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BOROUGH OF GARWOOD
PLANNING BOARD

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

Wednesday, January 28, 2015
Municipal Building
403 South Avenue
Garwood, New Jersey 07027
Commencing at 7:36 p.m.

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

ADELE C. LEWIS, Board Secretary
TONY GALLERANO, P.E., P.P., Board Engineer

MICHELE QUICK
CERTIFIED COURT REPORTER

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

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

8
9 HEHL & HEHL, P.C.
10 370 Chestnut Street
11 Union, New Jersey 07083
12 BY: STEPHEN F. HEHL, ESQ.
13 Counsel for the Applicant
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1 VICE-CHAIRWOMAN VILLAGGIO: Okay,
2 since we don't have a resolution on the South Avenue
3 one, we're going to go right into the application of
4 484 Fourth Avenue.

5 MR. FRASER: Madam Chairperson, I know
6 that the applicant has caused the transcript of the
7 proceedings of January 14 to have been prepared and
8 it's been submitted to me. I think, Adele, you got
9 it as well?

10 BOARD SECRETARY LEWIS: Yes, and the
11 Board has it.

12 MR. FRASER: So I would suggest as the
13 first order of business that we discuss whether
14 absent members are now qualified to vote by reason
15 of having reviewed that transcript.

16 MR. PATERSON: Madam Chairwoman --

17 VICE-CHAIRWOMAN VILLAGGIO: Yes, Mr.
18 Paterson.

19 MR. PATERSON: -- I have to recuse
20 myself from this.

21 VICE-CHAIRWOMAN VILLAGGIO: Okay.

22 MR. NIERSTEDT: And Madam Chairman, as
23 you know, the Mayor and I have to recuse ourselves
24 also.

25 VICE-CHAIRWOMAN VILLAGGIO: Okay.

1 I N D E X

2 MEMBERS OF THE PUBLIC:

	<u>SWORN</u>
3 ROBERT LAUCIUS	13
4 EILEEN CUCCARO	14
5 JOHN CASONI	19
6 TERRY BROWN	22
7 DEB BANIC	24
8 EDWARD BERGIN	27
9 HORACE CORBIN	30
10 LAUREN McCOMB	31
11 CHRIS SOUSA	36
12 JAMES LANGSTON	37
13 BRUCE PATERSON	38
14 SAL PIARULLI	63
15 LYNNE SAWICKI	64
16 MARY WANCA	66
17 SUSAN GRONING	66
18 JOSELINA PERALTA	70
19 JAMES MATHIEU	74

20 EXHIBITS MARKED INTO EVIDENCE

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25

3

5

1 Thank you.

2 MR. McCARRICK: Madam Chair, I've read
3 over the testimony and signed an affidavit that I've
4 read it.

5 MR. FRASER: And Adele, for the
6 record, the affidavit is in the Board file?

7 BOARD SECRETARY LEWIS: Yes, it's in
8 the file.

9 MR. FRASER: All right. So we had six
10 members last time. Everybody's still here, correct?

11 VICE-CHAIRWOMAN VILLAGGIO: Yes.

12 MR. FRASER: And we have Mr. Hess, we
13 now have a full complement.

14 VICE-CHAIRWOMAN VILLAGGIO: McCarrick.

15 MR. FRASER: McCarrick, sorry.

16 MR. McCARRICK: It's all right.

17 MR. FRASER: And I just signed your
18 affidavit. But in any event, so we have a full

19 complement of seven members now to hear this
20 application. I see Mr. Hehl, well dressed as usual,
21 standing up and chomping at the bit to say
22 something.

23 MR. HEHL: No, I was -- you asked -- I
24 guess we're ready to start whenever.

25 VICE-CHAIRWOMAN VILLAGGIO: And at

6

1 this point, at the last meeting, it's my
2 recollection and according to the transcript, were
3 you finished with your witnesses, Mr. Hehl?
4 MR. HEHL: Yes, we had completed our
5 direct presentation that evening and I think because
6 of the late hour --
7 VICE-CHAIRWOMAN VILLAGGIO: Um-hum.
8 MR. HEHL: -- the Board was going to
9 carry to this evening to have the public comment.
10 MR. FRASER: Right. Just to clarify
11 that -- I agree with that, Mr. Hehl -- the
12 applicant's application is in, the applicant's
13 witnesses have already submitted to examination by
14 the Board and have submitted to examination by the
15 public, so at this point, it would be incumbent upon
16 any members of the public who wish to comment either
17 positively or negatively with respect to the
18 application to be sworn and be heard and those
19 individuals are, of course, subject to examination.
20 MR. HEHL: That's correct.
21 MR. FRASER: All right?
22 VICE-CHAIRWOMAN VILLAGGIO: Are there
23 any members of the public --
24 MR. SCHERER: Before we open it up for
25 the public, can I ask one more question before we

7

1 open it up?
2 MR. FRASER: A question of whom?
3 MR. SCHERER: Probably for the
4 applicant and for the whole project in general.
5 MR. FRASER: Well, I don't think the
6 applicant himself testified.
7 MR. SCHERER: Well, I just want to
8 bring something up to the Board that I had an idea
9 on, before the public opens up.
10 MR. HEHL: Sure, Mr. Scherer. I mean,
11 I don't have a problem with that.
12 MR. FRASER: Yes, Mr. Scherer.
13 MR. SCHERER: Dealing with the garbage
14 -- okay? -- with the dumpster area, the dumpsters
15 and whatnot, just seeing how things are presently in
16 the town with the townhomes, I think eventually the
17 town is going to wind up picking up the garbage and
18 instead of having this dumpster area -- okay? -- and
19 a dumpster, the people just have a couple of cans in
20 the garage, eliminate the dumpster area and put like
21 a gazebo or something there.
22 MR. HEHL: I can discuss that with --
23 MR. VILLARUAT: I'm not opposed to
24 that. Not a problem.
25 MR. SCHERER: So, I mean, if that was

8

1 put into the resolution --
2 MR. HEHL: That wouldn't be a problem.
3 MR. SCHERER: -- into the motion...
4 MR. HEHL: I think there's certainly
5 enough room to accommodate that, so...
6 MR. SCHERER: Yeah, I just think, down
7 the road and in the long run, it's going to wind up
8 being a lot more --
9 MR. HEHL: Yeah.
10 MR. SCHERER: -- I mean, that'll be
11 unnecessary for people to pay.
12 MR. HEHL: Mr. Scherer, that's
13 certainly -- the applicant has nodded and that's --
14 MR. SCHERER: A gazebo with a garden
15 or something where people can come out and sit or
16 whatever they want to do.
17 MR. HEHL: Yeah, landscaping or a
18 gazebo.
19 MR. SCHERER: If they don't want to
20 smoke in their house, they can go out there and
21 smoke, you know.
22 MR. HEHL: Yeah. Madam Chair, Board
23 members and Counsel and Mr. Gallerano, there's no
24 problem with that.
25 VICE-CHAIRWOMAN VILLAGGIO: Tony, do

9

1 you have anything to comment on before the public?
2 MR. GALLERANO: Yeah. Actually, I
3 thought of a couple of additional comments since the
4 last meeting. These weren't in our review letter,
5 but after listening to the neighbors speak at the
6 last meeting, I just want to throw a couple of
7 things out there that the applicant may want to
8 consider.
9 I think it would be beneficial if the
10 applicant were to reduce the width of the decks from
11 10 feet to 8 feet, and with that additional 2 feet,
12 it would leave them some additional space, they
13 could plant a row of evergreens. My suggestion
14 would be a Leyland Cypress, just being that they
15 grow at a very rapid rate, they could grow up to 2
16 to 3 feet per year, so in a short amount of time,
17 there would be a nice buffer along that property
18 line.
19 MR. FRASER: Excuse me, Tony, one
20 thing. When you say "the width," do you mean the
21 depth?
22 VICE-CHAIRWOMAN VILLAGGIO: The depth?
23 MR. GALLERANO: The depth.
24 VICE-CHAIRWOMAN VILLAGGIO: Going out.
25 MR. GALLERANO: Yeah, the depth from

10

1 the building outward. It was proposed at 10 feet so
 2 I would suggest reducing that to 8 feet.
 3 MR. FRASER: So that there would be an
 4 additional 2 feet of setback.
 5 MR. GALLERANO: That's correct.
 6 That's correct. And that would allow them some
 7 additional space, they could plant a row of
 8 evergreens. And again, my suggestion would be the
 9 Leyland Cypress just because of how rapid it grows
 10 per year.
 11 Also, there was some questions about
 12 the requirements of the fire department. It's my
 13 understanding that the applicant's engineer had a
 14 discussion with the Fire Chief and what he's looking
 15 for is blind striping on the pavement indicating
 16 "fire lane" along the driveway to prevent cars from
 17 parking along the driveway, a four-inch sprinkler
 18 connection in each unit, and the installation of one
 19 hydrant, and I believe if those three things are
 20 done, the Fire Chief would be satisfied. So, other
 21 than that, I have no additional comments.
 22 MR. HEHL: Let me just --
 23 MR. FRASER: Mr. Hehl, if you want to
 24 let us hear the public, do you want to reserve the
 25 opportunity for your --

11

1 MR. HEHL: No, I think I can get an
 2 answer.
 3 (Off-the-record discussion between Mr. Hehl
 4 and the applicant)
 5 MR. HEHL: Just in response to Mr.
 6 Gallerano's comments, I discussed with my client,
 7 there's no problem -- or no objection to reducing
 8 the depth of the decks from 10 feet to 8 feet to
 9 provide that additional area of setback, and as far
 10 as the additional buffering and landscaping and the
 11 type of plant that was mentioned, no objection to
 12 that, and I guess we can get -- so that's not an
 13 issue and my understanding's the same as Mr.
 14 Gallerano with respect to the fire department, and
 15 again, there's no problem complying with those three
 16 conditions.
 17 MR. FRASER: All right. Tony, nothing
 18 further before we open to the public?
 19 MR. GALLERANO: No, that's it, I think
 20 that's fine.
 21 MR. FRASER: Mr. Hehl, anything
 22 further before we open to the public?
 23 MR. HEHL: No. Thank you.
 24 MR. TARANTINO: So as we proceed to
 25 public comment, are we to assume that all these

12

1 conditions will be met, including the removal of the
 2 dumpster area?
 3 MR. FRASER: Well, I think what we've
 4 heard is that the applicant does not object to that
 5 suggestion. The Board might ultimately adopt Mr.
 6 Scherer's suggestion or the Board might not go that
 7 way, that's up to the Board, but the Board's heard
 8 testimony that the applicant's good with that, so if
 9 it were ultimately to be approved, it could be
 10 adopted with that amendment and you already know
 11 there's not a problem with the applicant.
 12 MR. TARANTINO: Okay.
 13 MR. HEHL: Thank you.
 14 VICE-CHAIRWOMAN VILLAGGIO: All right.
 15 I'll open it up now to the public, for members of
 16 the public. Raise your hand, state your name and
 17 your address. Would anybody like to testify from
 18 the public?
 19 MEMBER OF THE PUBLIC: I have a
 20 question.
 21 VICE-CHAIRWOMAN VILLAGGIO: Oh, wait.
 22 MEMBER OF THE PUBLIC: Go ahead.
 23 MR. LAUCIUS: Rob Laucius, 415 Fourth
 24 Avenue in Garwood.
 25 (Court reporter asks for spelling of last

13

1 name.)
 2 MR. LAUCIUS: L-A-U-C-I-U-S.
 3 R O B E R T L A U C I U S, 415 Fourth Avenue,
 4 Garwood, New Jersey 07027, first having been duly
 5 sworn, testified as follows:
 6 MR. LAUCIUS: I just have a question
 7 about traffic studies. What was done and when was
 8 it done?
 9 MR. FRASER: Well, I mean, we're not
 10 at the question part of the meeting but I can answer
 11 it.
 12 MR. LAUCIUS: If you would, please.
 13 MR. FRASER: As part of the site plan
 14 application which is presently before the Board,
 15 there was not one. There was -- if I recollect,
 16 there was a traffic study that was done as part of
 17 the original part of this application, which was
 18 bifurcated, and the applicant testimony at the time
 19 of that approval when they got approval for the
 20 subject townhomes.
 21 MR. LAUCIUS: Who supplied the
 22 testimony?
 23 MR. FRASER: There was a traffic
 24 engineer that the -- Mr. Hehl, I don't remember who
 25 you had.

14

1 MR. HEHL: Joseph Staigar.
 2 MR. FRASER: Mr. Staigar.
 3 MR. LAUCIUS: And who is he exactly?
 4 MR. HEHL: He's the traffic engineer,
 5 he testified --
 6 MR. LAUCIUS: And he represents the
 7 developer, the applicant?
 8 MR. FRASER: He was retained by the --
 9 MR. HEHL: Yes.
 10 MR. FRASER: -- applicant --
 11 MR. HEHL: Yes.
 12 MR. FRASER: -- as an expert witness.
 13 MR. LAUCIUS: Okay, thank you.
 14 VICE-CHAIRWOMAN VILLAGGIO: Go ahead.
 15 MS. CUCCARO: I just want to make a
 16 statement on the whole application.
 17 VICE-CHAIRWOMAN VILLAGGIO: State your
 18 name, address.
 19 MS. CUCCARO: Ileen Cuccaro, 348 Third
 20 Avenue.
 21 (Court reporter asks for spelling of last
 22 name.)
 23 MS. CUCCARO: C-U-C-C-A-R-O.
 24 E I L E E N C U C C A R O, 348 Third Avenue,
 25 Garwood, New Jersey 07027, first having been duly

15

1 sworn, testified as follows:
 2 MS. CUCCARO: My statement will be
 3 short. The whole application -- I've written it
 4 down because I don't want to be misquoted again, so
 5 I'll just start off by saying, for 20 years the Hidi
 6 family, executors of their estate, have been trying
 7 to sell this property and for 20 years they've been
 8 denied by the Planning Board. Everything has been
 9 presented from single-family homes to townhouses.
 10 The family had incurred upward of almost \$700,000
 11 for legal fees and every kind of study known to man.
 12 In that time frame, two siblings have passed away
 13 and still they kept trying. About 10 years ago,
 14 there was an application by another developer for 16
 15 townhouses. Now, mind you, this was definitely a
 16 greater number than what's being applied for now,
 17 but what was omitted from the last application is
 18 that it was for two properties combined. Basically,
 19 the Planning Board said the density was too great
 20 and that's why it was turned down.
 21 To make a long story short, that
 22 developer sued the town. As determined in court,
 23 the town prevailed in that lawsuit. As stated, the
 24 reason for them denying, that the applicant -- that
 25 this was a single-family residential zone and

16

1 townhomes did not belong there and the people on the
 2 Planning Board testified to that, via the
 3 transcripts.
 4 Fast-forward to 2011, the Hidi family,
 5 at the end of their rope, out of resources, anxious
 6 to settle the estate, once again sought relief to
 7 build anything allowed. At long last, the Planning
 8 Board allowed three single-family homes to be
 9 perfect for that property. The description even
 10 stated the town had approved three homes to be
 11 built. At the first part of this application, I
 12 asked multiple times what happened to the three
 13 homes that were approved, other people asked the
 14 same question. It was never answered.
 15 This application also sought multiple
 16 bulk variances, including a use variance. A use
 17 variance is the hardest variance for a town to
 18 approve, as you must prove undue hardship in seeking
 19 this relief and proving that you cannot build what
 20 the zoning permits. As this was allegedly approved
 21 for three homes and meets the zoning requirements in
 22 a single-family residential zone, the use variance
 23 should not have been approved, but in one night, the
 24 Planning Board approved all variances, even going so
 25 far as to extend the meeting past the allotted time.

