11 public, what are the sizes that they're looking for?

12 A. **Right. They're indicating the shade**
13 **trees to be a size of 12 to 14 feet tall at the time**
14 **of planting. Our plans had two-and-a-half-inch**
15 **caliper because caliper is the diameter of the tree,**
16 **six inches off the ground, which is what most**
17 **landscape contractors utilize. In fact, a two-and-**
18 **a-half caliper tree is between 10 and 15 feet high.**
19 **So I think we're talking about the same thing. I**
20 **think our parlance was in one manner and Harbor**
21 **wants to maybe sure that those items are specified,**
22 **so we'll add notes confirming.**

23 Q. Okay, and the ornamental trees would be
24 not less than six feet --

25 A. **Six feet in height, yes.**

1 Q. Okay.

2 A. **Yes.**

3 Q. And you'll make the appropriate
4 notations to the plan?

5 A. **Yes. Those requirements will be**
6 **reflected on the drawings.**

7 Q. And the final item is No. 5 in the
8 Landscaping & Lighting?

9 A. **Right. And this is actually a good**
10 **comment; they're talking about additional foundation**
11 **plants, if I'm not mistaken.**

12 Q. Yes.

13 A. **Yes. Yeah, we have -- as I had**
14 **indicated, we have plantings along this boundary, we**
15 **have plantings in here (indicating). The request**
16 **was to add some foundation plantings along this long**
17 **wall here (indicating) because it's going to be**
18 **facing Fourth Avenue. That makes perfect sense.**
19 **We'll probably place some azaleas, some**
20 **rhododendrons, some flowering, foundation plants, to**
21 **decorate that wall. I think that's a good idea.**

22 MR. HEHL: All right, the next section
23 of the letter deals with building design elements.

24 We're going to -- with the Board's indulgence, our
25 architect will touch on those items.

1 Q. The next section deals with demolition
2 comments and this would be at the stage when the
3 existing structures are proposed to be demolished.
4 If you could just briefly -- I don't think there's a
5 need to touch on each one but just any problem
6 complying with the four demolition comments.

7 A. **No, basically what this is, it's a**
8 **series of notes added to the plan to indicate that,**
9 **you know, everything that's taken down has to be**
10 **properly disconnected and disposed of in accordance**
11 **with state -- applicable to state and local laws,**
12 **that the adjacent property owners will be protected.**
13 **We have no problem with adding those notes to the**
14 **drawing at all, so...**

15 Q. Okay. And then the final two sections,
16 one is dealing with regulatory approvals, and
17 obviously, any and all approvals including, as you
18 mentioned, DEP wetlands or flood and any local
19 municipal approvals will be obtained in a condition
20 of any approval of this Board?

21 A. **Yeah, I think that Harbor's recitation**
22 **here is very comprehensive and I agree with it.**

23 Q. And then the final section of the
24 letter is just a recitation of the documents that
25 were reviewed in connection --

1 **A. Correct.**
 2 **Q.** -- with this application.
 3 **A. Correct.**
 4 **Q.** All right. With that being said, and
 5 this was a comment that was raised in Item No. 8 at
 6 the bottom of Page 3, you've been provided and we
 7 had an opportunity to review prior to the hearing
 8 the comments issued by the Fire Chief and if you
 9 could -- and the date of that review was 12/19/14.
 10 If you could please review each of the items in
 11 there and provide testimony -- well, when I say
 12 "each," some may be related to testimony by our
 13 architect, but from an engineering and site
 14 standpoint, address the items in this review.

15 **A. Sure. With regard to "site," the**
 16 **first item he Xes is "designation of fire lanes." I**
 17 **actually tried to call the Chief today and I left a**
 18 **message and I didn't get him, I've tried him in the**
 19 **past, I didn't get him, so I wasn't able to confirm,**
 20 **but he's asking for a designation of fire lanes.**
 21 **Typically what this involves is striping an area**
 22 **where there's not parking designated but where**
 23 **people may be tempted to park which could hamper the**
 24 **operations of a firefighting apparatus. So my**
 25 **suspicion is that we'll end up providing some sort**

1 **of striping and pavement, lettering, to indicate**
 2 **"fire lane no parking" along this section of the**
 3 **driveway (indicating) to keep it clear for fire**
 4 **vehicles.**

5 MR. FRASER: Is there any problem
 6 complying with that?

7 MR. QUINN: Not at all. Not at all.

8 And the other comments that I was
 9 seeking to confirm was, he mentions a fire hydrant
 10 as well as a siamese connection at the building. I
 11 was trying to confirm with him where the hydrant
 12 would be and if we needed both, but we'll comply
 13 with whatever his recommendation is.

14 MR. HEHL: All right, the other items
 15 on fire will be addressed by our architect in his
 16 testimony.

17 BY MR. HEHL:

18 **Q.** If you could now please turn to the
 19 referral form issued by the police department, and
 20 as I indicated, there were comments that were issued
 21 last year in connection with the use variance
 22 portion of this application and the police
 23 department has asked that we address Items 2 and 3
 24 of that letter, noting those as continuing comments.

25 **A. Um-hum. No problem.**

1 **Item 2 deals with foliage, limiting**
 2 **foliage in the area of the driveways, intersection**
 3 **with Fourth Avenue near the westbound curve out to**
 4 **Cranford, so what I believe the request is is to**
 5 **make sure -- since the limiting factor is to curve**
 6 **coming from the east, there's been a request to make**
 7 **sure that this area is clear of vegetation so that**
 8 **when someone's sitting out here looking this way to**
 9 **pull out of the driveway, there's no conflict. And**
 10 **we do have a planting area shown here, it's all very**
 11 **wild flowers and viburnums and very low-growing**
 12 **ground cover, so I think we need to clarify with the**
 13 **Chief that none of that is going to be a sight**
 14 **problem and we won't have any vegetation in that**
 15 **sight triangle that's going to impair sight**
 16 **visibility. So we have no problem complying with**
 17 **Item 2.**

18 **Item 3, he's requested some sort of**
 19 **acknowledging of the end of the road where Walnut --**
 20 **Walnut tees into Fourth Avenue in front of the site**
 21 **and, apparently -- there's many T intersections that**
 22 **exist all over the state. Apparently, this one must**
 23 **be an issue because the Police Chief was worried**
 24 **about having some sort of barricade or some warning**
 25 **device set up here so that people know the road**

1 **ended. What you have there now is a single sign,**
 2 **black-and-yellow sign, with arrows pointing in**
 3 **either direction. I think, to augment that, rather**
 4 **than have any kind of -- I don't think the applicant**
 5 **wants to put any kind of barricade here because I**
 6 **think he'd like to keep this maybe landscaping and**
 7 **something aesthetically pleasing, so I think what we**
 8 **would end up doing is putting -- haling with**
 9 **signage. They provide these triangular-shaped**
 10 **reflective signs to mark the end of a road for just**
 11 **such an occasion, so we would likely put a few of**
 12 **those on our site side directly opposite to, again,**
 13 **augment the fact that there's a T intersection**
 14 **there. There is a stop sign as well there and, for**
 15 **some reason, it's a problem, I don't know why, but**
 16 **we'll augment that with the proper signage.**

17 **Q.** And additional -- there's also a -- and
 18 if additional landscaping or buffering is requested
 19 beyond -- behind that signage, no objection to that?

20 **A. No objection with landscaping. I**
 21 **think what we're trying to avoid is any kind of**
 22 **permanent barrier, like a guide rail or something**
 23 **out there. We just as soon --**

24 VICE-CHAIRWOMAN VILLAGGIO: Did you
 25 speak to the Chief with regard to what you're

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1 proposing.

2 MR. QUINN: I have not spoken to him

3 yet, no, not at all.

4 VICE-CHAIRWOMAN VILLAGGIO: Okay.

5 MR. QUINN: But, I mean, we'll come to

6 a meeting of the minds, obviously. A barricade is

7 not required there, it's not --

8 VICE-CHAIRWOMAN VILLAGGIO: Um-hum.

9 MR. QUINN: -- ordained.

10 VICE-CHAIRWOMAN VILLAGGIO: But you

11 will --

12 MR. QUINN: Yes. Oh, no, absolutely.

13 VICE-CHAIRWOMAN VILLAGGIO: -- comply

14 or --

15 MR. QUINN: We want to make it safe.

16 Yes.

17 VICE-CHAIRWOMAN VILLAGGIO: Okay.

18 MR. QUINN: Again, he knows of a

19 situation that I wouldn't see driving out there,

20 it's not apparent to me why people don't acknowledge

21 that T section, but --

22 MR. FRASER: Very specifically, Mr.

23 Hehl, is the applicant willing to comply with the

24 comments of the Chief with regard to what would be

25 sufficient?

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1 MR. HEHL: Yes, no objection.

2 MR. FRASER: Thank you. I know what

3 you're saying.

4 VICE-CHAIRWOMAN VILLAGGIO: Yes.

5 MR. HEHL: And I believe that that

6 concludes addressing the comments from the various

7 departments, police, Harbor and the fire department,

8 and I have no further direct questions for Mr. Quinn

9 at this time with respect to the site plan aspect of

10 the application.

11 VICE-CHAIRWOMAN VILLAGGIO: Okay.

12 Does any member of the Board have any questions for

13 Mr. Quinn?

14 MR. SCHERER: Yeah, I do, I got more.

15 VICE-CHAIRWOMAN VILLAGGIO: Okay.

16 MR. SCHERER: The driveway, is that --

17 I know they don't want driveways going near the

18 intersections. Is that in compliance -- would it be

19 enough distance away from the intersection?

20 MR. QUINN: In this -- yes. That was

21 also opined on by the traffic engineer at the time

22 and found -- yes, this was a --

23 MR. SCHERER: Where it's shown on this

24 plan here.

25 MR. QUINN: Yeah, if this was a public

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1 road, it would probably be a less-than-desirable

2 configuration, you'd probably want the two to meet,

3 but since this is a private driveway, there's no

4 restriction with regard to the offset.

5 MR. SCHERER: Okay, well, I thought

6 there was supposed to be a certain amount of

7 distance it's supposed to be away from it.

8 MR. QUINN: Typically what they --

9 again, for street right-of-ways, they want 150 feet

10 to separate the right-of-way centerlines. This is

11 per RSIS for the streets.

12 MR. SCHERER: Yeah.

13 MR. QUINN: Since this is a driveway,

14 not a street, and there's no right-of-way associated

15 with it, I don't believe that provision applies to

16 this.

17 MR. SCHERER: Okay. Also, on the fire

18 lane, okay? Instead of -- I don't know if this

19 would be for the architect or whatever, but instead

20 of having a striped ground, you know, a big yellow

21 line going down a nice pavement, maybe one or two

22 signs there, small ones, that will tell people not

23 to park there.

24 MR. HEHL: Whatever --

25 MR. QUINN: Whatever the Chief --

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1 MR. HEHL: Yeah, I was going to say,

2 whatever your fire department -- certainly, if we

3 could make it as aesthetically pleasing as possible,

4 we will comply with that, but we would have to defer

5 to what your fire department --

6 MR. SCHERER: Okay. And also --

7 MR. QUINN: I'll convey the concern,

8 though.

9 MR. HEHL: Yeah.

10 MR. SCHERER: Yeah, you want something

11 to look good, you don't want something --

12 MR. QUINN: Yeah.

13 MR. SCHERER: Yeah, I know.

14 MR. QUINN: A little hatched area.

15 MR. SCHERER: And also, did you

16 consider anything about -- you're saying the sign at

17 the end of Walnut Avenue, on the other side, because

18 people have to go in, is there a way you could have

19 maybe an E wall or something like that with nice

20 landscaping where people could see that you can't go

21 any further, you have to go left or right?

22 MR. HEHL: Well -- I'll let Mr. Quinn

23 address it.

24 MR. SCHERER: Okay.

25 MR. QUINN: I remember that the

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1 traffic engineer testified to the free zone of
2 Fourth Avenue, which is an area behind the curb
3 that's supposed to remain open --
4 MR. SCHERER: Um-hum.
5 MR. QUINN: -- and I think he
6 testified that it wouldn't -- he didn't think it
7 would be appropriate to have any kind of wall/
8 barrier/structure in that free zone, that they
9 prefer to do it with signage and maybe some
10 landscaping behind that. So I think, at this point,
11 the applicant's not looking to do a wall, he's
12 looking to -- I mean, the building is separated
13 quite a ways; we'd rather do it with landscaping and
14 signage.
15 MR. SCHERER: Or a couple of big oak
16 trees? I mean, nobody's going to drive through
17 them.
18 MR. HEHL: Well, actually, Mr.
19 Scherer, that's where -- and we have no problem --
20 MR. QUINN: We do have some shade
21 trees out there.
22 MR. HEHL: Yeah. We have no problem
23 working with the -- again, your police department,
24 because they did say some heavy foliage, so that's
25 not a problem.

