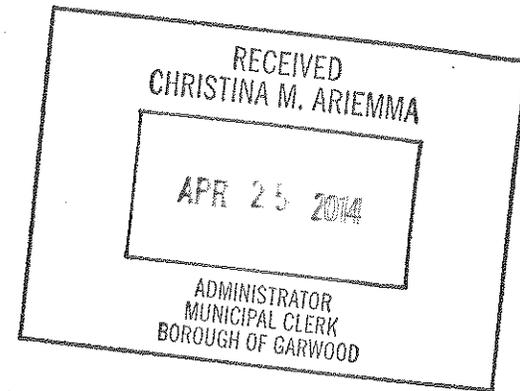


**BOROUGH of GARWOOD**  
**PLANNING BOARD**

**MEETING of March 26, 2014**



*Chair Steve Greet called the meeting to order at 7:30 p.m. and stated the following:*

**Meeting Notice:**

Pursuant to the Open Public Meeting Law, this is to state for the record that adequate notice of this meeting has been provided to the public by publication in the Cranford Chronicle and by filing of said notice in the office of the Municipal Clerk. This is a regularly scheduled meeting of the Board.

**MOMENT OF SILENCE AND SALUTE TO THE FLAG**

**ROLL CALL**

**Present:** Mayor Patricia Quattrochi, Bruce Paterson, William Nierstedt, Michael Vena, Robert Scherer, Stephen Greet, Kathleen Villaggio, Gene Jannotti, Georgia Mac Indoe Timothy Hak (Alt 1), Craig McCarrick (Alt II), Paul Tarantino (Alt IV)

**Absent:** None

**Excused:** Ileen Cuccaro (Alt III)

Also present were Board Attorney Donald Fraser Board Planner/Engineer Victor Vinegra and Board Secretary Adele Lewis.

**MINUTES**

- **MINUTES OF THE FEBRUARY 26, 2014 MEETING**

*On a motion by Kathleen Villaggio and seconded by Robert Scherer, the Board voted by general consent to adopt the minutes of the February 26, 2014 Planning Board meeting.*

**RESOLUTION**

None

**APPLICATIONS**

**Case #PB13-05**      **105 Center Street- Block 404 Lot 34**    C/I Zone-

**Applicant:** *Ermina Savino Livieri*  
**Seeking Final Site Plan Approval**  
**with parking variance for apartments**

Augie Savine and Ermina Saino Livieri were present. They stated that their attorney, Mr. John Demassi, Esq., and their architect, Carmen Iusa were not present this evening. Mr. Savino stated that he was unclear as to what was required to complete his application. Mr. Fraser stated that while elevations had been provided, there was not the submission of an application and the

required plans for final site plan approval. Mr. Savino requested that his application be carried to the next meeting.

*On a motion by William Nierstedt and seconded by Craig McCarrick, the Board voted by general consent to carry the application for Final Site Plan Approval to the April 23<sup>rd</sup> meeting.*

**Case #PB13-12 325-331 South Ave** Block 404 Lots 8 & 9 C/B Zone

**Applicant:** LAND of NJ, INC.

*Seeking Site Plan Approval (Preliminary & Final) with Variance relief for demolition of existing greenhouse and single family home to provide expansion of the existing mixed use building consisting of 1<sup>st</sup> floor retail and 2<sup>nd</sup> floor apartments*

*Bruce Paterson recused himself as he resides within 200 ft. of the subject property and stepped down from the dais.*

*Georgia MacIndoe who absent at the February meeting, gave Board Secretary Lewis certification to be placed in the case file stating that she had read the February 26, 2014 transcript and therefore qualified to participate and vote on the application.*

**ATTACHMENT # 1  
TRANSCRIPT FROM CASE # PB 13-12  
325-331 SOUTH AVENUE**

John Schmidt, Esq. of Lindabury, McCormick, Estabrook & Cooper, Westfield, NJ continued to represent the applicant.

Mr. Schmidt stated that his client has returned with another design that would eliminate the second floor in response to the comments of the February 26<sup>th</sup> meeting

**MARKED INTO EVIDENCE**

- A-11 photo board depicting new roof line
- A-12 photo board
- A-13 revised site plans
- A-14 Planner photos of surrounding area of subject property

**Nick Tsapatsaris, P.E., R.A.**, of Ridgewood was reminded that he had previously been sworn and qualified. He reviewed the revised site plans submitted and his revised proposal. Mr. Tsapatsaris stated he heard the concerns about the apartments being too large and would like to be responsive. The revised drawings depict the removing one of the floors. The Board received the review letter dated March 26, 2014 prepared by Victor Vinegra.

The Board questioned Mr. Tsapatsaris on his testimony regarding the revised plans and trash.

**QUESTIONS FROM THE PUBLIC:**

Carl Reggi, director for the property owner of Garwood Mall Associates

Frank Kelly, 306 Willow Avenue  
Leonid Artemov, 332 Willow Avenue  
Bruce Paterson, 325 Willow Avenue

Mr. Nierstedt inquired about the lighting and trash.  
Chair Greet opened it up to the public again for more questions.

Anthony Prieto, 336 Willow Avenue  
Frank Kelly, 337 -339 Willow Avenue

RECESS 9:00-9:15 p.m.

**Stacey Tsapatsaris** was sworn and accepted as an expert real estate broker. She testified to the present rental occupancy, the projected monthly rental to be charged, and the desirability of the area near the train station and across from the Garwood Mall.

The Board questioned Ms. Tsapatsaris on her testimony.

**QUESTIONS FROM THE PUBLIC:**

Frank Kelly, 306 Willow Avenue

**Joseph Steigar, P.E., P.P.** was sworn and qualified as a as a licensed professional traffic engineer. He testified that there is sufficient parking on the surrounding streets and the synergy of the two uses, residential and retail compliment each other.

The Board questioned Mr. Steiger on his testimony.

**QUESTIONS FROM THE PUBLIC:**

Carl Reggi, director for the property owner of Garwood Mall Associates  
Frank Kelly, 306 Willow Avenue  
Anthony Prieto, 336 Willow Avenue  
Bruce Paterson, 325 Willow Avenue

**Kathryn Gregory, P.P.** was sworn and qualified as a as a licensed planner in the State of New Jersey. She gave planning testimony referencing the Borough's Master Plan and how this project meets the Goals and Objectives outlined. She also discussed the positive and negative criteria.

**QUESTIONS FROM THE PUBLIC:**

Frank Kelly, 439 Willow Avenue  
Anthony Prieto, 336 Willow Avenue  
Bruce Paterson, 325 Willow Avenue  
Mr. Schmidt stated that this concluded his case.

Chair Greet polled the Board and noted that it was already past 11:00 p.m. The Board discussed whether they should proceed into public comments and deliberations of the Board of carry to the next meeting. Given the lateness of the evening, the consensus of the Board was to continue to the April 23<sup>rd</sup> meeting at which point the Board will move directly to public comment.

Board Attorney Fraser stated that the application will be carried to the April 23, 2014 meeting without further notice given or required.

**OLD BUSINESS/NEW BUSINESS**

**Discussion of RFP's for Board Attorney**

Board attorney Donald Fraser left the dais for the following discussion. Chair Greet advised that he had received a memo from Christina Ariemma, Borough Administrator stating that she would like a formal request from the Planning Board to prepare the Request for Proposals for the position of Board Attorney necessitated by the resignation of Donald Fraser as a Borough employee.

The Planning Board voted by general consent to direct Borough Administrator Ariemma to prepare the RFP and solicit proposals from qualified individuals for Legal Counsel to the Planning Board for the term of May 1, 2014 to the Board's re-org of January 14, 2015.

Services of this position should include:

- o Attendance at scheduled and/or special meetings
- o Review of submitted applications as to their completeness relative to legal compliance
- o Preparation of board resolutions and/or ordinances
- o Answering legal questions of the Board & Staff of the Planning Board
- o Offering legal opinions when requested by the Board
- o Review and/or prepare studies, reports, or other related matters
- o Provide direction/information to any borough official & Board member under direction of the Board Chair

The proposal should include a request for an hourly rate along with a request for a retainer. The Board is seeking the retainer to cover attendance at 15 meetings and preparation of general correspondences and the resolutions.

Board Secretary Adele Lewis will prepare a Memo informing Ms. Ariemma of the Board's decision. Board Attorney Fraser returned to the dais.

**CLAIMS**

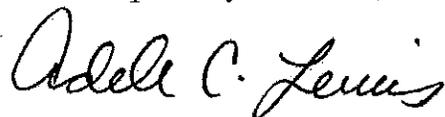
*On a motion by Kathy Villaggio and seconded by Robert Scherer the Board voted to approve payment to Victor Vinegra from Westfield Senior Housing escrow account in the amount of \$85.00 for invoice # 19905*

On a motion by Mike Vena and seconded by Robert Scherer the Board voted to approve payment to Victor Vinegra from the escrow account of LAND Inc, South Avenue for invoice # 19921 in the amount of \$1380.00

**ADJOURNMENT**

There being no further business, the Board adjourned 11:18 p.m.

Respectfully Submitted,



Adele C. Lewis, Board Secretary

BOROUGH OF GARWOOD  
MUNICIPAL BUILDING  
403 SOUTH AVENUE  
GARWOOD, NEW JERSEY

IN THE MATTER OF: :  
CASE No. PB13-05 : TRANSCRIPT OF:  
LAND of NEW JERSEY, INC. :  
ON : PROCEEDINGS  
THURSDAY, MARCH 26, 2014  
-----

BEFORE:

BOROUGH OF GARWOOD PLANNING BOARD

PRESENT:

STEPHEN GREET, Chairman *TIM HAK*  
GENE JANNOTTI

MICHAEL VENA  
KATHLEEN VILLAGIANO

GEORGIA Mac INDOE  
PATRICIA QUATTROCHI

ROBERT SCHERER  
PAUL TARANTINO

CRAIG MCCARRICK  
*William Nierstedt*

DONALD B. FRASER, ESQ.,  
Counsel to the Board  
VICTOR VINEGRA, Planner/Engineer  
ADELE C. LEWIS, Board Secretary

Job No. NJ1821439

*Attachment # 1*

Page 2

1 APPEARANCES:

2

3 LINDABERRY, McCORMICK, EASTABROOK & COOPER, PC  
 By: JOHN H. SCHMIDT, ESQ.

4 53 Cardinal Drive  
 Westfield, New Jersey 07090

5 Counsel for the Applicant,  
 LAND of New Jersey, Inc.

6

7

8 INDEX:

9 WITNESS: PAGE:

10 Nick Tsapatsaris 12

11 Stacy Tsapatsaris 49

12 Peter Tofischus 63

13 Kathryn Gregory 108

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15 EXHIBIT: DESCRIPTION: PAGE:

16 A-11 Colored Rendering 12

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1 MR. SCHMIDT: It's not a use  
 2 variance.

3 MR. FRASER: No, it's not a use  
 4 variance, Adele?

5 MS. LEWIS: No, it's not.

6 MR. FRASER: I think it would be  
 7 prudent to identify who on the Board was sitting on  
 8 this, and is everyone properly qualified. I'm not  
 9 trying to make it a use variance.

10 CHAIRMAN GREET: It's okay. Thank  
 11 you. So let's try this. Any Board Members here who  
 12 were at not both of prior hearings.

13 MS. MacINDOE: I wasn't at the last  
 14 one, but I did read the transcript of it.

15 MS. LEWIS: And I have a  
 16 certification in the file.

17 CHAIRMAN GREET: Georgia, you are  
 18 qualified for consideration of this application.  
 19 Was anyone else not here for all of them?

20 MR. VENA: I read the transcripts of,  
 21 what was it, January?

22 MS. LEWIS: Yes, and that is on file.

23 CHAIRMAN GREET: Okay. A  
 24 certification is on file for Mr. Vena.

25 MS. LEWIS: Okay. Mr. Hack, who is

Page 3

1 CHAIRMAN GREET: All right. We have  
 2 Case BP13-12, 315-331 South Avenue, Block 404, Lot 8  
 3 and 9, C/B Zone, Continuation. This is a possible  
 4 continuation or new hearing?

5 MR. FRASER: Mr. Schmidt, we have a  
 6 question whether or not this is a continuation of a  
 7 prior application or a new application. The salient  
 8 difference would be whether or not the applicant is  
 9 able to incorporate the testimony which has been  
 10 adduced in the two prior hearing. I had an  
 11 opportunity to discuss this with the applicant and  
 12 Mr. Schmidt, and Mr. Schmidt and I are in agreement  
 13 that it was appropriate to consider it a  
 14 continuation of a prior application.

15 That having been said, that affects on the  
 16 application testimony. In other words the people  
 17 who have either been present at the prior hearings  
 18 or have listened to the tapes of the prior hearings  
 19 and/or have read the transcripts of the prior  
 20 hearings are entitled to sit for consideration of  
 21 this application and ultimately vote thereon.

22 I'm not going to remember, Adele, who was  
 23 or who was not here on prior occasions. This is a  
 24 use variance, so we're talking about seven members.

25 MS. LEWIS: No, it's not.

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1 the alternate will be voting in Mr. Paterson's  
 2 place.

3 MR. HACK: I was here for both, I  
 4 think three meetings.

5 MS. LEWIS: So he would be qualified  
 6 and could vote.

7 MR. FRASER: So there is nobody here  
 8 disqualified as a result of not being here for  
 9 everything?

10 MS. LEWIS: Correct.

11 MR. FRASER: I thought that would be  
 12 prudent to clarify that on the record, Mr. Chairman.

13 MR. SCHMIDT: Mr. Chairman and  
 14 Members of the Board, as you're aware, my name is  
 15 John Schmidt. I'm an attorney in Westfield, and I  
 16 represent the applicant, LAND of New Jersey, Inc.  
 17 This is our third night here, and I apologize for  
 18 tying the Board up, but as you know, we have been  
 19 trying to meet some of the concerns of the Board in  
 20 trying to come up with a building and project that  
 21 we think is not only adequate for my client, my  
 22 client's needs financially, as well as the  
 23 developmentally, but also for meeting the concerns  
 24 of the town and the neighbors.

25 We've come up with a third iteration of

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1 this plan, and I think in light of the testimony and  
2 in the past, I think it's probably easier for me to  
3 go through the changes with you so that you can  
4 fully understand them. If you remember, I'll just  
5 look at this plan over here, and when necessary I'll  
6 just refer to the site plan. If you remember, the  
7 first iteration of this plan was a large T, and the  
8 T extended to close to the property line. There was  
9 a concern about the nature of the building.  
10 We were back last month, and we had a  
11 building which was three stories -- four stories  
12 high, and there was a concern about overdevelopment.  
13 So we have gone back to the drawing board, and we  
14 have now proposed and we are proposing a building  
15 which is 5,049 square feet in length, in size, then  
16 what we are proposing again is on the same identical  
17 footprint as that project that we proposed last  
18 month. This is the project that was proposed last  
19 month. You can see it was four stories. We are  
20 coming back with a project that's three stories.  
21 The building is 5,000 square feet less in  
22 total size, although the coverage is identical to  
23 the other one. It is not rectangular. It's not the  
24 T. We have cut down on the bedroom sizes and the  
25 number as the Board was talking about. The first

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1 project we had 14 bedroom sizes, and there was some  
2 concern that some of the bedrooms, the one bedrooms  
3 might be a little small. In the second iteration  
4 was 13 total units, and we had 11 two-bedrooms and  
5 only two one-bedroom units, and again, there was  
6 concern this time that we went overboard, and the  
7 bedrooms were a little bit to much.  
8 So we tried to meet in the middle, and  
9 what we're proposing in this plan here is the retail  
10 on the first floor is going to be virtually the  
11 same, although what we're now going to have is eight  
12 one-bedroom apartments. The average size of the  
13 one-bedroom apartment is 195 square feet larger than  
14 the average size of the first, not quite as big as  
15 last time, which was close to 1,200 square feet.  
16 We're only going to have four two-bedroom  
17 units. The four two-bedroom units are on the upper  
18 floor level. This would be the second floor where  
19 all the two-bedrooms on the upper level. The four  
20 two-bedroom units have a total square footage size  
21 of, average, approximately 190 square feet. That's  
22 for the total.  
23 MR. McGARRICK: The one-bedroom is  
24 895.  
25 MR. SCHMIDT: Right. The second

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1 bedroom in the two bedrooms are approximately 1,100  
2 square feet. The retail remains the same. We are  
3 proposing as, if you look at the site plan, the  
4 second page which is before you Part A, SP-1. At  
5 the suggestion of Mr. Vinegra, we have flipped the  
6 parking lot design so the handicapped spot is not  
7 going to be adjacent to the entryway of the  
8 building, and so we had to therefore modify the  
9 parking lot a little bit.  
10 We still have 18 spaces. We still have  
11 the refuse area to the right rear. It's going to be  
12 fenced. We're going to have a buffer of 6.85 feet  
13 in the far left corner where the handicapped space  
14 is, it's two-foot. We are proposing a fence, a  
15 vinyl fence, which is a similar to the fence to the  
16 neighbor if you're looking to the property to your  
17 left.  
18 My client is still willing to cooperate  
19 with neighbors. While we don't have enough space on  
20 our property for trees, we are willing work with the  
21 neighbors behind, and if any of them want plants, we  
22 will put the plantings in for them, and we will  
23 maintain the plantings so that if they die, we will  
24 replace them.  
25 The lighting, although Mr. Vinegra has

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1 commented on lighting, he's indicated he did not  
2 think it met the standards of the municipality. We  
3 are more than willing to work with your engineer to  
4 come up with a lighting plan that is satisfactory to  
5 your town building department.  
6 We have also taken into consideration some  
7 of the concerns of the neighbors about a garbage  
8 chute. These plans as proposed have an interior  
9 garbage chute that will come in just to the left if  
10 you're going into the driveway and area under the  
11 building. The garbage chute will be coming down to  
12 this area.  
13 We have also modified that doorway that  
14 goes through to South Avenue. One of the concerns  
15 by Mr. Vinegra was that there was no access from the  
16 exterior directly into the building, you had to go  
17 into the hall -- I'm sorry. You had to go outside  
18 to get in. We have made an entranceway into the  
19 hallway so that you can enter in the rear of this  
20 property, come into the building, then go into an  
21 area where the elevator would be for a handicapped  
22 entrance.  
23 We have modified the stairway on the other  
24 side of the second floor in the accordance with some  
25 of the comments made by Mr. Vinegra. We have as we

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1 talked about before, we've made arrangements for  
 2 sanitation to be picked up. We have already talked  
 3 to our salvager. We understand that this is no  
 4 longer going to be municipal pickup, and we have  
 5 arrangements for the garbage to be removed. It will  
 6 be carted to the front of the street and brought  
 7 back in on a regular basis.