17

1 As is also customary and done in every other
 2 application, the town's engineer is supposed to
 3 submit a review letter, of which he submitted
 4 nothing. One of the Planning Board members gave a
 5 "yes" vote because they liked the material the
 6 builder was using. This is certainly not the proper
 7 use variance vote, as material being used is
 8 irrelevant.
 9 Now, the Planning Board members stated
 10 they were not aware of the history of this property.
 11 Even though this is the second part of the
 12 application and all the statements I make are after
 13 the fact, I want the folks to know that this
 14 property has a very long history and, going forward,
 15 will set precedence over the rest of the
 16 neighborhood. This is not North or South Avenue, it
 17 is Fourth Avenue, a single-family residential zone.
 18 Going forward, there are a lot more
 19 parcels of property along that part of Fourth that
 20 have also deep lots. What would stop more
 21 homeowners from combining their property and selling
 22 to another developer and putting more townhomes in
 23 this neighborhood? There's nothing to stop it, as
 24 the town has already set the precedent for the next
 25 time.

18

1 The township, over the last 10 to 15
 2 years, has been overdeveloping and approving
 3 applications with inadequate parking with no
 4 inherent benefit to the residents, turning our small
 5 town into a free parking lot for out-of-town
 6 commuters, more traffic and crowded roads, and this
 7 is just a continuance of that. When will it stop?
 8 A town this size cannot absorb it and the residents
 9 do not like it. This is not North or South Avenue
 10 that could stand some smart development but a
 11 single-family residential zone, and by the first
 12 part of this approval, the Planning Board, in one
 13 short night, voted to change the entire flavor of
 14 this neighborhood. It is the responsibility of the
 15 Planning Board to see the applicants conform to the
 16 town's zoning and Master Plan in seeking variances,
 17 not for them to vote to change them for one
 18 applicant. They should also be consistent in their
 19 approval so one does not feel unfair advantage is
 20 given to one when so many have previously been
 21 turned down. Three single-family homes were
 22 approved already, would fit in with the neighborhood
 23 and adhere with the zoning and Master Plan.
 24 Townhomes were not approved ten years ago and should
 25 not have been approved now.

19

1 Thank you.
 2 MR. FRASER: Mr. Hehl, any questions
 3 of that witness?
 4 MR. HEHL: No questions. Thank you.
 5 VICE-CHAIRWOMAN VILLAGGIO: Thank you.
 6 Thank you. Is there anybody else?
 7 MR. FRASER: Does the Board wish to
 8 question that witness?
 9 VICE-CHAIRWOMAN VILLAGGIO: I'm sorry.
 10 Does the Board wish to question this witness?
 11 (No response)
 12 VICE-CHAIRWOMAN VILLAGGIO: No. Can
 13 you wait one second, sir?
 14 MR. LAUCIUS: Um-hum.
 15 VICE-CHAIRWOMAN VILLAGGIO: I have a
 16 hand over here. I saw a hand. No? Is there
 17 anybody else who would like to -- sir?
 18 MR. CASONI: Yeah, John Casoni, 212
 19 Walnut Street.
 20 J O H N C A S O N I, 212 Walnut Street, Garwood,
 21 New Jersey 07027, first having been duly sworn,
 22 testified as follows:
 23 (Court reporter asks for spelling of last
 24 name.)
 25 MR. CASONI: Casoni, it's C-A-S-O-N-I.

20

1 Yeah, I'd like to know how the
 2 proceeding goes. Ileen brought up some incredible
 3 points here. It seems that this plan, which is
 4 unbelievable, is another development that's going to
 5 change the entire character of the town. It wasn't
 6 enough that you had to build the monstrosity senior
 7 -- the low-income senior citizen housing on Second
 8 Avenue, which is absolutely outrageous considering
 9 the immense size of it. I don't see much difference
 10 in this kind of construction. Okay? It's like one
 11 step down from the monstrosity on Second Avenue.
 12 Okay? You know, what does the Planning Board have
 13 to say about the testimony that Ileen brought up?
 14 Okay? Does it not matter, are your decisions just
 15 arbitrary and capricious that you go ahead with
 16 something like this? Okay? What happened with the
 17 Hidis, all the money they spent? They could never
 18 have a development anything near like this, it was
 19 always turned down. It's unbelievable. Okay? I've
 20 been in Garwood -- I was nine years old when my
 21 brother and I used to go down to the Hidis' to buy
 22 groceries. Okay? He would add them up on a paper
 23 bag, put it on his account that he had. All these
 24 years that he was here, the Hidi family, and they
 25 were never allowed to do anything even close to

21

1 something like this. Okay? What happened to those
 2 three houses? You know, is it money that talks? Do
 3 you have a hidden agenda that Garwood is going to
 4 turn into some friggen village here of Westfield?
 5 You know, it's bad enough that we were outraged by
 6 the Westfield Association; again, I have to -- I
 7 just can't state it loudly enough and enough about
 8 the senior citizen housing. It blows my mind that
 9 that was ever allowed to go through. Okay? People
 10 on the south side of town ought to go over and take
 11 a look at the God-damn thing. It has nothing
 12 whatsoever to do with the surrounding area.
 13 That's all I have to say. You know,
 14 I'd like some feedback on what you people think of
 15 Ileen's testimony and my comments.
 16 MR. VENA: Sir --
 17 MR. CASONI: Is it something that --
 18 listen, by the way, I have a single-family. Okay?
 19 I'd like to know how I go about changing my property
 20 into a two-family so that I can benefit like these
 21 people are benefitting. It's unbelievable. Look at
 22 that damn thing. That's fine, put it somewhere
 23 else, put it on North Avenue, put it next to the
 24 railroad, don't put it down the end of my block.
 25 This is nuts. You people don't give a damn.

22

1 Thank you.

2 (Applause by members of the public)

3 VICE-CHAIRWOMAN VILLAGGIO: Is there

4 any other questions from the members of the public?

5 MR. FRASER: Not questions.

6 VICE-CHAIRWOMAN VILLAGGIO: I mean --

7 MR. FRASER: Testimony or comments.

8 VICE-CHAIRWOMAN VILLAGGIO: Sorry.

9 Testimony, members of the public.

10 I'll get right back to you, sir.

11 MS. BROWN: Terry Brown, 410 East

12 Street.

13 T E R R Y B R O W N, 410 East Street, Garwood, New

14 Jersey 07027, first having been duly sworn,

15 testified as follows:

16 MS. BROWN: I have been a part of

17 these meetings since the conception of this property

18 and the reviews that I've heard, people that I've

19 talked to, the town that I've lived in for 15 years,

20 that compared to what it is now is a huge benefit to

21 this town. I can't address what happened at Saint

22 Anne's, I wasn't involved in that, but the person

23 who designed these plans, put them together, has

24 taken the feedback of the Board and everybody else

25 who has spoken to it, he's done the best that he

23

1 could. What happened in the past, we can't control.

2 Monies have been exchanged, things have been done,

3 but right now, we have an opportunity of bettering

4 the town, improving our taxes and hopefully bringing

5 down a little bit of what the Saint Anne's property

6 has done to us with this piece of property.

7 MR. FRASER: Mr. Hehl, I forgot to ask

8 you about the last witness but I'm gathering, since

9 you didn't stand up, you didn't wish to cross the

10 last witness.

11 MR. HEHL: Yeah, unless I have a

12 question, I'll --

13 MR. FRASER: All right, you won't be

14 shy, right?

15 MR. HEHL: I won't.

16 MR. FRASER: All right. Let the

17 record reflect, though, that Mr. Hehl had his

18 opportunity.

19 MR. HEHL: That's correct.

20 VICE-CHAIRWOMAN VILLAGGIO: Do any

21 members of the Board?

22 (No response)

23 VICE-CHAIRWOMAN VILLAGGIO: Okay.

24 MR. TARANTINO: We have another

25 comment.

24

1 VICE-CHAIRWOMAN VILLAGGIO: You know

2 what, can you wait? He's had his hand up a couple

3 times.

4 Go ahead, sir.

5 MR. LAUCIUS: I'd just like to echo

6 the sentiments of Ileen and that gentleman and I

7 would like to know what exactly are the benefits,

8 tax benefits, to the citizens of this town. Thank

9 you.

10 VICE-CHAIRWOMAN VILLAGGIO: Thank you.

11 Ma'am.

12 MS. BANIC: Deb Banic, 421 Fourth

13 Avenue.

14 (Court reporter asks for spelling of last

15 name.)

16 MS. BANIC: B-A-N-I-C.

17 D E B B A N I C, 421 Fourth Avenue, Garwood, New

18 Jersey 07027, first having been duly sworn,

19 testified as follows:

20 MS. BANIC: One of my concerns also is

21 the traffic on our street. I'm on Fourth Avenue,

22 three houses past Hidi's. Traffic has been bad 38

23 years I've been there. They put ShopRite in and we

24 get those more zoning. At least Westfield, on

25 Benson, Chestnut and Gallows Hill, had the ability

25

1 to put speed bumps in to slow down traffic on their

2 streets. Brookside Place, Fourth Avenue, we did

3 nothing. The cars just zoom by there. The cops are

4 out there trying to control it and sitting there,

5 I've seen them since the last meeting more than ever

6 out there, but we have traffic. Those poor people

7 trying to pull in or out of that driveway, they're

8 going to be doing it with their life in their hands

9 because they come around that bend. The poor

10 crossing guard has quite a hard time crossing the

11 poor children across that street. They don't see

12 her, they come speeding and they just don't see her.

13 That's a bad intersection.

14 I don't know -- I mean, I keep hearing

15 "Yes, we'll do this, we'll do that," but if they

16 could put some kind of speed bumps on -- I don't

17 know whose department that is. We've asked -- when

18 the politicians come around, we've asked and they

19 say they're going to look into it, they're going to

20 look into it, and 38 years later, we're still here

21 with no speed bumps and then I don't know exactly

22 when, maybe 15, 20 years ago, you widen our street,

23 you took property away and widen it, and now they

24 even go faster. Also, I seen Cranford, on

25 Springfield Avenue, where a person had gotten hit by

1 the apartments on -- I'm trying to think -- Mill
 2 Street, I think that is, that comes out. They put a
 3 "walk" sign but they have lights going around it so
 4 it stands out. We've put one almost by Union
 5 Street, we've put one to kind of let people know
 6 there is a crosswalk there, because I don't think
 7 people really realize that people cross there now
 8 that Hidi's really is not in business, so we're
 9 walking back and forth constantly, it's less, so I
 10 think the people in the area just zoom by. But I
 11 would hope that they take that into consideration
 12 and maybe see if they could put some kind of speed
 13 bumps or something to protect the -- if this goes
 14 through, which I'm not in favor, I like the three
 15 houses, but if it does, I think we need to address
 16 that driveway so there's not casualties there.
 17 And my other concern was, at the last
 18 meeting, we were talking about the fire trucks and
 19 they said that the one fire truck, the 47-foot, I
 20 believe they said, would be able to pull in but
 21 wouldn't be able to pull out, it would have to back
 22 out, it couldn't turn around, so maybe if they got
 23 rid of the garbage thing back there, I think Mr.
 24 Scherer said, maybe would that help them to make an
 25 area that it could turn, and also, how many fire

1 trucks could fit back there? You're talking nine --
 2 nine homes together. If there was, God forbid, a
 3 fire, how many vehicles can fit back there to fight
 4 that fire to protect our neighborhood and the
 5 development, but if only -- if one can get in and
 6 back out, if they need more than one, would they be
 7 able to get in and out? Those are my concerns.
 8 VICE-CHAIRWOMAN VILLAGGIO: Thank you.
 9 MS. BANIC: Thank you.
 10 VICE-CHAIRWOMAN VILLAGGIO: Thank you.
 11 (Applause by members of the public)
 12 VICE-CHAIRWOMAN VILLAGGIO: Is there
 13 anybody else from the public that has testimony?
 14 MR. BERGIN: Yes. Ed Bergin, 123
 15 Winslow Place, Garwood.
 16 E D W A R D B E R G I N, 123 Winslow Place,
 17 Garfield, New Jersey 07027, first having been duly
 18 sworn, testified as follows:
 19 MR. BERGIN: Thank you for allowing me
 20 to address the Board in reference to this issue. I
 21 don't even know why it's an issue. This should be a
 22 no-brainer. It's about time -- I've lived in
 23 Garwood since 1970. My children live in Garwood, my
 24 grandchildren live in Garwood. It's a lovely town,
 25 but it's always been in the dark ages, it seems to