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1 MR. SCHERER: Yeah, just -- just so
2 many signs and stuff, it just doesn't make it look
3 aesthetically nice.
4 MR. HEHL: It would act as a natural
5 barrier.
6 MR. SCHERER: Yeah.
7 MR. HEHL: Yeah.
8 MR. SCHERER: And the only thing I was
9 concerned about is the garbage. Now, I realize you
10 have a big dumpster area, this and that. Now, I
11 don't know if this would pertain to you, but is that
12 going to be a guarantee that these people who buy
13 these units are not going to sue the town to have
14 their garbage picked up?
15 MR. HEHL: Well, that's -- I'll defer
16 to your counsel, but when it's an association like
17 this, they enter into a municipal services agreement
18 with the municipality to address that issue.
19 MR. SCHERER: Because we had the
20 problem with the Mews and they were supposed to pick
21 up their own garbage.
22 MR. FRASER: Mr. Scherer, I'm going to
23 echo -- or I'm going to pick up on one thing that
24 Mr. Hehl said. It's very difficult to guarantee
25 that people wouldn't sue the town for anything.

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1 MR. SCHERER: Yeah. Well, I realize
2 that, but the other lawyers, you know, they promised
3 left and right that that wasn't going to happen and
4 it did.
5 MR. HEHL: Well, certainly, and I
6 don't think this would be inappropriate, that if
7 there was a resolution of approval, that an adequate
8 agreement be specified between, in accordance with
9 municipal law, between the developer and the
10 municipality to address any issues with respect to
11 refuse collection.
12 MR. FRASER: And including, also, the
13 homeowners association.
14 MR. HEHL: Yes. But --
15 MR. FRASER: That could be a condition
16 of approval, Mr. Scherer, but as I say, anybody who
17 has \$275 and knows how to get to 2 Broad Street can
18 file a complaint.
19 MR. SCHERER: Yeah.
20 MR. HEHL: But you do have the -- you
21 have the ability to protect, as best as you can, the
22 municipality, including a provision in a resolution
23 that there be adequate -- an adequate agreement
24 signed to deal with that.
25 VICE-CHAIRWOMAN VILLAGGIO: Is that

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1 also with the recycling too?
2 MR. HEHL: Yes.
3 VICE-CHAIRWOMAN VILLAGGIO: That would
4 be -- I apologize.
5 MR. SCHERER: No, go ahead.
6 VICE-CHAIRWOMAN VILLAGGIO: That's the
7 only question I had with regards to what you just
8 asked. I was going to ask the same thing but I'm
9 going one step further with recycling.
10 MR. FRASER: It would apply with equal
11 force to garbage and recycling, clearly.
12 MR. HEHL: Right.
13 MR. FRASER: It's the same principle.
14 MR. HEHL: And that's why, as Mr.
15 Quinn testified, it actually is, in fact, over-
16 designed to accommodate what recycling might be
17 presently required or in the future if there was
18 requirements for further separation, so...
19 MR. SCHERER: So then, basically,
20 everybody's going to have -- they won't have garbage
21 cans in their houses or their garages, they'll have
22 their garbage and they're all going to walk it out
23 to the dumpster and throw it in, or is that up to
24 the tenant or the owner?
25 MR. HEHL: It's probably --

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1 MR. FRASER: It's probably up to the
 2 homeowners association.
 3 MR. HEHL: Yeah. But again, it's
 4 designed to provide that area so that they're --
 5 that issue would be addressed.
 6 MR. SCHERER: And another thing. The
 7 only other thing I have is about the animals and the
 8 wildlife that lives around there. Would that be a
 9 question for here or no?
 10 MR. HEHL: Well, again, I can, just by
 11 way of a proffer, this -- any type of development
 12 needs appropriate DEP and whatever governmental
 13 approvals are necessary, so there's studies that
 14 need to be done to address any of those.
 15 MR. SCHERER: And basically all the
 16 plantings will be stuff that deer don't like to eat?
 17 MR. HEHL: Always a --
 18 MR. SCHERER: I'm serious.
 19 MR. HEHL: Yes.
 20 MR. SCHERER: I mean, you're going to
 21 plant all this stuff and they're going to be gone in
 22 a day.
 23 MR. QUINN: No, no, we've been through
 24 this a couple of times so we avoid things like yew
 25 trees and -- the arborvitaes we use are Green Giant

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1 so that they're deer resistant, so we do pay
 2 attention to avoiding deer.
 3 VICE-CHAIRWOMAN VILLAGGIO: Yeah,
 4 because we have a problem with deer.
 5 MR. SCHERER: I got them on my front
 6 lawn every morning.
 7 MR. QUINN: Yeah, I hear it a lot.
 8 MR. HEHL: Mr. Scherer, what happens
 9 when there are developments of this nature and you
 10 have professionals designing their landscaping,
 11 that's usually less of a problem because they know
 12 what is resistant, as opposed to a homeowner going
 13 out and putting out all these trees and waking up
 14 the next morning and find everything eaten from the
 15 deer, so Mr. Quinn, if you could, again, indicate
 16 that the landscaping plan will be addressing any
 17 type of deer or other type of animals that would
 18 cause problems with that landscaping.
 19 MR. QUINN: We don't propose any deer-
 20 friendly plants on the site or any that are known to
 21 be fodder for deer. As a matter of fact, our plant
 22 list has been refined over the years of doing this
 23 based on complaints from people about, "Well, I
 24 don't know what you're saying about this plant, they
 25 eat this anyway," so yes, we've got deer-resistant

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1 -- to the best of my ability, we've got deer-
 2 resistant plans.
 3 MR. SCHERER: Also, one last thing on
 4 securing the dumpster from, like, raccoons and
 5 possums, we have plenty of them around, I know
 6 there's plenty of them out there.
 7 MR. QUINN: Yeah, you know what,
 8 that's a question of maintenance. The homeowners
 9 association has to make sure the tops are closed,
 10 and all these dumpsters come with lids and they have
 11 a board-on-board fence around it, but critters can
 12 still certainly get under and around things or climb
 13 over things. I mean, that's a question of
 14 maintenance and making sure that they keep the thing
 15 closed and tidy. That's the only way to keep
 16 critters out of there.
 17 MR. HEHL: That can be part of, and
 18 again, that there be proper -- a lot of times, this
 19 comes under the jurisdiction of your health
 20 department, but making sure that the dumpster at
 21 time of construction complies with all your health
 22 department rules and regulations with respect to
 23 size or having a top and having sides low enough to
 24 prevent that to occur.
 25 MR. SCHERER: Because they always, you

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1 know, they always try and get in the cans and stuff.
 2 MR. HEHL: Yeah. And again, with an
 3 association, what it does is it provides another
 4 level of oversight as opposed to a private residence
 5 because there's, in essence, an internal watchdog
 6 group.
 7 MR. QUINN: And that dumpster's going
 8 to be in clear view of a lot of those units so I'm
 9 pretty sure they're not going to want to see trash
 10 -- they're all going to be very visible so I'm
 11 pretty sure they're all going to be interested in
 12 keeping that clean since it's going to be in their
 13 viewshed.
 14 MR. SCHERER: All right, that's all I
 15 got for now.
 16 VICE-CHAIRWOMAN VILLAGGIO: Anybody
 17 else on the Board?
 18 (No response)
 19 VICE-CHAIRWOMAN VILLAGGIO: Paul?
 20 MR. TARANTINO: No.
 21 VICE-CHAIRWOMAN VILLAGGIO: Pat?
 22 MS. QUATTROCHI: No.
 23 VICE-CHAIRWOMAN VILLAGGIO: All right,
 24 no further questions of the Board so I will open it
 25 up to the members of the audience.

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1 State your name and your address.

2 MR. GREET: Yeah, Steve Greet, 409

3 Brookside Place.

4 Hi, just a quick question for you. The

5 stormwater action plan, that has to be reviewed and

6 updated how often?

7 MR. QUINN: Well, you're talking about

8 the stormwater operations manual?

9 MR. GREET: Um-hum. Well, not the

10 manual but the actual filing with the DEP.

11 MR. QUINN: Well, the stormwater

12 management design calculations, the big report that

13 numerically provides the information that generates

14 the size of it, that gets submitted to DEP for their

15 review to make sure that they're comfortable with

16 our -- that we comply with the regulations.

17 MR. GREET: Right.

18 MR. QUINN: The operations maintenance

19 manual is something else. That's a document that

20 stays with the homeowners association. That

21 outlines how the system is to be maintained and

22 usually it has a log, an inspection log.

23 MR. GREET: Right.

24 MR. QUINN: That's to be submitted to

25 the town once a year or whatever your requirement

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1 is.

2 MR. GREET: All right, so that'll be

3 maintained locally for review as well?

4 MR. QUINN: Yes. Again, I don't know

5 what your ordinance is but the operations and

6 maintenance manual will have an inspection log --

7 MR. GREET: Okay.

8 MR. QUINN: -- designed to go to the

9 town in accordance with whatever ordinance you have

10 regarding that.

11 MR. GREET: Is there a stormwater

12 action plan required for this site?

13 MR. QUINN: No, not in terms of an

14 action plan. The stormwater management report has

15 calculations in compliance with the regulations and

16 then the operations and maintenance manual.

17 MR. GREET: Okay.

18 MR. QUINN: But not an action plan,

19 that I know of.

20 MR. GREET: Okay.

21 Okay. And as far as the maintenance

22 goes of the effluent that's going to be treated, how

23 is that -- mechanically, how is that done?

24 MR. QUINN: Again, it's basically a

25 large manhole --

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1 MR. GREET: Um-hum.

2 MR. QUINN: -- and it's got a sump,

3 the lower portion of the manhole is a collector and

4 it collects the sediments which drop to the bottom

5 and creates a vortex.

6 MR. GREET: Right.

7 MR. QUINN: That has to be pumped out.

8 Over time, a sludgy --

9 MR. GREET: Right, and that has to be

10 done on a regular schedule.

11 MR. QUINN: Yeah. Usually between

12 once a year and once every two years, depending on

13 the intensity of the development. This one's

14 probably closer to one or two years.

15 MR. GREET: That's what I'm saying.

16 So there are two factors: One, you're going to have

17 to monitor exactly what the sediment is going to be

18 and then you're going to have to maintain it and

19 make sure that it is pumped.

20 MR. QUINN: And part of the inspection

21 log on the operations manual --

22 MR. GREET: Right.

23 MR. QUINN: -- will have "Maintain,"

24 you know, "pump out stormwater sceptor,

25 Stormceptor," check, so there's --

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1 MR. GREET: Okay.

2 MR. QUINN: That'll be incorporated

3 into the operations manual, which again is designed

4 to be filled out by the association and then

5 submitted to the town in compliance.

6 MR. GREET: I'm not an expert but I

7 would just ask that you verify that there's not an

8 action plan, stormwater action plan, that is

9 required to be maintained.

10 MR. QUINN: I've done these

11 developments, I've been doing this for 20 years and

12 I've never seen an action plan.

13 MR. GREET: Okay.

14 MR. QUINN: Where did you hear of

15 that?

16 MR. GREET: I'm familiar with it from

17 industry.

18 MR. QUINN: Maybe for industrial

19 facilities where, yes, you're dealing with -- no,

20 that doesn't apply --

21 MR. GREET: Okay.

22 MR. QUINN: -- to this kind of

23 residential or even nonindustrial commercial sites.

24 MR. GREET: Okay.

25 MR. QUINN: Thank you.

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1 MR. GREET: Thank you.

2 VICE-CHAIRWOMAN VILLAGGIO: Next.

3 MR. CORBIN: My name is Horace Corbin,

4 I live at 430 Union Street.

5 (Court reporter asks for spelling of name.)

6 MR. CORBIN: Horace, H-O-R-A-C-E, and

7 Corbin, C-O-R-B-I-N.

8 One of the major concerns is obviously

9 the stormwater problem in the area, the wetlands,

10 and in fact, the reason that that basin is there is

11 to keep Cranford from flooding and an agreement has

12 been in place between Westfield, all these towns

13 come together, Westfield, Cranford --

14 MR. QUINN: Yeah.

15 MR. CORBIN: -- and Garwood, and

16 there's signed agreements between Westfield and

17 Cranford about not developing this area, and in

18 fact, Garwood actually sued a developer 15 years ago

19 to not develop this area and won in court and the

20 court's decision was simply not appropriate in a

21 neighborhood like this.

22 Now, Harbor Associates is in Cranford,

23 right?