8 We think that this plan attempts to  
 9 satisfy all the concerns of this Board with regard  
 10 to the size of the apartments, the single bedrooms  
 11 instead of multiple bedrooms, again, the idea being  
 12 it's more of a transit-type village, and we have  
 13 with us tonight a realtor who will testify, the  
 14 realtor involved in marketing property in the area,  
 15 who can testify about the nature of the tenants that  
 16 are currently there and what we anticipate putting  
 17 there.

18 We are still short on parking.  
 19 Mr. Vinegra calculated the parking at 36 spots. We  
 20 think it's less than that, but giving us some  
 21 consideration for transit village, Mr. Vinegra  
 22 decreases the need by 20 percent. He thinks the  
 23 total necessary is only 29 spots. We have 18. We  
 24 have a lease that has been signed with the Rest for  
 25 five spaces spots. There was concern about the

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1 number of seats at the Rest. We have gone back to  
 2 the owner of the Rest, and they have agreed to  
 3 remove those seats necessary so that the number of  
 4 parking space is adequate to meet the number of  
 5 seats that are currently there.

6 As I explained to this Board also, we are  
 7 finalizing a use and occupancy lease agreement with  
 8 the Castella property owners. We understand that  
 9 that could be a day, it could be a year, it could be  
 10 ten years. We're not sure how long that's going to  
 11 last, but we are finalizing that, and that would be  
 12 for fifteen spots.

13 If we get those spots, it is the intent of  
 14 the landlord, LAND of New Jersey, to enter into the  
 15 commercial leases that all of the commercial tenants  
 16 and employees are required to park at the Castella  
 17 lot or at the Rest during the day. We think that  
 18 this, again, this plan is trying to accommodate all  
 19 of the concerns of the Board, and we are open for  
 20 questions. Mr. Tsapatsaris is here an answer any of  
 21 your questions that you have.

22 CHAIRMAN GREET: Does the Board have  
 23 any questions?

24 MR. FRASER: Do you understand that  
 25 you're still under oath?

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1 MR. TSAPATSARIS: Yes.

2 MR. FRASER: Mr. Schmidt just made a  
 3 bunch of statements that are not sworn. Can you  
 4 confirm the statement he made are true?

5 MR. TSAPATSARIS: Yes.

6 MS. QUATTROCHI: Do you have plans  
 7 for us?

8 MR. SCHMIDT: We are going to, it's a  
 9 very good question. If we could have, I'm not  
 10 exactly sure what we're up to. I think we're up to  
 11 A-8 or 9, I would like to the plans to be marked.  
 12 What I have and I would like to pass out to the  
 13 Board, this picture is a reduced size.

14 MR. FRASER: Mr. Schmidt, is the  
 15 colored rendering part of the package that was  
 16 submitted for this evening with exception of the  
 17 coloring?

18 MR. SCHMIDT: I'm sorry?

19 MR. FRASER: The colored rendering is  
 20 part of the package with the exception of the  
 21 proposed color?

22 MR. SCHMIDT: Yes.

23 MR. FRASER: The colored rendering  
 24 will be A-11. Thank you.

25 MR. SCHMIDT: Mr. Fraser, only as to

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1 confirm where I have said, they're revisions of  
 2 plans.

3 CHAIRMAN GREET: I'll open it up to  
 4 the Board for questions.

5 MR. TARANTINO: I do have a couple of  
 6 questions. We're on our third revision with this  
 7 application. Have we run these most current floors  
 8 with the fire chief and the police chief? I haven't  
 9 seen any correspondence about that.

10 CHAIRMAN GREET: I haven't gotten  
 11 any. They may need to be resubmitted.

12 MS. LEWIS: They have been. I don't  
 13 know if the fire department had a chance to look at  
 14 them. The police had no comment.

15 MR. TARANTINO: And then the one  
 16 question I did want to ask, this may have been an  
 17 oversight on the last two meetings, but the existing  
 18 site has 21 parking spots. What physical structure  
 19 or what is it that is causing you to reduce or  
 20 eliminate three spots?

21 MR. TSAPATSARIS: There is 21. There  
 22 are 21 space on the property.

23 MR. TARANTINO: And you're going to  
 24 down to 18, why is that?

25 MR. TSAPATSARIS: Firstly, because

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1 one of the spaces is behind the greenhouse, which is  
2 the thruway coming out. These surveys are not in  
3 compliance with the ordinance, they are smaller, and  
4 several are in the side of the property.  
5 MR. TARANTINO: Okay.  
6 CHAIRMAN GREET: Anyone else?  
7 MR. HACK: On Sheet Z-1, the zoning  
8 analysis, it still lists the building as being  
9 42 feet high. What is the proposed height of the  
10 building now?  
11 MR. TSAPATSARIS: Thirty-five feet.  
12 CHAIRMAN GREET: The proposed height,  
13 correct?  
14 MR. TSAPATSARIS: The proposed  
15 height, correct.  
16 CHAIRMAN GREET: And the existing  
17 height now is 24-foot?  
18 MR. TSAPATSARIS: Yes.  
19 MS. VILLAGIANO: At the last meeting  
20 we heard testimony from a resident with regard to  
21 the sanitation area in the back. What have you  
22 done, I understand what you said, sir, you told me  
23 before, I'm asking you, the architect, what have you  
24 down to alleviate those concerns?  
25 MR. SCHMIDT: First, Ms. Villagiano,

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1 I just want to clarify that there has been no  
2 testimony by the public. Those are simply questions  
3 that were posed. It hasn't been opened to the  
4 public testimony.  
5 MS. VILLAGIANO: I'm sorry. I will  
6 phrase it differently. At the last meeting there  
7 were several questions asked with regards to  
8 sanitation of the existing building and whether or  
9 not with this building, what will you do to not have  
10 the same situation?  
11 MR. TSAPATSARIS: We introduced an  
12 interior trash chute coming from apartment to the  
13 ground floor, proposed ground floor. So now there's  
14 a trash chute in the building. The refuse area was  
15 made larger than the second time. The refuse area  
16 outside has been made larger.  
17 MS. VILLAGIANO: Now there is a  
18 bigger fence, or there's a fence around the refuse?  
19 MR. TSAPATSARIS: Yes.  
20 MS. VILLAGIANO: Area, where I think  
21 the first there wasn't any.  
22 MR. TSAPATSARIS: There was always,  
23 now it's a larger, and but most importantly is  
24 simply that the trash chute has been introduced  
25 behind the building, that's service from the inside,

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1 and the superintendent will take it out on a daily  
2 basis as required.  
3 MS. VILLAGIANO: When are you going  
4 to have a pickup, once a week, twice a week, what do  
5 you anticipate?  
6 MR. TSAPATSARIS: Whatever is  
7 necessary, whatever is necessary. That's my  
8 original testimony that was entered, whatever is  
9 necessary we'll meet.  
10 MR. McGARRICK: Can I follow up, Mr.  
11 Chairman? Who defines what is necessary?  
12 MR. TSAPATSARIS: So there is no  
13 overflow inside or outside the building.  
14 MR. McGARRICK: I understand that,  
15 but I'm going to keep going until we get to the  
16 date. That's based upon the retail and number of  
17 bedrooms of the units, what size dumpster we can  
18 actually have and how often do they have to come in  
19 to ensure there is no overflow?  
20 MR. TSAPATSARIS: Absolutely.  
21 MR. McGARRICK: And those answers  
22 are?  
23 MR. TSAPATSARIS: I can produce an  
24 analysis report.  
25 MR. McGARRICK: I don't full need an

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1 analysis. I want to get to the bottom line. You  
2 testified before you understand that the answer you  
3 gave is a little vague, and I want to zero in and  
4 get a number.  
5 MR. TSAPATSARIS: The answer is at  
6 the top right-hand corner. This represents a design  
7 that was developed with a local carter. Somewhere  
8 at the top right, you'll see the refuse  
9 calculations.  
10 MR. McGARRICK: Those are the  
11 answers, "not as often as necessary." Those are the  
12 actual answers.  
13 MR. FRASER: Would you mind stating  
14 them so it's public?  
15 MR. TSAPATSARIS: Yes. The dumpster  
16 area contains a three-yard dumpster for cardboard, a  
17 three-yard dumpster for commingles, recyclables, and  
18 a three-yard dumpster for a spare, if necessary, a  
19 three-yard dumpster for refuse, as well as a  
20 three-yard dumpster for refuse. The calculations  
21 are that the restaurant as testified will create  
22 0.08 cubic yards per meal, yielding 0.6 cubic yards  
23 per day; and the retail is 3,800 square feet or  
24 0.018 per one hundred square feet, yielding a refuse  
25 of 0.68 cubic yards per day, and finally twelve

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1 residential units at 0.04 per bedroom, and that  
2 would yield approximately one cubic yard per day,  
3 for a total of 2.28 cubic yards per day. Therefore  
4 an accumulation of 16 cubic yards of refuse per  
5 week, we would have a pickup of at least once a  
6 week, if not twice, twice. The cardboard would be  
7 collected twice per week; the commingles, once per  
8 week; and the refuse collected twice per week.

9 CHAIRMAN GREET: What is the process  
10 to follow?

11 MR. TSAPATSARIS: The process that we  
12 confirmed that can be done here, the containers will  
13 be wheeled out from the enclosure through the  
14 underpass and loaded onto the vehicle and removed.

15 CHAIRMAN GREET: What time frame is  
16 that process?

17 MR. TSAPATSARIS: Before business  
18 hours, six to seven in the morning.

19 MR. SCHERER: Is that on South  
20 Avenue?

21 MR. TSAPATSARIS: In front of the  
22 area where there isn't any parking, in front of the  
23 Chinese restaurant. You have to understand, there  
24 is the driveway curb cut, and I can't imagine  
25 they're going to be inconvenienced for very long.

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1 MR. SCHERER: You also mentioned they  
2 have a fenced area in the back. They come in on  
3 South Avenue and go around. The building is in the  
4 back where the dumpster will face.

5 MR. SCHMIDT: I would only suggest to  
6 you that a closed-in building without ventilation  
7 would be probably producing more odor or more places  
8 for rodents to collect in the winter than if you  
9 have an open area. The heat from the garbage will  
10 start to fumigate literally inside the building.

11 MS. MacINDOE: You have a Chinese  
12 restaurant and an additional cafe, right?

13 MR. TSAPATSARIS: We're contemplating  
14 it.

15 MS. MacINDOE: What my question is,  
16 those two businesses won't have a chute for the  
17 dumping obviously. So that's going to leave us in  
18 the same situation as before, that there will be  
19 garbage from the site, garbage from the cafe, and  
20 that will attract rodents. How do you propose to  
21 make sure that they aren't going to be overwhelmed  
22 as the neighbor complained about?

23 MR. SCHMIDT: There isn't going to be  
24 anymore storage behind the building at all. The  
25 chinese restaurant, any retail tenant would be

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1 obligated withing the leases to take their garbage  
2 promptly from the interior of the facility and place  
3 where it should be places in the back, so I will  
4 stipulate they will be obligated to the take them  
5 out.

6 MS. MacINDOE: And that's strictly  
7 enforced?

8 MR. SCHMIDT: Yes, we will have a  
9 building superintendent on-site to make certain.

10 CHAIRMAN GREET: That building  
11 superintendent will actually be on-site?

12 MR. TSAPATSARIS: We have a person  
13 scheduled to live there on the property.

14 CHAIRMAN GREET: A person who people  
15 in the area might call and contact if they have  
16 questions or problems with debris accumulating in  
17 the back or with any problems or concerns they have?

18 MR. TSAPATSARIS: Yes.

19 MR. SCHERER: Are there any problems  
20 on the property with carting?

21 MR. TSAPATSARIS: We had problems  
22 last month with the snowstorms.

23 MR. SCHERER: It died down. The  
24 property is always kept clean.

25 MR. TSAPATSARIS: There has been

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1 problems. This is a solution I proposed to resolve  
2 those problems.

3 CHAIRMAN GREET: Can you define how  
4 you'll do the snow removal, based on the fact it's a  
5 smaller property, can you describe that?

6 MR. TSAPATSARIS: If another year  
7 such as this year comes again, it is our proposal as  
8 we said last time to initially plow to the back left  
9 corner as much as we can, and then when there is a  
10 diminishing of less than eighteen space, a Bobcat  
11 will take snow out where it is loaded as the garbage  
12 would be loaded and removed. This is a common  
13 exercise that was done this year with many retail  
14 tenants' lots and being able to provide parking for  
15 tenants.

16 In the event that there is another  
17 snowstorm or year as we encountered this year, a  
18 Bobcat will take the snow out, and we have to load  
19 it up and get rid of it. We have a local snow  
20 removal person that we have had for almost twenty  
21 years, and we will discussion this with him and see  
22 if he could do it. If he can't, then we will find  
23 somebody who can.

24 MR. SCHERER: But you would enter  
25 into the contract at the time?

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1 MR. TSAPATSARIS: We have a snow  
2 removal contract now, and we will continue the same.  
3 MR. SCHMIDT: Mr. Chairman, we would  
4 have no objection to a snow removal requirement as  
5 testified to by Mr. Tsapatsaris being part of the  
6 resolution.  
7 CHAIRMAN GREET: I have question for  
8 Vic. Why is the parking adjusted?  
9 MR. VINEGRA: I have to apologize for  
10 the lateness of the letter to both the applicant and  
11 the Board Members. Actually, I reworked the  
12 numbers. I made a couple minor errors. If you  
13 work -- I had the ITE parking studies, and if you  
14 use the ITE parking studies combined -- this is from  
15 the traffic engineers, combined with the residential  
16 site improvement standards, which the State uses as  
17 a guideline for parking, you come up with  
18 approximately 36 spaces, actually.  
19 And if you apply a reduction factor, you  
20 can reduce parking demand near transit stations and  
21 if you have shared components. You can apply either  
22 two reduction factors or one reduction factor. I  
23 think we should only apply one reduction factor, one  
24 20-percent reduction for near transportation, and we  
25 come up in the real world about 11 spaces short on

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1 the application. If you have a large project with a  
2 large residential component -- a larger retail and  
3 large residential component, and you have mixed  
4 parking, you can apply a reduction factor for  
5 overlap. I don't know if we should apply that here  
6 because we may have another restaurant, sit-down,  
7 and that would skew these numbers.  
8 Based on real life experience, I think  
9 that we are short somewhere around 11 spaces, you  
10 know, maybe eight to 11 space. Using our ordinance,  
11 they're short 16 spaces, but the ordinance doesn't  
12 really apply a reduction factor for being near a  
13 transit station. What I'm saying here, technically,  
14 they're asking for a variance of 16 spaces.  
15 Professionally, I think the number is somewhere  
16 around 11. I think that they testified that they  
17 have off-site parking means as well.  
18 I did, again, I mentioned at the last  
19 meeting, I felt by the off-site parking, it would  
20 force the tenants to a variance condition, but how  
21 often does the Board have a weigh those things  
22 technically for the seating? I don't know. They  
23 have a traffic expert that I was conferring with to  
24 go over some of these numbers. I did confer with  
25 Mr. Staigar on the project. The real world number

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1 somewhere around 11 range. Our ordinance is 16.  
2 That's my opinion.  
3 CHAIRMAN GREET: So with the five  
4 parking at the Rest, over here or here.  
5 MR. VINEGRA: It's really based on  
6 the tenants they have. You know, tenants are what  
7 they are. If they have a cafe, you want a cafe, but  
8 they generate more parking. You can't say. Each  
9 tenant has a different use.  
10 MS. VILLAGIANO: If you didn't have  
11 retail on the bottom, they would be okay, you have,  
12 you know, eight and four.  
13 MR. VINEGRA: It's depends how many  
14 people will own cars. Just I as mentioned, and I  
15 know we spent a little time at the last hearing, I  
16 did a bedroom count. I think the bedroom count is  
17 about half what I calculated the last time. So the  
18 density they cut in half on the bedroom count. I  
19 included for that loft area to be two bedrooms.  
20 That's all gone now.  
21 So if you look at comment in the general  
22 items, No. 2, the last time almost near a hundred  
23 bedrooms, and it's about double the density of a  
24 typical two-bedroom house. Now, the bedroom count,  
25 it's much more coming in line with the ordinance,

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1 but there is still a deviation with the parking.  
2 MS. VILLAGIANO: I like the way it  
3 looks. I just to be clear, I love the way looks but  
4 the parking.  
5 MR. VINEGRA: General Item No. 1,  
6 also, I looked at it right away, just the general  
7 item on the front of the building. What I meant by  
8 that is just to go over quickly that rendering, the  
9 lower elevation shows the air conditioning. Instead  
10 of having them sticking out of the window or below,  
11 and there are several units in the back. There  
12 could be some additional screening if the applicant  
13 so chose. It's not on the front, and my general  
14 items, you are correct.  
15 CHAIRMAN GREET: I have to say,  
16 general comment, this is much more a pleasing size  
17 than it had been the last month. Anybody else on  
18 the Board?  
19 MR. VENA: I have a question, A-1,  
20 any plans for a loading dock or loading zone for  
21 people getting deliveries to the house? UPS can't  
22 get there.  
23 MR. TSAPATSARIS: They'll be able to  
24 park in the front of the building.  
25 MR. VENA: Where is the loading dock?