1 me. I've worked in Jersey City all my life up until
 2 a couple years ago and people used to say to me
 3 "Where do you live, Ed?" I'd say "In Garwood."
 4 "Garwood. Where's Garwood?" I'd say "Well, it's
 5 between Cranford and Westfield." And they would say
 6 "Oh, Cranford, Westfield, they're nice places." I
 7 didn't want to hear that for Garwood, I want Garwood
 8 to be a beautiful place and something like this --
 9 Second Avenue, I agree with you with that on Second
 10 Avenue, trust me, but something like this can only
 11 benefit us. I wish it was being developed behind
 12 the rat trap that I live off of North Avenue. I
 13 would take that in a heartbeat. Trust me. I just
 14 hope the Board passes this issue for this town.
 15 Thank you.
 16 (Applause by members of the public)
 17 VICE-CHAIRWOMAN VILLAGGIO: Is there
 18 any other members of the audience who have
 19 testimony? Sir.
 20 MR. CASONI: Yeah. John Casoni, 212
 21 Walnut Street.
 22 Yeah, I just want to endorse what she
 23 said about the speed bumps. Walnut Street is
 24 unbelievable. Okay? There ought to be speed bumps
 25 there for the school. I've tried on many occasions

1 to go to the library and we have signs up that
 2 reinforce the new state law that -- what is it, four
 3 years old now -- that you must stop with somebody in
 4 the crosswalk. It's absolutely a law, there's no
 5 question about it, and cars don't stop, they go
 6 whizzing by. It's 25 miles an hour. I don't know,
 7 I think they're doing 30, 35, easily. So nothing
 8 could be better than speed bumps on Walnut Street
 9 and what were you proposing, Fourth Avenue? You
 10 know, I could see that this is going to be a
 11 tremendous housing because you should stand out
 12 there any time during the day, you should attempt to
 13 cross to go to the library on clearly-marked
 14 crosswalks plus the signs that reinforce what the
 15 state law is. It's just outrageous and, yeah, I've
 16 seen -- I don't know what people are doing. They're
 17 speeding up to try and make the green light, which
 18 is almost impossible, and they're speeding up the
 19 hill for what, I don't know, so they can get down
 20 there and run down on Fourth Avenue. We should have
 21 speed bumps like they have on Benson Place.
 22 Thank you very much.
 23 VICE-CHAIRWOMAN VILLAGGIO: Thank you,
 24 sir. Is there any other -- Horace.
 25 MR. CORBIN: My name is Horace Corbin,

1 I live at 430 Union Street in Garwood.
 2 H O R A C E C O R B I N, 430 Union Street,
 3 Garwood, New Jersey 07027, first having been duly
 4 sworn, testified as follows:
 5 MR. CORBIN: Our small town with the
 6 big heart finds itself in this unfortunate dispute
 7 because we've been bifurcated. We were bifurcated
 8 in May with technical issues that swiftboated us to
 9 change the use variance and many other things and
 10 now we're down to just being -- delivering on a
 11 layout. Now, the Edgewater Estates here can't even
 12 get a fire truck in unless they go sideways and, of
 13 course, unless it's painted yellow and no one's
 14 parking there. What are we going to do, give them a
 15 parking ticket? There are many ways that this
 16 Board, using due process and using bifurcation,
 17 could say, technically, "Please come back with a
 18 plan where a fire truck could come in here and turn
 19 around." That's all you have to do and then the
 20 Edgewater Estates could be resolved. I think this
 21 is wrong, it's wrong for Garwood, anybody that
 22 thinks it's going to make money, I think if you read
 23 some of the things in the newspaper, which I
 24 happened to write, so those are my opinions, so I
 25 believe that this small town with the big heart

1 should really take a look at this and say this is
 2 totally out of place for the neighborhood and I hope
 3 that's what you do and I thank you.
 4 VICE-CHAIRWOMAN VILLAGGIO: Thank you.
 5 (Applause by members of the public)
 6 VICE-CHAIRWOMAN VILLAGGIO: Any other
 7 -- ma'am.
 8 MS. McCOMB: Lauren McComb, 419
 9 Brookside Place in Cranford.
 10 L A U R E N M c C O M B, 419 Brookside Place,
 11 Cranford, New Jersey 07016, first having been duly
 12 sworn, testified as follows:
 13 MS. McCOMB: I just want to start off
 14 by saying when the letter first came to our home
 15 over the summer, as soon as we got -- we knew
 16 something was going to happen with Hidis' property
 17 because it had been bought in the last year, but as
 18 soon as we got the letter, I came down to the
 19 Garwood municipality to see the plans because it was
 20 told to me that those are made public, you know,
 21 before the meetings. So immediately I came down
 22 here to take a look at the plans to see what they
 23 were proposing because it's the first time I had
 24 heard of any type of building going over on the Hidi
 25 property. They weren't here. They sent me to

1 Cranford and said Cranford does the zoning. So I
 2 went to Cranford. Cranford sent me to Harbor
 3 Consultants and told me Harbor Consultants does the
 4 zoning. I went to Harbor Consultants and they told
 5 me to come back to Garwood because they didn't have
 6 anything on them. By the time the day was done, it
 7 was 5:00 on a Friday and that was it. The planning
 8 meeting was the following week. I had to work so I
 9 couldn't be running around to four different places
 10 again. So when we got in here the first night that
 11 we came for the variance over the summer, I noticed
 12 there weren't that many people here but that was
 13 probably due to the fact that it was August and it's
 14 summertime and people are on vacation. Also, I
 15 don't know if that many people thought that this
 16 would actually go through because of all the years
 17 that people have been trying to propose new
 18 buildings. Why this got passed, I have a few
 19 opinions of my own, which is probably that you guys
 20 have some either political agendas or you're friends
 21 with -- I know it's funny, but you're friends with
 22 family of the applicants because I've watched
 23 several of you, not maybe all of you but several of
 24 the Board members, hug and kiss the family during a
 25 bathroom break or giving them high-fives outside and

1 talking about it, so it's very clear that there's
 2 some other agenda here.
 3 You've listened to many of the
 4 residents that either attach to Hidi's or live
 5 within a certain radius of them stating how it's
 6 going to, A, ruin their property value. The Sousas,
 7 I'm not sure if they're here tonight but they're
 8 basically going to stare at nine townhomes and their
 9 decks and everyone that comes in and out of those
 10 places, and the rest of the residents concerned with
 11 their property values because, while Hidi's right
 12 now, yes, it's not appealing to look at and no one's
 13 arguing that but they are arguing that nine
 14 townhomes is absolutely ridiculous for the place
 15 that you want to put it in. North Avenue, I've
 16 heard it compared to North Avenue. That's
 17 different, it's North Avenue. This is Fourth Avenue
 18 and it doesn't belong there.
 19 You have many of us here stating that
 20 it's going to hurt our properties and hurt the
 21 traffic in the area. There was a traffic expert
 22 that came in August and I think he said that when
 23 you go around the bend, you can't go more than 20
 24 miles per hour because you would tip. That's a
 25 joke. Everyone in this room knows it's a joke

1 because I live on the street, I walk my kids to
2 their babysitter's or to the park or to ShopRite.
3 People don't go less than 40 around that bend. It's
4 ridiculous. So immediately, as soon as he said
5 that, his testimony was a joke and I don't know
6 about you guys but I stopped listening. So I think
7 that, as a whole, this entire project is an absolute
8 joke. No one's arguing that three beautiful homes
9 wouldn't have been a great opportunity for the town
10 of Garwood. Nine townhomes don't belong where
11 you're trying to put them.

12 That's it.

13 (Applause by members of the public)

14 VICE-CHAIRWOMAN VILLAGGIO: Thank you.

15 Is there any other member of the public who'd like
16 to have testimony? Ma'am.

17 MS. SOUSA: Chris Sousa, 490 Fourth
18 Avenue.

19 I am right behind what's going to be
20 built there or, hopefully, if you guys decide not to
21 build them there. I can appreciate the decks being
22 pushed back to the 8 feet versus the 10. There are
23 still going to be at least 18 people looking over my
24 property until those evergreens grow as high as the
25 tops of those buildings. There were -- the last

1 meeting, there was the whole talk of the air-
2 conditioning units. I did a little research and I
3 know the engineer had said technology nowadays is
4 great and they're going to be quiet and all that, so
5 I looked them up. Each unit is about 50 -- gives
6 off about 55 decibels of noise. Multiply that by
7 nine.

8 MR. LAUCIUS: 18.

9 MS. SOUSA: Possibly 18. I don't know
10 about anybody else here, you there, I enjoy sleeping
11 with my windows open in the springtime, in the
12 summertime. I don't need a jet outside my window.
13 This -- and I've actually had my realtor come and
14 speak to me and, you're absolutely right, it will
15 hurt me come the time for me to sell my house, at
16 least 10 percent, at least 10 percent, is what he's
17 telling me. I'm sure none of these neighbors that
18 are sitting here want to lose any amount of money on
19 their homes if they ever decide to sell. This
20 really doesn't belong in this small town. The
21 single-family homes here -- I moved to this town so
22 that I didn't have to live somewhere that houses are
23 on top of houses on top of houses. I enjoy my
24 space, I enjoy the peace and quiet that you hear at
25 night. This is just going to add noise and traffic

1 and it just doesn't belong and I hope you guys vote
2 "no" for it. Thank you.

3 MR. FRASER: Ms. Sousa, I forgot to
4 swear you at the beginning.

5 MS. SOUSA: Oh, sorry.

6 C H R I S S O U S A, 490 Fourth Avenue, Garwood,
7 New Jersey 07027, having been duly sworn, testified
8 as previously stated.

9 VICE-CHAIRWOMAN VILLAGGIO: Any other
10 members of the public? Sir.

11 MR. LAUCIUS: I just want to --

12 MR. FRASER: Just as a general
13 observation, everybody gets to testify once, so --

14 MR. LAUCIUS: Um-hum.

15 MR. FRASER: Sometimes the Board is
16 flexible about this but I'm just going to make a
17 suggestion. If you have additional testimony, get
18 it all in now.

19 MS. CUCCARO: Is it written down
20 somewhere, Donald? Is it part of the bylaws?

21 MR. FRASER: That's why I used the
22 word "generally."

23 MS. CUCCARO: Generally? Okay.

24 MR. FRASER: And that's ultimately in
25 the discretion of the Chairperson. The Chairperson

1 does not need to allow him to testify again, but
2 it's basically the Board's practice to try to be
3 polite to accommodate everyone, which is why I would
4 not do it now kind of ex post facto and say "I don't
5 think you should get to testify again," but at the
6 same time, there's a roomful of people, everybody
7 would like their opportunity and everybody typically
8 gets once. You know that.

9 MS. CUCCARO: No, I really wasn't
10 aware of that.

11 VICE-CHAIRWOMAN VILLAGGIO: Sir?

12 MR. LAUCIUS: Thank you. I agree with
13 Mrs. Sousa and Ms. McComb brings up some very
14 poignant points and I think the Board has a lot to
15 answer to regarding her testimony.

16 VICE-CHAIRWOMAN VILLAGGIO: Thank you.
17 Is there any other members of the public? Sir?

18 MR. LANGSTON: Hi. I'm James
19 Langston, 413 Fourth Avenue.
20 J A M E S L A N G S T O N, 413 Fourth Avenue,
21 Garwood, New Jersey 07027, first having been duly
22 sworn, testified as follows:

23 MR. LANGSTON: I am probably the
24 closest property or family across the street from
25 the proposed development. On the record, I'm for

1 the three homes, not the nine.
 2 Again, to the traffic, I'm not sure
 3 when the study was done but they need to revisit
 4 that study because the traffic is just atrocious.
 5 Case in point is I have a special-needs son who gets
 6 sent out of district. His bus comes between 7:45,
 7 8:00 every morning, and in the afternoon, 3:15,
 8 3:30. It's gotten so bad that we've told the bus
 9 driver, the Parker Bus Company told the Garwood
 10 police and they sit and park on Union Street to
 11 watch the people pass the bus, with the lights on,
 12 the bar out, and they still pass by. The traffic is
 13 beyond pale and worse than ever and it has to be
 14 revisited before this ever moves forward.

15 Thank you.

16 (Applause by members of the public)

17 VICE-CHAIRWOMAN VILLAGGIO: Thank you.

18 Is there any other member of the public that wishes
19 to testify? Mr. Paterson.

20 MR. FRASER: I'm guessing you tried to
21 be last, Bruce.

22 B R U C E P A T E R S O N, 325 Willow Avenue,
23 Garwood, New Jersey 07027, first having been duly
24 sworn, testified as follows:

25 MR. PATERSON: Bruce Paterson, 325

1 Willow Avenue. I'm going to be talking about two
 2 issues, two items, and both of them, obviously, will
 3 go and be directed to the Board voting "no." As you
 4 know, I'm in an adversarial position being that I'm
 5 one of the objectors to the original Part 1
 6 appealing the approval. And we probably can resolve
 7 all of this easy enough after you listen to me and
 8 you think about it and you will agree.

9 The first item -- and let's just go
 10 into history because Ileen did touch upon it, but to
 11 date, for the last 20 years, the Hidi property came
 12 in front of the Board each time for the first four
 13 applications, it was high-density townhouses at that
 14 point, it was combined with the Liquori property
 15 next door so there was even a higher density that
 16 was offered by the developers. Each time, the Board
 17 voted it down, they denied the application. Back in
 18 2002, one of the developers actually sued the Board
 19 thinking something was wrong, obviously, and some of
 20 you might have been on the Board. I know Mike Vena
 21 was probably on the Board and Don Fraser was the one
 22 that argued the Planning Board's side, and each time
 23 -- I mean that time, you all testified that you'd
 24 rather see houses here. Let me just -- let me just
 25 talk about some of these things that we have here.