24 MR. GALLERANO: Yes, that's correct.

25 MR. CORBIN: And so you know High

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1 Street in Cranford.

2 MR. GALLERANO: Correct.

3 MR. CORBIN: And High Street floods,

4 as we report several times in our newspaper. And

5 that whole development there has exactly this design

6 to prevent it from flooding. So there are serious

7 problems there. I've advised Westfield and

8 Cranford, who probably have more at stake than

9 Garwood, because right adjacent to this is Cranford.

10 MR. FRASER: Is there a question?

11 VICE-CHAIRWOMAN VILLAGGIO: Question?

12 MR. HEHL: I have no problem, but this

13 is the question-and-answer, so if there's a specific

14 question for Mr. Quinn based on his testimony --

15 certainly, you will have an opportunity to speak --

16 MR. CORBIN: Okay, I'll get to the

17 question on the runoff.

18 The property funnels down to a point.

19 Does that point at the end of the property touch the

20 brook? The answer is no.

21 MR. FRASER: Well, wait a minute.

22 Excuse me. Mr. Corbin, you got the right to ask a

23 question, you don't have a right to answer the

24 question. The witness answers the question.

25 MR. CORBIN: All right, I want to hear

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1 the answer.

2 MR. FRASER: All right, then let him

3 speak and answer the question.

4 MR. QUINN: Based on the base mapping

5 that we have, yes, it looks like the brook cuts

6 through the very northern portion of it on the way

7 to the detention basin.

8 MR. CORBIN: The point of the dunce

9 (sic).

10 MR. QUINN: The very extreme, far

11 north of the property that it comes to.

12 MR. CORBIN: Okay. And so all this

13 water that's running off this sophisticated

14 detention basin and dumping off into the wetlands is

15 going to magically funnel itself down to the point

16 of property that's into the brook.

17 MR. HEHL: My only objection --

18 MR. CORBIN: I don't know.

19 MR. HEHL: Well, you used the word

20 "magically" --

21 MR. FRASER: Well, but your witness

22 can answer that, Mr. Hehl.

23 MR. HEHL: Without the word

24 "magically."

25 MR. FRASER: Your witness can answer

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1 the question --

2 (Many people are speaking at once - court

3 reporter asks for one person to speak at a time.)

4 MR. FRASER: Mr. Hehl, look at the

5 rule. Your witness can answer the question. Maybe

6 it is by magic, maybe it's not. The witness can

7 answer.

8 MR. QUINN: I assure you there's

9 nothing magical about this.

10 The water does not have to enter that

11 brook at the northern portion of the site. As a

12 matter of fact, the detention basin, the side of the

13 detention basin is much closer to the easterly

14 property line from the development than that brook

15 is at the northern portion.

16 MR. CORBIN: Have you ever seen that

17 brook when it rains?

18 MR. QUINN: I have seen it when it's

19 dry, I have not seen it when it's raining.

20 MR. CORBIN: The flow in that exceeds

21 12 feet per second. I know some of these numbers

22 only because, for 38 years, I've been a Professional

23 Engineer, and so that brook, when it rains, from my

24 observation, is totally full, flowing at maximum

25 flow by gravity right into Cranford, and then where

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1 does it go? It floods that area of Cranford. And
 2 if you go there now and look at the property, you
 3 can ice-skate on it because it's frozen ponds. And
 4 I'm just done with this. I think the court had it
 5 right 15 years ago that this is not appropriate and
 6 I don't care about any of these fancy damn expert
 7 testimony. The court still is going to get it
 8 right.
 9 (Applause by members of the audience)
 10 MR. FRASER: No more questions, Mr.
 11 Corbin?
 12 MR. CORBIN: I'm done.
 13 MR. FRASER: Do you have a question?
 14 MR. LOBE: My name is David Lobe,
 15 L-O-B-E, 900 Union Street.
 16 You mentioned something about
 17 demolition on the existing site. Can you talk a
 18 little bit about the timeline for how long that
 19 demolition will take, what kind of equipment will be
 20 used and what methods are used to mitigate noises,
 21 dust and effects on the neighbors?
 22 MR. QUINN: I am not a contractor so I
 23 wouldn't have privy to that information. When a
 24 contractor signs up, he'll outline the proposal.
 25 What I could tell you with regard to civil

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1 engineering, the notes that Harbor had indicated,
 2 which are good, are all about making sure that
 3 before you demolish a property, you notify the
 4 utility companies and you exercise the proper
 5 utility disconnects to make sure you've got all that
 6 done. You excavate the building entirely, pull out
 7 the foundation, you don't bury it. You don't bury
 8 the material on site, you dispose of them in
 9 accordance with the state and local requirements.
 10 That's as far as I would go in describing the
 11 demolition. That's a very small property. I could
 12 tell you the demolition will probably take three
 13 days, at the most, for the entire site. It's a
 14 really small -- that's just my guess; I'm not a
 15 demolition contractor.
 16 MR. HEHL: But I will add also that
 17 there are rules and regulations that anyone must
 18 comply with in connection with demolition, and the
 19 applicant, as noted in the Harbor Consulting review
 20 letter, has to comply with those.
 21 VICE-CHAIRWOMAN VILLAGGIO: Is there
 22 anyone else in the audience who would like to ask
 23 the engineer a question? Miss.
 24 MS. KEHOE: Hello, everyone, I'm
 25 Marianne Keogh, K-E-H-O-E, I live at 431 Union

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1 Street, right next to the brook.
 2 Who do I sue when the brook overflows
 3 because you're putting this large parking lot -- and
 4 I appreciate your three-legged stool, but it's going
 5 to impact on the environment, as Howard said.
 6 The second question I have is: Who
 7 owns this property, who are we talking about? Is
 8 that person here?
 9 MR. FRASER: Okay. First of all, the
 10 first question, I'm respectfully going to have to
 11 rule out of order. It's not an engineering question
 12 to ask this gentleman who you sue.
 13 MS. KEHOE: Right, okay. I was being
 14 sarcastic and I think you know that. My third
 15 question -- my second question: Who owns the
 16 property?
 17 MR. FRASER: It's a matter of record
 18 that it's Mr. and Mrs. Villaruat.
 19 MS. KEHOE: Mr. and Mrs. who?
 20 MR. FRASER: Villaruat.
 21 MS. KEHOE: Are they here?
 22 MR. VILLARUAT: Yes, ma'am.
 23 MRS. VILLARUAT: Yeah, right here.
 24 MS. KEHOE: Oh, hello.
 25 MRS. VILLARUAT: Hi.

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1 MS. KEHOE: How are you?
 2 MR. VILLARUAT: How you doing?
 3 MS. KEHOE: I appreciate you want to
 4 make a profit on your house but nine houses.
 5 The third question I have is: What are
 6 you going to do about the traffic with probably 18
 7 additional cars? You take your life in your hands
 8 when you walk on Fourth Avenue now. Signs are nice
 9 but there's no light, you can't walk there, you
 10 can't cross the street, it takes ten minutes to
 11 cross the street. I can't walk my dogs there,
 12 they're terrified. So what's going to be done with
 13 the traffic that's going to be increased by, we
 14 know, at least 18 cars if there's nine houses?
 15 MR. FRASER: All right. The last
 16 question, respectfully, the use variance granting
 17 the density was approved at the prior hearing. This
 18 is now --
 19 MS. KEHOE: That's my comment, like,
 20 how could you even get there?
 21 MR. FRASER: But, ma'am, we're not on
 22 comments --
 23 MS. KEHOE: I know, I'll save it for
 24 then.
 25 MR. FRASER: -- we're on questions --

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1 MS. KEHOE: How could you even get to
 2 this point?
 3 MR. FRASER: We're on questions of the
 4 engineer.
 5 MS. KEHOE: No more, that's it.
 6 VICE-CHAIRWOMAN VILLAGGIO: Is there
 7 anybody else in the audience who would like to ask
 8 the engineer a question? Mr. Paterson?
 9 MR. PATERSON: Yes, Bruce Paterson,
 10 325 Willow Avenue.
 11 The turnaround, you mentioned a
 12 turnaround and fire trucks obviously are long so
 13 they will always have a tough time, but with the
 14 garbage trucks and the delivery vans, how are they
 15 going to be turning around? I'm looking at the site
 16 plan and I guess it's not there. Is it a K-turn or
 17 is it actually --
 18 MR. QUINN: Yes, it's a K-turn. There
 19 is a striped area located at the northern end of the
 20 visitors' parking lot that's meant to provide a
 21 K-turn maneuver, so trucks will come in, down the
 22 driveway, they can then front into that striped area
 23 and then back up and then pull out the driveway.
 24 That's the intent of that striped area, large
 25 striped area, in that visitors' lot.

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1 MR. PATERSON: I was probably looking
 2 at the wrong drawing.
 3 The catch basin, it looks like you have
 4 one catch basin down at the far end of the driveway,
 5 260 feet long.
 6 MR. QUINN: At the low end of the
 7 site, correct.
 8 MR. PATERSON: In other words, water
 9 will -- as it rains and, you know, pick the worst
 10 case, the hundred-year storm, the water will start
 11 gathering at the high point, which is at Fourth
 12 Avenue, and then it will be traveling down the
 13 260-foot driveway, gathering more rain as it's
 14 traveling, and then after 260 feet, that's where it
 15 goes into the catch basin.
 16 MR. QUINN: That's correct.
 17 MR. PATERSON: All right. Could there
 18 be some kind of intermediate catch basin? Because
 19 you're talking about, say, the last two houses down
 20 there. We're talking 260 feet -- well, 240 feet,
 21 say, times whatever the width of the driveway is. I
 22 mean, that much water will be tumbling down there.
 23 You know, one catch basin. Who designed that catch
 24 basin?
 25 MR. QUINN: I did.

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1 MR. PATERSON: And you're saying that
 2 catch basin's actually going to pick all that water
 3 up.
 4 MR. QUINN: Yes. We did an analysis,
 5 an inlet capacity analysis, which is basically the
 6 top of the inlets have only so much open area, you
 7 know, because they're not an open box, they have
 8 slots and a hole behind, so you do an analysis on
 9 the flow to that catch basin to ensure that the
 10 water doesn't have to hop the curb, that so much
 11 water doesn't collect and you gotta breach the curb
 12 because the capacity of the inlet is insufficient.
 13 We did an inlet-capacity analysis for the
 14 hundred-year storm and that storm -- that inlet
 15 easily handles it. One of the reasons is because
 16 the roofs are directly piped so the roofs are not
 17 adding surface runoff that has to be addressed by
 18 the inlet. The roofs are piped hardline into the
 19 detention system. So that takes a little bit of the
 20 burden off the inlet, which, again, we analyzed and
 21 find sufficient inlet.
 22 MR. PATERSON: I noticed, I guess, the
 23 grade is about from 100 down to 96 so it's 4 feet in
 24 260 feet. That 's the grade at the driveway?
 25 MR. QUINN: Yeah, I mean, it's an

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1 average.
 2 MR. PATERSON: Roughly?
 3 MR. QUINN: Yeah.
 4 MR. PATERSON: What kind of velocity
 5 does that water have at that point?
 6 MR. QUINN: I'm sorry, I couldn't tell
 7 you, but it's going to be between five and ten feet
 8 per second, I feel sure, but again, there's no issue
 9 with velocity on a paved surface.
 10 MR. PATERSON: Well, it's just that
 11 there may be people walking there.
 12 UNIDENTIFIED MEMBER OF THE PUBLIC:
 13 Old people.
 14 MR. PATERSON: Old people, yeah.
 15 MR. QUINN: The water's very shallow,
 16 it's not -- it's not a large area.
 17 MR. PATERSON: When you say shallow at
 18 a hundred-year storm, what's the depth of the water?
 19 MR. QUINN: The depth at the inlet
 20 required to pass the storm was two inches at the
 21 inlet, which is at the low side. So you're going to
 22 have very -- for the maximum storm, you'll have very
 23 localized ponding within five, ten feet of that
 24 inlet, again, for the maximum storm event that the
 25 system's going to see.

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1 MR. PATERSON: Is this whole driveway
 2 sloped accordingly or is there flat areas and
 3 additionally more sloped, you know, as it goes down
 4 to the...

5 MR. QUINN: You know, it gets a little
 6 flatter as you get to the northern end but it's
 7 about a 5 percent slope, as I recall, from the high
 8 point, the elevation 100, till you get to about the
 9 visitor parking area, then it begins to flatten out.

10 MR. PATERSON: You mentioned about the
 11 garbage dumpster, you know, whatever the size, you
 12 did mention a large size, but I didn't see a detail
 13 on the enclosure or how you are addressing the site.
 14 You did say that the dumpster would be in full sight
 15 of the residences.