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1 MR. TSAPATSARIS: If a UPS truck  
2 wants to stop, there is a pit stop right there, that  
3 long space. That's the only location. The other  
4 issue in response to your question, the types of  
5 retail that we're looking to put here is not going  
6 to be intense in terms of large-truck deliveries.  
7 A nail salon doesn't have a large type of  
8 demand. It's done by car. The beauty salon, which  
9 it will continue to be, there would be no  
10 deliveries. The phone store, again, they load up  
11 from their cars. The Chinese restaurant would be  
12 the only use right now to make a delivery. Finally,  
13 the cafe doesn't have much; again, off hours and the  
14 same way that the trucks that takes away the garbage  
15 will function. We are not proposing major retail.  
16 MR. SCHERER: I have to doubt it.  
17 You don't know what's going to be there in the  
18 future. When they move out, somebody else will come  
19 there. We can put it there, but you don't know  
20 what's going to happen.  
21 MR. TSAPATSARIS: I prefer the broker  
22 to talk about that, if that's okay. She could  
23 answer that question. We have a real estate agent  
24 to talk about the marketable space, and she has done  
25 better research than I.

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1 MR. SCHERER: Okay.  
2 CHAIRMAN GREET: All right. Anyone  
3 else on the Board? At this time I'll open up to the  
4 general public for specific questions on the  
5 applicant, not comments. Please stand up, name and  
6 address.  
7 MS. QUATTROCHI: One question, in the  
8 past you talked about the varying heights around the  
9 building. I believe at the last meeting possibly  
10 you said they are not going to be occupied, but  
11 could they be occupied in the future? Do you have  
12 that sense that it might happen in the future once  
13 its built?  
14 MR. TSAPATSARIS: I'm sorry. I  
15 didn't hear.  
16 MR. SCHMIDT: This is it. There is  
17 no room. It's all utilized on this application.  
18 CHAIRMAN GREET: Anyone else from the  
19 public, specific question?  
20 MR. KELLY: Yes. Frank Kelly 306  
21 Willow Avenue. We have a garbage chute added now  
22 internal to the building?  
23 MR. SCHMIDT: Is that a question?  
24 MR. TSAPATSARIS: Yes. I testified  
25 about that previously.

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1 MR. KELLY: Where does that end up at  
2 the end of the chute?  
3 MR. TSAPATSARIS: It ends up on the  
4 ground floor in a room, a separate room.  
5 MR. KELLY: Is there a dumpster? Is  
6 there a place for recycling? Is there a place for  
7 corrugated cardboard? Is there a place for refuse?  
8 Is there a place for household garbage as it comes  
9 down the chute as required by state law?  
10 MR. TSAPATSARIS: The refuse is  
11 there. The recycling is taken out by the tenants in  
12 the recycling area.  
13 MR. KELLY: So the recyclables don't  
14 go down the chute?  
15 MR. TSAPATSARIS: Correct.  
16 MR. KELLY: They have to be taken  
17 out?  
18 MR. TSAPATSARIS: Yes.  
19 MR. KELLY: Okay. When the garbage  
20 gets into this room, and the tenants don't adhere to  
21 the commingling process, they let it all go down the  
22 chute, who makes sure that it gets sorted in that  
23 room the right way, that it isn't getting all piled  
24 up?  
25 MR. TSAPATSARIS: The superintendent.

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1 MR. KELLY: The superintendent, and  
2 as the superintendent, there would be a  
3 superintendent living there guaranteed a hundred  
4 percent of the time for the entire building life; is  
5 that correct?  
6 MR. SCHMIDT: I think that's kind of  
7 a ridiculous question. The superintendent obviously  
8 will be taking time out periodically to go to the  
9 store.  
10 MR. FRASER: The question was for the  
11 life of this building, there is going to be a  
12 superintendent as opposed to some number of years  
13 down the road, there may not be a superintendent?  
14 MR. SCHMIDT: I didn't understand it  
15 that way. If that's the question, we can respond to  
16 that.  
17 MR. TSAPATSARIS: In this building as  
18 the Chairman said, there will be a designated  
19 individual with a local number that can be reached  
20 and contacted or there could be a resident in the  
21 building on a cell phone that can be reached.  
22 MR. SCHMIDT: Again, we have no  
23 objection to that being part of the resolution.  
24 MR. KELLY: A resident or an employee  
25 of LAND New Jersey?

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1 CHAIRMAN GREET: It makes no  
 2 difference if it's someone on the site that you can  
 3 contact.  
 4 MR. FRASER: The testimony was that  
 5 there was going to be an on-site superintendent  
 6 resident on the premises, correct?  
 7 MR. TSAPATSARIS: There will a person  
 8 that resides or rents from these premises that has  
 9 the responsibility of answering phone calls and  
 10 taking care of these issues.  
 11 MR. KELLY: You mean that lives there  
 12 at the premises?  
 13 MR. TSAPATSARIS: Correct, yes.  
 14 MR. KELLY: I thought you -- okay,  
 15 thank you. I wanted to hear, it will not be a  
 16 superintendent, it will be a resident.  
 17 CHAIRMAN GREET: Because they are one  
 18 in the same. A lot of times a superintendent is a  
 19 resident. That's frequently the case.  
 20 MR. KELLY: Let me make sure I've got  
 21 it. The next question I have is, we have a chute  
 22 internally that goes into this room. How does the  
 23 garbage get from the room, 40, 50 feet out to the  
 24 refuse area in the back corner of the lot?  
 25 MR. SCHMIDT: The testimony has

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1 already be given to that effect. If you want to  
 2 repeat it again, you can repeat it.  
 3 MR. KELLY: So my understanding for  
 4 clarification, before refusal to answer someone --  
 5 MR. SCHMIDT: I asked that question  
 6 before. First of all, the testimony is there is  
 7 going to be an on-site superintendent who lives  
 8 there, who will be in charge of getting garbage and  
 9 taking it back. Maybe you don't like that answer.  
 10 The testimony was clear.  
 11 MR. KELLY: Did you consider having  
 12 the refuse stored in there? With the weather we've  
 13 had over the past winter and what it takes to move  
 14 the garbage from the interior, which it's already  
 15 contained in across to the garbage, and then the  
 16 number of calculations have refuse going out four or  
 17 five times, then taking it from that corner,  
 18 wheeling it across a snow-ridden parking lot,  
 19 through snow and sleet and hail, and dragged out to  
 20 the street?  
 21 Did you consider just having it all  
 22 contained right there in the building enclosed, so  
 23 that much like other buildings here in Garwood have  
 24 been approved for and mandated by this Board to have  
 25 it contained inside like the Board mentioned, have

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1 you considered as an option to alleviate and  
 2 potentially open up and reconfigure the parking  
 3 space and open up another spot or two?  
 4 MR. SCHMIDT: That question is  
 5 compound, I don't know which part of it he answered.  
 6 MR. TSAPATSARIS: It was considered  
 7 to be inappropriate to handle the project. We had  
 8 an appropriate refuse area that is far more  
 9 appropriate, if you want to say, in that corner. In  
 10 addition, we'd need another room inside for the  
 11 chute. That is as it's proposed.  
 12 MR. KELLY: The parking, the town, I  
 13 heard a lot of numbers flying, the town according to  
 14 the planner found the parking is something like 36,  
 15 36 spots; is that correct? I'm just trying to get  
 16 some clarification.  
 17 MR. VINEGRA: It's 34 by ordinance.  
 18 MR. TSAPATSARIS: We have a traffic  
 19 expert. I'm not going to give traffic testimony.  
 20 MR. KELLY: And the parking provides  
 21 for 18, does that include a handicapped spot?  
 22 MR. TSAPATSARIS: I'll repeat again.  
 23 We have a traffic expert.  
 24 MR. FRASER: All he's looking for,  
 25 these 18 parking spaces, does that include

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1 handicapped?  
 2 MR. TSAPATSARIS: Yes.  
 3 MR. FRASER: I believe you addressed  
 4 it already, and indeed it does.  
 5 MR. SCHMIDT: Yes, Mr. Chairman.  
 6 MR. KELLY: So that's sixteen spots.  
 7 MR. TSAPATSARIS: Seventeen spots.  
 8 MR. KELLY: But sixteen short. I  
 9 want to make sure that's what we're talking about.  
 10 CHAIRMAN GREET: Thank you. Anyone  
 11 else from the general public? Please, name and  
 12 address.  
 13 MR. ARTEMOV: My name is Roman  
 14 Artemov. We live very close to them, right across  
 15 the lot unfortunately. I'm not sure. Where is your  
 16 garbage container located?  
 17 MR. TSAPATSARIS: I said that's in  
 18 the lot, the right-hand side.  
 19 MR. ARTEMOV: My house is right  
 20 behind. My backyard and your backyard is very, very  
 21 close. To me it will smell.  
 22 CHAIRMAN GREET: That's the kind of a  
 23 comment that will come at another time; if you have  
 24 a specific questions of the applicant.  
 25 MR. ARTEMOV: That's a question. I

1 I have seen a lot of changes over the years, and I pay  
2 a lot of property taxes to see what was here and  
3 what I wanted to see over the years. I don't know  
4 what to say. Instead of this, I'm going to see a  
5 garbage container.

6 CHAIRMAN GREET: I understand. At  
7 the very, very end, at the end of the night before  
8 we close, we have a comment section, and that will  
9 be appropriate.

10 MR. ARTEMOV: That's okay.

11 MR. SCHMIDT: Mr. Chairman, again,  
12 before he goes on, sir, and I apologize, I didn't  
13 catch your last time. We did suggest to this Board,  
14 and we suggested to neighbors, and we'll suggest to  
15 you also. If you want, we will put plantings,  
16 trees, between, on your property for you, which  
17 would even be a larger barrier in front of the fence  
18 that would be put.

19 MR. ARTEMOV: And the answer, I was  
20 going to grow things in my backyard. I have to say,  
21 he's going to put down his parking lot, all these  
22 here, because it just eliminates my bedroom like  
23 daytime at the night, and I'm like in the  
24 summertime, and we love to do a party with guests.  
25 I have to have some consideration with the lights,

1 the powerful lights, I ask you to put it at a low  
2 level.

3 CHAIRMAN GREET: You will have a  
4 chance to make a comment. For the record, could you  
5 just spell your last name?

6 MR. ARTEMOV: A-r-t-e-m-o-v.

7 MR. PATERSON: I have question about  
8 the drainage in the parking lot.

9 MR. SCHMIDT: We're doing this  
10 witness.

11 MR. PATERSON: I was saying is there  
12 a witness?

13 MR. SCHMIDT: He can testify do.

14 MR. PATERSON: Do you want to hear  
15 the question?

16 MR. TSAPATSARIS: I can.

17 MR. PATERSON: I see you have a  
18 trench right drain right where all of the cars are  
19 going in and out. You're having traffic there,  
20 right there, are you able to put catch basins  
21 somewhere in the parking lot?

22 MR. TSAPATSARIS: The drainage  
23 solution is on SP-3. We have two dry wells, Dry  
24 Well 1 and Dry Well 2. The surface lot will be  
25 regraded so that the drainage goes down to the

1 center. From there it will go into the trench  
2 drain. In the event that we overflow, we will  
3 continue to utilize the existing overflow that we  
4 have now on the sidewalk.

5 MR. PATERSON: All right. But that  
6 12-inch trench drain is at the back side. The main  
7 one close to the building, you're saying that is  
8 just an overflow?

9 MR. TSAPATSARIS: I'll point it out.  
10 Right now, there is only one trench drain in the  
11 front and a line out to South Avenue. We're taking  
12 two new dry wells to contain water where there  
13 wasn't any detention, putting crushed stone, using  
14 the Board ratio of the crushed stone, and then  
15 having the trench drain to catch any excess water  
16 going into the two dry wells. That's P-3, and then  
17 from there --

18 CHAIRMAN GREET: Excuse me one  
19 second. Can we keep it down, please?

20 MR. TSAPATSARIS: So the drainage  
21 conditions, if this application is approved, are far  
22 better than they are today.

23 MR. PATERSON: I'm glad to hear that.  
24 So obviously you're saying the main water flow is to  
25 the trench drain?

1 MR. TSAPATSARIS: To the center. We  
2 also take into consideration your engineer's  
3 suggestion to move it away from the building so not  
4 to have the possibility that the existing basement  
5 will have any seepage. Now the dry well is moved  
6 farther towards the center of the parking.

7 MR. PATERSON: That trench drain  
8 elevation from the front, you don't have the  
9 grading?

10 MR. TSAPATSARIS: We do. That's only  
11 for overflow purposes in that both dry wells are  
12 filled and the trench drain, for the overflow from  
13 the trench drain.

14 MR. PATERSON: There is maybe a  
15 two-inch total slope from the trench drain, okay.  
16 Thank you very much.

17 CHAIRMAN GREET: Anyone else from the  
18 public? The public is closed.

19 MR. SCHERER: As to the garbage, have  
20 you considered keeping another garbage, one for  
21 recycling? I noticed we have a lot of recycling  
22 dumpsters around town. Would you be willing to make  
23 these recycling instead of making people walk out to  
24 the dumpster, because I'm going to tell you right  
25 now, they're go to the dumpers, walk out, swing it

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1 in, and it goes all over the place. Is there a  
2 better way to keep the town clean?  
3 MR. TSAPATSARIS: That would work in  
4 a property that would be large enough, not this  
5 particular property. If this was another with  
6 150 apartments or a hundred apartment where you can  
7 accommodate that, it would work. Again, I would  
8 respectfully ask that in a building this small is to  
9 have containers in the back right-hand corner and  
10 allow for the recyclables and the cardboard to be  
11 kept there.  
12 Keep in mind that the person who is  
13 responsible for this facility would be there on a  
14 daily basis to make sure there is no cardboard  
15 outside, and that there is no cardboard inside. A  
16 facility like this, with an additional to 2,800  
17 square feet of retail would take away too  
18 substantial a portion of the retail. So again, I  
19 ask that the chutes take care of the garbage, which  
20 is really the issue that I heard about last time,  
21 but that recycling be kept in the back right, within  
22 the 18 by 17-foot enclosure. It's a big yard.  
23 MR. SCHERER: I realize that. The  
24 tenants, you will have to have everybody doing that  
25 a hundred percent, and it will get outside the

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1 enclosure, and they wing it into the dumpster and  
2 under the fence.  
3 MR. TSAPATSARIS: That will be an  
4 internal management enforcement issue. The property  
5 manager is here to also affirm that it polices. The  
6 tenants will be obligated to take care to put the  
7 garbage where it belongs.  
8 MR. VENA: Can I ask a question based  
9 on the comments? In terms of lighting, correct me  
10 if I'm wrong, you have a bollard lights, correct?  
11 MR. TSAPATSARIS: Yes.  
12 MR. JANNOTI: I didn't see a detail  
13 for how high. How high is the light source?  
14 MR. TSAPATSARIS: The light source is  
15 on RP-1; is a single six-inch-round, single amp. I  
16 estimate; no more than three feet, four feet.  
17 MR. JANNOTI: Mr. Chairman, I wanted  
18 to make sure the question is asked about lighting.  
19 What you're talking about in the back are four  
20 three-foot-high lights?  
21 MR. TSAPATSARIS: That design was  
22 sparked by some of the comments. I personally  
23 lowered our light source not to disrupt the  
24 residents.  
25 MR. VENA: There is s fence behind

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1 there, six-foot high fence.  
2 MR. TSAPATSARIS: The proposed  
3 lighting plan, as you're correctly asking me about,  
4 does take into consideration that the future lights  
5 on the parking lot are going to be bollard. There  
6 are three building-mounted lights, but they're  
7 shielded.  
8 MR. ARTEMOV: I'm talking about the  
9 glare.  
10 CHAIRMAN GREET: We can't have that.  
11 This isn't a conversation.  
12 MR. JANNOTI: The wall-mounted light,  
13 how high are they?  
14 MR. TSAPATSARIS: They will be at the  
15 back adjacent to the proposed compressors. So  
16 approximately ten feet.  
17 MR. JANNOTI: Ten feet. I want to  
18 make sure everyone understands that the building is  
19 42 feet from away in the fence, ten feet high,  
20 shielded directly down, and at the fence line, about  
21 three feet from the fence line, there will be four  
22 three-foot-high bollards. Those are also shielded,  
23 facing down, the light source?  
24 MR. TSAPATSARIS: My associate just  
25 handed that me the spec sheet, if I could just enter

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1 that into evidence. They are 42 inches high.  
2 MR. McGARRICK: I know this is going  
3 to be a Pandora's box, but a question. It's a lot  
4 shorter from the east side of the parking lot to the  
5 front for someone to pull the garbage out front than  
6 the west side. Why is the garbage on the west side,  
7 not the east?  
8 MR. TSAPATSARIS: It can't be located  
9 there. There is an existing tree.  
10 MR. McGARRICK: The tree is nothing  
11 to write home about. Whatever kind of tree it is,  
12 it's nothing to write home about.  
13 MR. TSAPATSARIS: First, to answer  
14 your question, is that residents also have the side  
15 door, and there is access along the -- actually, it  
16 is grass. On the plan it shows grass, and there is  
17 existing sidewalk.  
18 MR. McGARRICK: You're keeping it?  
19 MR. TSAPATSARIS: The plan shows an  
20 existing concrete sidewalk there.  
21 MR. McGARRICK: Let me go back to the  
22 original question. Would it make life simpler if it  
23 was relocated to the eastern side?  
24 MR. TSAPATSARIS: No.  
25 MR. VENA: Why not?