1 Back then, we had a Planning Board attorney, Vic
2 Vinegra, who is still here.

3 MR. FRASER: Mr. Vinegra is not an
4 attorney, Mr. Paterson.

5 MR. PATERSON: I mean Planning Board
 6 engineer, who is not here presently but his proxy
 7 is, but on one of the -- he always has these five-
 8 page review letters, all the way, I've seen them
 9 almost every time, and one of them towards the
 10 developer says "the applicant must supply planning
 11 testimony as to the reason why this lot cannot be
 12 made to conform to the Borough's ordinance." Later
 13 on in the letter, he said "The purpose of the Zoning
 14 Board is to, whenever possible, bring nonconforming
 15 uses into conformance." Third time, he said "Again,
 16 the applicant is seeking a number of variances,
 17 especially the open space requirements, and must
 18 supply professional testimony as to the reasoning
 19 behind the variance request and why this applicant
 20 cannot conform to these requirements." What I'm
 21 reading -- what I'm reading there and during the
 22 testimony of the court case, again, Vinegra, the
 23 Planning Board engineer, mentioned "they also have
 24 to have special reasons and they have to prove
 25 negative and positive criteria and the negative

1 criteria that can be how they meet the Master Plan
 2 and how it does not have a negative effect on the
 3 neighborhood." These quotes, these quotes were very
 4 telling because I sat on Part 1 and I had to recuse
 5 myself for the reasons I gave forth, but we're
 6 looking at an applicant that came before the Board,
 7 with the expert witnesses, which I'm not going to
 8 deny they were expert witnesses; however, what the
 9 Board actually listened to, and this is the part as
 10 to why we're standing here and we're listening to
 11 the people saying something is wrong here, it was
 12 all based on inattentiveness. Inattentiveness.
 13 That's how I can sum it up. How can I sum it up?
 14 Well, the people didn't show up, obviously, because
 15 they were inattentive. They all thought that the
 16 Hidi plan from 2011 was the three homes and,
 17 therefore, they're happy, and yet now we're here
 18 because they heard it's otherwise.

19 The Board -- let's talk about the Board
 20 being inattentive. They have to understand that
 21 there's two parts to what Part 1 was supposed to be
 22 about. One was to provide proof, and let me just
 23 read about proofing in our land use ordinances. The
 24 first sentence: "After hearing the application, the
 25 Planning Board shall determine whether any action

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1 other than re-zoning will properly protect the
2 interest of the community of the municipality."
3 That's Paragraph 106, 69.6. Each time -- and I'm
4 reading all these quotes from the Planning Board
5 engineer and even our land use ordinance. Each
6 time, they're saying you have to provide proof why
7 you can't conform to the zoning and the land use
8 ordinances. We sat here and I did not hear any
9 hardship or proof that he couldn't build to the
10 three houses that Hidi had planned and the Board
11 approved unanimously back in 2011. What I did hear
12 was only half the testimony, the second half, where
13 how great the townhouses are equivalent to the homes
14 but I didn't hear the first part, that the homes
15 could not be met, the home construction could not be
16 met. That is the burden of proof that he missed and
17 we all missed. I did ask where are the three
18 houses, there are some other residents that asked
19 the same thing. We missed that. That's called
20 "inattentiveness."
21 Harbor Consultants, our Planning Board/
22 Zoning Board engineer, he was inattentive. He did
23 not present -- in all applications, he was giving us
24 a five-page review letter. He did not do that.
25 Why? I don't know. He was inattentive on that.

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1 But if he did, I'm sure he would have said that you
2 had to provide the burden of proof, like I read
3 earlier. I'll read it again. "The applicant must
4 supply planning testimony as to the reasoning why
5 this lot cannot be made to conform to the Borough's
6 ordinance." This is in one of his five-page
7 letters. We had no five-page letters from Part 1.
8 I have no idea why that came about, and
9 unfortunately, he's not here to explain that, and I
10 don't know if he would answer anyway because I guess
11 the Board doesn't have to answer questions.
12 Let's just talk about the Planning
13 Board itself, the makeup at that point for Part 1.
14 Four out of seven Board members that heard the
15 application actually had three years and less
16 experience. Now, to hear an application and to not
17 know about Part A -- and I'll tell you right now, I
18 would assume these same people here probably will
19 admit they didn't hear Part A, that they did not
20 hear proof that the three houses could not be built.
21 Hidi put forth a plan that actually showed three
22 houses, and to tell you the truth, back then, there
23 was a five-page review letter from Harbor
24 Consultants. He agreed with it, he said "There were
25 a number of concerns with the previous application,"

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1 which he's referring to high density, "due to the
2 number of variances that they were requesting." So
3 he agrees that the high density is no good. He goes
4 on to say "Single-family dwellings are a permitted
5 use in this zone, thus are conforming to the
6 Borough's ordinance and Master Plan." So he's
7 agreeing that houses should be there and he's backed
8 it up with a 2002 statement that they have to
9 conform.
10 So here we are, we're standing at this
11 point in time that we shouldn't be because each one
12 of you -- I mean, I'll ask. Can you answer? I
13 don't know. But let me just ask this question. Did
14 he prove that those three houses could not be built?
15 Every one of you, that's the Part A that we missed
16 on Part 1. We heard wonderful testimony, it's a
17 beautiful structure, I'm not going to deny that.
18 However, we did not hear the first part, that the
19 houses can't be built and then he's going to offer
20 an alternative. There's where the inattentiveness
21 is.
22 I'll talk about our Planning Board
23 attorney. He was in attendance. He didn't explain,
24 and neither did Vic Vinegra, both of them did not
25 explain to us four out of seven people with three

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1 years and less experience exactly the step-by-step
2 process. The applicant had the two C variances,
3 four out of six D variances. These were major
4 variances, and you approved it but you missed the
5 whole part where he couldn't prove that the three
6 houses could not be built. So what I'm asking you
7 now is to recognize that, to seriously think about
8 it, what was the reason why those three houses could
9 not be built. All of you, think about it, and to
10 tell you the truth, the public is here, they want to
11 know what that reason was. If you heard it, because
12 you approved it so, obviously, you heard something,
13 all of you, I'd like to hear what that is. Please
14 tell the public; that's why the public is here.
15 (Applause by members of the public)
16 MR. PATERSON: Second issue. If you
17 can't come up with that reasoning, then basically,
18 you should be -- and obviously, there's recourse for
19 it, just to finish up Part 1, that yes, there's a
20 group of residents that are objecting and appealing
21 the decision and that possibly you should vote "no"
22 to cap the momentum and then maybe even bring a
23 letter to the judge saying "Yeah, maybe we were
24 inattentive," you know, and that "something happened
25 and it slipped by us."

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1 Okay, the second issue I know everybody
 2 was waiting for --
 3 MR. FRASER: And there's just two,
 4 right, Mr. Paterson?
 5 MR. PATERSON: There's two. And
 6 there's a little, teeny third one; I'll just throw
 7 it in at the end. But the second issue, and it sure
 8 seems to be on everybody's mind, is the traffic, and
 9 I printed out an overview from Bing Maps and I'd
 10 like to put this in as an exhibit. Is that
 11 possible?
 12 MR. FRASER: It is.
 13 MR. PATERSON: Okay.
 14 MR. FRASER: Describe what it is.
 15 MR. PATERSON: Okay, what we have is
 16 an overview of the intersection --
 17 MR. HEHL: Do you have a copy for me?
 18 MR. PATERSON: Yes, I do.
 19 MR. HEHL: Thanks.
 20 MR. PATERSON: An overview of the
 21 intersection of Fourth and Brookside and Walnut all
 22 coming together and the Hidi property. Okay? It's
 23 an overview, from Bing Maps.
 24 MR. FRASER: Hold on.
 25 Mr. Hehl, do you have any objection to

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1 this exhibit?
 2 MR. HEHL: Well, it's not -- it's not
 3 dated but for the limit -- let me see what the
 4 purpose of --
 5 MR. FRASER: I mean, right now, he's
 6 telling --
 7 (Mr. Paterson points to document.)
 8 MR. HEHL: Well, that's just
 9 handwritten on the bottom.
 10 MR. FRASER: Let's lay the foundation.
 11 Mr. Paterson, when did you get this
 12 document off of Bing Maps?
 13 MR. PATERSON: Today.
 14 MR. FRASER: Okay. And when was the
 15 photograph taken that you got off of Bing Maps?
 16 MR. PATERSON: That, I can't tell you
 17 --
 18 MR. FRASER: I had a feeling, but
 19 we'll allow it for this limited purpose for the
 20 moment. Is it your testimony, Mr. Paterson, that
 21 this picture accurately reflects the present
 22 condition of the roads depicted thereon?
 23 MR. PATERSON: Yes.
 24 MR. FRASER: All right. Then with
 25 that foundation, my view would be it's properly in

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1 evidence. Let's mark it BP, for Bruce Paterson, 1.
 2 I know we have a court reporter but Adele usually
 3 marks them. Go ahead.
 4 (Picture from Bing Maps is marked as BP-1 for
 5 Identification.)
 6 MR. FRASER: Okay, Mr. Paterson, go
 7 ahead.
 8 MR. PATERSON: Traffic seems to be on
 9 everybody's mind. This -- I do have a couple extras
 10 if people want to take a look at it.
 11 MR. FRASER: Mr. Paterson, why don't
 12 you tell us what the picture depicts.
 13 MR. PATERSON: Okay.
 14 MR. VENA: Bruce, can we have one?
 15 MR. PATERSON: Yeah, it's coming
 16 around.
 17 MR. VENA: Okay.
 18 MR. PATERSON: It's coming around.
 19 BP-1, you said, right? Okay, traffic
 20 seems to be on everybody's mind. We heard the
 21 traffic expert from Part 1, and actually, in the
 22 transcript from just this recent meeting, it was
 23 continued on into the -- the testimony was continued
 24 on into the site plan, Part 2 of the Hidi
 25 application, but what we're looking at is the

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1 Brookside Place and Walnut intersection and the
 2 curve right there and what I drew in yellow is more
 3 or less the applicant's property and the two lines
 4 in pencil that show up are more or less -- one is
 5 where the driveway is coming into the bend of Fourth
 6 and Walnut and the other one is actually where the
 7 line, and that's the line to the west, would be more
 8 or less a T intersection. Those are the driveway
 9 edges, let's say. One is obviously what the site
 10 plan has --
 11 MR. FRASER: Wait, wait a minute, Mr.
 12 Paterson.
 13 MR. PATERSON: Go ahead.
 14 MR. FRASER: You're saying that the
 15 driveway is the width between these two lines?
 16 MR. PATERSON: No, that's the
 17 property.
 18 MR. FRASER: It can't be that.
 19 MR. PATERSON: The property is yellow,
 20 the driveway edges are the pencil.
 21 MR. FRASER: Well, which one, the left
 22 pencil or the right pencil?
 23 MR. PATERSON: Okay, this is what I'm
 24 leading up to. The one to the east, which is on the
 25 right side of the layout --

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1 MR. FRASER: Right.

2 MR. PATERSON: -- that's the proposed

3 driveway in the site plan.

4 MR. JANNOTTI: That's the boundary.

5 Is that the right boundary?

6 VICE-CHAIRWOMAN VILLAGGIO: No, those

7 are telephone poles.

8 MR. FRASER: Those are telephone

9 poles.

10 VICE-CHAIRWOMAN VILLAGGIO: Those are

11 telephone poles.

12 MR. PATERSON: Well, hopefully you

13 know the difference between a telephone pole and a

14 driveway.

15 MR. McCARRICK: Bruce, are there marks

16 in the street?

17 MR. FRASER: Mr. Paterson, may I make

18 a suggestion?

19 MR. PATERSON: Go ahead.

20 MR. FRASER: Take a blue pen and write

21 where you're saying the driveway is.

22 MR. McCARRICK: Here, Bruce.

23 (Mr. McCarrick hands Mr. Paterson a pen.)

24 MR. PATERSON: Yellow is the property

25 --

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1 MR. FRASER: Hold on. Excuse me.

2 Excuse me.

3 VICE-CHAIRWOMAN VILLAGGIO: Wait.

4 MR. FRASER: The court reporter --

5 first of all, it's a public hearing, Mr. Paterson,

6 you know that --

7 MR. PATERSON: No, I don't. Go ahead.

8 MR. FRASER: Whatever we're going to

9 say, let's say it so that the court reporter can

10 take it down and so that the public can hear it,

11 okay?

12 MR. PATERSON: Okay.

13 MR. FRASER: All right, now, I got

14 that the yellow part is to be colored in as the

15 subject property. Why that's good to do it on Bing

16 Maps when we have these wonderful big plans that

17 show it in giant size is not clear to me, but it's

18 your case.

19 MR. PATERSON: One of the witnesses

20 actually had a very similar picture, by the way.

21 MR. FRASER: I'm trying to understand

22 where you're going.

23 MR. PATERSON: But that's okay, his

24 works and mine doesn't, it's okay.

25 MR. FRASER: I'm trying to understand

52

1 where you're going.

2 MR. PATERSON: Okay. Where I'm going,

3 and I brought this up in both parts of the Villaruat

4 application, and like I said, the pencil line to the

5 right side of the drawing is the proposed driveway

6 and that's the one that everybody seems to have a

7 lot of problems with all because of that bend and

8 supposedly cars will be tipping over if they go more

9 than 25 miles an hour --

10 MR. HEHL: Mr. Fraser, I'm going to

11 have to -- I don't see --

12 MR. FRASER: I can't see it either.

13 MR. HEHL: I don't see any lines on my

14 copy.

15 MR. FRASER: Bruce, that's why I'm

16 saying take a blue pen and write it.

17 MR. HEHL: I see what appears to be a

18 line on the right-hand side of the property, on the

19 boundary line, and I see what appears to be a line

20 on the left-hand --

21 MR. PATERSON: That's a little darker,

22 right there (pointing to document).

23 MR. McCARRICK: Bruce, is there

24 anything that we can reference on the actual site

25 plan?

53

1 MR. PATERSON: I didn't transpose it

2 on the actual site plan.

3 MR. McCARRICK: But the driveway is

4 shown on the site plan.

5 MR. PATERSON: Yeah, okay. Well,

6 there you go, you got the driveway. So that takes

7 care of the east side.