16 MR. QUINN: Yeah, it's on the opposite
 17 side of the drive, so everybody will be able to see
 18 that. It's screened from behind but the gates will
 19 be, you know, on the side of the driveway.

20 MR. PATERSON: Yeah, I didn't see a
 21 detail, though.

22 MR. QUINN: There is, there's a detail
 23 on, I believe, the site sheet, which shows an
 24 enclosure. Here, let me help you. No, back one.
 25 This is an idea of what it's going to look like with

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1 the board-on-board fence.

2 MR. PATERSON: All right, that's top
 3 view.

4 MR. QUINN: Say again?

5 MR. PATERSON: That's top view.

6 MR. QUINN: Correct.

7 MR. PATERSON: All right, there's no
 8 side view or...

9 MR. SCHERER: What are we looking at?

10 VICE-CHAIRWOMAN VILLAGGIO: A six-foot
 11 fence?

12 MR. QUINN: Yes.

13 MR. PATERSON: That's Sheet 2. All
 14 right, I'm just -- normally, the Planning Board does
 15 question dumpster enclosures quite in depth.

16 MR. FRASER: Is there a question, Mr.
 17 Paterson?

18 MR. PATERSON: No, that was a comment
 19 and --

20 MR. FRASER: We're on questions, as
 21 you well know.

22 MR. PATERSON: I well know that very
 23 much, Mr. Fraser.

24 That's it. Thank you very much.
 25 Thank you.

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1 VICE-CHAIRWOMAN VILLAGGIO: Ma'am.

2 MS. NANCY McCOMB: Hi. My name is
 3 Nancy McComb and I have a question on --
 4 (Court reporter asks for spelling of name.)

5 MS. NANCY McCOMB: M-C and then a comb
 6 that you comb your hair with.

7 My question is, the three-legged --

8 VICE-CHAIRWOMAN VILLAGGIO: Address.

9 MS. NANCY McCOMB: I'm in Cranford, 59
 10 South Union Avenue.

11 VICE-CHAIRWOMAN VILLAGGIO: Okay,
 12 thank you.

13 MS. NANCY McCOMB: But I grew up on
 14 Brookside Place so I -- as a child, I loved the
 15 flooding, we would get tire tubes and float down,
 16 but as an adult, I realize it's not fun and I
 17 understand the water's filthy. But my question to
 18 you is, this three -- what did you call the three,
 19 I'm going to say "step" but I know you --

20 MR. QUINN: Three-legged stool.

21 MS. NANCY McCOMB: Okay. This plan --
 22 Brookside Place floods. The basin floods. So now
 23 are you going to say, with this plan, they're not
 24 going to flood anymore? This sounds wonderful.

25 MR. QUINN: No, no, no, I'm not saying

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1 that we're going to mitigate anything off site.
 2 Whatever happens off site is out of our control.
 3 What I'm saying and what every applicant of a major
 4 development is required to do in New Jersey --

5 MS. NANCY McCOMB: Um-hum.

6 MR. QUINN: -- is to reduce the rate
 7 of runoff that leaves a site post-development. So
 8 while -- imagine water running off a property at a
 9 certain rate. I have to retain it and meter it out
 10 at a slower rate so that it leaves the site more
 11 slowly than it left the site in the existing
 12 condition. That is the basis for the design rule
 13 and that's the basis for the claim that there's no
 14 impact, because we're reducing the runoff relative
 15 to what comes off the property in the existing
 16 condition, and that's by statute.

17 MS. NANCY McCOMB: So then, if I
 18 understand this correctly, none of this water for
 19 the new site is going to go in the basin.

20 MR. QUINN: Oh, it is.

21 MS. NANCY McCOMB: Well, it floods
 22 now.

23 MR. QUINN: Well, that's right, and
 24 there is a floodplain associated with that basin
 25 that encroaches onto our property. Again, there's

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1 nothing we can do --

2 MS. NANCY McCOMB: So they're going to

3 flood along with everyone else.

4 MR. QUINN: Yeah, he has a flood plan

5 on his site. The far northern portion of the

6 property, again, I haven't seen it, but is shown to

7 be encumbered by the regulatory floodplain, yes.

8 MS. NANCY McCOMB: So this is going to

9 be great, the whole -- it will be Cranford,

10 Westfield, Garwood, we're in it together, that's

11 beautiful. Thank you. It's good. The more the

12 merrier.

13 MR. HEHL: Madam Chair, can I just

14 make one comment?

15 VICE-CHAIRWOMAN VILLAGGIO (to member

16 of the public): One second, sir.

17 MR. HEHL: Just for the Board's

18 benefit and for the public's benefit since there's

19 conversation about stormwater, just so everybody's

20 clear on what the regulations state, this site is

21 under the DEP jurisdiction. DEP has very

22 comprehensive stormwater management regulations and

23 the applicant's obligation is only to mitigate the

24 stormwater from a particular property that's

25 involved with that application. They don't have any

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1 obligation or anything on the regulations that

2 requires them to mitigate anything off site. So the

3 applicant's obligation is only to mitigate what's

4 coming from his property. There's a certain rate of

5 runoff from the property now that goes from that

6 property into the detention basin. Under the

7 proposed conditions, the applicant is going to be

8 reducing that runoff, and that's what their

9 obligation is under the regulations. This site and

10 also the detention basin is also regulated by the

11 DEP. This application is going to be submitted to

12 DEP, they're also going to review this with respect

13 to the stormwater management and with respect to the

14 floodplain regulation. So, just so everybody in the

15 audience knows, this is not only being reviewed by

16 my office, it's also going to be reviewed by DEP and

17 the applicant will be required to address any

18 comments or any additional, you know, items that the

19 DEP may require, so...

20 VICE-CHAIRWOMAN VILLAGGIO: Thank you.

21 MR. HEHL: I just wanted just to

22 clarify that for the record.

23 VICE-CHAIRWOMAN VILLAGGIO: Thank you,

24 Tony. Sir?

25 MR. UZARSKI: Yes. My name is John

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1 Uzarski and I own 415 Union Street. I was invited

2 here because of the proximity to the property

3 proposed.

4 MR. FRASER: Sir, please spell your

5 name for the reporter.

6 MR. UZARSKI: Sure. U-Z-A-R-S-K-I,

7 John Uzarski.

8 And it looks like a wonderful project,

9 the photographs there, and it's a valuable area, as

10 we well know, so I'm sure it will be a sellout, an

11 immediate sellout, but I walk my dog past here every

12 day and I'm just wondering, are people going to

13 invest in such a valuable property, is the other

14 building still going to remain in front of all of

15 these?

16 MR. FRASER: Is that a question for

17 the engineer?

18 VICE-CHAIRWOMAN VILLAGGIO: Is that a

19 question for the engineer?

20 MR. UZARSKI: You know there's a big

21 -- the Gold Star?

22 MR. QUINN: Yeah, the Five Star.

23 MR. UZARSKI: That's going to be in

24 front of it?

25 MR. QUINN: Oh, no, sir, that's

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1 getting demolished.

2 MR. UZARSKI: Oh, okay.

3 MR. QUINN: Yeah. So all the --

4 everything that's on the property now, which is very

5 little, is going to be cleared.

6 MR. UZARSKI: Okay. So where's going

7 to be the entrance? Because as you wrap around -- I

8 was practically laughed out of this room the last

9 time I spoke by the engineer who you guys hired.

10 When everybody whips out of that corner there where

11 you're supposed to be doing like 25 -- and they did

12 that big traffic study, okay? I walk my little dog

13 around there every day, because I can't cross the

14 street because there's no light there and it's very

15 -- it takes a long time to cross the street, but how

16 are people going to go around that bend on

17 Brookside, stop, when Center Street or Walnut Street

18 comes into it and traffic's coming this way

19 (indicating), how are they going to, you know, just

20 slow down comfortably and then go into their

21 development and then come out when that's such a

22 volatile area? That's what I would love to know.

23 MR. QUINN: Well --

24 MR. UZARSKI: And if you've ever been

25 there, you can do your traffic study and you can

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1 stay over there for a couple of hours any time of
2 the day and it's pretty -- it's just challenging. I
3 just was curious, is there going to be a blinking
4 light or something like that?
5 MR. HEHL: Well --
6 MR. FRASER: Go ahead, Mr. Hehl.
7 MR. HEHL: This was covered, again,
8 as, Counsel, you noted earlier, during our traffic
9 study when the project density was approved by this
10 Board. We're, again, here for the site plan
11 portion, we're incorporating that previous
12 testimony, and as it was just indicated, this was
13 brought up at the last hearing and addressed.
14 MR. FRASER: I think it's not the
15 issue so much that it was brought up at the last
16 hearing, Mr. Hehl, but it's that the density
17 variance and the use has already been granted.
18 That's not actually a question -- while it's an
19 excellent question, it's not part of the site plan
20 application that's presently before the Board and
21 it's not part of the testimony of the engineer
22 that's been offered. If the engineer has a brief
23 comment in response to the question, I guess that
24 would be a good thing to give, but it's really a
25 decision that's already been made.

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1 MR. QUINN: The brief comment I'll
2 make is this: That road speed limit, 25 miles an
3 hour, the driver location we have requires a sight
4 distance of 150 feet, which is what we have. So
5 there will be ample sight distance provided. When I
6 say "sight distance," that's stopping distance.
7 That means someone needs 150 feet at 25 miles an
8 hour to stop if they see a conflict with the
9 driveway in front of them. So that's the standard
10 we're using and that's being met.
11 MR. UZARSKI: So does the driveway
12 marry Walnut Street?
13 MR. QUINN: No.
14 MR. UZARSKI: And it's after it,
15 closer to Union Street, or before it?
16 MR. QUINN: It's --
17 MR. UZARSKI: Because if it's before
18 it, it's going to be really bad.
19 MR. QUINN: It's east of it. It's
20 closer to Cranford.
21 UNIDENTIFIED MEMBER OF THE PUBLIC:
22 Gridlock. Gridlock.
23 VICE-CHAIRWOMAN VILLAGGIO: Ma'am.
24 MS. LAUREN McCOMB: Lauren McComb,
25 M-c-C-O-M-B, at 419 Brookside Place in Cranford. I

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1 just have a question about the dumpsters.
2 So you kind of explained the way that
3 they're going to look from the townhomes, but what
4 are they going to look like behind that, because
5 that's what I look at.
6 MR. QUINN: Right. Well, they're
7 surrounded by a board-on-board fence, what they call
8 a "shadow board," board on the inside, board on the
9 outside kind of thing. On the easterly side, which
10 is the side you are on --
11 MS. LAUREN McCOMB: Yes.
12 MR. QUINN: -- we also have ten
13 evergreen arborvitaes to ring it around, so what
14 you're going to see is the same fence that the
15 people in the development are going to see --
16 MS. LAUREN McCOMB: Okay.
17 MR. QUINN: -- except you'll also see
18 a green ring of evergreens surrounding that feature
19 that the residents will see.
20 MS. LAUREN McCOMB: So it's going to
21 be pretty all the way around, pretty much, is what
22 you're saying.
23 MR. QUINN: "Pretty" is a qualitative
24 term but yes.
25 MS. LAUREN McCOMB: Okay, I just

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1 wanted to make sure it wasn't just pretty for them
2 --
3 MR. QUINN: Oh, no, no.
4 MS. LAUREN McCOMB: -- and chain-link
5 fences --
6 MR. QUINN: You get more --
7 MS. LAUREN McCOMB: -- with garbage
8 for me.
9 MR. QUINN: You get more --
10 MR. FRASER: Let me help you with
11 that.
12 MS. LAUREN McCOMB: Okay.
13 MR. FRASER: The question, I think,
14 really is: The opening of the dumpster, is it going
15 to face the outside people or is it going to face
16 the people in the development?
17 MR. QUINN: No, it's facing the
18 interior.
19 MR. FRASER: And the people on the
20 outside, between them and the dumpster are where the
21 green trees are going to be, the green trees are not
22 going to be between the townhouses and the dumpster;
23 is that correct?
24 MR. QUINN: Correct.
25 MS. LAUREN McCOMB: Right, I get that,