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1 MR. TSAPATSARIS: The handicapped  
2 space is on the east side, and the size of the  
3 refuse is expanded to accommodate the potential  
4 demand. It would make the enclosure smaller. We do  
5 have a shade tree on the left-hand side.  
6 MR. VENA: If you propose on the  
7 right-hand side, it would be easier. You could.  
8 MR. TSAPATSARIS: It is a matter of  
9 the lot. It would be a smaller enclosure.  
10 MR. McGARRICK: I understand. Mr.  
11 Scherer indicated that one garbage can a week in the  
12 summertime, but the bottom line is if you do more  
13 pickups, you can reduce the dumpster size. What I'm  
14 wondering is, would it make life easier and simply  
15 reduce the amounts of questions the public would  
16 have if we were to flip it over to the eastern side?  
17 MR. TSAPATSARIS: There is another  
18 reason I did it like that. The most important thing  
19 is I feel that the garbage will not have to go along  
20 the sidewalk. It will go down the chute, and the  
21 superintendent will take it out. However, the  
22 cardboard and recyclables now, rather going out to  
23 the entrance and going across where there is no  
24 sidewalk, this is the safer way to go. Let me show  
25 you on the plan why we designed it this way.

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1 The sidewalk exists. The property lines  
2 are very short to begin with. I want to refer to  
3 the existing patterns, I'll go to P-2 would be the  
4 best place to show you. There is an existing  
5 residential entrance and exit along the west  
6 property line, and there is an existing five or so  
7 foot sidewalk that goes front to back. We feel that  
8 the recyclables will be better going from the front  
9 for the residents down here, and most importantly,  
10 along the sidewalk that we left enough room for  
11 behind these spaces to the refuse container. If you  
12 were to bring it out to the other side, there is not  
13 enough room on the side, and you would have to go  
14 out and across the handicapped space in the parking  
15 lot and around.  
16 MR. McGARRICK: It's still shorter  
17 depending on where you are in the building. I  
18 understand what you're saying. To be honest it's  
19 six in one hand, a half a dozen in the other. What  
20 I'm wonder is, you're hearing the question same as I  
21 am, third meeting I'm hearing the same question.  
22 I'm wondering if it isn't easier.  
23 CHAIRMAN GREET: I'm looking from the  
24 standpoint of the garbage chute, where it is in the  
25 basement -- on the first floor, and that is the

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1 actual location for where that dumpster is going.  
2 It's a shorter haul from the east. The chute is on  
3 the east now.  
4 MR. TSAPATSARIS: The distance for  
5 residents, as you said would be almost equal no  
6 matter. What I'm trying to say I think in my  
7 professional opinion, it would be safer to utilize  
8 the existing concrete sidewalk, which is the only  
9 sidewalk we have that goes front to back if you were  
10 taking the cardboard from the building from that  
11 side door to a continuation of the sidewalk to the  
12 refuse container. That's why we left it that way.  
13 I understand the residents' concerns. In  
14 response to that, I did put a chute in for the  
15 trash. We did take away from retail space to  
16 accommodate those concerns. I think the area has  
17 become much larger than it's been in that location  
18 for a while now.  
19 CHAIRMAN GREET: We will continue to  
20 think about it.  
21 MR. McGARRICK: Two follow-ups,  
22 Mr. Scherer talked about the loading and unloading.  
23 For lack of a better word, I'll call it a tunnel  
24 going through the back, can the average-sized U-Haul  
25 make it under there?

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1 MR. TSAPATSARIS: No. The people  
2 would have to be loading in and out from the street  
3 or a smaller vehicle. It's a nine-foot clearance.  
4 MR. McGARRICK: Okay. Thank you.  
5 And I understand your gracious comment to plant  
6 plants on the neighbors' side, but the plants that  
7 are proposed are dwarfs. I don't really understand  
8 why you're planting dwarf plants on your side of the  
9 property. I would strongly recommend, and again,  
10 you won't hear this too often because I hate  
11 arborvitae, that you mix up some arborvitae on your  
12 side so you actually do screen the neighbors. They  
13 will do a far better job than what you proposed.  
14 MR. TSAPATSARIS: My concern was not  
15 enough fence line for arborvitae.  
16 MR. McGARRICK: But if you plant  
17 right next to the fence, and you block the growth on  
18 that side, it will grow.  
19 MR. TSAPATSARIS: If the Board wants  
20 to make that part of the resolution, that's not an  
21 issue.  
22 MR. VINEGRA: The neighbors brought  
23 up an issue again. I know you said we could work it  
24 out later. I would not use the wall lights because  
25 they're not fully shielded. I would ask for

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1 downward fixtures, sconce lighting on the building,  
2 possibly not using bollards, but small, eight-foot  
3 poles with a shield facing toward the building. You  
4 want lighting along the parking lot, facing away  
5 from parking lot because then you can see the  
6 filament, or you can see the fixture. All bulbs  
7 that are being utilized are clear glass.  
8 So I recommend you put a couple of lights  
9 on the property line, replace the bulbs, it's on a  
10 pole, shielded light, facing towards the building,  
11 away from the properties. If there is any glare, it  
12 is going away from the property line. It's easily  
13 worked out. It's not a big expense. I also  
14 recommend LED, which is programmable for fixtures.  
15 They're dimmable and they have reduced intensity.  
16 There's not a lot of fixtures on the site.  
17 MR. SCHMIDT: We have no issue  
18 working with the town.  
19 MR. VINEGRA: That lighting can be  
20 reduced at night to a security level, not during say  
21 business hours after ten, maybe the store will be  
22 closing at nine. The light intensity can be reduced  
23 to security lighting, so that the person who spoke  
24 before wouldn't see the element. It would be  
25 downward lighting away from his property. There

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1 would be no lights on the building glaring out.  
2 CHAIRMAN GREET: Any other questions  
3 from the Board? Okay, hearing none, what I'm going  
4 to is ask counsel if we could open up to the public  
5 for questions a second time. I see someone from the  
6 general public has a question, and we'll allow that  
7 person to.  
8 MR. PRIETO: Thank you. Anthony  
9 Prieto, 336 Willow. First of all I'd like to thank  
10 you for the new plans. Thank you for listening to a  
11 lot of the comments and making modifications. With  
12 respect to I guess to questions and the answers, I  
13 like what Mr. Vinegra just said in terms of  
14 lighting. I have issues and I think it should be a  
15 consideration. I would like you to take that into  
16 consideration in terms of not having the light going  
17 into my backyard.  
18 With respect to the statement about the  
19 shrubs, that was something I raised at the first  
20 meeting. I'm concerned about putting small foliage.  
21 I think that is something more appropriate be used,  
22 as I said in the first meeting. I would like to  
23 echo that again and see if you can accommodate that  
24 request.  
25 CHAIRMAN GREET: Are these direct

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1 questions or comments?  
2 MR. PRIETO: Is that something you  
3 would consider because we discussed it in the first  
4 meeting, and you can see the size of the plants on  
5 the plan. Is that something being considered as we  
6 talked about on the record at the previous meeting  
7 and being proposed?  
8 MR. TSAPATSARIS: Yes.  
9 MR. PRIETO: Okay. Thank you.  
10 CHAIRMAN GREET: Thank you. State  
11 your name.  
12 MR. KELLY: Frank Kelly, Willow  
13 Avenue on the eastern side. With respect to the  
14 lighting, currently the lights go right into the  
15 bedrooms on that side, and the door that we're  
16 talking about is here, not here, it's actually in  
17 the middle of the building. Today those lights are  
18 on automatic timers. There's also lights at this  
19 corner of the building and they're on motion  
20 detectors.  
21 CHAIRMAN GREET: Is there a question?  
22 MR. KELLY: The question is are they  
23 going to be considered or reconsidered into the same  
24 as Mr. Vinegra expressed that he disagreed in terms  
25 of the lighting, not only in the back but the

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1 eastern side of the building as well because they  
2 are much closer?  
3 CHAIRMAN GREET: This is a question?  
4 MR. KELLY: Are they also being  
5 considered lighting?  
6 MR. TSAPATSARIS: We will do the  
7 lighting in accordance with the town as proposed by  
8 Mr. Vinegra, absolutely.  
9 MR. SCHMIDT: The applicant will  
10 agree as a condition of approval all lighting issues  
11 upon the subject to the approval of Mr. Vinegra,  
12 yes.  
13 MR. KELLY: Thank you.  
14 CHAIRMAN GREET: Thank you. Okay.  
15 Close the motion to general public. Do you have  
16 another witness?  
17 MR. SCHMIDT: Yes, I would like to  
18 call Stacy Tsapatsaris.  
19 CHAIRMAN GREET: Do we need a break?  
20 Let's take a five-minute break.  
21 (At this point in the proceeding, a  
22 brief recess is taken.)  
23 MR. SCHMIDT: I'm calling Stacy  
24 Tsapatsaris as a real estate agent expert in  
25 property management.

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1 (The witness is sworn.)  
2 MR. FRASER: State and spell your  
3 name.  
4 MS. TSAPATSARIS: Stacy Tsapatsaris,  
5 T-s-a-p-a-t-s-a-r-i-s.  
6 MR. FRASER: And your address,  
7 please, your address.  
8 MS. TSAPATSARIS: 144 North Murray  
9 Avenue, Ridgewood, New Jersey.  
10 MR. SCHMIDT: Ms. Tsapatsaris, can  
11 you tell us please what you do for a living?  
12 MR. TSAPATSARIS: I am a commercial  
13 broker, and I represent several properties. In  
14 addition to representing 331 South Avenue, I  
15 represent properties for St. Peter's University. I  
16 do the leasing and the marketing for them in Jersey  
17 City. There is currently a large project undergoing  
18 development, and I am the exclusive agent that's  
19 working on that project.  
20 I also represent St. Joseph's Hospital in  
21 Paterson, New Jersey, where there is 20,000 square  
22 feet of retail, and I'm representing for them. In  
23 addition, I also work with Sanzari for the  
24 Hackensack Summit Plaza, where I'm currently leasing  
25 their vacant retail spaces. My expertise, I have

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1 been a New Jersey real estate licensed broker since  
2 2005. My expertise is basically in retail, office,  
3 residential, but I don't do family houses. I don't  
4 like to do open Sundays, open houses. So I'm  
5 limited to other areas that I just mentioned.  
6 MR. SCHMIDT: What is your expertise  
7 for working in Garwood?  
8 MS. TSAPATSARIS: In Garwood, I  
9 actually have a warehouse in Garwood. I not only do  
10 the leasing, but I also do property management.  
11 MR. SCHMIDT: What does that entail?  
12 MS. TSAPATSARIS: That entails making  
13 sure that the vacancies are filled, that our  
14 residents and tenants are satisfied, and responding  
15 to the day-to-day needs.  
16 MR. SCHMIDT: Have you had the  
17 opportunity to review the plans and specs being  
18 proposed to this Board for the rehabilitation of  
19 325-331 South Avenue?  
20 MS. TSAPATSARIS: Yes.  
21 MR. SCHMIDT: And based on your  
22 review of those plans --  
23 MR. FRASER: Mr. Schmidt, for the  
24 opinion question, do you want to proffer her as an  
25 expert in any particular area?

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1 MR. SCHMIDT: I can proffer as an  
2 expert in real estate, although I'm not sure that --  
3 I'll proffer her as an expert in real estate.  
4 In connection with the anticipated  
5 rehabilitation and restructuring of this particular  
6 building on South Avenue, what do you anticipate to  
7 be the target marketing for the apartment units that  
8 are proposed?  
9 MS. TSAPATSARIS: Well, the best way  
10 to forecast the future is to look at the present,  
11 and really look at where your demands are coming,  
12 and having done the leasing for several years now  
13 for the current residents, we currently have  
14 existing three apartments, one of which is a  
15 two-bedroom that has a single female professional.  
16 We have another one-bedroom, single male  
17 professional, and the additional one-bedroom  
18 Apartment B, has a single working mom with a son.  
19 So basically you can see just from the  
20 residents that we have there, you're looking at  
21 professionals, single professionals for the most  
22 part. You're not going to see families moving in,  
23 one, because of the nature of the location being  
24 next to a transit area, and two, the small size, the  
25 one-bedroom or two-bedroom. In the case of the

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1 two-bedroom where we have a single female  
2 professional, she uses that second bedroom as her  
3 office.  
4 Prior to my nine years in real estate, I  
5 worked 18 years uninterrupted in Corporate America.  
6 I worked for Citigroup. I work for Bear Stearns,  
7 and one day out of the week, I was given the benefit  
8 working out of my home, and I too used that second  
9 bedroom for that purpose. Just because there is  
10 two-bedroom doesn't mean you're going to have two or  
11 three residents. That seems to be who we have  
12 today. When I do getting incoming calls, more often  
13 than not, it is going to be either a single person,  
14 a newly married couple, or in this case, we also  
15 have a single mom with a son.  
16 MR. SCHMIDT: What do you anticipate  
17 your target to be, similar?  
18 MS. TSAPATSARIS: Similar.  
19 MR. SCHMIDT: Are you going to target  
20 the young professional who is more inclined to use  
21 public transportation?  
22 MS. TSAPATSARIS: Absolutely.  
23 MR. SCHMIDT: Why is that?  
24 MS. TSAPATSARIS: We have evidence of  
25 Cranford being a transit village, being a stone's

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1 throw away, and just driving past Cranford today,  
 2 you see those beautiful residences that are going  
 3 on. That's the reason why it's happening, because  
 4 there is a transit feasibility right there, and this  
 5 is in the same direction. The folks that are living  
 6 there are going into the city. With all the  
 7 advances going on with the transit hub, and all of  
 8 the great expedience taking place around the transit  
 9 line, that will help Garwood overall.

10 MR. SCHMIDT: What do you anticipate  
 11 your target market to be for the commercial tenants  
 12 will be using the first floor?

13 MS. TSAPATSARIS: Well, we've been in  
 14 a good position that we're opposite the Garwood  
 15 Mall. I think it was -- you're going a great job  
 16 leasing. You look at that shopping center, and it's  
 17 anchored by Kings, which is great. Then you have  
 18 your Game Stop, you have your GNC, you have your  
 19 laundromat, you have your dry cleaners. Everything  
 20 that you need is right across the street.

21 But not what you want see there, which is  
 22 the mom-and-pops, because they can't afford it.  
 23 It's not just the base rent, it is the triple net  
 24 portion. When you have a shopping center like that,  
 25 you're paying for the piece of the parking. You're

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1 paying for all of that area. This is an opportunity  
 2 for the mom-and-pops to actually have an advantage  
 3 of being near the big boxes, but not paying the big  
 4 box prices.

5 Some examples of the people that are  
 6 there, you obviously know them, the nail salon, the  
 7 hair salon, necessities, and they feed off of across  
 8 the street, but now with this wonderful foot traffic  
 9 of Crush, the gym --

10 CHAIRMAN GREET: Crunch.

11 MS. TSAPATSARIS: Sorry. That's  
 12 another tenant, that Crunch across the street. You  
 13 have a juice bar that is interested in coming here.  
 14 They want to do a juice bar in the gym with healthy  
 15 snacks and wraps. That's wonderful. They can't  
 16 afford to be the Garwood Mall. They could afford to  
 17 be on our property. They're parking at Crunch, and  
 18 they're coming over to have their coffee.

19 So I know that when we're looking at this,  
 20 we're concerned about parking, but at the same time,  
 21 you have density everywhere. Everything is downtown  
 22 these days. Parking is not as much of an issue in  
 23 most cases as we want to believe because you already  
 24 have people that are going to be using the synergy  
 25 of the retail across the street and back and forth.

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1 It's just natural.

2 Today we're all sitting in here. There  
 3 weren't enough spaces for all of us in the corral of  
 4 the building. I parked around the block. I have no  
 5 problem with that. When you go to a mall these  
 6 days, you park and you walked miles to get there.  
 7 We all complain because for some reason, when we're  
 8 at a mall, we feel like the walking is okay, but  
 9 downtown, if we can't find a parking spot outside,  
 10 there is no parking. That is my philosophy on the  
 11 parking.

12 That's why I feel these mom-and-pops will  
 13 do very well. They will feed off of what you have  
 14 across the street and work very well. Plus, it  
 15 would be a great amenity for the residents to have a  
 16 juice bar or coffee bar. We want to live, work and  
 17 play in Garwood, and that's what this is all about.

18 It terms of concerns about -- I want,  
 19 Mr. Scherer, I want to talk about your point which  
 20 is a good point about the loading that you mentioned  
 21 and the moving trucks, things that of nature. I  
 22 guess the question I would ask for all these family  
 23 houses that are located over to the left of us,  
 24 where are those moving trucks stopping when those  
 25 folks move in and out? It definitely is something

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1 of an inconvenience on the day that one family is  
 2 moving in and out, but it won't be there, and people  
 3 know they're not going to move a second day. It's  
 4 going to happen, and they're going to move on.

5 MR. SCHMIDT: I have no further  
 6 questions.

7 CHAIRMAN GREET: Anything from the  
 8 Board?

9 MR. FRASER: For the record, I gather  
 10 from the name that you are related to the principal  
 11 of the applicant?

12 MS. TSAPATSARIS: Yes, I am. He  
 13 builds them, I fill them.

14 MR. FRASER: What is the  
 15 relationship, you're his wife?

16 MS. TSAPATSARIS: Yes, I am.

17 CHAIRMAN GREET: Just out of  
 18 curiosity, what are the rentals?

19 MS. TSAPATSARIS: For the  
 20 residential?

21 CHAIRMAN GREET: The residential and  
 22 for the retail, the average price.

23 MS. TSAPATSARIS: I'm anticipating  
 24 for the retail, you're looking at anywhere, it all  
 25 depends on use type too. You have to take into

1 account if it's a cellular store, you pay more. If  
2 it's somebody that's just starting off, like the  
3 juice bar. So the range is anywhere between 18 to  
4 22 as a base rents, not talking...

5 And then you know, basically have to do an  
6 analysis of the apartments. One-bedroom, probably  
7 in the range -- it depends on the kitchens we put  
8 in. It's hard for me to throw a number at you.  
9 These are things working in terms of details. You  
10 know, I go to CoStar, Luminant, all the programs  
11 that I work on and basically, I'm competitive with  
12 everything else. I'd hate to throw out a number.  
13 At the end of the day, it's all about supply and  
14 demand. I would definitely go there and see what  
15 the market rate is.