8 MR. FRASER: Okay.

9 MR. PATERSON: What I actually asked

10 twice in Part 1 and Part 2, I was saying why can't

11 we flip the property, only because the driveway,

12 which is on the east side that comes into, I guess

13 that's Fourth still but the bend is Brookside, but

14 that is a very dangerous intersection, you've heard

15 many, many people express concern about it. Even

16 Mr. McCarrick was questioning about the traffic

17 where you're turning and such like that. When

18 you're coming around that bend, and people are

19 saying it's more than 20 miles an hour, it's a lot

20 faster than that, and if somebody's pulling out of

21 that driveway and maybe wants to go down Walnut,

22 they're going to have to slowly pull out and come

23 around and that's where the danger is. Mr. Staigar,

24 the traffic engineer, mentioned about cars in the

25 busy period, I guess the rush hour, let's call it,

1 cars every nine seconds, cars going by. Now, that's
 2 pretty dangerous, you know, that's a heavily-
 3 trafficked arterial road, I think somebody called
 4 it, maybe the Police Chief. When you have a car
 5 pulling out of that driveway, that's dangerous,
 6 every nine seconds, especially when he's got to pull
 7 out, slow down and then turn up Walnut, and you're
 8 talking about a dangerous situation with cars coming
 9 around that blind spot or cars even coming around
 10 the bus that's parked there that's picking up Mr.
 11 Langston's child. So right now -- I wasn't
 12 satisfied with Mr. Staigar's testimony. Both times,
 13 Part 1 and Part 2, I actually said why can't we flip
 14 the property and I have -- and I actually do -- I
 15 have made copies of the transcripts both times where
 16 I'm talking about.

17 MR. FRASER: So, in other words, we
 18 already did that part, right, Mr. Paterson?

19 MR. PATERSON: Yes, and this is what
 20 I'm leading up to. Now, here we have a dangerous
 21 traffic situation and I'm asking possibly could it
 22 be flipped, and at one point, I said "Can the Board
 23 instruct the applicant to flip the property to have
 24 the driveway more in line with Walnut Street so you
 25 don't have to pull out, slow down and then turn

1 while cars, every nine seconds, are going back and
 2 forth," and I believe -- let me see if I can find
 3 it.

4 (Brief pause)

5 MR. PATERSON: All right, from the
 6 transcript -- looks like I'll have to go by memory.
 7 Oh, here it is, okay. And I was speaking in the
 8 transcript. "And the Planning Board does have the
 9 option to say 'I want to see it flipped.' Right?
 10 The Planning Board could say that." And Planning
 11 Board attorney, Mr. Fraser, said "Well you know
 12 what? I'm not so sure about that, Mr. Paterson,
 13 because of the approvals that were granted last
 14 time, which were specifically based upon this
 15 location, I believe, of the access to Fourth Street,
 16 but that question is not presently before the
 17 Board." Well, here it is time for a comment period
 18 and what I'm saying -- let me read further, that's
 19 the important part.

20 MR. FRASER: Bruce, are you reading
 21 from the January 14 transcript?

22 MR. PATERSON: Yes.

23 MR. FRASER: Okay. Can you give me a
 24 page?

25 MR. PATERSON: Okay. How they number

1 the pages, the little blocks, you're talking about?

2 MR. FRASER: That's fine.

3 MR. PATERSON: Well, it would be Page
 4 90 to 93 of 133.

5 MR. FRASER: Page 90 to 93?

6 VICE-CHAIRWOMAN VILLAGGIO: Yeah.

7 MR. FRASER: Okay, I'm with you. Go
 8 ahead.

9 MR. PATERSON: All right, at the very
 10 top left-hand corner. "That question's not
 11 presently before the Board and right now you're
 12 asking questions of the engineer, again, being very
 13 familiar with the process, and that's what we're
 14 doing." Okay. Well, now I'm not asking questions,
 15 I'm actually commenting and I'm commenting to the
 16 Board. It appears, and I'm asking you, because of
 17 the traffic situation and all the neighbors' own
 18 testimony here in front of you for that, this is a
 19 dangerous situation right there, I'm asking, flip
 20 the property, that's one solution, but obviously,
 21 it's not before the Board to do. However, I suggest
 22 you think about it and vote "no" on this site plan,
 23 expecting the property to be flipped. Now, with
 24 that -- with the transcript the way it's saying it,
 25 it sounds like if you vote "no" tonight, then the

1 applicant will have to start all over again because
 2 the variances will change. At that point, the
 3 applicant will have to come in front of the Board
 4 again for the Part 1, whether it's bifurcated or
 5 not, but he will have to come in front of the Board
 6 again, Part 1, and this is where the residents
 7 actually get to say their peace of mind. They'll
 8 show up, I'm sure, in force. You know, right now
 9 they're kind of consigned, it's after the fact, it's
 10 an uphill battle. To me, it's never an uphill
 11 battle, obviously. But anyway, I'm looking for you,
 12 because of the traffic problems, to vote "no" and
 13 deny the appeal, have it flipped and then have the
 14 applicant prove that he couldn't build those three
 15 houses, unless you can come up with a reason that
 16 he's explained to you he couldn't build those three
 17 houses, he could not conform to the zoning and the
 18 Master Plan, as Vic Vinegra, in his previously five-
 19 page letter and the court transcripts, said that he
 20 has to -- the applicant has to prove why he can't
 21 conform to the Master Plan. So ask yourself before
 22 you vote, "Did he prove that those three houses
 23 couldn't be built?" The three houses were in front
 24 of you when you approved it unanimously. It sounds
 25 like he had a tough uphill battle to prove it.

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1 Well, did he? I'm asking you, think about that. In
 2 fact, tell the public. The public is here. Both
 3 issues, vote "no." Both are serious, very serious.
 4 Thank you very much.
 5 (Applause by members of the public)
 6 MR. FRASER: Mr. Paterson, you just
 7 said a moment ago that it was approved unanimously.
 8 My recollection is you voted against it.
 9 MR. PATERSON: No, I'm talking about
 10 the Hidi application.
 11 MR. FRASER: You were present, were
 12 you not, as a member of the Board when the use
 13 variance that was granted to Mr. Villaruat was
 14 granted; were you not?
 15 MR. PATERSON: Part 1.
 16 MR. FRASER: When the use variance was
 17 granted, you were a member of the Board and you
 18 voted; did you not?
 19 MR. PATERSON: Yes, I did.
 20 MR. FRASER: Okay. In fact, if I
 21 remember correctly, and please, if I'm wrong,
 22 correct me, you specifically voted in favor of
 23 extending the application so that it could be heard
 24 that night, didn't you?
 25 MR. PATERSON: Yes, I did.

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1 MR. FRASER: Were you being
 2 inattentive when you did that?
 3 MR. PATERSON: Oh, I was inattentive
 4 because I actually spoke first. Normally, and
 5 everybody here knows me, I wait until the end --
 6 MR. FRASER: First of all, were you
 7 just being inattentive when you voted to get the
 8 application extended out that night so it could be
 9 finished that night?
 10 MR. PATERSON: Yes, because --
 11 MR. FRASER: I didn't ask for because
 12 --
 13 MR. PATERSON: Okay. Well, they --
 14 MR. FRASER: The question was --
 15 MR. PATERSON: I said "Let's wrap it
 16 up, close it off, get out of here."
 17 MR. FRASER: Let me ask the question
 18 again.
 19 MR. PATERSON: Okay.
 20 MR. FRASER: You actually voted to
 21 extend it out so that the application could be
 22 concluded that night, yes or no?
 23 MR. PATERSON: Yes.
 24 MR. FRASER: All right.
 25 MR. PATERSON: Yes.

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1 MR. FRASER: And when you did that,
 2 you were being inattentive; is that correct?
 3 MR. PATERSON: Sure. This is the
 4 whole problem.
 5 MR. FRASER: Now, you do agree that
 6 the use variance here has already been granted,
 7 correct?
 8 MR. PATERSON: I'll abstain on that.
 9 MR. FRASER: You're now a witness,
 10 sir, you're not a Board member. You're a witness,
 11 you're under examination.
 12 MR. PATERSON: The fact is --
 13 MR. FRASER: Excuse me.
 14 MR. PATERSON: The fact is --
 15 MR. FRASER: Excuse me, sir. The
 16 question --
 17 MR. PATERSON: -- Part 1 has been
 18 approved.
 19 MR. FRASER: Would you agree that the
 20 use variance has been granted, yes or no?
 21 MR. PATERSON: Yes.
 22 MR. FRASER: And would you agree that
 23 all that is presently before the Board right now is
 24 whether to approve or disapprove the site plan
 25 application?

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1 MR. PATERSON: Yes, and I expect --
 2 MR. FRASER: Thank you.
 3 MR. PATERSON: -- a "no" vote.
 4 MR. FRASER: That was my question.
 5 MR. PATERSON: Okay.
 6 MR. FRASER: And you said something
 7 before about, to use your phrase, I put quotes
 8 around it, "capping the momentum." What does that
 9 mean?
 10 MR. CORBIN: Is this a trial?
 11 MR. FRASER: No, but he's a witness.
 12 MR. CORBIN: Is he a member of the
 13 public speaking?
 14 MR. FRASER: Yes, he is, and every
 15 member of the public is subject to questioning.
 16 MR. PATERSON: I gave testimony so --
 17 MR. FRASER: He gave testimony.
 18 MR. PATERSON: -- he's questioning my
 19 testimony.
 20 MR. CORBIN: Are you a member of the
 21 Board?
 22 MR. FRASER: I'm the Board attorney.
 23 MR. CORBIN: So you're not a member of
 24 the Board.
 25 MR. PATERSON: He represents -- okay.

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1 MR. FRASER: Yes, Mr. Paterson.
 2 MR. PATERSON: Yes, my terminology
 3 "capping the momentum" is to end it here so we can
 4 re-look at everything, as I mentioned, the
 5 inattentiveness of everyone, me included, the
 6 professionals. Adele is all right, she's out of it.
 7 We all were not paying attention and this is where
 8 the "no" vote will cap the momentum and we can
 9 actually go forward with the good of the public.
 10 MR. FRASER: Is it typically your
 11 practice not to pay attention?
 12 MR. PATERSON: This is our town, this
 13 is all our town.
 14 MR. FRASER: You just testified you
 15 didn't pay attention. Is that typically your
 16 practice?
 17 MR. PATERSON: I said I was
 18 inattentive. Nothing further.
 19 MR. FRASER: Mr. Hehl.
 20 VICE-CHAIRWOMAN VILLAGGIO: Thank you.
 21 Sal? Oh, wait.
 22 MR. HEHL: I have no questions.
 23 VICE-CHAIRWOMAN VILLAGGIO: Mr. Hehl?
 24 MR. HEHL: No questions.
 25 VICE-CHAIRWOMAN VILLAGGIO: No

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1 questions?
 2 MR. PIARULLI: Sal Piarulli.
 3 (Court reporter asks for spelling of last
 4 name.)
 5 MR. PIARULLI: P-I-A-R-U-L-L-I.
 6 S A L P I A R U L L I, first having been duly
 7 sworn, testified as follows:
 8 MR. PIARULLI: That was just all a
 9 very lovely repertoire you just gave, but I would
 10 like you to answer the two questions he had instead
 11 of veering off into something else, please.
 12 MR. FRASER: We're here right now,
 13 sir, for testimony and comments of the members of
 14 the public.
 15 MR. PIARULLI: So are those two
 16 questions going to be answered tonight or answered
 17 at all?
 18 MR. FRASER: I don't even know what
 19 the two questions were, frankly, but I can tell you
 20 this, that it is the function of the Board --
 21 MR. PIARULLI: Were you being
 22 inattentive?
 23 (Applause by members of the public)
 24 MR. FRASER: Touché. Touché.
 25 MR. PIARULLI: Touché.

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1 MR. FRASER: And typically, when Mr.
 2 Paterson starts to drone on, yes.
 3 MR. PIARULLI: I don't think attacking
 4 a citizen is very important right now. We have
 5 business to attend to here.
 6 There is no benefit to the Borough of
 7 Garwood by putting these townhomes there. I think
 8 we've all explained that. There is no tax benefits.
 9 We can talk about studies out the wazoo. There are
 10 studies that say open space is better than putting
 11 townhomes into a very tight area. I hope you vote
 12 "no" tonight for the best interest of the borough.
 13 That's all.
 14 (Applause by members of the public)
 15 VICE-CHAIRWOMAN VILLAGGIO: Is there
 16 any other member of the public? Sue?
 17 MS. GRONING: I think this woman was
 18 first, though.
 19 VICE-CHAIRWOMAN VILLAGGIO: All right.
 20 Oh, yes. Yes. Ma'am, you had your hand up. I'm
 21 sorry, go ahead.
 22 MS. SAWICKI: Lynne Sawicki,
 23 S-A-W-I-C-K-I, 626 Myrtle.
 24 L Y N N E S A W I C K I, 626 Myrtle Avenue,
 25 Garwood, New Jersey 07027, first having been duly

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1 sworn, testified as follows:
 2 MS. SAWICKI: I just have a question.
 3 The -- I don't know if you can answer but I
 4 understand that the people in a certain radius would
 5 have to approve or agree with the variance that is
 6 being sent out in the letters?
 7 MR. FRASER: No.
 8 MS. SAWICKI: They don't?
 9 MR. FRASER: The people within 200
 10 feet are entitled to notice of the application.
 11 MS. SAWICKI: But they have no say in
 12 that vote.
 13 MR. FRASER: They have a say, in that
 14 they have a right to testify the same as everybody
 15 else, but they don't get to decide.
 16 MS. SAWICKI: So that decision is all
 17 yours whether the people agree with it or not.
 18 MR. FRASER: That is correct.
 19 MS. SAWICKI: Thank you.
 20 VICE-CHAIRWOMAN VILLAGGIO: Go ahead.
 21 MS. WANCA: Mary Wanca, 227 Second
 22 Avenue in Garwood.
 23 (Court reporter asks for spelling of last
 24 name.)
 25 MS. WANCA: W-A-N-C-A.