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1 but they're going to be directly behind the
2 dumpster?
3 MR. QUINN: Yes. Yes. Within five to
4 six feet off of the board-on-board fence that
5 circles the dumpster.
6 MS. LAUREN McCOMB: So if you're
7 standing on the easterly side, you essentially
8 wouldn't be able to see the dumpster through the
9 greenery.
10 MR. QUINN: Right.
11 MS. LAUREN McCOMB: Okay.
12 MR. QUINN: Exactly. That's the
13 intent.
14 MS. LAUREN McCOMB: Thanks.
15 VICE-CHAIRWOMAN VILLAGGIO: One
16 second, Mr. Paterson.
17 Is there anybody else in the audience
18 who has a -- sir.
19 MR. LAUCIUS: Yeah, Rob Laucius,
20 L-A-U-C-I-U-S, 415 Fourth Avenue, regarding fire
21 truck access. What if it's a multiple-alarm fire,
22 how will multiple vehicles fit in there?
23 MR. QUINN: I'm not the Fire Chief, I
24 couldn't tell you, sir, how they're going to --
25 MR. LAUCIUS: But you don't do any

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1 planning for that?
2 MR. QUINN: We're not required to, I'm
3 required to follow the Fire Chief's directives and
4 make sure I can get a vehicle in there.
5 MR. LAUCIUS: One vehicle.
6 MR. QUINN: Yeah. At this point,
7 that's all I've got. I don't know how they're doing
8 that; that's not part of my planning.
9 MR. LAUCIUS: Okay, thank you.
10 MR. QUINN: Sure.
11 VICE-CHAIRWOMAN VILLAGGIO: Anybody
12 else?
13 (No response)
14 VICE-CHAIRWOMAN VILLAGGIO: All right,
15 Mr. Paterson, I'll give you another crack at it.
16 MR. PATERSON: Bruce Paterson, 325
17 Willow Avenue.
18 Part 1, I was looking at this, and some
19 other people did bring up the same concept about
20 marrying the driveway to where Walnut comes in to
21 make it a Fourth Street type intersection. Vic of
22 Harbor mentioned that there would be some subsequent
23 review as to whether this depiction right now, the
24 layout, would be accurate or it may be flipped the
25 other way where the driveway then would be towards

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1 the westerly side and the units towards the easterly
2 side. Were you here -- you must have been here,
3 right, the first time?
4 MR. QUINN: I don't recall talking
5 about flipping the site, no.
6 MR. PATERSON: All right, well, that
7 was discussed -- and, actually, Harbor Consultants
8 did mention that there would be some kind of review.
9 MR. HEHL: Not that I know of.
10 MR. FRASER: Well, hold on. Is there
11 a question, Mr. Paterson?
12 MR. PATERSON: Yeah. If it gets
13 flipped, I mean, does there have to be another site
14 plan review coming in front of the Planning Board?
15 MR. QUINN: Yeah, everything would
16 have to be redesigned, yes.
17 MR. HEHL: But that's not proposed.
18 MR. FRASER: But that's not the
19 application.
20 MR. PATERSON: No, it's not, but we're
21 talking about a lot of residents' concerns --
22 MR. FRASER: No, Mr. Paterson --
23 MR. PATERSON: -- about that
24 intersection.
25 MR. FRASER: Mr. Paterson --

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1 MR. PATERSON: Yes.
2 MR. FRASER: -- the application that's
3 before the Board, for better or for worse, is this
4 site plan.
5 MR. PATERSON: Okay.
6 MR. FRASER: In the event that the
7 applicant were to, at some point, want to do
8 something substantially different than this site
9 plan, they would have to come in and notice
10 everybody and do an amended site plan and there
11 would be a hearing on that, but right now, there's a
12 hearing on this site plan.
13 MR. PATERSON: All right. To me, it
14 would actually be out of their hands, though, about
15 flipping this property.
16 MR. FRASER: They couldn't do it
17 without appropriate approvals, which would require
18 applications.
19 MR. PATERSON: All right. And if --
20 MR. FRASER: But right now, they have
21 an application for this plan. I mean, maybe it's
22 good, maybe it's bad, but this is the application.
23 MR. PATERSON: And the Planning Board
24 does have the option to say "I want to see it
25 flipped." Right? The Planning Board could say

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1 that.

2 MR. FRASER: Well, you know what? I'm

3 not so sure about that, Mr. Paterson, because of the

4 approvals that were granted last time, which were

5 specifically based upon this location, I believe, of

6 the access to Fourth Street, but that question is

7 not presently before the Board and right now you're

8 asking questions of the engineer, again, being very

9 familiar with the process, and that's what we're

10 doing.

11 MR. PATERSON: I'm not very familiar.

12 I've been on here a couple of years, yes, but --

13 MR. FRASER: You know you're at the

14 point --

15 MR. PATERSON: -- I'm not an old-timer

16 like --

17 MR. FRASER: -- that you well know,

18 having participated on innumerable occasions as a

19 citizen prior to being a part of the Planning Board,

20 that right now, we're at the part where the citizens

21 ask questions of the witness relative to the

22 witness's testimony.

23 MR. PATERSON: And I was asking a

24 question but somehow now I'm asking you and I know

25 that's improper.

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1 MR. FRASER: As usual, Mr. Paterson.

2 VICE-CHAIRWOMAN VILLAGGIO: Mr.

3 Paterson, do you have any further questions of the

4 engineer?

5 MR. PATERSON: No, not at this point.

6 Thank you very much.

7 VICE-CHAIRWOMAN VILLAGGIO: Okay.

8 Does anybody else in the audience have any further

9 questions of the engineer? Sir.

10 MR. SOUSA: I do. Roger Sousa,

11 S-O-U-S-A, 490 Fourth Ave., Garwood.

12 I had a question about the backyard of

13 each property. That faces my backyard. Will there

14 be any kind of shrubbery or privacy wall or anything

15 put up, and if there's not, could there be

16 something?

17 MR. QUINN: We don't show anything

18 currently right now because we didn't know what the

19 applicant's intent was. I can't speak for the

20 applicant but I can't imagine they would object.

21 Again, if they're in compliance with the

22 ordinance -- I don't want to introduce variances,

23 but if it complies with the ordinance, I don't see a

24 major objection with providing some privacy, not

25 only for you but for the people who are using the

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1 patios.

2 MR. SOUSA: Yes. It's not only --

3 MR. QUINN: As long as it complies

4 with the ordinance.

5 MR. SOUSA: Because, also, there's

6 decks on the second floor, right?

7 MR. QUINN: Right.

8 MR. SOUSA: So, you know, like a 30-

9 foot, 35-foot --

10 MR. QUINN: Fence?

11 MR. SOUSA: Not fence. Well, fence if

12 you want to put a fence up, but shrubs or something.

13 MR. FRASER: Mr. Quinn, is -- I

14 remember it and Mr. Vena's showing it to me, isn't

15 there a fence that's at the end behind the property?

16 MR. SOUSA: Yes, there is, but also --

17 MR. QUINN: Okay.

18 MR. SOUSA: There is, but when you put

19 a -- when you put a deck that's ten feet tall over a

20 five-foot fence, they're always looking down.

21 VICE-CHAIRWOMAN VILLAGGIO: Can I ask

22 a question of the engineer based upon the question?

23 MR. HEHL: Yeah. Mr. Quinn.

24 MR. FRASER: Wait, hold on. Mr.

25 Quinn?

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1 MR. QUINN: Yes, sir.

2 MR. FRASER: Are there decks off the

3 back of these units or are they patios at grade?

4 MR. QUINN: No, what I show are patios

5 at grade. My understanding, and the architect will

6 probably confirm this, but I think there might also

7 be decks above the patio.

8 MR. SOUSA: Because there was decks --

9 VICE-CHAIRWOMAN VILLAGGIO: Yes.

10 MR. SOUSA: -- at the first meeting.

11 VICE-CHAIRWOMAN VILLAGGIO: You are

12 right.

13 MR. SOUSA: I don't have a problem

14 with the patio because they're all at the same

15 level, but with a deck, you tend to be higher, and

16 18 feet away --

17 (Many people in the room are speaking - court

18 reporter advises that she cannot hear the member of

19 the public who is asking the question.)

20 MR. QUINN: It just seems unlikely to

21 me that the applicant can plant anything that's

22 going to be that tall that close to a structure.

23 You're talking about -- the rear yard to the

24 building line is 15 feet, so if you wanted something

25 that was, you know, 20 or 25 feet tall, it would be

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1 close enough to the building to hit the building, so
 2 I don't see him planting anything that tall along
 3 the property line.
 4 VICE-CHAIRWOMAN VILLAGGIO: Would he
 5 look at putting something there that would be high
 6 enough and not be such that it would fall?
 7 MR. QUINN: I'm not -- actually, I'm
 8 not even sure how tall -- where the deck is going to
 9 be. You might want to hear from the architect on --
 10 VICE-CHAIRWOMAN VILLAGGIO: Okay.
 11 MR. QUINN: -- what the elevation of
 12 that deck is because I'm not clear in my own mind
 13 how high off the ground. It's going to be
 14 appreciable but I'm not clear exactly how high it
 15 is. Maybe we should find that out.
 16 VICE-CHAIRWOMAN VILLAGGIO: You're
 17 right because we didn't get any testimony from the
 18 architect. We'll come back to that.
 19 All right. Is there any other
 20 questions from the audience?
 21 MS. LAUREN McCOMB: Sorry, just one
 22 more.
 23 VICE-CHAIRWOMAN VILLAGGIO: Ms. McComb.
 24 MS. LAUREN McCOMB: Lauren McComb, 419
 25 Brookside Place.

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1 So on the easterly side, other than the
 2 arborvitaes that are going to be covering the
 3 garbage, are there any other shrubs or trees or
 4 anything, because right now, it's all trees, so
 5 what's going to be there or are we going to be
 6 staring at the parking of those townhomes?
 7 MR. QUINN: Well, we're going to do
 8 the best we can to screen it. There's a couple of
 9 layers of shrubs that are proposed, and this is the
 10 landscape plan; again, it's in your set, it's Sheet
 11 4 of 5. So we've got, along the property line,
 12 within a couple of feet of the property line, we
 13 have a series of azaleas and rhododendron. These
 14 are all evergreen, this long line here, these are
 15 all rhododendron and azaleas (indicating).
 16 (Members of the public speak while Mr. Quinn
 17 is speaking - court reporter asks that one person
 18 speak at a time.)
 19 MS. LAUREN McCOMB: I just wanted to
 20 know if there's going to be any shrubs or greenery
 21 or anything to basically block the view of all of
 22 the parking from the residents on the easterly side.
 23 MR. QUINN: So let me take you through
 24 it again. We have a couple layers. We have the one
 25 Larry was describing, which is evergreen,

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1 rhododendron and azaleas. They get, actually, quite
 2 expansive, I have them in my own yard. That's the
 3 first layer. Immediately behind the parking lot
 4 area where the lights are, another layer of
 5 evergreens, boxwoods. They're little lollipop
 6 bushes, four, five feet. That's another screen.
 7 And then we have the screen, the arborvitaes, which
 8 are a little taller, columnar type plants.
 9 MS. LAUREN McCOMB: I know what they
 10 are.
 11 MR. QUINN: Right. Those are around
 12 the dumpster. So we've got this first line of
 13 evergreen along the property and then we have
 14 additional evergreen screening for the parking lot
 15 and the dumpster area.
 16 MS. LAUREN McCOMB: So about how tall
 17 does the first line of evergreen with the
 18 rhododendrons and azaleas grow?
 19 MR. QUINN: You ever see rhododendrons
 20 and azaleas? They could be eight, ten feet tall.
 21 MS. LAUREN McCOMB: That's not that
 22 tall.
 23 MR. QUINN: Well, that's tall. For a
 24 shrub, that's very tall.
 25 MS. LAUREN McCOMB: Well, if you're

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1 familiar with all the property here, it slopes very
 2 much, so when I come out of my backyard, ten feet
 3 looking is not good, so you can actually see
 4 probably above it so that's not high at all. So
 5 eight to ten feet is the max.
 6 MR. QUINN: Yeah.
 7 MS. LAUREN McCOMB: To you, if you're
 8 standing there, it is, but --
 9 MR. QUINN: No, I understand.
 10 MS. LAUREN McCOMB: -- to the rest of
 11 us, it's not.
 12 MR. QUINN: I totally understood.
 13 VICE-CHAIRWOMAN VILLAGGIO: Could
 14 everybody be quiet, please, because we have to
 15 listen to testimony.
 16 MS. LAUREN McCOMB: That's it.
 17 VICE-CHAIRWOMAN VILLAGGIO: Thank you.
 18 I'm sorry, ma'am, there was too much talking going
 19 on.
 20 MS. LAUREN McCOMB: No, that's fine.
 21 VICE-CHAIRWOMAN VILLAGGIO: Is there
 22 any further questions from the engineer?
 23 (No response)
 24 VICE-CHAIRWOMAN VILLAGGIO: Seeing
 25 none, this portion of the meeting is -- this portion