16 MR. McGARRICK: The answer is you  
17 don't know?

18 MS. TSAPATSARIS: If I say it on the  
19 record, does that mean I have to keep it that way?  
20 Sure, I can tell you I did an analysis of the  
21 one-mile radius, and so this does take into  
22 consideration Cranford. It's skewed. It's not  
23 Garwood. I'm not that comfortable, but the  
24 one-bedroom asking, you're looking at 1,100, in that  
25 ball park, and two-bedroom, asking, you're looking

1 at about 1,800. That's taking into account all  
2 these beautiful apartments that if you've ever been  
3 in them they're beautiful. I went and looked at the  
4 models. They're out of this world in Cranford. So  
5 that's why these numbers are skewed. That's why I  
6 hesitate to give you. This is what the report says.

7 CHAIRMAN GREET: What I said was an  
8 average.

9 MR. JANNOTI: What is your demand, do  
10 you have a waiting list, or can you tell us what you  
11 anticipate or what you think that you would have  
12 trouble renting, certain apartment would be empty  
13 for a long time? What do you see as a forecast in  
14 this area?

15 MS. TSAPATSARIS: I can present to  
16 you my cell phone of all the 908 numbers. I'm a 201  
17 area code, so it's very clear which numbers are  
18 coming from Garwood. I just put signs up a week ago  
19 for a one-family house and also for the hair  
20 stylist, and I'm basically at this point telling  
21 people to come back to me in a week. I don't know  
22 what I'm doing with the one-family house. I have  
23 had more calls than I could handle. I have to keep  
24 deleting because of my voice mail. I don't think  
25 Garwood would have a problem with people being

1 interested in moving in.

2 MS. VILLAGIANO: I thought I saw a  
3 sign out there.

4 MS. TSAPATSARIS: That was me. I put  
5 that there, but we don't know, right, so you know.  
6 I won't to be able to know that. If we move forward  
7 with that, then we could rent it.

8 CHAIRMAN GREET: I had the same  
9 question about retail. I hate to see empty store  
10 space, so again, what is your forecast for the  
11 ability to rent them the space?

12 MS. TSAPATSARIS: Well, in terms of  
13 the stores, it's two factors. It's not just  
14 vacancies, it's also your turnover, and I think what  
15 speaks strongly on the location, our turnover is has  
16 been in the negligible. Everyone here knows how  
17 long the Chinese restaurant has been there.  
18 Obviously, it's changed owners, and there have been  
19 assignments, but the Chinese restaurant hasn't left.  
20 Ken Nails hasn't left. The wireless store hasn't  
21 left. The only reason why the hair salon is vacant  
22 now is because he has a hair salon within his nail  
23 salon, and he decided that he didn't need that many  
24 hair stations. I have people that are interested in  
25 that as a barbershop right now. I am not concerned.

1 MR. JANNOTI: I find it interesting  
2 that you've got the shopping center across the  
3 street that has a much higher retail expense, but  
4 putting retail across the street, you get the  
5 advantage of Crunch and especially the Kings and so  
6 forth. I found that interesting. Thank you.  
7 That's all I have.

8 CHAIRMAN GREET: Anyone else on the  
9 Board?

10 MR. SCHERER: By any chance, do you  
11 have any good clothes store that you can put there?

12 MS. TSAPATSARIS: If it's an  
13 individual that's tailor, it would work. I can tell  
14 you that the big guys, for instance, thank you, yes,  
15 Joseph A. Bank, they're actually retrenching at this  
16 point. Unfortunately, the big boxes, your Neiman  
17 Marcus and your Macy's, there is a lot of  
18 customization and tailoring taking place within  
19 those, and people are going there, usually it's the  
20 wives shopping, they're going there already, and  
21 it's easier having a designation location, unless it  
22 is a specialty shop, you have an Italian tailor  
23 passing it down through many generations. You would  
24 definitely see something like that. Unfortunately,  
25 the larger men's shops are just not opening up.

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1 CHAIRMAN GREET: Anyone else? With  
 2 that, I'll open up to the general public for  
 3 specific question of this witness?  
 4 MR. KELLY: Frank Kelly, 306 Willow.  
 5 You had mention some traffic coming from across the  
 6 street, parking in that mall and coming over in the  
 7 future. Are you aware that there is four lanes of  
 8 traffic in front of this, and that the nearest  
 9 crosswalk is probably about 400 feet north of this  
 10 site, and the public access, that actually creates a  
 11 severe, significant impediment to traffic and to the  
 12 people crossing that instead of walking up to the  
 13 light during the left-hand-turn only and coming back  
 14 down. Did you consider that?  
 15 MR. SCHMIDT: Note my objection to  
 16 because there no testimony from this witness that  
 17 people were going to be J walking.  
 18 MR. FRASER: I think the question is  
 19 reasonably posed by the witness. From the direct  
 20 testimony, it's a fair.  
 21 MS. TSAPATSARIS: My response is it's  
 22 not new retail. This has been there forever. I  
 23 don't know that there's ever been an incident where  
 24 a pedestrian was struck crossing the street.  
 25 MR. FRASER: There's a question and

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1 an answer.  
 2 MR. KELLY: And we're doubling the  
 3 retail now.  
 4 MR. FRASER: There was no question.  
 5 MR. KELLY: Are we doubling the  
 6 retail size of the facility?  
 7 MS. TSAPATSARIS: It's safe to say.  
 8 MR. KELLY: We are doubling.  
 9 CHAIRMAN GREET: Anybody else from  
 10 the public? Do you have another witness.  
 11 MR. SCHMIDT: We do. I would like to  
 12 Joseph Staigar.  
 13 (The witness is sworn.)  
 14 MR. FRASER: Please state your name.  
 15 MR. STAIGAR: Joseph Staigar,  
 16 S-t-a-i-g-a-r.  
 17 MR. FRASER: Your address.  
 18 MR. STAIGAR: 17 Tremont Drive, East  
 19 Hanover, New Jersey.  
 20 MR. SCHMIDT: Mr. Staigar, can you  
 21 give us the benefit of your education and any  
 22 professional licenses that you hold.  
 23 MR. STAIGAR: I have a bachelor of  
 24 science and master of science degrees in civil  
 25 engineering from the New Jersey Institute of

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1 Technology. I am licensed in the state of New  
 2 Jersey, as well as other states in the northeast,  
 3 professional planner in the state of New Jersey, and  
 4 I will be testifying as a traffic engineer, which  
 5 I've been a professor of traffic and engineering  
 6 courses at NJIT. I have appeared before this Board  
 7 a number of times.  
 8 MR. FRASER: My senior moment earlier  
 9 may have betrayed. We are well familiar with Mr.  
 10 Staigar, and I recommend that we recognize him,  
 11 Mr. Chair, as an expert such that he is.  
 12 MR. SCHMIDT: Mr. Staigar, have you  
 13 had the opportunity to review the proposed plan that  
 14 was submitted on behalf of LAND of New Jersey for  
 15 this application?  
 16 MR. STAIGAR: Yes.  
 17 MR. SCHMIDT: Did you also have the  
 18 opportunity to review the various ordinances of  
 19 Garwood, the municipal land use ordinances  
 20 concerning parking and other issues?  
 21 MR. STAIGAR: Yes, I have.  
 22 MR. SCHMIDT: And have you conducted  
 23 any of type of study in connection with traffic  
 24 issues?  
 25 MR. STAIGAR: I have prepared a

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1 traffic and parking impact analysis.  
 2 MR. SCHMIDT: Can you tell us what  
 3 facts you considered in connection with your traffic  
 4 and parking impact analysis?  
 5 MR. STAIGAR: Yes. The study that  
 6 was prepared deals with traffic impacts and parking  
 7 impacts, and in so doing, we've look at the existing  
 8 conditions. We went out in the field and took  
 9 traffic counts of South Avenue, and we also took  
 10 parking surveys of the surrounding area as well,  
 11 on-street parking, availability of other public  
 12 parking in and around the area to see to what degree  
 13 is parking on the street being utilized.  
 14 We took counts over a series of days and  
 15 times, and our traffic counts on South Avenue in  
 16 front of the site were taken back in December, early  
 17 December of 2013, and on Saturday, December 7th,  
 18 that's 2013, as well, to get the peak hours, the  
 19 peak hours of the roadway. Typically, they're rush  
 20 hour, seven to nine on weekdays, and four to  
 21 six p.m., and Saturdays that's the midday time  
 22 between lunch, twelve o'clock and two o'clock p.m.  
 23 Traffic conditions on South Avenue are  
 24 relatively heavy during those times in the order  
 25 of -- in the order of about 650 vehicles per hour in

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1 each direction. So a total two-way volume of 1,300  
 2 vehicles during the peak hours on South Avenue. We  
 3 also took parking surveys.  
 4 We took those parking surveys. There was  
 5 a map in my study, but we took them within I'll call  
 6 it a one-block walking distance from the site. We  
 7 took that if you walked 500 feet from the site in  
 8 either direction, we saw what parking was available,  
 9 500 feet being a relatively convenient walking  
 10 distance that we consider for retail uses, and 900  
 11 being the absolute maximum that someone potentially  
 12 would want to walk a distance. That's a rather long  
 13 distance; 500 being like a convenient limit.  
 14 When we design parking lots for retail  
 15 centers, and again, smaller or medium-sized retail  
 16 centers, we looked at a range of 300 or 400 feet  
 17 from the furthest parking space to the front door,  
 18 and so I felt that 500 feet was a nice benchmark to  
 19 utilize, and then 900 feet being if somebody really  
 20 wanted to go to the stores or visit the site, the  
 21 900 feet being the absolute maximum somebody would  
 22 consider walking before they went to such a retail  
 23 center.  
 24 So I wanted to get the feel for what was  
 25 happening in and around the area. Dealing with the

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1 traffic impacts, we projected the amount of traffic  
 2 that would be generated. It's a relatively small  
 3 minor trip generator using the ITE, the Institute of  
 4 Transportation Engineer's trip generation rates for  
 5 a shopping center and apartments. We could see  
 6 during the peak hours about 30 trips per hour, and  
 7 roughly 15 in and 15 out. That would be the max,  
 8 and we superimposed that onto the existing volumes  
 9 of South Avenue to see if the driveway would operate  
 10 at good levels of services.  
 11 When we modeled that driveway at the  
 12 intersection, we do have levels of service that  
 13 range from the A to C, so we are in that upper range  
 14 of acceptability. A through F, like in grade  
 15 school, is what intersections are graded at, and  
 16 we're in that upper range of peak hours from A to C.  
 17 I believe that traffic trip generation and traffic  
 18 impacts are not -- are minimal and negligible with  
 19 regard to the site.  
 20 The bigger issue that, again, we focused  
 21 on our traffic study and certainly what I've heard  
 22 from the Board through the hearings is the amount of  
 23 parking that is being proposed. You heard from the  
 24 ordinance requirements, we need 34 spaces, and  
 25 they're provided 18 spaces, so there is a deficit of

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1 16 spaces.  
 2 Two aspects that play into account in  
 3 parking demands, as you heard from your engineer, is  
 4 that we're located near a relatively major transit  
 5 hub, the Garwood Train Station. We also have  
 6 secondary, New Jersey Transit bus lines, along South  
 7 Avenue. Studies have consistently shown  
 8 particularly recent studies that a transit village  
 9 or transit development, a transit-oriented  
 10 development called TOD, is that they do play a big  
 11 factor in the amount of trips being generated for  
 12 the site nearby and the amount of parking that's  
 13 needed for sites that are located within a  
 14 transit-oriented development.  
 15 The core of that development area is an  
 16 area within a one-quarter-mile radius. That's where  
 17 you see the greatest influence. As you get away  
 18 from that one-quarter-mile radius, obviously walking  
 19 distance increases, and the influence of a train  
 20 station decreases as well. The factors go down. We  
 21 are within that quarter mile radius of this Garwood  
 22 train station. The Garwood train station is going  
 23 to have an influence on the parking and traffic  
 24 generation.  
 25 And what New Jersey Transit, the Federal

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1 Highway Administration and other study have found  
 2 out was that influence can range anywhere from  
 3 ten percent to thirty; ten percent as you get  
 4 further away; thirty percent as you get closer. I  
 5 think that thirty number is probably the right  
 6 number for this site, and your engineer is in that  
 7 ball park saying that twenty would be the number  
 8 that we would see a decrease in the amount of  
 9 parking at this particular site than say elsewhere  
 10 outside the quarter mile radius in the Borough of  
 11 Garwood.  
 12 So I took a look at what those influences  
 13 meant. Well, again, that's one aspect, the mass  
 14 transit aspect. I think we can all agree that if  
 15 you live near a train station, you're going to see a  
 16 development using that train station more so than if  
 17 you're away from that train station. The other  
 18 factor is that we are going to have, two uses are  
 19 going to share the parking that are very compatible  
 20 with one another, and there is a concept, and it's a  
 21 reality concept of shared parking.  
 22 The way shared parking works is that, for  
 23 instance, I'll use your ordinance as an example,  
 24 where the ordinance says you need 16 spaces for the  
 25 retail, and you needs 18 spaces for the residential

1 as independent uses. We all know that during the  
2 day, midday, residents are typically out of their  
3 homes doing their work, doing the shopping, doing  
4 their errands, and the parking lot of the  
5 residential development is at its minimum occupancy  
6 in midday. You go back late at night at two o'clock  
7 in the morning, you're going to see that it's at its  
8 maximum. Everyone is home sleeping and getting  
9 ready for the next day.

10 Retail is the exact opposite. Retail is  
11 peaking midday when residential is at its minimum,  
12 and as the day goes on and nighttime comes, the  
13 stores start to close, they start to wind down and  
14 start to close, and their parking goes down as the  
15 residents start to arrive from work and doing their  
16 daily chores and duties and so forth. That offset  
17 of one another certainly has a big influence on the  
18 amount of parking requirements for it.

19 And there are ways of really pinpointing  
20 what it is on an hourly basis. The Urban Land  
21 Institute and other studies have compared on an  
22 hourly basis how much parking do you need for retail  
23 starting at eight o'clock in the morning and going  
24 up to late at night, and how much do you need for  
25 residential. Residential requirements midday is

1 about 50 or 60 percent of what normal demand would  
2 be at night. We know that as we rely -- these  
3 residents rely upon mass transit, they're less  
4 likely to own two cars per unit, but their cars,  
5 some of the cars are going to be sitting in the  
6 parking lot, whereas they ordinarily would vacate  
7 the parking lots during the day. You're probably  
8 looking at that 60-percent occupancy for the  
9 residents.

10 On the other hand during when the  
11 residential peaks at hundred percent for the parking  
12 demand at night, retail is zero, that offset of the  
13 park. This works, and I agree with Mr. Vinegra, the  
14 concept works like a charm. We can really pinpoint  
15 what the parking demand is for larger developments  
16 because as you get more independent tenants in the  
17 retail, the parking demands is going to even out.  
18 If we got all tenants that are heavy, big parking  
19 generators, maybe that number is going to be higher  
20 from one street to another. We're only talking  
21 about less than 5,000 square feet of retail.

22 I think we agree that the right number as  
23 it was stated in Mr. Vinegra's report could be in or  
24 around the 20 percent, meaning that during the peak  
25 times we can expect a 20-percent decrease. So what

1 I've done, I've taken your ordinance requirement,  
2 which is 34 space, decreased it by 20 percent, I'll  
3 do the math right now, less seven spaces because  
4 we're close to mass transit, bring us to 27, and  
5 reduce that again by another 20 percent to account  
6 for the shared parking, we're in the order of about  
7 around 21 required. We are providing 18, so we're  
8 in the order of about three spaces that we are shy  
9 of, using both aspects, the mass transit influence  
10 and the shared parking influence, which I believe  
11 are justifiable.

12 You heard from Mr. Vinegra. He feels that  
13 the number should be in the order of about eight to  
14 11. What I'm saying is that we're probably in the  
15 sort of about three to six spaces. That's probably  
16 the order or magnitude that we're talking about.  
17 We're in that order of about seven or eight spaces  
18 that required during the peak time. That's peak  
19 time. We know it is not going to happen at night.  
20 We have 18 spaces from let's say nine o'clock or ten  
21 o'clock at night. We know that all the retail will  
22 be closed until six or seven o'clock in the morning  
23 when the residential is peaking.

24 So those 18 spaces meet your ordinance  
25 demands of 1.5 spaces. Twelve units, 1.5, not

1 taking into account the mass transit factor, we know  
2 we'll meet the demand at night when the residential  
3 neighbors in the area are experiencing their peak,  
4 we will be self-sufficient at night. It's during  
5 the day, midday, that we may see over-spillage of  
6 parking. We have the Rest site, which is just down  
7 the street for five spaces that we can rely upon.  
8 And if you use Mr. Vinegra's or my parking, what we  
9 believe is the need for parking, we're going see  
10 some overflow parking one or two hours during the  
11 day.

12 So that's what plays into effect. You  
13 heard from Stacy, who was just before me, there was  
14 going to be synergy in terms of parking in this  
15 area. You're going to have the vast majority of  
16 retail users using the Garwood Mall, and you may see  
17 some synergy between this site and Garwood Mall, as  
18 what we would expect in a transit-village area. We  
19 don't want people driving to one site, jumping in  
20 their car and skip-hopping over to the another site.  
21 We want this area to be a walkable area.

22 We don't want the reliance of people  
23 getting into their car every time they make a move  
24 from one place to another, that have the  
25 availability that if they do go into the Garwood

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1 Mall, yet want to get a healthy drink shake across  
2 the street or that quick snack, that they're able to  
3 do so by walking over there. We have two traffic  
4 lights, one at the mall main entrance with  
5 crosswalks and facilities to cross those people. We  
6 have one at Center Street as well. As one is  
7 gravitated to the Garwood Center, I'll call this the  
8 Garwood Center, centered by Garwood Mall, centered  
9 by the train station and all other business around  
10 the area, we'd like to see a person coming, shop,  
11 again not driving onto Center Street, getting back  
12 into the car and driving to the Garwood Mall,  
13 driving across the street, than have to one unified  
14 center.