1 M A R Y W A N C A, 227 Second Avenue, Garwood, New
2 Jersey 07027, first having been duly sworn,
3 testified as follows:

4 MS. WANCA: I don't think many of you
5 will think the way I do about this but a few years
6 back, you made changes in the zoning laws for
7 residential property owned by people like myself
8 with lots of 40 by a hundred only allowing houses.
9 What happened to this area? Didn't they have the
10 same restriction as I do on my piece of property?
11 Does it matter if it's down the -- down near
12 Brookside Place or is Second Avenue and the other
13 areas that you changed all the zoning ordinance for
14 restrictions on building homes? Thank you.

15 VICE-CHAIRWOMAN VILLAGGIO: Thank you,
16 ma'am. Sue.

17 MS. GRONING: Susan Groning, 549
18 Myrtle Avenue.

19 S U S A N G R O N I N G, 549 Myrtle Avenue,
20 Garwood, New Jersey 07027, first having been duly
21 sworn, testified as follows:

22 (Court reporter asks for spelling of last
23 name.)

24 MS. GRONING: G-R-O-N-I-N-G.

25 I have not been a part of all of this

1 coming through; I have heard about the meetings,
2 I've read information about them, and I see a lot of
3 people standing up saying they're against it but a
4 lot of people are making the accusation that
5 everybody here is against this project. Not
6 everybody here is against this project. You talk
7 about the impact it's going to have on the town.

8 MEMBER OF THE PUBLIC: Nobody said
9 that.

10 MEMBER OF THE PUBLIC: Nobody said
11 that.

12 MEMBER OF THE PUBLIC: Nobody said
13 that.

14 MS. GRONING: Well, Bruce said it
15 twice.

16 MEMBER OF THE PUBLIC: Well, he's one
17 person.

18 MS. GRONING: But I'm going to speak
19 what I have to speak and then you can get up again
20 if you choose to.

21 Everybody's talking about a negative
22 impact. It's not always a negative impact. There
23 is tax revenues being made here. Everybody talks
24 about their taxes going up and how horrible that is.
25 Taxes go up for every reason. It's going to offset

1 the tax impact. And granted, yes, traffic. There's
2 traffic everywhere. Second Avenue did a traffic
3 study. It's still being built. The Planning Board,
4 you're blaming them for things that are 20 years
5 ago? These people weren't anywhere near the
6 Planning Board 20 years ago. People have a change
7 in opinion. People have a change in their thought
8 process. It's a new year, it's somebody that's
9 trying to improve on the town. As Mr. Bergin said,
10 he would love to have it in his backyard. Hopefully
11 somebody who's as enthusiastic as these applicants
12 are will do something with North Avenue, continue to
13 improve on the town and not hit all the single-
14 family homes with keep increasing their taxes. Let
15 some of the bigger places pay for our taxes and give
16 us a little bit of a break. I think you should
17 approve this, I think it's great for this town.

18 (Applause by members of the public)

19 VICE-CHAIRWOMAN VILLAGGIO: Is there
20 any other member of the public who wishes to
21 testify?

22 MS. McCOMB: Sorry, I know --

23 VICE-CHAIRWOMAN VILLAGGIO: Ms.

24 McComb.

25 MS. McCOMB: -- it's only supposed to

1 be once but...

2 VICE-CHAIRWOMAN VILLAGGIO: No, no,
3 that's okay.

4 MR. FRASER: You're still sworn.

5 MS. McCOMB: Okay, thanks. Not
6 everyone is talking about tax benefits, because I
7 haven't said anything about them, so just like not
8 everyone's against it, not everyone's talking about
9 the tax benefits.

10 Also, I just want to reiterate to the
11 Board, for some of us sitting here that are opposed
12 to the site plan, it's becoming very obvious that
13 members of the Board and Mr. Fraser, yourself, the
14 only questions that you had for Mr. Paterson were to
15 make you guys look good in favor of this site. You
16 can shake your head but that's how we're hearing it
17 down here. So the only questions, you just wanted
18 to prove his testimony wrong, that's the way it
19 sounded, but everything that he has said, we've all
20 been saying and it doesn't sound like anyone's or it
21 doesn't feel like anyone's really listening to us
22 because, as I said before, it's almost like there is
23 already an agenda, a lot of us speaking, it feels
24 like we're falling on deaf ears because you've
25 already made up your minds. So that's it.

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1 (Applause by members of the public)

2 VICE-CHAIRWOMAN VILLAGGIO: You

3 haven't spoken yet.

4 MS. PERALTA: No, I haven't.

5 VICE-CHAIRWOMAN VILLAGGIO: Okay.

6 MS. PERALTA: No. Joselina Peralta,

7 427 Fourth Avenue.

8 (Court reporter asks for spelling of last

9 name.)

10 MS. PERALTA: P-E-R-A-L-T-A.

11 J O S E L I N A P E R A L T A, 427 Fourth Avenue,

12 Garwood, New Jersey 07027, first having been duly

13 sworn, testified as follows:

14 MS. PERALTA: I haven't been at any of

15 the meetings so I'm just -- I was listening to both

16 sides of the fence and the way that I see it is

17 definitely, you know, for any town, and I'm a

18 homeowner, you want progress so you want, really,

19 you know, the town to progress and move forward and

20 so on. Now, my concern as a homeowner and living in

21 the street is the following. So there's a time and

22 a place for everything and, you know, bigger

23 streets, definitely, they can call for bigger

24 projects. The street that we live in in Fourth

25 Avenue is a residential street. Right? So people

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1 choose to invest, purchase a home, because they want

2 a single-family home and they want a certain

3 lifestyle. Right? I'm really concerned about the

4 comment from my neighbor when she was saying about

5 the noise level and so on and so forth, and I'm also

6 deeply concerned about that particular street,

7 having actually had to drive myself one time and I

8 have an SUV so it's not a big vehicle so I cannot

9 compare it to the fire truck. In order to get out

10 of that, it was actually very difficult one time.

11 So I do have concerns, you know, thinking about --

12 it's a beautiful design, a lovely design, but maybe

13 for the space and the lot, it may not necessarily

14 fit the purpose. So I do, as a concerned, you know,

15 citizen, I do urge you guys to evaluate both sides

16 and think about safety and also, you know, for the

17 people who are actually presenting this project, I'd

18 like to see, you know, what do you plan to do to

19 actually ensure those and address that. And also,

20 when I hear this for the first time, I really want

21 to get an answer what happened to the three houses,

22 I'm wondering that myself. I mean, and it's all

23 about -- I know there were different comments from

24 different people talking about, you know,

25 progresses. I do, I'm young, so I really want, you

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1 know, the town to prosper but not necessarily that

2 street calls for a major project. So that would be

3 nice for maybe three houses, you know, four houses,

4 I don't know, I didn't do the study, but not

5 necessarily something of that size for that small

6 lot.

7 So I personally, I'm in favor of

8 progress but I don't think that's the right design

9 so I would like to see something that, you know,

10 will better the street but still keeps the

11 residential feel and doesn't necessarily downgrade

12 the value of my property because I just recently had

13 it appraised and one of the things that the

14 appraisal actually said, that because of the quality

15 and the fact that it was a residential street, the

16 house actually -- and of course, you know, it

17 depends on your house in particular, that was very

18 different when you actually compare that to North

19 Avenue, which is a completely different type of

20 street, busy street, commercial, you know, it's not

21 necessarily a residential area. So I don't want my

22 street actually then to become something that

23 potentially I don't know if there's going to be

24 commercial lots in there, so I really don't want it

25 to come anything that it would be noisy and

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1 downgrade the value of my property.

2 (Applause by members of the public)

3 VICE-CHAIRWOMAN VILLAGGIO: Thank you.

4 Miss.

5 MS. BANIC: I'm Deb Banic, 421 Fourth

6 Avenue, and I'm still sworn in, right?

7 (Mr. Fraser nods.)

8 MS. BANIC: I just have a question on

9 the tax benefit that you just touched on. I'm still

10 trying to find out where my tax benefit is from when

11 the Mews went in.

12 (Applause by members of the public)

13 MS. BANIC: I was told that it was

14 going to help my taxes. My taxes didn't go down,

15 all they keep doing is going up and I just -- maybe

16 I'm not educated enough to understand that but we

17 put them in and we were told, oh, it was going to be

18 a tax benefit for my property taxes and I have yet

19 to see it and how long are they there, seven years?

20 That's it. So will this -- is these nine going to

21 really improve my taxes on my property, lower them,

22 where how many is at the Mews, fifty-something?

23 They didn't do it. That's it. Thank you.

24 VICE-CHAIRWOMAN VILLAGGIO: Councilman?

25 MR. MATHIEU: James Mathieu, 335 Hazel

1 Avenue. That's M-A-T-H-I-E-U.
 2 J A M E S M A T H I E U, 335 Hazel Avenue,
 3 Garwood, New Jersey 07027, first having been duly
 4 sworn, testified as follows:
 5 MR. MATHIEU: I just wanted to make a
 6 general comment to the Board. I actually don't -- I
 7 live on the other side of town and as far as the
 8 safety and the traffic and everything, I don't
 9 necessarily have an opinion on that. What I do have
 10 an opinion on and I just want to let you know is the
 11 appearance of this in the community. Going door to
 12 door and canvassing with some of our candidates
 13 recently, there is an appearance in the community
 14 that -- you know, in the law, we're supposed to
 15 avoid the appearance of impropriety. This has an
 16 appearance of impropriety. My problem with this is,
 17 if this is good enough for this developer, why was
 18 this not good enough for the prior landowner? And
 19 there is a perception in the community, right or
 20 wrong, that when someone who's wealthy and
 21 politically connected purchases the property that,
 22 all of a sudden, the powers that be go ahead and
 23 approve it and that's the perception.
 24 MEMBER OF THE PUBLIC: He's right.
 25 MEMBER OF THE PUBLIC: Here here.

1 MR. MATHIEU: And again, in the law,
 2 sometimes it's frustrating because you basically
 3 have to go on --
 4 MEMBER OF THE PUBLIC: That's
 5 ridiculous.
 6 MR. MATHIEU: -- your perception of
 7 what you think I'm doing rather than what I'm
 8 actually doing. That is the view in the community.
 9 This is a very, very cynical community and I fear
 10 that with a "yes" vote, you're going to feed that
 11 cynicism that if you have friends and if you have
 12 money and if you have power, you can do whatever it
 13 is you want here in Garwood. Thank you.
 14 MEMBER OF THE PUBLIC: Yup.
 15 (Applause by members of the public)
 16 VICE-CHAIRWOMAN VILLAGGIO: Is there
 17 any other member of the public? Mr. Paterson --
 18 wait, wait. Sal?
 19 MR. PIARULLI: Thank you. I just want
 20 to address the tax benefit. There's no tax benefit.
 21 He laughed. There's no tax benefit when you
 22 overdevelop. First you incur the sewage fees. This
 23 year alone the Borough of Garwood is seeing a
 24 \$90,000 increase in sewage fees, in part because of
 25 the overdevelopment, the highest by far in Union

1 County. That will go up. There will also be other
 2 fees that will be incurred. If there's damage in
 3 the streets, we'll be on the hook to pay for that.
 4 Let's also remember this is one block away from the
 5 school where kids walk to school all the time. Are
 6 we going to have to put a light in there that's
 7 going to cost us another couple of hundred-thousand
 8 dollars? You really have to take everything into
 9 consideration. There are no tax benefits to putting
 10 an overdevelopment into a residential area that's
 11 already trafficked way too high.
 12 (Applause by members of the public)
 13 VICE-CHAIRWOMAN VILLAGGIO: I called
 14 Mr. Paterson's name before --
 15 MR. PIARULLI: One last thing. I'd be
 16 hard-pressed to find anybody that lives in the area
 17 that's actually for this. People on the south side
 18 of town, sure, they don't know what goes on over
 19 there. On our side of town, I'll be hard-pressed to
 20 find one person that is for this project. I'm done.
 21 VICE-CHAIRWOMAN VILLAGGIO: Mr.
 22 Paterson.
 23 MR. PATERSON: Yeah, Bruce Paterson,
 24 325 Willow Avenue.
 25 I left out that little third issue. It

1 was a hometown girl that called me up on my cell
 2 phone and she talked to me for an hour about this
 3 issue and she ended it that she wanted me -- she
 4 couldn't make it. She wanted me to just say this
 5 comment: When did we stop caring about each other?
 6 That was her comment. And I don't know if you want
 7 to answer it or not -- you know, and actually, and
 8 another one. A resident here actually did say that
 9 people change their opinion. That's not the Board.
 10 The Board is strictly enforcing the land use laws
 11 and the zoning ordinances. It's not a whim, it's
 12 not an opinion. There was a Planning Board member
 13 at one time that actually said "We are to maintain
 14 the integrity of our land use ordinances first and
 15 foremost." So it's just not a whim or opinion,
 16 you're actually supposed to pay attention to
 17 testimony and vote accordingly.
 18 Thank you very much.
 19 VICE-CHAIRWOMAN VILLAGGIO: Thank you,
 20 Mr. Paterson. Ma'am?
 21 MS. SAWICKI: Lynne Sawicki, 626
 22 Myrtle.
 23 I just wanted to know, at any time, is
 24 the Board ever going to answer anybody's questions
 25 that have been asked at all tonight?