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1 of the testimony is now closed.
2 Can we possibly take a five-minute
3 break?
4 MR. HEHL: Sure. And then we'll call
5 upon our architect.
6 MR. FRASER: As the Chairperson, you
7 decide, you don't have to ask.
8 MR. HEHL: Yeah, you don't have to
9 ask.
10 MEMBER OF THE PUBLIC: Will we have an
11 opportunity to question the Board?
12 MR. FRASER: No.
13 MEMBER OF THE PUBLIC: I'm just
14 concerned about exposure to lawsuits down the road.
15 MEMBER OF THE PUBLIC: Not down the
16 road. Right now.
17 MEMBER OF THE PUBLIC: I know. I
18 mean, flooding, because of...
19 MR. FRASER: The Board does not
20 subject itself to questions, it's not contemplated
21 under the Municipal Land Use Law. The Board takes
22 testimony and passes on applications.
23 MEMBER OF THE PUBLIC: Doesn't sound
24 like you're listening to too many people.
25 VICE-CHAIRWOMAN VILLAGGIO: Okay,

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1 we're taking a five-minute break, a strict five-
2 minute break. We're going to begin in -- at 9:45.
3 MR. HEHL: All right. Thank you very
4 much.
5 (Recess taken)
6 VICE-CHAIRWOMAN VILLAGGIO: All right,
7 we're going to start.
8 Mr. Hehl, are you ready for your next
9 witness?
10 MR. HEHL: Yes. I call upon Glen
11 Potter, our architect.
12 G L E N R. P O T T E R, AIA, Potter Architects,
13 410 Colonial Avenue, Union, New Jersey 07083-7347,
14 first having been duly sworn, testified as follows:
15 VOIR DIRE EXAMINATION BY MR. HEHL:
16 **Q.** Now, Mr. Potter, again, as with Mr.
17 Quinn, had testified at the last hearing, but if you
18 could, please, for the benefit of the Board and the
19 public, please give your credentials and area of
20 expertise, licenses you hold, whether the licenses
21 are still current, and whether you've been accepted
22 as a professional in the area of architecture.
23 **A. My name is Glen Potter, 410 Colonial**
24 **Avenue in Union. I'm a graduate of NJIT in 1984,**
25 **I've been licensed in the state since 1988, I'm a**

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1 **licensed architect, I've testified before this Board**
2 **and numerous other boards in Union County and have**
3 **been accepted as an expert witness.**
4 MR. FRASER: Madam Chairperson, I
5 recommend that Mr. Potter be recognized as an expert
6 architect.
7 VICE-CHAIRWOMAN VILLAGGIO: Okay, you
8 are recognized as an expert architect.
9 MR. POTTER: Thank you.
10 MR. HEHL: Thank you.
11 DIRECT EXAMINATION BY MR. HEHL:
12 **Q.** Mr. Potter, you've heard my opening
13 statement, the testimony of Mr. Quinn, and you're
14 obviously familiar with the prior presentation. If
15 you could take the Board through the architectural
16 aspects of the application, then we'll touch on any
17 of the departmental comments that are proper or
18 police or fire that are related to architecture.
19 **A. Okay. The rendering that you see**
20 **before you is the exact same rendering that we**
21 **presented previously. It's marked A-2.**
22 MR. FRASER: A-2 from the prior date?
23 MR. POTTER: From the prior date,
24 correct.
25 MR. FRASER: Okay.

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1 MR. HEHL: We should probably, if you
2 want to mark it A-2 again with today's date.
3 VICE-CHAIRWOMAN VILLAGGIO: A-2(S)
4 or...
5 MR. FRASER: Yeah, call it -- that's
6 good, yeah, call it A-2(S).
7 VICE-CHAIRWOMAN VILLAGGIO: A-2(S)
8 with today's date.
9 MR. POTTER: Okay.
10 (Architectural rendering is marked as Exhibit
11 A-2(S).)
12 MR. FRASER: Adele, by the way, did we
13 keep the exhibits last time or did they all make it
14 back to the applicant?
15 BOARD SECRETARY LEWIS: The applicant
16 kept them.
17 MR. FRASER: Okay.
18 MR. POTTER: So the rendering that
19 we're looking at here is dated May 28, 2014. The
20 address of the property is 484 Fourth Avenue in
21 Garwood. As Mr. Quinn spoke earlier, the proposal's
22 for two three-story, wood-framed townhouse
23 buildings. The first building, located on the
24 southerly end of the site, will have two
25 three-bedroom townhomes and three two-bedroom

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1 townhomes. The second building, located ten feet to
 2 the north, will have two three- bedroom townhomes
 3 and two two-bedroom townhomes. The buildings will
 4 not exceed 35 feet in height. We spent considerable
 5 effort -- even though these are three-story
 6 structures, we ended up developing what would
 7 typically be an unfinished attic area into the third
 8 level, so we took great efforts to try and keep
 9 these in a two-story appearance. Most of the
 10 structures themselves are under 30 feet in height.
 11 As far as the finishes are concerned,
 12 the exterior finishes are as follows: Siding will
 13 be Hardy plank, Navajo beige, khaki brown, the
 14 shutters will be Hardy plank mountain sage, the roof
 15 will be GAF Timberline shadow, asphalt slate gray,
 16 the gutters and downspouts will be white aluminum.
 17 The stone veneer will be Boral Versetta; the stone
 18 type, cut sterling; trim boards, fascia and window
 19 casings will be white AZEK; exterior deck areas will
 20 be AZEK composite decking, slight gray; exterior
 21 railings will be composite white AZEK railing
 22 system; window accents will be AZEK white; and
 23 exterior columns will be AZEK white.
 24 The next description I would like to go
 25 into, if you turn to your Page 3 of 3 in the

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1 architectural package, which is dated 2/18/2014, it
 2 shows a floor plan of our two-bedroom unit and I'd
 3 just like to briefly describe to you the components
 4 of the unit and the areas associated with that.
 5 The two-bedroom units are approximately
 6 2,916 square feet, the footprint is 25-1/2 by 40.
 7 At the grade level, it'll be a concrete slab, there
 8 will be no basement proposed. We have a two-car
 9 garage. To the rear, we have a family room, a
 10 lavatory. In the front, we have a covered entry and
 11 foyer, typical stairs, and we also have elevators.
 12 All of the units have elevators in them. Also at
 13 the grade level, there is going to be an exterior
 14 rear patio which is 16 by 10. Mr. Quinn touched on
 15 that prior to this. The main level will have a
 16 living room, fireplace, kitchen, dining area,
 17 lavatory, half bath, stairs, the elevator again, and
 18 an exterior rear deck area which is 16 by 10. The
 19 height off the grade is approximately 10 feet to the
 20 exterior rear deck areas.
 21 The upper level will have a master
 22 bedroom, master bath, a single bedroom, house bath,
 23 laundry, elevator and stairs.
 24 Okay. If you could turn to Page 2 of
 25 3. This is a floor plan of our three-bedroom unit.

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1 Our gross floor area is 3,110 square feet. The
 2 footprint's slightly larger, it's 25-1/2 by 42. The
 3 components are basically the same throughout the
 4 first two levels, the only difference being, on the
 5 third level, we have an additional bedroom.
 6 The units are going to be fully
 7 suppressed, fully sprinklered, it will be a
 8 monitored system, it will have smoke and carbon
 9 monoxide detection, also fully monitored. In the
 10 event that we have any pre-engineered truss
 11 components within the structures, there will be
 12 proper marking on the buildings to notify the fire
 13 department upon arrival at the site that there are
 14 truss elements located within a structure. The
 15 utilities, each unit will have separate water, gas
 16 and electric meters. And all our external
 17 mechanical electrical equipment will be located
 18 either on the side or the rear of the units, nothing
 19 in the front. As Mr. Quinn touched on, all of our
 20 storm drainage is connected directly to a retainage
 21 system. And lastly, the lighting for the exterior
 22 of the building will be at the front and rear doors
 23 of the first floor and there will be a light outside
 24 on the second rear door out onto the deck area.
 25 **Q.** Thank you, Mr. Potter, and now, I think

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1 you relayed it in your testimony but I'd like to
 2 just focus back on it again, you've had an
 3 opportunity to review the report from Harbor
 4 Consultants dated January 9, 2015, and I call your
 5 attention to Page 4 of 5 where it says "Building
 6 Design Elements" and there's three items there. I
 7 think you've already addressed them but if you could
 8 just touch on them and specifically confirm that.
 9 First is actually just a comment but take us through
 10 these -- just these three comments first.
 11 **A. "The applicant has provided**
 12 **architectural elevations and floor plans, which**
 13 **depicts cultured stone and vinyl siding materials."**
 14 **We actually have a better material than vinyl, it's**
 15 **actually a Hardy plank. It's not a vinyl, it's more**
 16 **of a composite cementitious type of material which**
 17 **exceeds the quality of vinyl. So as far as the**
 18 **colors, I went through those, colors and materials**
 19 **and finishes.**
 20 **Q.** And do you feel, as an architect, that
 21 they would be harmonious and compatible with the
 22 colors of the buildings --
 23 **A. Absolutely.**
 24 **Q.** -- and surroundings?
 25 **A. I do.**

1 **Q.** Okay. And you already testified that
 2 the -- with respect to mechanicals?
 3 **A. Correct. There will be no equipment**
 4 **in the front of the units, so it will be either on**
 5 **the side or the rear, be it a condenser or electric**
 6 **panel meters.**
 7 **Q.** Okay. And then, again, I think you
 8 touched on all of them, I just want to make sure,
 9 the review letter from the fire department dated
 10 December 19, 2014, Mr. Quinn already addressed the
 11 designation of fire lanes. You've indicated that if
 12 there were any troughs, there would be appropriate
 13 signage. And what about any fire department
 14 connections? Mr. Quinn touched on it briefly, but
 15 if there was a connection to the buildings, if you
 16 could just touch on that.
 17 (Mr. Quinn looks at documents.)
 18 **Q.** Well, if there is any fire connection
 19 located in the front of the building, it would be
 20 designated with proper signage?
 21 **A. Correct.**
 22 **Q.** Okay.
 23 **A. Correct. I don't think there will be**
 24 **a requirement for that but if there is --**
 25 **Q.** Okay.

1 **A. -- we'll have that.**
 2 **Q.** And will the property be registered
 3 with the New Jersey Division of Fire Safety?
 4 **A. Yes.**
 5 **Q.** Okay. And will there be a supervised
 6 fire detection system?
 7 **A. There will be.**
 8 **Q.** And fire suppression system?
 9 **A. There will be throughout.**
 10 **Q.** Okay. Will there be appropriate
 11 signage in all stairwells indicating respective
 12 stairwells and floor levels?
 13 **A. I think there was maybe a little**
 14 **misunderstanding here on the fire department's part.**
 15 **Our stairwells are not common, it's only individual**
 16 **stairwells for each unit, so there's really no**
 17 **markings required.**
 18 **Q.** Okay. But whatever signage may be
 19 required by the fire department, any problem
 20 complying with their request?
 21 **A. Not at all.**
 22 **Q.** Okay. And you already indicated that
 23 the units will be fully sprinklered?
 24 **A. It will be fully sprinklered, correct.**
 25 **Q.** Okay.

1 MR. HEHL: I have no further questions
 2 of Mr. Potter at this time.
 3 VICE-CHAIRWOMAN VILLAGGIO: Okay.
 4 Does any member of the Board?
 5 MR. JANNOTTI: Yeah, I have a
 6 question.
 7 MR. HEHL: Sure.
 8 VICE-CHAIRWOMAN VILLAGGIO: Gene.
 9 MR. JANNOTTI: I have some friends
 10 that purchased into the Mews and one of the problems
 11 that they experienced after construction was noise
 12 between one unit and another unit and that had to be
 13 rectified after the units were purchased and people
 14 moved in, so what kind of -- or have you considered
 15 soundproofing between the units?
 16 MR. POTTER: We typically do a shaft
 17 wall system. Shaft wall is a very thick Sheetrock
 18 material, dense, heavy, massive. It's about two
 19 inches thick. And that actually acts as a fire
 20 barrier between the two studs that would be adjacent
 21 to that and then Sheetrock and insulation on top of
 22 that. So you actually create a sound transmission
 23 barrier by using this material and that's typically
 24 how we design our townhomes and we've had great
 25 success in the past with that issue.