15 You'll hear from our planning expert  
16 talking about that more, but certainly, that's the  
17 intent, I believe, of what your zoning ordinance and  
18 master plan really should and really doesn't  
19 envision for this center, this downtown center of  
20 Garwood. So that additional three or four parking  
21 spaces that may be required one or two hours of the  
22 day, if this is going to be busy retail uses, it can  
23 be handled by, A, by this shared parking  
24 availability with the other businesses in or around  
25 the area.

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1 Also, what I found is that there are  
2 parking spaces on the street within that 500-foot  
3 distance, walking distance, and at any time, we  
4 found at least ten vacant spaces on the South Avenue  
5 further to the east where there's one-hour parking,  
6 which is not utilized at all. I never in our 12  
7 hours of traffic study, not one car was parked east  
8 of East Street, where there is one-hour parking.  
9 That is very conducive to this little shopping  
10 center. If somebody really wants to stop there and  
11 go shopping in this 5,000-square-foot shopping  
12 center, they're not there more than an hour.  
13 Certainly, those parking spaces alone could  
14 accommodate that availability for parking, and  
15 around the corner on East Street, there is  
16 availability also.

17 Certainly, within relatively easy walking  
18 distance, you can easily find the availability of  
19 parking spaces during those peak times to  
20 accommodate the public parking for any overflow that  
21 can be possibly generated by this site.

22 MR. SCHMIDT: Thank you, Mr. Staigar.  
23 No further questions.

24 CHAIRMAN GREET: Any questions from  
25 the Board?

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1 MR. SCHERER: Mr. Staigar, did you do  
2 any survey in the Muse development?  
3 MR. STAIGAR: No, I didn't.  
4 MR. SCHERER: Because that's supposed  
5 to be a transit thing, with the train station and  
6 New Jersey Transit. I'll tell you what, I did a  
7 couple surveys on my own. The bigger part, they  
8 have 57 cars there at night.  
9 MR. STAIGAR: I'm sorry, what was the  
10 number?  
11 MR. SCHERER: Fifty-seven cars. The  
12 first one I did, I had 59, and the smaller I did,  
13 there was 38 the first time I checked it, and there  
14 was 31 the second time.  
15 MR. STAIGAR: I don't know that what  
16 that number means.  
17 MR. SCHERER: And then during the day  
18 it's mobbed there from other sources of other cars.  
19 MR. STAIGAR: I don't know.  
20 MR. SCHERER: Our ordinance makes or  
21 works out the amounts of parking, so how is that  
22 going to really override what's good for the town?  
23 MR. STAIGAR: I think we just  
24 justified our need for parking for the residential  
25 because if it's 1.5 per unit, we have 12 units, and

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1 we have 18 parking spaces, which equates to 1.5,  
2 which is going to be the peak demand at night when  
3 retail is closed.  
4 MR. SCHERER: But that's not taking  
5 into consideration retail.  
6 MR. STAIGAR: No, I'm talking about  
7 the nighttime period. I don't know when you took  
8 your surveys.  
9 MR. SCHERER: And four o'clock in the  
10 morning.  
11 MR. STAIGAR: So four o'clock in the  
12 morning, you have 57 parks cars in the Muse, how  
13 many do you think -- I'm not supposed to be asking  
14 you questions, but how many do you think generated  
15 by the retail?  
16 MR. SCHERER: At four o'clock in the  
17 morning, none.  
18 MR. STAIGAR: Right.  
19 MR. SCHERER: So you need more  
20 parking for the apartments.  
21 MR. STAIGAR: Yes.  
22 MR. SCHERER: That's not including  
23 all the retail.  
24 MR. STAIGAR: That's why the whole  
25 discussion of the shared parking and how the parking

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1 needs change for the dual use of retail and  
2 residential. I totally agree if I saw 1.5 parked  
3 cars per unit, I would say I totally agree. I find  
4 that more reasonable.

5 MR. SCHERER: But then you add the  
6 retail too, and you need even more parking spaces.

7 MR. STAIGAR: Right, but I'm about  
8 four o'clock in the morning. That's talking from  
9 ten o'clock at to at least six o'clock in the  
10 morning, you're only going to have a residential  
11 demand. There is no retail being generated because  
12 all of the apartment tenants, typically 99 percent  
13 of them are there, and as the day goes on, as I said  
14 not all of them are going to leave because, A, a lot  
15 of them are going to walk to the train so the car  
16 does stay there. Forty percent, fifty or forty will  
17 leave site, and the remainder to the train.

18 So that opens up nine spaces, ten spaces,  
19 for retail. Those ten space are not all going to  
20 be -- that's not the only demand we have. We  
21 expected that the five other spaces at the Rest will  
22 also be needed, which will be occupied and can be a  
23 condition of approval, by the employees and the  
24 management of the retail users, so that those nine  
25 or ten spaces that are empty on the site will be

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1 utilized for customers only. We don't want -- this  
2 site won't work if the employees and the managers  
3 park in this parking lot during the day. We have to  
4 get them off-site.

5 MR. SCHMIDT: If I may follow up with  
6 Mr. Scherer's question, Mr. Staigar, wouldn't the  
7 presence of a rather large sit-down restaurant and  
8 sit-down pizzeria and sandwich shop or bread store  
9 as well as a coffee shop in one little area such as  
10 the Muse have an impact on parking?

11 MR. STAIGAR: Those are all major  
12 parking generators, and they're happening probably  
13 in the early evening and late evening period when  
14 the residents start coming home. There you're going  
15 to see that overlap. But in a hair salon, a nail  
16 salon, take-out restaurant, you're not going to  
17 generate major parking.

18 MR. SCHERER: The Muse did that with  
19 the parking where you have so much for the residents  
20 and so much for the retail.

21 MR. SCHMIDT: I have to object  
22 because he's asking questions about another project  
23 that we didn't have any input into. It's unfair.

24 MR. SCHERER: And it's unfair to us  
25 because it's not the way it should be on their

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1 parking, and they have the correct amount of  
2 parking.

3 CHAIRMAN GREET: I think you made  
4 your point. That's legit. Any other questions?

5 MR. McGARRICK: Mr. Staigar, you said  
6 that the intersection is between an A and a C?

7 MR. STAIGAR: The driveway, the  
8 driveway operates at an A to C.

9 MR. McGARRICK: What my thought is or  
10 my answer is that this size building with tenants  
11 and the stores, is it going to turn the intersection  
12 into a different level?

13 MR. STAIGAR: No, the State only  
14 becomes -- the red flag is when you generate more  
15 than a hundred trips an hour. That's the threshold  
16 where they consider a potential impact. We're at  
17 30. We're less than one-third of what the State is,  
18 I'll say threshold, is.

19 MR. SCHERER: You haven't given any  
20 thought about the bus line. That's a major  
21 intersection area.

22 MR. McGARRICK: You know what my  
23 question is. All the shared parking in the New  
24 Jersey Transit studies talks about proposed  
25 transportation, and you failed to mention what I

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1 think is that, one, that would further in all  
2 honesty support your argument for reduced parking.  
3 I have been talking about bike racks and additional  
4 bike storage. Can you educate us on that?

5 MR. STAIGAR: Yes, and I talked to  
6 the designer of the development, and the apartment  
7 will be of such a size that someone with a bike or  
8 two, they would be able to store them in the  
9 apartments. We further looked at the site. We may  
10 have to give up two or three or four bushes in the  
11 south -- if I have my direction right, the south,  
12 southeast landscaped area. We have one large bush  
13 in the center and then small bushes around. You  
14 could mulch a corner of that area and then put a  
15 post bike rack, one or two posts that could fit two  
16 to four bikes in this area.

17 MR. McGARRICK: That's all well and  
18 good for parking lot users, and it will keep them  
19 coming to site. My bicycle right now is inside this  
20 building. That's where I put my bike when I come.

21 MR. STAIGAR: You're going through  
22 the driveway and go to the south.

23 MR. McGARRICK: I would do what most  
24 people wouldn't. I mean, I think you need to  
25 provide. You need to provide for that type of use.

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1 MR. STAIGAR: To put a bike rack in  
2 the corner of the parking lot, you're thinking of  
3 better place?  
4 MR. McGARRICK: No, and that brings  
5 us back to, and you're not the expert on this, so  
6 I'll kind of hold until later. I can only encourage  
7 you to think about the warehouse perhaps on the  
8 driveway.  
9 MR. STAIGAR: If you have no problem  
10 putting into it in the right-of-way. I think the  
11 building is right up against the right-of-way.  
12 MR. McGARRICK: I'm asking you to  
13 think about it.  
14 CHAIRMAN GREET: Any other questions  
15 for the Board? I have a comment. This goes back to  
16 traffic parking issues that the people have been  
17 ticketed directly across Crunch, and it had to do  
18 with the residential facility currently right now,  
19 that they were parking illegally at night overnight  
20 in the parking lot across the street, and there was  
21 documentation for that.  
22 MR. SCHMIDT: With all due respect,  
23 Mr. Chairman, I don't think it was any of our  
24 tenants.  
25 CHAIRMAN GREET: We've identified as

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1 being tenants of that facility, and I believe it was  
2 seven cars parked there from the houses. I just  
3 brought it up.  
4 MR. STAIGAR: Mr. Chairman, getting  
5 back to Mr. Scherer's comments, if there is a need  
6 for additional residential parking overnight, the  
7 last thing you want is overnight parking on people's  
8 property, we have the Rest. During the day when the  
9 employees of the retail are parked then, when they  
10 leave by seven o'clock or eight o'clock, that can be  
11 utilized for any overflow for the residential.  
12 Again, I don't see the need. I believe  
13 that the 18 spaces for the 12 units will meet your  
14 ordinance requirements, will meet all the standards  
15 that I've seen, meet the informal study Mr. Scherer  
16 performed at the Muse. The 18 are going to be more  
17 than adequate for overnight parking or encroachment  
18 into the residential areas to the south of us.  
19 MR. SCHERER: And it's not going to  
20 be that parking forever if one the stores changes  
21 something else. Then they'll need those parking  
22 spaces.  
23 MR. STAIGAR: The arrangement has  
24 been made with the Rest to provide parking spaces,  
25 and it's an agreement.

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1 MR. SCHERER: That's not permanent.  
2 That's not forever.  
3 CHAIRMAN GREET: It is what it is.  
4 Well, if it's not, a couple years down the road,  
5 they'll have a big traffic problem.  
6 MR. STAIGAR: I don't think the five  
7 spaces is a big traffic problem. Five spaces is  
8 five spaces if you look at the numbers of spaces in  
9 or around the area.  
10 MR. SCHERER: I mean, everybody likes  
11 it. You need a lot more spaces than those. It's  
12 still going to cause a traffic jam and a lot of  
13 problems down the road.  
14 CHAIRMAN GREET: Anybody else from  
15 the Board with questions? I'll open it up to the  
16 general public, specific questions of this witness.  
17 Yes.  
18 MR. NEGEE: Carl Negee. When you did  
19 the parking study, how did the mall's parking lots  
20 play into it, if at all. I know you talked about  
21 the street parking.  
22 MR. STAIGAR: That's all the public  
23 parking. You or I can be parked there. Now, we  
24 discounted any restrictions as well, time  
25 restrictions, and there's Willow, and I think Willow

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1 is already resident parking only. We didn't  
2 consider that. By residents only, and we didn't  
3 consider that. It's you or I or anyone in this room  
4 that wanted to go parking in any parking space, and  
5 we can do that legally.  
6 MR. NEGEE: Thank you.  
7 CHAIRMAN GREET: Anyone else?  
8 MR. KELLY: Frank Kelly, 306 Willow.  
9 You said one in of your parking studies you had  
10 mentioned 15 in and 15 out per hour.  
11 MR. STAIGAR: These are trip  
12 generations, a project of how much traffic this  
13 project will generate.  
14 MR. KELLY: So let's go with that.  
15 This project has shown it will be 15 in and 15 out,  
16 so in essence, is that really 15 spaces that are  
17 needed behind this building in any given hour?  
18 MR. STAIGAR: No, because I could  
19 have 15 people in come in and half of them only stay  
20 for ten minutes, but they need a parking space.  
21 They need a parking space, but all 15 may not need a  
22 parking space all at the same time. If five out of  
23 the 15, came in and stayed for only ten minutes,  
24 that's not 15 spaces that's being occupied all at  
25 the same time.

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1 MR. KELLY: Correct. Now, if we have  
2 12 units that require 18 spaces for the ordinance,  
3 for one of our Board Member's study that one and a  
4 half works in Garwood, 18 of those spaces that are  
5 back there are already occupied by residents.  
6 MR. STAIGAR: In the middle of the  
7 night, yes, absolutely correct. That's been my  
8 testimony, in the middle of the night.  
9 MR. KELLY: Correct. And there may  
10 be a slight discount for people that may commute to  
11 work during the day, is that your statement?  
12 MR. STAIGAR: I wouldn't say  
13 20 percent is slight.  
14 MR. KELLY: So of the 18, 20 percent  
15 is four cars?  
16 MR. STAIGAR: That's apples to  
17 oranges. The 20 or 30 percent could be discounted  
18 given a mass transit development. You cannot expect  
19 -- you could expect 18 spaces a mile away from the  
20 train station. We are only a quarter mile away.  
21 You could discount 18 spaces down by 20 percent,  
22 30 percent. In the middle of the day, whatever is  
23 remaining, half of them are out to work, and the  
24 other half of them have commuted back and forth  
25 using the train. That parking demand generated by

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1 the residential is half in the middle of the day.  
2 MR. KELLY: Half. So you're saying  
3 out of those 18 per ordinance, residents'  
4 residential needs, you're saying that nine of them  
5 are going to go elsewhere or four of them will go  
6 elsewhere?  
7 MR. STAIGAR: What I'm saying is that  
8 I believe that out of the 18, you're not going to  
9 see 18. You're going to have a mass transit.  
10 MR. KELLY: What do you think will  
11 been there during the day from the 18 that up there?  
12 MR. STAIGAR: During the day I think,  
13 I don't believe you're going to have 18. If you  
14 give me a chance to answer, you'll have about seven.  
15 MR. KELLY: Of the 18 so that --  
16 MR. STAIGAR: It's not 18. I'm  
17 saying that your ordinance requires 18. Because we  
18 are in close proximity to the train station, the 18  
19 number becomes 14, because you're going to have less  
20 reliance upon owning a car and driving, commuting  
21 every day, day in and day out, and commuting.  
22 Therefore you'll have less ownership of cars, by  
23 cars by these tenants. So the number will be in the  
24 order of about 14 cars owned by residents parked  
25 here maximum at any one time.

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1 MR. KELLY: Okay. Despite one of our  
2 Board Members proving that --  
3 MR. SCHMIDT: That's not a formal  
4 study.  
5 MR. KELLY: Would you consider  
6 studying the Muse across the street?  
7 CHAIRMAN GREET: No.  
8 MR. VINEGRA: The agreement from the  
9 testimony was four.  
10 MR. KELLY: So that leaves four  
11 spaces for during the day because you said --  
12 MR. STAIGAR: No, that's at night,  
13 middle of the night when all the residents are home,  
14 there are fourteen cars parked in an 18 lot. Six  
15 o'clock morning come, some of them wake up, get into  
16 the cars and go to work. Now 14 becomes 13 or 12.  
17 Seven o'clock comes, another two or three leave.  
18 When it's eight o'clock, another leaves.  
19 I believe that what you'll have is  
20 50-percent occupancy during the middle of the day  
21 because half of the cars are not being used for  
22 commutation. Those people are going to work by  
23 train. It all ties in. If half of the people are  
24 commuting by train, it's that much closer to the  
25 train station. That's a 20 to 30-percent discount

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1 you take parking in the lot for the train, for the  
2 use of the train.  
3 MR. KELLY: During the day how many  
4 cars?  
5 MR. STAIGAR: Seven.  
6 MR. KELLY: Okay. That leaves 11  
7 spots, 11 spots for the businesses?  
8 MR. STAIGAR: Yes.  
9 MR. KELLY: There's been proposals  
10 for another five businesses down below. You can see  
11 them on the plan. So that makes ten businesses at  
12 the site?  
13 MR. SCHMIDT: That's not true.  
14 MR. KELLY: That's what the plans  
15 show.  
16 MR. SCHMIDT: I disagree with you.  
17 MR. KELLY: It shows three.  
18 Potentially you talked about your splitting it into  
19 smaller spaces.  
20 MR. SCHMIDT: No.  
21 CHAIRMAN GREET: Get to your  
22 question.  
23 MR. KELLY: For a potential of eight  
24 spaces, would it be realistic to say that there are  
25 two employees in each of the businesses, at least

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1 two?

2 MR. STAIGAR: I don't know. It

3 sounds reasonable but I don't know.

4 MR. KELLY: That's another 16 cars.

5 I'm being realistic. I'm trying to see if my logic

6 makes sense. Then there are customers for these

7 spots for the -- maybe there's two of them at least

8 for the nail salon, I live next to one, so we have

9 another 16 cars. So 16 --

10 MR. SCHMIDT: We're waiting for a

11 question.

12 MR. KELLY: Does the 16 employees, 16

13 customers and we said 17 during the day that are

14 left, does at that come to 40?

15 MR. STAIGAR: I didn't do the math.

16 MR. KELLY: It comes to close to 40,

17 and there's spots for 18. You said -- did you say

18 you're aware that Willow has restrictive parking,

19 permit parking only, behind this area?

20 MR. STAIGAR: I know that the

21 westerly side closest to Center, yes, there is

22 permit parking.

23 MR. KELLY: Right behind this

24 facility.

25 MR. STAIGAR: I think it maybe -- I

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1 don't think right behind it. That's closer to

2 Center Street. It may be time limited unless you

3 have a permit parking.

4 MS. VILLAGIANO: It's permit parking

5 only, between certain hours and lengths of time.

6 MR. STAIGAR: If I didn't have a

7 permit, I couldn't park there? I know Hoboken has a

8 four-hour.

9 MS. VILLAGIANO: You can't park there

10 for more than one hour or two hours.

11 MR. STAIGAR: There was a time limit,

12 three hours.