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1 MR. FRASER: What happens is, after
 2 the members of the public conclude their testimony,
 3 because that's what this is, it's testimony, it's
 4 not questioning-the-Board time --
 5 MS. SAWICKI: Right.
 6 MR. FRASER: -- the Board will then
 7 take it under advisement and will discuss the
 8 application, and in the context of that discussion,
 9 a Board member might comment upon a question that
 10 was raised by a member of the public.
 11 MS. SAWICKI: But there's no other
 12 time that anybody will get their question answered
 13 or can ask you questions?
 14 MR. FRASER: What --
 15 MS. SAWICKI: Anybody that had any
 16 questions that were asked but there's no --
 17 MS. CUCCARO: They will not be held
 18 accountable for the vote or to answer questions, no.
 19 MS. SAWICKI: But there's no other
 20 time that you can answer questions, correct?
 21 MR. FRASER: No. The format of the
 22 proceeding --
 23 MS. SAWICKI: Besides now.
 24 MR. FRASER: -- is that the applicant
 25 puts in his or her witnesses, the members of the

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1 public have the right to question those witnesses --
 2 MS. SAWICKI: I understand that.
 3 MR. FRASER: -- then the members of
 4 the public, positively or negatively, can put in any
 5 evidence that they want and they can be questioned.
 6 It's almost as though -- I'm not saying that the
 7 Board, quote unquote, "judges," but it's like it's a
 8 case and there's different sides and then there's a
 9 judge. Parties don't get to question the judge.
 10 Ultimately, here, the Planning Board is sitting to
 11 judge this case as to whether or not the applicant
 12 should get the relief that he's seeking, in this
 13 case, approval of this site plan. This is not a
 14 political campaign and it's not a question at this
 15 point to say "Well," you know, "why did you do what
 16 you did?" Mr. Paterson, for example, has filed a
 17 lawsuit, along with some other individuals,
 18 challenging what this Board did in approving this
 19 use variance. That's his right, and he's going to
 20 be able to argue to the Superior Court that he
 21 thinks that what this Board did was wrong or was not
 22 supported by the evidence that was before the Board,
 23 and maybe Mr. Paterson will prevail on that, maybe
 24 he won't, I won't express an opinion about that at
 25 this point because it's not appropriate, but it's

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1 not the Board's function to be basically defending
 2 itself, for lack of a better term, to the public.
 3 That's just not the way the procedure works.
 4 MS. SAWICKI: At any Board meeting.
 5 MR. FRASER: Not in my experience.
 6 MS. SAWICKI: Is there another meeting
 7 that people would have got answers?
 8 MR. FRASER: No.
 9 MS. SAWICKI: Never.
 10 MR. FRASER: That's not really how it
 11 works.
 12 MR. LAUCIUS: So they're not held
 13 accountable to anyone.
 14 MS. SAWICKI: So you decide on what's
 15 going to happen but you don't answer the public's
 16 questions; is that what you're saying?
 17 MR. FRASER: Not in a question-and-
 18 answer context, no.
 19 MR. PATERSON: If they feel inclined.
 20 MS. SAWICKI: Thank you.
 21 VICE-CHAIRWOMAN VILLAGGIO: Sue.
 22 MS. GRONING: Just quickly to discuss
 23 people talking about taxes, I'm not sure but I've
 24 only been a homeowner here for ten years, taxes
 25 never go down, but when you get revenue, it has your

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1 taxes not go up as much. So you're never going to
 2 see a rebate, it just helps to not increase your
 3 taxes as high.
 4 MEMBER OF THE PUBLIC: Maybe they
 5 should level off.
 6 MS. CUCCARO: There has been a time
 7 when the taxes did not go up for a year or so and
 8 I've been here for almost 50 years so I can
 9 definitely testify to that.
 10 VICE-CHAIRWOMAN VILLAGGIO: Thank you.
 11 Is there any other member of the public
 12 who wishes to make testimony on this case? On this
 13 application, I'm sorry.
 14 (No response)
 15 VICE-CHAIRWOMAN VILLAGGIO: Seeing
 16 none, this portion --
 17 MR. FRASER: Let's have a motion to do
 18 that.
 19 VICE-CHAIRWOMAN VILLAGGIO: All right,
 20 can I have a motion to --
 21 MR. FRASER: Close testimony.
 22 VICE-CHAIRWOMAN VILLAGGIO: -- close
 23 this portion of the meeting for testimony?
 24 MR. McCARRICK: I'll make a motion.
 25 VICE-CHAIRWOMAN VILLAGGIO: Can I have

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1 a second?

2 MR. SCHERER: Second.

3 VICE-CHAIRWOMAN VILLAGGIO: Roll call,

4 Adele.

5 BOARD SECRETARY LEWIS: Kathy

6 Villaggio?

7 VICE-CHAIRWOMAN VILLAGGIO: Yes.

8 BOARD SECRETARY LEWIS: Robert

9 Scherer?

10 MR. SCHERER: Yes.

11 BOARD SECRETARY LEWIS: Paul

12 Tarantino?

13 MR. TARANTINO: Yes.

14 BOARD SECRETARY LEWIS: Gene Jannotti?

15 MR. JANNOTTI: Yes.

16 BOARD SECRETARY LEWIS: Mike Vena?

17 MR. VENA: Yes.

18 BOARD SECRETARY LEWIS: Craig

19 McCarrick?

20 MR. McCARRICK: Yes.

21 BOARD SECRETARY LEWIS: Pat

22 Quattrochi?

23 MS. QUATTROCHI: Yes.

24 VICE-CHAIRWOMAN VILLAGGIO: At this

25 time, can I -- would everybody like to take a five-

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1 minute break?

2 MR. FRASER: You're the Chairperson.

3 VICE-CHAIRWOMAN VILLAGGIO: Could we

4 have a five-minute break? Be back here at 9:10,

5 please. Thank you.

6 (Recess taken)

7 VICE-CHAIRWOMAN VILLAGGIO: It's 9:10.

8 9:11. At this point in the meeting, Mr. Hehl is up.

9 MR. HEHL: Yes. I'd like to take a

10 few moments to sum up and I will be very brief.

11 First of all, I appreciate the Board's

12 time and consideration, I also appreciate the public

13 who spoke both for and against the application.

14 That's the way the process works. But what we are

15 here for this evening, and at the last hearing, is

16 for approval of the site plan portion of this

17 application. The use variance and the other

18 variances associated with this application were

19 previously granted by this Board, so this Board has

20 granted the use variance and the other variances

21 associated with this application and approved the

22 concept that was submitted at the time that that

23 approval was made.

24 We are seeking this evening site plan

25 approval that is consistent with that previous

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1 approval of the Board and the resolution that this

2 Board granted, and in addition, there are no

3 variances associated with this application. So it's

4 a site plan approval with no variances. Not only

5 that, we've received comments from the police

6 department, the fire department, Harbor Consultants,

7 and we've addressed all of those comments. So

8 concerns regarding fire and traffic and safety, not

9 only were they addressed at the use variance portion

10 but they were addressed by your professionals and

11 the questions from the Board.

12 Taking that one step beyond, then there

13 were additional suggestions that were made by the

14 Board during the hearing, at the last hearing, then

15 your professionals -- well, Mr. Scherer made a

16 suggestion "let's eliminate the dumpster," the

17 applicant agreed to do that, if the Board so

18 chooses. Mr. Gallerano from Harbor Consultants made

19 suggestions with respect to reducing the depth of

20 the deck, additional landscaping and also

21 incorporating the provisions of the fire department.

22 They were also agreed to.

23 So, again, we're facing here this

24 evening, and despite issues that were raised,

25 frankly, and I didn't object, are not really

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1 relevant to this stage of the proceedings. We are

2 here, as I said, for site plan approval with no

3 variances with a plan that is consistent with the

4 approval and the layout that was previously approved

5 by this Board and, again, complying with all of the

6 comments, and for those reasons, this Board -- we

7 would like to get a vote from this Board to approve

8 the site plan portion of this application, and

9 again, the issues that were raised may focus on why

10 or why not the use variance was granted or the other

11 variances were granted but, frankly, that's not an

12 issue before the Board this evening. The Board made

13 that decision and we now have a plan that's

14 consistent with that, so again, we thank the Board

15 and its professionals and the public for their input

16 this evening and look forward to the Board granting

17 this application. Thank you.

18 VICE-CHAIRWOMAN VILLAGGIO: Thank you,

19 Mr. Hehl. Board members? Comments from the Board?

20 Mr. McCarrick.

21 MR. McCARRICK: I have one issue that

22 I noticed when I was reviewing the drawings and I'll

23 make a comment and let it go where it will go. I

24 noticed that the decks extend into the side yard

25 buffer area and so I sent an e-mail to Vic and asked

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1 whether a deck, whether it's an appurtenant
 2 structure or not, and Vic suggested I look at the
 3 accessory structure -- the definition of an
 4 accessory structure, which our Land Use Law states
 5 as being a detached structure, so my question to the
 6 Board is whether we're going to consider the deck to
 7 be part of the structure or as an accessory
 8 structure. If it is part of the structure, then the
 9 applicant is lacking a bulk variance for the side
 10 yard setback.

11 MR. FRASER: I don't think it's the
 12 side yard. Isn't it the rear yard setback?

13 VICE-CHAIRWOMAN VILLAGGIO: Tony?

14 MR. SCHERER: The front's on Fourth
 15 Avenue.

16 VICE-CHAIRWOMAN VILLAGGIO: Side yard.

17 MR. FRASER: Well -- but wait a
 18 minute. I'm suggesting you might want to say it's
 19 the rear yard. Here's what I'm thinking.

20 MR. McCARRICK: It's irrelevant to me
 21 at the moment.

22 MR. FRASER: Well, Tony, side yard
 23 setback requirement -- I wish Bill was here because
 24 he'll know it. Bob, you may even know it off the
 25 top of your head.

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1 MR. SCHERER: 5 feet or 10 percent of
 2 the width, whatever is greater.

3 MR. FRASER: That's the required side
 4 yard.

5 MR. SCHERER: That's the required side
 6 yard.

7 MR. FRASER: So the required side yard
 8 here would be --

9 MR. McCARRICK: 10.3.

10 MR. FRASER: -- 10.3. Now, they had
 11 15, right? But the deck goes --

12 MR. McCARRICK: The deck made it 5.

13 MR. FRASER: -- goes into the 15,
 14 which is 5, which is kind of a problem --

15 MR. McCARRICK: They dropped two off
 16 so it's 7. Because they made the deck from 10 to 8.

17 MR. FRASER: Okay. Yeah. Am I
 18 correct?

19 MR. McCARRICK: So it's an issue for
 20 the Board, I think, that a variance should have been
 21 listed perhaps in the May meeting. It wasn't. But
 22 I also know that we did not discuss the decking at
 23 the May meeting.

24 MR. FRASER: Well, I think you're
 25 definitely correct about the latter point because

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1 that kind of came into, I thought, full relief at
 2 the last hearing at the end when all of a sudden it
 3 was "Wait a minute, how close to that property line
 4 are those decks?" So I think your comment's very
 5 well taken there because that was not brought up in
 6 any great discussion, certainly in May, perhaps not
 7 even at all. I think that the notice is still
 8 appropriate because it's, you know, all the other
 9 related and necessary variances, so I think -- I
 10 think it's not a notice question but, you know,
 11 there is an issue as to that, as to whether the
 12 Board would be approving the deck that close to the
 13 property line. That's an issue.

14 MR. McCARRICK: So that's -- I don't
 15 know if any other Board members have any comments
 16 about it.

17 VICE-CHAIRWOMAN VILLAGGIO: So what is
 18 it at this point in time with the 8? 8, so that's
 19 7.

20 MR. McCARRICK: It's a 7-foot side
 21 yard setback.

22 VICE-CHAIRWOMAN VILLAGGIO: Okay. So
 23 if it's a 5-foot deck --

24 MR. McCARRICK: They need 10.3 so it
 25 would be, I don't know, 10.7, which, as a deck,

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1 makes very little sense. Nobody wants a 5-foot
 2 deck.

3 MR. FRASER: No, it's almost a
 4 balcony.

5 VICE-CHAIRWOMAN VILLAGGIO: Um-hum.

6 MR. McCARRICK: Exactly.

7 Tony, if you can find anything on decks
 8 in the land use, please let me know --

9 MR. GALLERANO: Yeah.

10 MR. McCARRICK: -- because I couldn't
 11 find any.

12 MR. FRASER: I mean, I could tell you,
 13 I don't see a deck as an accessory structure.

14 MR. SCHERER: No, it's not.

15 MR. FRASER: It's not.

16 MR. SCHERER: If it's nailed to the
 17 house, then it's part of the house.

18 MR. FRASER: The deck's part of the
 19 house.

20 MR. SCHERER: If it's off the house --

21 MR. FRASER: It's not an accessory
 22 structure.

23 MR. SCHERER: No.

24 MR. FRASER: It's not.

25 MR. McCARRICK: And the variances that

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1 we granted were a use variance, a density variance
 2 and --
 3 VICE-CHAIRWOMAN VILLAGGIO: Height.
 4 MR. FRASER: And the height.
 5 MR. McCARRICK: -- and a height
 6 variance, I believe. Is that right?
 7 MR. HEHL: You're asking me?
 8 MR. McCARRICK: Yeah, at the May 24
 9 meeting?
 10 MR. HEHL: Yeah, I think, and there
 11 was the -- yes.
 12 MR. McCARRICK: There was three.
 13 MR. HEHL: That and I think the
 14 stories, yeah.
 15 MR. McCARRICK: Okay.
 16 MR. HEHL: Yeah.
 17 MR. FRASER: Okay, the stories'
 18 interrelated with the height.
 19 MR. HEHL: With the height, yeah.
 20 MR. McCARRICK: There was six? Bruce,
 21 do you know that? I couldn't question you.
 22 MR. HEHL: If you want --
 23 MR. McCARRICK: You can --
 24 MR. HEHL: Well, they're in the
 25 resolution.

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1 MR. McCARRICK: Yeah, exactly.
 2 VICE-CHAIRWOMAN VILLAGGIO: Yeah, it's
 3 in the Harbor --
 4 MR. HEHL: Yeah, it's outlined in
 5 Harbor Consultants' letter.
 6 VICE-CHAIRWOMAN VILLAGGIO: C
 7 variance, D-1 variance, D-4, D-5, D-6.
 8 MR. HEHL: Did that answer?
 9 MR. McCARRICK: Yeah, you do not have
 10 a side yard setback variance.
 11 MR. HEHL: And by the way, we -- if it
 12 was, we would have no problem in either reducing the
 13 size or eliminating it to eliminate any variance, so
 14 --
 15 MR. FRASER: All right, let's address
 16 that directly because I think -- I think Mr.
 17 McCarrick's point, from a procedural point, is well
 18 taken. So if there's not a side yard setback
 19 variance that has already been granted and 10.2 is
 20 necessary --
 21 MR. McCARRICK: 10.3.
 22 MR. FRASER: -- 10.3 is necessary,
 23 that means that if that deck is going to be there,
 24 the maximum depth of that deck is four-seven. Is
 25 that what the applicant is amending to propose?