1 MR. JANNOTTI: And that's how you're
 2 going to design this?
 3 MR. POTTER: Yeah.
 4 MR. JANNOTTI: Okay, thank you.
 5 MR. POTTER: You're welcome.
 6 MR. TARANTINO: You made reference,
 7 this is the same rendering we had looked at last
 8 time.
 9 MR. POTTER: Correct.
 10 MR. TARANTINO: So, architecturally,
 11 with the elevations of the building and the floor
 12 plans, is the submission that we have before us any
 13 different than --
 14 MR. POTTER: No --
 15 MR. TARANTINO: -- our variance --
 16 MR. POTTER: Exactly the same.
 17 MR. TARANTINO: -- application?
 18 MR. POTTER: Same dates, same plan
 19 dates.
 20 MR. TARANTINO: Okay.
 21 VICE-CHAIRWOMAN VILLAGGIO: Bob, do
 22 you have any?
 23 MR. SCHERER: Yeah. Your utilities,
 24 do they plan on being underground or do you plan on
 25 having wires going through?

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1 MR. POTTER: Yes.

2 MR. SCHERER: All utilities are going

3 to be underground?

4 MR. POTTER: I'm not really sure, I

5 really have to refer that to Tom.

6 MR. SCHERER: Yeah, because you're

7 talking, you know, telephone, cable, electric.

8 MR. POTTER: Yeah, I'm pretty sure

9 that on the site --

10 MR. QUINN: I could jump in on this.

11 This happens all the time. The utility company's

12 going to determine what's going to be put there. We

13 put in our drawings -- many times the towns want

14 underground utilities so we put it on our drawings,

15 the utility company comes in and says "No, we're not

16 going to put it underground" and they put it

17 overhead, so it ends up being out of the site design

18 team's control, it's really up to utilities. That's

19 been my experience in the past.

20 MR. SCHERER: Because in Cranford,

21 they --

22 MR. QUINN: Yeah.

23 MR. SCHERER: -- put a lot of -- all

24 the wires underground.

25 MR. QUINN: Well, yeah, we'll show it

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1 on our drawing, but what the utility company does --

2 MR. VILLARUAT: We prefer to have it

3 all underground, absolutely.

4 MR. HEHL: The applicant certainly

5 wants to have all of the utilities underground and

6 --

7 MR. VILLARUAT: I don't want wires on

8 top.

9 MR. HEHL: Yeah. And that's how our

10 plans will be submitted to the utility company.

11 MR. SCHERER: Also, the sewer -- the

12 sanitary sewer connection, that's going to be one

13 connection? Because when we had the plan for the

14 three houses, we wanted to go down, you know, three

15 houses to one pipe, but they decided it had to be

16 three pipes going to the sanitary sewer.

17 MR. HEHL: Okay, some of that is

18 dictated by what the utility companies will specify,

19 but certainly, the most -- Tom, I'll let you

20 address...

21 MR. QUINN: We're extending a service

22 main up into the development, we're planning on each

23 unit having their own lateral to it.

24 MR. SCHERER: Oh, so it will be a

25 rubber main going up to the --

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1 MR. QUINN: Yes.

2 MR. SCHERER: Okay.

3 MR. QUINN: Yeah, it's not going to be

4 one lateral servicing the whole development.

5 MR. SCHERER: Okay.

6 VICE-CHAIRWOMAN VILLAGGIO: Any further

7 questions?

8 MR. SCHERER: No, I'm good.

9 VICE-CHAIRWOMAN VILLAGGIO: Okay, I'm

10 going to ask --

11 MR. SCHERER: Go ahead.

12 VICE-CHAIRWOMAN VILLAGGIO: Okay. We

13 had a question before from a neighbor with regard to

14 the deck --

15 MR. POTTER: Right.

16 VICE-CHAIRWOMAN VILLAGGIO: -- on the

17 second floor or whatever, you know --

18 MR. POTTER: Mid-level, second floor.

19 VICE-CHAIRWOMAN VILLAGGIO: On the

20 mid-level floor. What is the height of that?

21 MR. POTTER: It's going to be ten foot

22 from the earth to the floor level of that deck area.

23 VICE-CHAIRWOMAN VILLAGGIO: Okay. His

24 concern, would it be possible if his concern of a

25 shade tree or an evergreen that would reach over the

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1 fence -- because I think that there is a vinyl

2 fence; am I correct? You know, in between the two

3 properties. -- could be of such height that it

4 could screen --

5 MR. POTTER: To be an effective

6 screen?

7 (Chairwoman Villaggio nods.)

8 MR. POTTER: I would think it would

9 have to be something in the area of 20 feet high and

10 I don't really know if that's practical.

11 VICE-CHAIRWOMAN VILLAGGIO: Could you

12 work with our engineer --

13 MR. POTTER: Sure.

14 VICE-CHAIRWOMAN VILLAGGIO: -- to

15 determine an appropriate evergreen or -- I'm not too

16 -- I'm not too well versed on trees and evergreens,

17 that's, you know, one of our other members of the

18 Board who recused himself -- that would have a

19 little shade, on both sides, you know, from, you

20 know, from you sitting on the deck looking out and,

21 you know, from the other side.

22 MR. HEHL: No problem, we'll work with

23 your --

24 VICE-CHAIRWOMAN VILLAGGIO: You'll

25 work with our engineer --

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1 MR. HEHL: We'll work with your
 2 engineer to provide some additional buffering.
 3 VICE-CHAIRWOMAN VILLAGGIO: -- and
 4 that neighbor. And also, the other question was
 5 posed by the neighbor on the other side with regard
 6 to the same thing. If you could work with the
 7 engineer to determine some appropriate evergreens or
 8 trees to...
 9 And the other thing is that you
 10 indicated there would be a light on the deck. Just
 11 make sure it's shielded so it doesn't shine into the
 12 neighbor's house.
 13 MR. VILLARUAT: Yeah, that's fine.
 14 MR. HEHL: No problem.
 15 VICE-CHAIRWOMAN VILLAGGIO: With
 16 regard to -- that's the only question -- that's the
 17 only concern at this point that I have that was
 18 voiced before and I just wanted to make sure that,
 19 you know, you being the architect, with the deck and
 20 all that, so I just wanted to make sure that was...
 21 MR. POTTER: Understood.
 22 VICE-CHAIRWOMAN VILLAGGIO: Okay.
 23 Anybody else on the Board have any questions for
 24 this witness?
 25 (No response)

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1 VICE-CHAIRWOMAN VILLAGGIO: Seeing
 2 none, I will open it up to the audience and, you
 3 know, we would like you to, if you're going to ask a
 4 question, you know, ask them all at one time, if
 5 possible.
 6 Okay, does anybody else have -- does
 7 anybody in the audience have any questions for this
 8 witness?
 9 Mr. Paterson?
 10 MR. PATERSON: Well, if there's nobody
 11 else.
 12 VICE-CHAIRWOMAN VILLAGGIO: No, nobody
 13 else had their hands up. Did you have your hand up?
 14 MEMBER OF THE PUBLIC: No.
 15 MR. FRASER: If you don't want to ask
 16 questions, Mr. Paterson, you're not required to.
 17 VICE-CHAIRWOMAN VILLAGGIO: It's fine.
 18 MR. PATERSON: Well, I can make
 19 comments but then you'd shut me down.
 20 MR. FRASER: We're not at that point,
 21 as you know.
 22 VICE-CHAIRWOMAN VILLAGGIO: We're not
 23 that point.
 24 Is there anybody in the audience who
 25 has any questions or concerns?

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1 MR. SOUSA: Roger Sousa, 490 Fourth
 2 Ave.
 3 The elevators in each unit, they're put
 4 in because they're elderly people. Is there any
 5 kind of --
 6 MEMBER OF THE PUBLIC: Fifty-five.
 7 They're not that old.
 8 MR. SOUSA: Sorry, sorry, everybody.
 9 Is there any kind of backup power supply for the
 10 elevators, how does that work?
 11 MR. POTTER: You mean a safety
 12 feature?
 13 MR. SOUSA: Yeah, say they're in it
 14 and the power shuts off.
 15 MR. POTTER: Right.
 16 MR. SOUSA: Is there going to be a
 17 massive generator or something or are you just stuck
 18 in the elevator until the power goes back on?
 19 MR. POTTER: No, there's a recharge
 20 system.
 21 MR. SOUSA: Built into each unit?
 22 MR. POTTER: Just like if you have a
 23 computer that goes down, there's a battery pack
 24 associated with that --
 25 MR. SOUSA: All right.

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1 MR. POTTER: -- and so the power shuts
 2 down --
 3 MR. SOUSA: Because I use the elevator
 4 every day and if it goes out, I got to --
 5 MR. POTTER: All the residential --
 6 MR. SOUSA: -- and I know --
 7 (Court reporter asks that one person speak at
 8 a time.)
 9 MR. POTTER: Anyway, yes, it has a
 10 safety mechanism within it that's rechargeable --
 11 (Mr. Sousa speaks while Mr. Potter is
 12 answering - court reporter asks that one person
 13 speak at a time.)
 14 MR. HEHL: Sir, you have to let him
 15 finish answering before --
 16 MR. SOUSA: Okay.
 17 MR. HEHL: Mr. Potter, if you can just
 18 complete your answer.
 19 MR. POTTER: -- that will bring the
 20 elevator back to the lowest level.
 21 MR. SOUSA: Okay. Also, the AC unit
 22 is going to be central AC?
 23 MR. POTTER: Right.
 24 MR. SOUSA: They're going to be -- the
 25 outside unit's going to be in the backyard, I would

1 assume, or...

2 MR. POTTER: Or the side.

3 MR. SOUSA: All right.

4 MR. POTTER: There's areas to put it

5 on the side. It's not going to be in the front.

6 MR. SOUSA: So there's basically nine

7 units going in the back.

8 MR. POTTER: Right.

9 MR. SOUSA: Hopefully quiet units.

10 MR. POTTER: Absolutely.

11 MR. SOUSA: I like to sleep with my

12 windows open.

13 MR. POTTER: No, I know.

14 UNIDENTIFIED MEMBER OF THE PUBLIC:

15 Not anymore.

16 MR. HEHL: The applicant will -- I can

17 represent this -- endeavor to put efficient sound

18 type units and the more modern they get, the quieter

19 they get.

20 MR. SOUSA: Okay, thank you.

21 VICE-CHAIRWOMAN VILLAGGIO: Is there

22 any other member of the audience that has any

23 questions for this witness? Mr. Paterson.

24 MR. PATERSON: To continue with the

25 condensing units that are outside, you're saying

1 it's on the side or the back of the townhomes. When

2 you say "on the side," how many would be on the

3 side?

4 MR. POTTER: At this point, I don't

5 know. I really don't know. We haven't designed the

6 AC system, I'm just making the statement that they

7 will not be located in the front, which is against

8 ordinance, but we are permitted on the side or the

9 rear to locate them, and we'll locate them in an

10 area that's the most aesthetically pleasing for the

11 development and for the neighborhood.

12 MR. PATERSON: But again, I mean, it

13 sounds like, you know, obviously, the end units

14 could be on the side.

15 MR. POTTER: Say it again?

16 MR. PATERSON: The end units.

17 MR. POTTER: Oh, I'm thinking like the

18 northerly end of the second building down towards

19 the back of the property, if you will, might be a

20 nice location to put a few and it would not impact

21 the neighborhood as much. Possibly between the two

22 units. We have a ten-foot distance between the two

23 buildings which may be another good area to locate a

24 few of those units. Like I say, we'll make our best

25 effort to locate them in the most aesthetic and

1 friendly place that we can find.

2 MR. PATERSON: Roughly, it'll be a

3 single zone so you'll only have one condenser; is

4 that how you're looking at it?

5 MR. POTTER: At this time, I would say

6 that's accurate, but not to say that there couldn't

7 be two, you know, depending on what our final counts

8 come out on for the BTUs, heating and cooling

9 requirements. We may need to go to two and it may

10 be more economical to do two units, to do a split

11 system, as opposed to just having one unit the

12 entire 3,000 feet.

13 MR. PATERSON: I'm not saying you

14 will, but then you're talking 18 condensers,

15 roughly.

16 MR. POTTER: Possibly.

17 MR. PATERSON: You know, roughly; it

18 could be 18, at a maximum.

19 MR. POTTER: Possibly.

20 MR. PATERSON: The condensing units,

21 you know, like said, the end unit -- the end

22 townhomes would obviously -- could obviously have

23 them on the end. You're saying possibly the next

24 unit over from the end may have refrigerant running

25 over to these condensing units --

1 MR. POTTER: If it's --

2 MR. PATERSON: -- on the end?

3 MR. POTTER: It's feasible. It's

4 feasible, you know, it's possible that we could do

5 that. You know, if it's possible, it may be an

6 option.

7 MR. PATERSON: So the refrigerant

8 would actually be running through its adjacent unit.

9 MR. POTTER: Not necessarily. It

10 could be on the outside.