13 AUDIENCE MEMBER: Monday through

14 Friday, permit parking only from 10 a.m. to 2 p.m.

15 Monday through Friday. If you don't have a permit

16 from ten to two, they're supposed to come and ticket

17 the car. It hasn't been strongly enforced.

18 MR. SCHMIDT: There was not a

19 question. Mr. Chairman, so the record is clear, the

20 gentleman who just advised the ordinance, can he

21 identify himself and maybe be sworn in? That was

22 testimony.

23 MR. FRASER: I agree. That was

24 testimony. It can be disregarded.

25 MR. SCHMIDT: That's fine with me as

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1 long as the record is complete.

2 MR. FRASER: Let's get back to the

3 specific the question.

4 MR. KELLY: Was he aware -- I'm not

5 too sure. There's permitted parking only right

6 behind that site. Do you know why it's permit

7 parking only during this these hours?

8 MR. STAIGAR: No, I don't.

9 MR. KELLY: It was raised by the

10 residents because --

11 MR. FRASER: You're right.

12 MR. KELLY: It was obviously raised

13 to --

14 CHAIRMAN GREET: Again, that was not

15 a question, Mr. Kelly.

16 MR. KELLY: Next question is have you

17 considered weekends when everybody is off, and

18 they're trying to enjoy their habitat? We have all

19 of the residents home. All 18 cars are in that

20 parking lot, one and a half times. You know, I'm

21 getting a senior moment. I'm getting old. Look at

22 my hair. Fourteen all parked in there, you've got

23 these stores. Everybody is getting their hair done

24 and nails done.

25 Have you considered that we've talked

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1 about during business hours and midnights, but when

2 people are trying to just relax, has your study

3 considered the weekends and holidays during this

4 study that you performed?

5 MR. STAIGAR: Saturdays are

6 relatively -- and Sundays are busy days. All people

7 are not all in their homes relaxing all day long.

8 In fact, to commuters that rely upon the trains five

9 days a week, and you wouldn't think they would need

10 a car, they have cars, and their car sitting in that

11 parking lot Monday through Friday is there so they

12 can have it on weekends when they're off of work.

13 So what you'll see is that the reason why

14 South Avenue and shopping malls' busiest days of the

15 week are on Saturday is that people aren't home

16 relaxing. They're doing their leisure, running

17 their errands. They're out of their house doing

18 what they need to do. Again, that five-day-a-week

19 commuter whose car is sitting in the parking lot is

20 out on the weekend doing what they need to do

21 because their car is there.

22 No, all of the residents of this

23 development are going to be sitting in their home on

24 Saturdays and Sundays all day. They're going to be

25 out and about, and that's our experience from doing

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1 traffic counts and studies.  
2 MR. KELLY: That's great. Doesn't  
3 that fly in face of what you said about building a  
4 center where people don't have to use their cars,  
5 that they've got the Crunch, they've got the gym,  
6 they've got the center of town so they don't have to  
7 use their car? It remains.  
8 MR. STAIGAR: What is the question?  
9 MR. KELLY: Can you have it both  
10 ways?  
11 MR. STAIGAR: They will have the  
12 convenience of walking across the street or walking  
13 in the neighborhood. I'm saying someone from out of  
14 the neighborhood comes to the center of Garwood to  
15 do their shopping, we don't want them to go to the  
16 mall, get back in the car, go across the street get  
17 back in the car --  
18 MR. KELLY: I think you've answered  
19 my point.  
20 MR. SCHMIDT: Let him finish his  
21 answer.  
22 CHAIRMAN GREET: It's not up to you.  
23 MR. KELLY: I'm trying to speed it  
24 along.  
25 MR. STAIGAR: I am finished.

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1 MR. KELLY: Mr. Staigar is finished.  
2 Did any of your studies count how many people cross  
3 the street when you were counting cars?  
4 MR. STAIGAR: No.  
5 MR. KELLY: Did you know that how  
6 far -- you had mentioned in your testimony there was  
7 parking east of East Street, how far the parking is  
8 on the street from the site?  
9 MR. STAIGAR: Yes. I think it is  
10 across from Home Depot right on the street.  
11 MR. VINEGRA: East of East.  
12 MR. STAIGAR: It's less than -- it's  
13 less than a half a block away where the parking  
14 starts.  
15 MR. KELLY: Of East Street?  
16 MR. STAIGAR: No, of the site. It's  
17 a half a block away from the site. It starts 350  
18 feet. The Rest is 350 feet away from the site.  
19 We're talking four or 500 feet away.  
20 MR. KELLY: How many lanes of traffic  
21 are there?  
22 MR. STAIGAR: Two lanes in each  
23 direction.  
24 MR. KELLY: Have you experienced any  
25 cars parking there?

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1 MR. STAIGAR: No cars at all park  
2 there.  
3 MR. KELLY: Do you know why there is  
4 no parking there?  
5 MR. STAIGAR: I don't know why. All  
6 I know is that there are no cars parked, and you can  
7 park there.  
8 MR. KELLY: Do you see any residents  
9 that live there, some of which have no driveway,  
10 park there?  
11 MR. STAIGAR: I'm sorry, what was the  
12 question?  
13 MR. KELLY: Do you know why or know  
14 why residents that don't have a driveway, why they  
15 don't park there?  
16 MR. SCHMIDT: Objection. If he  
17 doesn't know, he doesn't know.  
18 MR. STAIGAR: The answer is I didn't  
19 ask these people.  
20 MR. KELLY: Do you think that maybe  
21 two lanes of 40-mile an hour traffic is why  
22 residents don't park there?  
23 CHAIRMAN GREET: Get back to  
24 questions.  
25 MR. KELLY: That's all my questions.

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1 CHAIRMAN GREET: Anyone else from the  
2 public?  
3 MR. PRIETO: Anthony Prieto, 336  
4 Willow. If I were to hire you, for example, to take  
5 the position exactly espoused by Mr. Kelly and  
6 proposed to you all of those questions, would you be  
7 about to make out that case?  
8 MR. SCHMIDT: I have to object. I'm  
9 not sure what part of this half hour of Mr. Kelly's  
10 questioning he's referring to.  
11 MR. PRIETO: All of it. All of it.  
12 MR. FRASER: Hold on right now.  
13 Mr. Prieto is an experienced trial attorney. He's  
14 able to handle his own questioning. I think Mr.  
15 Schmidt's point is well-taken, Mr. Prieto, if you  
16 can ask a more specific of the witness.  
17 MR. PRIETO: If I hired you to come  
18 here on behalf of the residents, the surrounding  
19 neighbors in this town of this project, would you be  
20 able to, if I gave you the information you have  
21 before you, would you say that it's inadequate  
22 parking?  
23 MR. STAIGAR: I really don't  
24 understand the question.  
25 MR. PRIETO: You don't understand the

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1 question?  
2 MR. STAIGAR: No, no, absolutely not.  
3 MR. PRIETO: I'm not sure I can  
4 rephrase.  
5 MR. STAIGAR: If you hired me, would  
6 I be able to say there is inadequate parking? No, I  
7 wouldn't be able to.  
8 MR. PRIETO: You wouldn't be able to?  
9 MR. STAIGAR: No, absolutely not.  
10 MR. PRIETO: You wouldn't be able to  
11 take a look at the parking that's going to be  
12 provided on this project, parking on the street as  
13 you say, parking on the surrounding streets, and say  
14 there's adequate parking?  
15 MR. STAIGAR: Not in my wildest  
16 dreams because I've seen the availability of  
17 parking, I've done all the analysis, and I've proven  
18 to myself that there is more than adequate parking.  
19 MR. PRIETO: Would you agree that  
20 during the day, people like myself, I don't go to  
21 work sometimes until 12 or 1:30 in the afternoon,  
22 would that impact the number of parking spaces  
23 available to residents such as myself?  
24 MR. STAIGAR: When we took the  
25 survey, if you were home and your car was parked on

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1 the street, there would be one less car that was not  
2 included in my survey.  
3 MR. PRIETO: I'm asking you based on  
4 testimony you just gave this Board, based on how  
5 many spots there are going to be during the day,  
6 based all these people you say with -- why are you  
7 shaking your head?  
8 MR. STAIGAR: No, I counted. I  
9 didn't -- your question is that I projected numbers.  
10 I didn't project the numbers. I went on the  
11 street, and I counted empty space. The numbers I  
12 gave you physically exist.  
13 MR. PRIETO: And how many times did  
14 you do that?  
15 MR. STAIGAR: Three times, three  
16 periods.  
17 MR. PRIETO: So try to follow my  
18 question, if it's not clear, let me know. I thought  
19 the testimony was there was going to be 14 spaces,  
20 right?  
21 MR. STAIGAR: Fourteen spaces will be  
22 occupied in the middle of the night on-site.  
23 MR. PRIETO: I'm talking about during  
24 the day.  
25 MR. STAIGAR: Okay. There are not

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1 going to be fourteen cars parked there during the  
2 day.  
3 MR. PRIETO: You say there's going to  
4 be seven residents' cars there?  
5 MR. STAIGAR: That's my projection.  
6 MR. PRIETO: Oh, I see. That's a  
7 projection on-site? That a projection, right?  
8 MR. STAIGAR: That's a projection.  
9 If they don't exist today, all I can make is a  
10 projection.  
11 MR. PRIETO: So now if you have  
12 people such as myself who goes to work late in the  
13 day three days out of the week, would that impact  
14 your number or your projection?  
15 MR. STAIGAR: The projection is based  
16 in empirical data, so no, it would not.  
17 MR. PRIETO: Would it impact your  
18 projection if residents called in sick?  
19 MR. STAIGAR: No, it would not.  
20 MR. PRIETO: Would it impact your  
21 projection as one of the witnesses this evening  
22 testified to previously, there is three apartments  
23 there currently, correct? And you heard one of them  
24 is a professional who works from her home. So that  
25 testimony is third of residents there currently work

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1 from their home, correct?  
2 MR. STAIGAR: Correct.  
3 MR. PRIETO: So now if we  
4 extrapolated those numbers in the apartments that  
5 are going to be there, and we accept the projections  
6 that it's all going to be these professionals, who  
7 are going use the train as you say, would that  
8 impact your projection if there are a third now,  
9 will there be a third then that are going to be  
10 working from home?  
11 MR. STAIGAR: I don't know. All I  
12 can tell you is that based on empirical data of  
13 similar sites and the number of parked cars that can  
14 be expected due to people that either they commute  
15 and don't use their cars, that work at home, that  
16 bike to work or walk to work, use the bus to go to  
17 work, there will be seven cars parked on this site.  
18 MR. PRIETO: You're fixed on the  
19 seven number. I question that.  
20 MR. STAIGAR: Because it takes those  
21 aspects into account. There is empirical data of  
22 similar sites where people do walk, people do work  
23 in their home, people are sick at times. That's  
24 where the seven number comes from. It takes all of  
25 those factors into consideration.

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1 MR. PRIETO: What is empirical data?  
 2 MR. STAIGAR: Of other sites. Where  
 3 the sites are exactly located, I don't have it.  
 4 MR. PRIETO: You're the expert --  
 5 MR. STAIGAR: Would you let me  
 6 finish? It's documented by the transportation  
 7 engineers in the Urban Land Institute taken from  
 8 imperial data of other similar sites.  
 9 MR. PRIETO: You said empirical data.  
 10 Could you provide this Board with empirical data?  
 11 MR. STAIGAR: Absolutely. Your Board  
 12 Engineer I'm sure had it.  
 13 MR. PRIETO: I'm not asking him,  
 14 I'm -- excuse me. You're the expert. You're giving  
 15 testimony under oath to this Board. Would you  
 16 provide the empirical data that you threw in my face  
 17 to this Board, yes or no?  
 18 MR. SCHMIDT: With all due respect,  
 19 Mr. Chairman, if the Chairman of this Board would  
 20 ask for the data, we will supply it. We are not  
 21 going to supply the data at the request of the  
 22 residents.  
 23 MR. PRIETO: You keep telling me that  
 24 there is empirical data. I'm trying to get to the  
 25 bottom of my question.

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1 MR. FRASER: I guess the answer to  
 2 his question is, I could do it if I were so  
 3 inclined. That's a legitimate answer.  
 4 MR. PRIETO: Would you do it, sir?  
 5 MR. STAIGAR: I could do it.  
 6 MR. SCHMIDT: Mr. Chairman, this is a  
 7 resident here. There is no formal discovery  
 8 proceeding. If the Board were to seek that  
 9 information --  
 10 CHAIRMAN GREET: Quite honestly, I  
 11 have right now three lawyers. I am the Chairman of  
 12 the Board, okay? Now, if the three lawyers would  
 13 like to discuss that out in the hall, that's all  
 14 well and good in my opinion, okay? I am not a  
 15 lawyers, but my opinion is it's getting a little out  
 16 of hand. I could you tell that if there's empirical  
 17 data, you can supply it to the Board, and we will  
 18 take that into consideration.  
 19 MR. PRIETO: That's the answer to my  
 20 question, Mr. Chairman. That's all.  
 21 CHAIRMAN GREET: Thank you.  
 22 MR. PRIETO: All of your projections  
 23 are based on people taking the train, right?  
 24 MR. STAIGAR: No.  
 25 MR. PRIETO: I thought your testimony

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1 was you have a fair of amount people you think that  
 2 are residing that are taking the train?  
 3 MR. STAIGAR: Yes.  
 4 MR. PRIETO: What percentage?  
 5 MR. STAIGAR: I don't know that  
 6 percentage. All I know is what the influence is in  
 7 a transit-oriented development on the parking  
 8 demand, and it ranges between ten and thirty  
 9 percent.  
 10 MR. PRIETO: And you heard some  
 11 questions earlier about the restricted parking, and  
 12 that's by my house. Have you taken into  
 13 consideration the fact that those restrictions end  
 14 at two p.m.?  
 15 MR. STAIGAR: I may have, yes.  
 16 MR. PRIETO: Yes or no?  
 17 MR. STAIGAR: Did I take that into  
 18 consideration, in what? Taken into consideration in  
 19 what manner? The amount of parking that's available  
 20 to the public?  
 21 MR. PRIETO: Where people are going  
 22 to park?  
 23 MR. STAIGAR: I don't know if anyone  
 24 is going to park there. All I did was took some  
 25 surveys on the street in those areas to determine

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1 the vacancies of the parking. That area that you're  
 2 talking about is in that 900-foot distance. What I  
 3 found within 900 feet of walking distance of the  
 4 site in all four directions, there is in the order  
 5 of over fifty empty spaces -- no, I'm sorry, 45 was  
 6 the minimum vacant spaces. Willow Avenue, west of  
 7 East has thirty empty space during those time  
 8 periods.  
 9 MR. PRIETO: What time periods?  
 10 MR. STAIGAR: We have taken from  
 11 seven a.m. to eleven p.m.  
 12 MR. PRIETO: So my question is, 900  
 13 feet, that's three football fields, right.  
 14 MR. STAIGAR: Yes. I didn't -- yes,  
 15 that's correct. I don't think that's a convenient  
 16 walking distance. So that's why I limited to  
 17 500 feet as the convenience location.  
 18 MR. PRIETO: My question is in terms  
 19 of the parking impact, did you consider the fact  
 20 that when people come to this development and look  
 21 for parking and there is no parking now, they're  
 22 going to utilize Willow after two p.m. for a parking  
 23 spot?  
 24 MR. STAIGAR: Yes. It's available  
 25 parking to the public. I can park there. Anybody

1 in this room can park there.  
 2 MR. PRIETO: That's right. I'm  
 3 asking about the impact that's going to have to the  
 4 residents of Willow, which I am candidly one. It is  
 5 going to impact the residents on Willow when they  
 6 come home from work at six o'clock, some nine p.m.?

7 MR. STAIGAR: Not at all because  
 8 there is more convenient parking available in much  
 9 more closer proximity, for example, South Avenue in  
 10 front of and further to the east of the restaurant,  
 11 to the east of East Street.

12 MR. PRIETO: Thank you.

13 CHAIRMAN GREET: Anyone else from the  
 14 public?

15 MR. PATERSON: Bruce Paterson. I'm  
 16 not a lawyer. The 500-foot convenience walk to  
 17 retail, how is that developed, is that written  
 18 somewhere?

19 MR. STAIGAR: When we design parking  
 20 lots for retail, we try to limit it to three or 400  
 21 feet as a maximum, and I use the 500 feet as a  
 22 cut-off period. I may find it convenient, you may  
 23 not. It's a matter of, I guess, you know what we're  
 24 used to obviously, but if I had a sprain foot it if  
 25 I have difficulty with mobility, I would not find

1 that to be convenient, but a fit person may. It's  
 2 just a judgment call.

3 I use that in terms of how much parking is  
 4 available within 500 feet of this site, how much is  
 5 900 feet of the site, just to get a sense to the  
 6 Board as part of my study of availability of parking  
 7 in and around the site, if there are two or three or  
 8 four additional parking spaces for whatever reason,  
 9 either it's a busy retail center, or it happened to  
 10 be everyone showed up at one time right before  
 11 Christmas, is there additional parking in and around  
 12 the area. That 900 feet, even though we have  
 13 parking space, there may be people that decide not  
 14 go shopping there because I've got to walk too far.  
 15 They'll stay away from the site. It's a detriment  
 16 to the development.

17 MR. PATERSON: Is there some kind of  
 18 a convenience walk to residential when you talk  
 19 about retail?

20 MR. STAIGAR: Probably greater  
 21 because that's a destination. If you live  
 22 somewhere, you have to park, and you've got to go  
 23 there. If I want to grab a juice or coffee or  
 24 sandwich, get my hair done, I can't find convenient  
 25 parking, I'll go somewhere else because I had to

1 walk a country mile to get there. So it will even  
 2 itself out. The retail will even itself out.

3 MR. PATERSON: Thank you very much.

4 CHAIRMAN GREET: Anyone else from the  
 5 general public?

6 MR. SCHMIDT: We have our planner.

7 CHAIRMAN GREET: It's just about  
 8 10:30.

9 MR. SCHMIDT: I would really like to  
 10 get her on. We've been incurring for expenses for  
 11 three weeks. Kathryn Gregory, please.