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1 MR. HEHL: That would be acceptable.
 2 MR. CORBIN: Point of information. At
 3 the last meeting, the architect --
 4 MR. HEHL: Excuse me.
 5 MR. CORBIN: -- said the decks could
 6 not be removed.
 7 MS. CUCCARO: Yes.
 8 MR. HEHL: Yeah, the applicant would
 9 withdraw the -- or would make it conform so as not
 10 to require a setback variance.
 11 VICE-CHAIRWOMAN VILLAGGIO: So --
 12 MR. HEHL: We'd make it conform.
 13 VICE-CHAIRWOMAN VILLAGGIO: -- you'd
 14 do 4.7 at the max.
 15 MR. HEHL: Correct.
 16 VICE-CHAIRWOMAN VILLAGGIO: At the max
 17 of 4.7.
 18 MR. HEHL: Correct.
 19 VICE-CHAIRWOMAN VILLAGGIO: 4 feet 7
 20 inches.
 21 MR. HEHL: Yes.
 22 MR. SCHERER: So that would make these
 23 balconies instead of decks?
 24 MR. HEHL: Essentially balconies.
 25 MR. SCHERER: There will be no

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1 supports holding the balcony --
 2 MR. HEHL: That's something our
 3 architect would have to address.
 4 MR. SCHERER: Because it would be kind
 5 of silly to have, you know, four feet out of your
 6 deck, your patio.
 7 MR. HEHL: Well, again, I'm sure the
 8 architect can design something.
 9 MR. SCHERER: There won't be any
 10 posts?
 11 MR. FRASER: It will probably be
 12 cantilevered.
 13 MR. HEHL: Probably cantilevered.
 14 MR. FRASER: It will probably be
 15 cantilevered.
 16 MR. SCHERER: Okay.
 17 MR. FRASER: All right.
 18 VICE-CHAIRWOMAN VILLAGGIO: Any other
 19 -- do you have any other comments, Craig?
 20 MR. McCARRICK: I mean, no, I -- I
 21 think, at the May 24 meeting -- I wish more of the
 22 public had showed up for the May 24 meeting, it
 23 would have made a -- or May -- I think it was the
 24 24th.
 25 VICE-CHAIRWOMAN VILLAGGIO: Yeah.

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1 MR. McCARRICK: It would have made a
 2 bigger difference than than it does now --
 3 MEMBER OF THE PUBLIC: We didn't know.
 4 MEMBER OF THE PUBLIC: Everybody said
 5 it was still three houses --
 6 MEMBER OF THE PUBLIC: Ignorance.
 7 MR. McCARRICK: -- but thank you for
 8 showing up today.
 9 VICE-CHAIRWOMAN VILLAGGIO: Thank you.
 10 Any other comments?
 11 MR. TARANTINO: I have just a question
 12 regarding the previous applications for three houses
 13 and is that really relevant with this application?
 14 MR. FRASER: It's not.
 15 MR. TARANTINO: New owner, new
 16 application.
 17 MR. FRASER: Whether it was the same
 18 owner or it was a new owner, it's not relevant. The
 19 three -- the approval for three units doesn't
 20 require a use variance. The applicant came forth
 21 and said "I would like to get a use variance to
 22 build to this density." The Board considered it.
 23 Rightly or wrongly, the Board listened to the
 24 testimony and granted the use variance. The
 25 applicant has a use variance for this density of the

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1 nine townhouses. That's the given that you jump off
 2 -- the starting point that you jump off on this site
 3 plan application with. He has approval for that.
 4 This is a site plan application.
 5 MR. TARANTINO: Okay, and then just
 6 for the public, previous variances, site plan
 7 approvals are not deeded to a property, so new
 8 homeowners come in and they can, you know, they're
 9 not obligated to previous applications.
 10 MR. FRASER: Well, put it this way:
 11 If I owned a single-family property, say a typical
 12 50-by-100 lot, I already have approval then to build
 13 one single-family house. That doesn't mean that I
 14 can't come in some day and ask for approval to build
 15 something else. Here, this property, a predecessor
 16 in interest had approval to build three houses.
 17 That's fine. That doesn't mean nobody else can ever
 18 come in and ask for approval to build something
 19 else. Does that answer your question?
 20 MR. TARANTINO: Thank you for the
 21 clarification.
 22 VICE-CHAIRWOMAN VILLAGGIO: Pat?
 23 MS. QUATTROCHI: Mr. Tarantino asked a
 24 couple of the questions also that I wanted
 25 clarified, not only for myself but for the benefit

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1 of the public. I also would like to clarify
 2 something else personally about myself and voting on
 3 what's on the agenda for this evening. I am here to
 4 vote on the site plan. I was not -- though contrary
 5 to various rumors that have gone around town, as
 6 Mayor when the other two -- when the last
 7 application came up, I was not part of voting on
 8 anything that had to do with zoning. So in
 9 reference to Mr. Paterson's comment about everybody
 10 sitting up there not paying attention, well, I was
 11 not part of that. Yeah, I see you over there. I
 12 was not part of that particular -- those activities.
 13 I am also not privy to what took place 10 and 20
 14 years ago and I want it very clear that I'm here to
 15 vote on what's on the agenda tonight and Mr.
 16 Paterson and whoever else is involved with the suit
 17 are free, it's their privilege to proceed in
 18 whatever manner they choose with regard to what the
 19 Zoning Board -- what transpired at the hearing of
 20 the Zoning Board.
 21 You did answer the questions I had.
 22 Thank you.
 23 VICE-CHAIRWOMAN VILLAGGIO: Bob?
 24 MR. SCHERER: Well, no need for me to
 25 tell the Board how I feel because you already know,

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1 but this is only a site plan so what we gotta do is
 2 we gotta look at it and we're going to make the best
 3 we can do, like with the garbage, whatever the
 4 motion's going to be, we get rid of the garbage
 5 area, dumpsters, the balconies, you know, the decks,
 6 the balconies. Basically, with the landscaping and
 7 stuff, maybe like a little forest of like five trees
 8 at the end of, like, Walnut Avenue will come into so
 9 people don't go straight through, you know, you
 10 could set up five or six trees in there to make a
 11 good berm instead of making a mound or putting a
 12 wall up or something. I'm not particularly into too
 13 many signs. We could come up with something better
 14 than striping the ground for "no parking" for a fire
 15 lane. I just think it would take more of the
 16 aesthetics away from the project.
 17 VICE-CHAIRWOMAN VILLAGGIO: I think
 18 the applicant --
 19 MR. SCHERER: I don't know, maybe just
 20 a yellow curb --
 21 VICE-CHAIRWOMAN VILLAGGIO: -- as per
 22 the Fire Chief.
 23 MR. SCHERER: Maybe a yellow curb and
 24 maybe a small sign, because I noticed -- like even
 25 the Mews, all of a sudden, they put up these big

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1 signs that we never approved, you know, like for "no
2 parking" and "you're getting towed." That's another
3 thing, I don't think people will be parking there to
4 get towed but, you know, I'm just trying to nip
5 everything in the bud before it snowballs too much.
6 I've seen this from the beginning, even
7 Mr. Hehl's letter from 1995 when this all began, so
8 it is what it is, I do what I can. I wasn't too
9 much for this whole project but right now I'm voting
10 on a site plan, I'm not voting on the use and -- I
11 guess that's it.
12 VICE-CHAIRWOMAN VILLAGGIO: That's it?
13 MR. SCHERER: That's it from me.
14 VICE-CHAIRWOMAN VILLAGGIO: Thanks,
15 Bob. Gino?
16 MR. JANNOTTI: The only thing I can
17 say is that I do agree that, you know, obviously,
18 the deck sizing has to be adjusted to meet and the
19 applicant has said that they would do that. I
20 believe the applicant has already agreed to meet
21 with the fire and police department to make sure
22 that they are in agreement with both the fire lane
23 and with the T intersection there that's
24 appropriate, whatever the police department feels is
25 necessary for traffic so that they don't run across

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1 the street and hit the building, so that's done. I
2 don't know particularly what they would do but I
3 understand that the applicant has agreed to meet
4 with the police and fire departments to meet
5 everything they need to do. Other than that, I have
6 no other comment.
7 VICE-CHAIRWOMAN VILLAGGIO: Mike?
8 MR. VENA: Yeah, I have a couple
9 comments. First, as far as traffic goes, I haven't
10 been in this town very long, only 26 years. When I
11 moved into this town -- I live on New Street, by the
12 way. New Street was a dirt road down the end. It
13 wasn't until seven or eight years later that they
14 paved it. Now it's a thoroughfare. It's a cut-
15 through. I understand traffic, I understand your
16 concerns about traffic, but Fourth Avenue, that runs
17 into Brookside. If you look at this handout that
18 Bruce handed out, I count at least 18 to 22, 25
19 homes between Brookside and Fourth Avenue. Why is
20 it all of a sudden that one driveway is affecting
21 everybody so fiercely as far as traffic goes?
22 People back out of their driveways every day. My
23 daughter -- and that's another thing, I think Sal
24 left but Sal said that people on my side of town are
25 out of touch with that side of town. My daughter

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1 went to school there for eight years. I don't think
2 there's a parent in this room that was more
3 attentive at Lincoln School than I was. I was there
4 three, four days a week. So I know where the
5 traffic is, I know how the kids are. We hire people
6 in this town to cross our kids. We pay for police
7 in this town to enforce our laws. If you're going
8 fast, more than 25 miles an hour, on Fourth Avenue,
9 you should be stopped and ticketed. This is a
10 project that's going to look nice, it's going to get
11 rid of the Hidi property that's been sitting there
12 vacant for years, and I've been on this Planning
13 Board for 18 years, I'm sitting here with Bobby.
14 That last development we had there other than the
15 three houses was 16 townhouses. Now, we voted "no"
16 against that, but as far as these nine are, I think
17 it's going to be an asset to the community, and be
18 it as it may but it's 2015 and if you counted the
19 traffic on North and South Avenue and stopped the
20 cars and took a tally, they're people from
21 Westfield, Cranford, Scotch Plains, Roselle, they're
22 running through our town and there's nothing you
23 could do about it. So I like this project and I
24 think I'm going to give an approval on the site
25 plan. Thank you.

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1 VICE-CHAIRWOMAN VILLAGGIO: Thanks,
2 Mike. I have a question with regard -- there was --
3 Mrs. Sousa --
4 MS. SOUSA: Yes.
5 VICE-CHAIRWOMAN VILLAGGIO: -- said
6 about the air-conditioning. Just make sure that
7 there's evergreens around it so it's, you know, so
8 the noise is buffered. I have a concern about that.
9 I like that the deck is going to be reduced to 4.7.
10 The suggestion from Bob was an excellent one about
11 the dumpsters, getting rid of that, and that's all I
12 have to say at this time.
13 Okay. Now can I entertain a motion
14 from somebody?
15 MR. VENA: Yes, I would like to make a
16 motion but, Don, you can throw everything in like
17 you normally do. How's that?
18 MR. FRASER: Well, it depends what you
19 want, but I think what your motion is --
20 MR. VENA: Go ahead.
21 MR. FRASER: -- I think you want to
22 make a motion to approve the site plan subject to
23 the applicant's compliance with the conditions of
24 the Fire Chief, the police department and Harbor
25 Consultants consistent with the testimony of the

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1 applicant's witnesses and representations of
 2 applicant's counsel, further subject to the
 3 condition suggested by Mr. Scherer that the dumpster
 4 be removed from the plan or be placed with an
 5 appropriate gazebo, subject further to the applicant
 6 downsizing the depth of the decks off the units so
 7 that they do not protrude into the side yard
 8 setback, which we understand will mean that there's
 9 going to be a maximum depth of 4.7 feet, and that
 10 the applicant install evergreens and shrubbery
 11 consistent with the testimony and subject to the
 12 approval of the Planning Board engineer. Those are
 13 the ones that I picked up on that I think you
 14 probably want to make part of your motion, Mr. Vena?
 15 MR. VENA: Exactly. So I make that
 16 motion, Madam Chair.
 17 VICE-CHAIRWOMAN VILLAGGIO: And all
 18 the recommendations of the fire department and
 19 police department.
 20 MR. FRASER: I said the Fire Chief,
 21 police department and Harbor Consultants.
 22 That's your motion?
 23 MR. VENA: Thank you. Yes.
 24 VICE-CHAIRWOMAN VILLAGGIO: Can we
 25 have a motion -- can I have a second?

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1 MR. JANNOTTI: I'll second the motion.
 2 VICE-CHAIRWOMAN VILLAGGIO: Roll call,
 3 Adele.
 4 BOARD SECRETARY LEWIS: Kathy
 5 Villaggio?
 6 MR. FRASER: This is a motion for site
 7 plan approval.
 8 VICE-CHAIRWOMAN VILLAGGIO: Motion for
 9 site plan approval. Aye.
 10 BOARD SECRETARY LEWIS: Robert
 11 Scherer?
 12 MR. SCHERER: I abstain.
 13 BOARD SECRETARY LEWIS: Paul
 14 Tarantino?
 15 MR. TARANTINO: Yes.
 16 BOARD SECRETARY LEWIS: Gene Jannotti?
 17 MR. JANNOTTI: Yes.
 18 BOARD SECRETARY LEWIS: Mike Vena?
 19 MR. VENA: Yes.
 20 BOARD SECRETARY LEWIS: Craig
 21 McCarrick?
 22 MR. McCARRICK: Yes.
 23 BOARD SECRETARY LEWIS: Pat
 24 Quattrochi?
 25 MS. QUATTROCHI: Yes.

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1 BOARD SECRETARY LEWIS: Motion
 2 carries.
 3 VICE-CHAIRWOMAN VILLAGGIO: Okay. At
 4 this time, this application is completed.
 5 (Applause by members of the public)
 6 (Hearing concluded at 9:34 p.m.)
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 2 CERTIFICATE
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 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
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 16
 17
 18
 19
 20
 21
 22
 23
 24 _____
 MICHELE QUICK, CCR, RMR, CRR
 CCR License No. XIO1731
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