11 MR. PATERSON: On the outside --

12 MR. POTTER: Yeah.

13 MR. PATERSON: -- of the adjacent

14 unit --

15 MR. POTTER: Correct.

16 MR. PATERSON: -- running along the

17 wall.

18 MR. POTTER: Correct.

19 MR. PATERSON: I've seen it and you

20 have nice cover to that.

21 MR. POTTER: Correct. It's only 26

22 feet, it's not that far.

23 MR. PATERSON: The decking, Mr. Sousa

24 brings up about the deck and I'm looking at the deck

25 and the deck is ten -- it cantilevers out -- well,

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1 it doesn't cantilever, it's actually a truss, but it
 2 goes out ten feet from the back of the townhome
 3 towards Mr. Sousa's property, by the way; that's why
 4 he was asking that question.
 5 MR. POTTER: Understood.
 6 MR. PATERSON: And the backyard is
 7 basically 15 feet, so that deck actually goes within
 8 five feet of his property. That's correct, right?
 9 MR. POTTER: That's correct.
 10 MR. PATERSON: The fence, and I
 11 thought I saw somewhere where, you know, it said six
 12 -- I think Mr. Vinegra might have mentioned
 13 "six-foot fence" and Mr. Hehl said "Fine, we agree
 14 with that," so the deck is ten feet up, the fence is
 15 six foot high, there's a possibility of foliage that
 16 probably won't be able to extend up, right?
 17 Yes, Ms. Villaggio?
 18 VICE-CHAIRWOMAN VILLAGGIO: No, go
 19 ahead.
 20 MR. PATERSON: No, no, sounded like
 21 you had some concern.
 22 VICE-CHAIRWOMAN VILLAGGIO: No, I
 23 thought I asked that question before, but go ahead,
 24 you can ask your own question. I apologize, Mr.
 25 Paterson.

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1 MR. PATERSON: We can't ask a question
 2 on the same topic, you're saying.
 3 VICE-CHAIRWOMAN VILLAGGIO: No. Go
 4 ahead.
 5 MR. PATERSON: Oh, okay.
 6 VICE-CHAIRWOMAN VILLAGGIO: I'm sorry.
 7 Go ahead.
 8 MR. PATERSON: Okay. The deck is
 9 within five feet of Mr. Sousa's property line and I
 10 tend to agree that, you know, there's no 20-foot
 11 vegetation that's going to be there, so something
 12 tells me that whoever's on that deck will be
 13 standing right there and five feet, if everybody
 14 looks from this square in the ceiling over to that
 15 register air outlet, that's actually six feet, so
 16 five feet's even closer. Correct?
 17 MR. POTTER: Correct.
 18 MR. PATERSON: It sure seems like this
 19 decking is now infringing upon Mr. Sousa's property
 20 and his privacy and I don't know if he has children,
 21 but if he doesn't have children, the next owner may
 22 have children.
 23 MR. FRASER: Is that a question, Mr.
 24 Paterson?
 25 MR. PATERSON: I'm leading up to the

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1 question. It's, to me -- would it be more
 2 appropriate not to have that deck there?
 3 MR. POTTER: No.
 4 (Public outburst)
 5 MR. PATERSON: I'll ask one more
 6 question.
 7 VICE-CHAIRWOMAN VILLAGGIO: You can.
 8 MR. PATERSON: Would you be happy
 9 living where Mr. Sousa is with these townhomes
 10 within five feet of your backyard stretched however
 11 -- 300 feet, it looks like? You would be happy with
 12 that?
 13 MR. POTTER: I lived in a situation
 14 exactly like that for five years.
 15 MR. PATERSON: Okay, so you would be
 16 happy.
 17 MR. POTTER: I was happy.
 18 MR. FRASER: You asked him a question
 19 and he answered it. He answered, he said "yeah."
 20 MR. POTTER: I have kids that --
 21 UNIDENTIFIED MEMBER OF THE PUBLIC: We
 22 do, too.
 23 MR. PATERSON: Would you be willing to
 24 buy Mr. Sousa's property? Only kidding.
 25 Okay, thank you very much.

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1 VICE-CHAIRWOMAN VILLAGGIO: Is there
 2 any other member -- is there any member of the
 3 audience who has any additional questions for this
 4 witness?
 5 (No response)
 6 VICE-CHAIRWOMAN VILLAGGIO: Seeing
 7 none, this portion is closed.
 8 MR. FRASER: Do you have other
 9 witnesses, Mr. Hehl?
 10 MR. HEHL: We have no other witnesses
 11 at this time.
 12 MR. FRASER: All right. Madam
 13 Chairperson, the Board has a choice. As you know,
 14 the recently re-adopted rule of the Board is no new
 15 application before 10, no new witness before --
 16 excuse me, after 10. No new witness after 10:30 and
 17 the hearing closes by 11. I'm guessing, looking at
 18 the size of this audience and the public interest
 19 that this application has engendered that the
 20 application could not conclude tonight unless the
 21 Board extended it. I'm not sure that I necessarily
 22 think that's a great idea, but I think that the
 23 Board has to make a decision at this point of
 24 whether it's going to continue with the application
 25 at this time, recognizing that we'll have some of

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1 the members of the public speak on the application
2 tonight and some of the members of the public speak
3 on the application at the next hearing if it goes
4 that way, or if this is an opportune time for the
5 Board to conclude for this evening. There's no
6 right answer, I do not suggest which is the way the
7 Board should go, but I think that the Board should
8 probably address that issue as to how it wishes to
9 proceed at this point.

10 VICE-CHAIRWOMAN VILLAGGIO: So what we
11 have left is the final -- the summation --

12 MR. FRASER: Well, the applicant gets
13 the last word.

14 VICE-CHAIRWOMAN VILLAGGIO: Yeah.

15 MR. FRASER: So what we have now, and
16 it's now 10:15, so we have a room full of people,
17 many whom I suspect --

18 MR. VENA: Are itching to ask
19 questions.

20 MR. FRASER: -- will want to speak on
21 this application.

22 VICE-CHAIRWOMAN VILLAGGIO: Um-hum.

23 MR. FRASER: Each person who speaks on
24 the application is then subject to questions by
25 members of the Board and by Mr. Hehl. I cannot

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1 imagine we're going to conclude this application
2 tonight, so I think the Board has to decide do we
3 want to start with the public this evening, do at
4 least a few of the members of the public this
5 evening and then carry to the next session, or this
6 is a logical part place to possibly conclude now.
7 It is now 10:16. Do you want to start with the
8 public next time? There's no right answer, either
9 way is okay, but I think you should probably address
10 that question.

11 VICE-CHAIRWOMAN VILLAGGIO: Members of
12 the Board?

13 MR. SCHERER: I think we should stick
14 with the rules of the Board not to extend any more
15 time because people get tired and people don't think
16 right and it will give us more time to absorb all of
17 this and to come out with a more commonsense
18 conclusion instead of just being very tired and
19 grouchy and whatnot.

20 VICE-CHAIRWOMAN VILLAGGIO: So what
21 you're saying, Bob, is to end it now.

22 MR. SCHERER: Well, either end it now
23 or --

24 VICE-CHAIRWOMAN VILLAGGIO: Do not
25 entertain questions at this point --

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1 MR. FRASER: Not questions, comments.
2 VICE-CHAIRWOMAN VILLAGGIO: I mean,
3 yes --

4 MR. FRASER: Comments.
5 VICE-CHAIRWOMAN VILLAGGIO: -- comments
6 from members of the audience.

7 MR. SCHERER: Yes.
8 VICE-CHAIRWOMAN VILLAGGIO: So don't
9 start.

10 MR. SCHERER: If we start and we make
11 it till 11, I would not extend the meeting.

12 VICE-CHAIRWOMAN VILLAGGIO: And there
13 is a possibility that that would happen.

14 MR. SCHERER: Yes.
15 VICE-CHAIRWOMAN VILLAGGIO: Okay.
16 Like you said. Okay. Pat?

17 MS. QUATTROCHI: I agree with Bobby, I
18 think we should call it a night at this point and
19 start fresh and the residents can ask whatever
20 questions --

21 MR. FRASER: Comments.
22 VICE-CHAIRWOMAN VILLAGGIO: Comments.
23 MS. QUATTROCHI: Comments, make
24 whatever comments they would like --
25 VICE-CHAIRWOMAN VILLAGGIO: No

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1 questions.
2 MS. QUATTROCHI: -- at the next
3 meeting. It will also give them an opportunity to
4 evaluate what they heard here tonight and ask --
5 make comments that adequately reflect on the actual
6 project.

7 VICE-CHAIRWOMAN VILLAGGIO: Sir?
8 MR. TARANTINO: I agree. I could go
9 either way.

10 VICE-CHAIRWOMAN VILLAGGIO: Gino?
11 MR. JANNOTTI: Well, I would have
12 stayed till 11:00, you know, listen to the comments
13 and then continue them if they're not finished at
14 the next time, but I'll go with, you know, the
15 majority of the Board, whatever they feel is the
16 more appropriate thing, but I'm here and I see no
17 reason to leave, whether it's 45 extra minutes or
18 not; I'd have no problem staying until 11:00, but
19 I'll go with the majority of the Board.

20 MR. VENA: I second what Gino said. I
21 don't have a problem staying till 11.

22 MR. FRASER: Well, actually, it's
23 after 10:30, there'll be new witnesses.
24 VICE-CHAIRWOMAN VILLAGGIO: Yeah.
25 They're actually witnesses.

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1 MR. FRASER: They're actually
 2 witnesses.
 3 MR. VENA: Okay.
 4 VICE-CHAIRWOMAN VILLAGGIO: The
 5 members of the audience, at this point in time, are
 6 witnesses.
 7 My feeling at this point in time is to
 8 hold off until the next meeting, so I would call for
 9 a motion, somebody make a motion to end the hearing
 10 at this point, to come back on January 28, 7:30. At
 11 that point in time, members of the public would make
 12 -- will be -- that's the portion of the meeting for
 13 the comments and the testimony of --
 14 MR. VENA: Notice.
 15 MR. FRASER: I'll restate it.
 16 VICE-CHAIRWOMAN VILLAGGIO: -- of the
 17 audience.
 18 MR. FRASER: So I think -- a motion
 19 hasn't been made here --
 20 MR. SCHERER: I'll make that motion.
 21 MR. FRASER: -- but the motion is to
 22 suspend the proceeding at this time and carry the
 23 proceeding to the January 28 meeting at 7:30. There
 24 will be no additional notice and we all recognize
 25 we're at the juncture of the proceeding where the

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1 public will start to provide its comments in
 2 response to the application.
 3 Is that your motion, Mr. Scherer?
 4 MR. SCHERER: That's the motion.
 5 MR. FRASER: There's a motion.
 6 MS. QUATTROCHI: Second.
 7 MR. FRASER: Second.
 8 VICE-CHAIRWOMAN VILLAGGIO: Adele,
 9 will you make a roll call, please?
 10 BOARD SECRETARY LEWIS: Kathy
 11 Villaggio?
 12 VICE-CHAIRWOMAN VILLAGGIO: Yes.
 13 BOARD SECRETARY LEWIS: Robert
 14 Scherer?
 15 MR. SCHERER: Yes.
 16 BOARD SECRETARY LEWIS: Paul
 17 Tarantino?
 18 MR. TARANTINO: Yes.
 19 BOARD SECRETARY LEWIS: Gene Jannotti?
 20 MR. JANNOTTI: Yes.
 21 BOARD SECRETARY LEWIS: Mike Vena?
 22 MR. VENA: Yes.
 23 BOARD SECRETARY LEWIS: And Pat
 24 Quattrochi?
 25 MS. QUATTROCHI: Yes.

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1 VICE-CHAIRWOMAN VILLAGGIO: All right,
 2 the next meeting of the Board will take place on
 3 January 28 at 7:30. At such time, we will have that
 4 portion of the meeting continue.
 5 MR. FRASER: All right, and just for
 6 the benefit of the record and for all members of the
 7 public, you will not be receiving further notice.
 8 The application and proceeding continues on January
 9 28 at 7:30.
 10 MR. HEHL: Thank you very much. Have
 11 a great night. See you soon.
 12 (Meeting adjourned at 10:19 p.m.)
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 2 CERTIFICATE
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 5
 6 I, MICHELE QUICK, a Certified Court
 7 Reporter, Registered Merit Reporter, Certified
 8 Realtime Reporter of the State of New Jersey,
 9 authorized to administer oaths pursuant to R.S.
 10 41:2-1, do hereby state that the foregoing is a true
 11 and accurate verbatim transcript of my stenographic
 12 notes of the within proceedings, to the best of my
 13 ability.
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24 _____
 MICHELE QUICK, CCR, RMR, CRR
 CCR License No. XIO1731
 25

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