12 MR. FRASER: Is there any hope  
 13 whatsoever that you're going to conclude tonight?

14 MR. SCHMIDT: I would like to think  
 15 we could. I'm not sure how many people are going to  
 16 ask questions.

17 MR. FRASER: You will be able to  
 18 conclude with your direct?

19 MR. SCHMIDT: Yes.

20 (The witness is sworn.)

21 MS. GREGORY: Kathryn Gregory,  
 22 K-a-t-h-r-y-n; G-r-e-g-o-r-y, business address is 96  
 23 Linwood Plaza, No. 350, Fort Lee, New Jersey.

24 MR. FRASER: Please sit.

25 MR. SCHMIDT: Ms. Gregory, can you

1 please give the benefit of your education and  
 2 professional experience and any licenses you may  
 3 hold?

4 MS. GREGORY: Yes. I am a licensed  
 5 professional planner in the state of New Jersey, and  
 6 have been since the year 2000. I have a master of  
 7 architecture and urban planning from the University  
 8 Illinois, which I received in 1998. I currently  
 9 hold a national certification, which is the American  
 10 Institute of Certified Planners, as well as a New  
 11 Jersey license. I represent four different  
 12 municipalities. I am a planner in Edgewater,  
 13 Ridgefield, Woodland Park. I am also the Clifton  
 14 Zoning Board of Adjustment Planner. I've testified  
 15 for fifteen years or so. I have testified all over  
 16 New Jersey at least a thousand times, and I have  
 17 been accepted as a witness for the different board.  
 18 I grew up in Union if that means anything.

19 MR. FRASER: Mr. Chairman, but for  
 20 the last, you are qualified and I recommend she be  
 21 accepted as an expert in the field of planning.

22 MS. GREGORY: Thank you.

23 MR. SCHMIDT: Ms. Gregory, in  
 24 connection with your assignment in the particular  
 25 case and working with this application, did you have

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1 the opportunity to review any documents, any  
2 ordinances or other things in preparation for your  
3 testimony?  
4 MS. GREGORY: Absolutely. Obviously  
5 I have looked at the plans that have come before you  
6 throughout the iterations. I'm sorry. I've been  
7 through all of those different plans. I have done  
8 several site inspections. Obviously, the site is  
9 not too far from here. I have also reviewed you  
10 zoning ordinance and your master plan. I would like  
11 to start briefly with a photo exhibit, which I can  
12 provide to the Board. I don't know if we need to  
13 mark that. I don't have an exhibit number.  
14 For the record what it is is an 8 1/2 by  
15 14 photo exhibit that was prepared by myself. I  
16 took all of the photographs and prepared the  
17 document. It's entitled Existing Conditions and  
18 Surrounding Neighborhood Characteristics, 331 South  
19 Avenue, Garwood, New Jersey. I don't want to get  
20 too bogged with all of the photographs. I know  
21 you're very familiar with the site.  
22 What it does depict are streetscapes along  
23 South Avenue from our property, east and west of our  
24 property and also across the street. Really, for me  
25 what's a little bit more important would be the

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1 aerial map of the area. I again know you're all  
2 very familiar with the area, what is in this area.  
3 MR. PRIETO: Do you have an extra  
4 copy?  
5 MS. GREGORY: I don't know if I have  
6 enough.  
7 MR. PRIETO: If you have an extra.  
8 MS. GREGORY: What you'll see here is  
9 a series of photographs that I described earlier.  
10 The top row is south side of South Avenue. You'll  
11 see our property located approximately in the center  
12 of it by looking obviously to the west and to the  
13 east, and the entirety of this block is actually the  
14 C/B zone, or Central Business Zone.  
15 Obviously, the east, which would be the  
16 right of the photograph also to the west, you will  
17 see that there some retail uses on the ground floor,  
18 but what you will see to the west is that there are  
19 single-family homes, which are a non-permitted use  
20 in the district, which means that those homes are  
21 not conforming based on your zoning ordinance.  
22 The second row of photographs are pictures  
23 of the rear of our property, and you can see  
24 obviously everyone knows that greenhouse that's  
25 there, and the third photo would be the drive in and

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1 out of the site with the home being on the left.  
2 Again, the third row of photographs is the rear of  
3 our site. You can see where, yes, there is a  
4 natural overgrown buffer at the time located in the  
5 back of the site. Obviously, the pictures were take  
6 quite a long time ago. Also, on that third row,  
7 you'll see a house that will be demolished as part  
8 of this project.  
9 Lastly, obviously, we have a shopping  
10 center located across the street, and the time of  
11 day that I was there was approximate four p.m., and  
12 you can have an idea of how many cars that would be  
13 across the street in that parking lot. And then we  
14 also did two aerial photographs. The top one is  
15 where I did a distance study from our property  
16 walking to the official entry to the train station,  
17 and then also the second aerial is just outline -- I  
18 forgot to include the single-family home. I just  
19 have the mixed-use property with the greenhouse on  
20 it right now. It does include the single-family  
21 home.  
22 So that is the photo exhibit. As I stated  
23 earlier, our project is in the B/C Central Business  
24 District, and I'm going to tell you the purpose of  
25 the zoning as outline in your zoning ordinance.

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1 This zone is designed to be the central retail  
2 shopping or trade area of the borough. In order to  
3 create an active mixed-used area, professional  
4 offices as well as apartment units will be permitted  
5 on upper floors of structures. It is the intent of  
6 the standard of the zone to encourage design that  
7 will promote pedestrian activity and safety as well  
8 as a solid core of business uses.  
9 That probably is pretty self-explanatory  
10 whenever anything thinks about what the central  
11 business district is. The reason that I say is, I  
12 grew up in Union. I grew up where our downtown  
13 center was Morris Avenue and Stuyvesant Avenue, and  
14 we parked on street, and we walked up and down the  
15 street, and that's where I did my shopping when I  
16 was little with my mother. None of the businesses  
17 had parking.  
18 Yes, as populations increased, there are  
19 municipal lots down the street. There's municipal  
20 parking lots, but typically, downtowns don't have a  
21 lot of parking and have always embraced the shared  
22 parking concept. I wanted to bring that to the  
23 forefront because it is really an integral part of  
24 this application, just as well, the transit-oriented  
25 development complex, which was talked about a little

1 bit by our traffic engineer, but it is a valid  
 2 concept.  
 3 He talked about the diminished parking  
 4 that is needed for the developments that are within  
 5 a quarter mile or a half a mile of a train station.  
 6 The fact remains true. I can speak as a planner  
 7 because I am a planner in several communities, we  
 8 are embracing shared parking concepts. Right now  
 9 I'm actually developing an ordinance in Edgewater  
 10 where we are talking about shared parking concepts  
 11 because we don't need all of the parking that we  
 12 have.

13 When you take a look at the picture,  
 14 that's what a planner does, that's why I'm here, to  
 15 look at the big picture, these variances with this  
 16 application, I'm going to go through the testimony  
 17 and the criteria in the Municipal Land Use Law and  
 18 explain why I believe that we meet the criteria and  
 19 the justification of the variance, but we have to  
 20 outline the big picture. What is the big picture?

21 We are talking about redevelopment of a  
 22 site in an area that, well, in your master plan, it  
 23 is not designated as transit-oriented development,  
 24 which I am shocked at. It's designated as  
 25 service-oriented development, yet has the same

1 characteristics as the properties designated in your  
 2 master plan as a transit-oriented development, and  
 3 they are the exact same distance from the train  
 4 station. That was confusing to me when I look at  
 5 the site, and I see that it meets the criteria for  
 6 the transit-oriented development.

7 So going through the actual variances,  
 8 we're not here for a use variance obviously. We are  
 9 here for a number of C variances or bulk variances,  
 10 and throughout the testimony, while technically we  
 11 need more than what I'm going to give you right now,  
 12 they fall into three categories. One would be  
 13 parking obviously; number two, would be buffering  
 14 and landscaping; and the third would be the fact  
 15 that we don't have a loading area.

16 In developments of this scope and size and  
 17 the mom-and-pop nature of the retail, I have never  
 18 seen a need for a loading area. Basically, it's  
 19 wasted space. No truck driver is ever going to pull  
 20 in there. No one is ever going to use it, and we  
 21 can use that for the parking that we do need for the  
 22 project. It has been testified about the scope of  
 23 the retail. I don't really think that we need a  
 24 loading area.

25 That next part that I'll go to is

1 buffering and landscaping. We need a variance. We  
 2 don't meet ten feet that is required by ordinance.  
 3 In one instance we have 2.85 feet, and in another  
 4 instance we have 6.96 feet. Again, this has been  
 5 sort talked to by our site engineer in terms of the  
 6 fact that, one, there is a certain existing  
 7 condition in the rear of the property. I do  
 8 understand about redevelopment of a property and  
 9 eliminating those nonconformities, but what we are  
 10 doing is following the existing building line.

11 We are not building out or expanding over.  
 12 When you think about that, that actually falls under  
 13 one of the categories of the C variance. There's  
 14 two types, C-1 and C-2. C-1 talks about keeping the  
 15 hardship, in cases of hardship or weird-shaped  
 16 property or environmental conditions, but it does  
 17 have to do with the structures lawfully existing on  
 18 a piece of property. We're trying to keep that  
 19 building form, that building line which kind of  
 20 pushes our parking back, just as we're trying to buy  
 21 more parking.

22 I do understand that we are creating our  
 23 own density so we're creating our own parking  
 24 variance, and I do understand that. Again, going to  
 25 the next, which is a parking variance, based on our

1 traffic's engineer testimony, I do believe we meet  
 2 the criteria for granting of the parking variance as  
 3 well. In terms of buffering and landscaping, I  
 4 think we meet the intent of the ordinance. We have  
 5 provided that six-foot fence.

6 We are providing landscaping which will  
 7 be, I guess, worked out in terms of the type of  
 8 landscaping so that it is higher. We are offering  
 9 to put landscaping on adjacent properties. And the  
 10 people who bought behind us knew that this was a  
 11 mixed use. Are we intensifying the use? Yes. Are  
 12 we allowed to intensify the use? Yes, we  
 13 technically are. Yes, there's a parking variance,  
 14 but we meet all setback requirements for the actual  
 15 building itself, and the architect has gone through  
 16 different iterations. We took down the loft story,  
 17 even though the height is permitted, but that was  
 18 taken off in consideration at the last meeting with  
 19 all the concerns of the Board Members and of the  
 20 public.

21 The building itself, we have an  
 22 interesting dynamic that also occurs. One of other  
 23 technical variances that I would say we need is that  
 24 the minimum coverage requirement is sixty percent,  
 25 the minimum. I don't think in any instance downtown

1 if you had a minimum requirement for sixty percent  
 2 that you could ever provide parking at that site.  
 3 Technically, that is a variance. So you know, take  
 4 that as you may. Obviously, there is some kind of a  
 5 conflict with the ordinance and parking.  
 6 It was testified to by our site engineer  
 7 that the parking standards came after the bulk  
 8 standards for the district. Obviously, there was a  
 9 disconnect when that overlaid, and I ask you to take  
 10 that into consideration. I guess I could go through  
 11 the technical requirements because your engineer and  
 12 planner has outlined all of the variances, but I  
 13 believe that my testimony does cover the majority of  
 14 these. Some of them, we need a variance for a  
 15 loading space, and we also need a variance for the  
 16 size of the loading space. Obviously, we don't have  
 17 a loading space, and then we need a variance for the  
 18 size. We don't have one. They are truly  
 19 intertwined.  
 20 We also need a couple of design waivers,  
 21 which include design of the parking spaces. Your  
 22 engineer does state in his report that he was not  
 23 adverse to compact parking spaces that were located  
 24 in the rear. That helps us get more parking  
 25 on-site, and also we used that sidewalk that's on

1 the western side of the property so people can take  
 2 the trash to the trash enclosure that is in the  
 3 rear.  
 4 There are various factor in terms of  
 5 providing those parking spaces. As we know since we  
 6 have more hybrids, people have SUVs, but you can't  
 7 go against the fact that I don't know how many Smart  
 8 cars and Fiats, whatever, there a lot more smaller  
 9 cars on the roads. That's going to be a trend going  
 10 into the future.  
 11 So I am happy provide anymore testimony  
 12 regarding specific variances or waivers. I think  
 13 that most of them have sort of been discussed  
 14 throughout the testimony between the site engineer  
 15 and architect and traffic engineer, even our real  
 16 estate expert, who I thought was great because she  
 17 talked site concepts, which is exactly what I would  
 18 have been telling you about.  
 19 In terms of the C variances, I think that  
 20 we have what we would call flexible C-1 and C-2  
 21 variances. C-2 variances need to be rooted in the  
 22 purpose of the zoning, and the benefits need to  
 23 outweigh the detriments. I need to go through the  
 24 positive and negative criteria with you this  
 25 evening.

1 In terms of the positive criteria, I do  
 2 believe that we do promote a couple of the purposes  
 3 of the Municipal Land Use Law. The first of these  
 4 is Purposes A, which talks about the promotion of  
 5 the public heath, safety and general welfare. I  
 6 said that for a couple of reasons. One, we are  
 7 eliminating a nonconforming use, which means better  
 8 conforming in the zoning plan in terms of the land  
 9 use. That's well documented and found by the case  
 10 Kaufmann v. Planning Board for Warren Township.  
 11 Just so as well, Garwood is located in  
 12 Planning Area 1 in the State plan. There are  
 13 certain goals for Planning Area 1, and that's for  
 14 development and redevelopment to happen in the areas  
 15 of weakening infrastructure. It's found that it's  
 16 supposed to provide for much of the State's future  
 17 redevelopment, revitalize cities and towns, promote  
 18 growth in compact forms, stabilize older suburbs,  
 19 redefine areas of sprawl and protect the character  
 20 of the existing community.  
 21 These goals will be met by strategies to  
 22 upgrade or replace aging infrastructure, retain and  
 23 expand employment opportunities, which is exactly  
 24 what we're doing here, upgrade and expand housing to  
 25 attract a balanced residential population, again

1 something else that we're doing here. We are  
 2 promoting a few of the goals for Planning Area 1 in  
 3 the State plan.  
 4 And the reason that that counts toward  
 5 Purpose A, the public health, safety and general  
 6 welfare, because it is found that promotion of the  
 7 State policy or equivalent is promotion of the  
 8 general welfare. Also, I do believe we provide for  
 9 Purpose C, which is to provide adequate light, air  
 10 and open space.  
 11 There was lot of discussion about the  
 12 buffers with the residential uses and the lighting.  
 13 I think all of things can be worked out with your  
 14 engineer and our site engineer. Obviously, in the  
 15 beginning I think we've come strides from the  
 16 hearing that I was at in terms of accommodating the  
 17 residential neighborhoods in terms of both  
 18 landscape, buffering and lighting. I do believe we  
 19 provide adequate light, air and open space.  
 20 I also believe that we promote Purpose I,  
 21 which talks about promotion of a desirable visual  
 22 environment. Undoubtedly, the site is somewhat  
 23 tired. It does need an upgrading. When you take a  
 24 look at the architecture, I think it speaks volumes  
 25 to what this street could really look like to meet

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1 the intent of your master plan action.

2 In terms of the negative criteria, there's

3 two prongs again. We have to prove there's no

4 substantial detriment to the public good, and no

5 substantial impairment to the intent and purpose of

6 your zone plan and zoning ordinance. I venture to

7 say there's no substantial detriment to the public

8 good, and mostly due to the fact that I do believe

9 that a lot of the variance conditions are existing

10 we are helping to mitigate them through our site

11 design and providing for buffering and lighting, et

12 cetera.

13 I do believe that this use will promote

14 transit use through its locations. The actual walk

15 is 0.3 miles, which is over the quarter mile mark,

16 yet the quarter-mile mark is really the radius, not

17 the actual walking distance, but it's a wash because

18 you're talk about 0.25 and 0.3.

19 In terms on the second prong, no

20 substantial detriment to the intent and purpose of

21 zoning plan or zoning ordinance, your last master

22 plan was prepared in 2009, and it did contain not

23 only the purposes of Municipal Land Use Law, which I

24 already talked about in the positive criteria, but

25 also separate land plan objectives. With that said,

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1 No. 8 was to continue to recognize that the North

2 and South Avenue were the primary areas for business

3 serving the community business, and under that there

4 were four the goals.

5 A, is to encourage the renovation and

6 rehabilitation of existing buildings and

7 storefronts. Obviously, that's exactly what we're

8 doing here. C, encourages lot consolidation to

9 enhance opportunities for infill and redevelopments.

10 Again, that's what we're doing here. We're

11 eliminating that single-family home, consolidating

12 that lot to provide a mixed-use building here, which

13 is in conformance with your zoning ordinance.

14 Letter D, encourages mixed-use development.

15 Obviously, that's what we're doing here; and E,

16 discourages parking in the front yard, because that

17 is not the intent of what a central business

18 district is when you're talking about having

19 pedestrians walk.

20 On your land use plan, I did talk about

21 how you're designated as a service-oriented

22 development, and I would say that according to this,

23 the difference is that it talks about this area

24 being a transition from the heavier commercial and

25 industrial land uses to the north to residential to

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1 the south, and so we kind of provide that buffer,

2 but we're not a transit-oriented development in your

3 land use plan. Again, as I started to say earlier,

4 I believe that we meet all the criteria for a

5 transit-oriented development.

6 Under the transit-oriented development

7 district, which I believe we fall under, it does

8 talk about the increase in population that will

9 occur. It talks about today, it does intend for New

10 Jersey residents to live within five miles of the

11 train station, and the challenge is becoming to

12 accommodate both the existing and new residents with

13 housing, employment and mobility choices so that the

14 State's economy remains robust. It makes sense to

15 focus this anticipated growth around the existing

16 transportation infrastructure in the community that

17 are places of transit-oriented development.

18 It also goes on to say, this is out of

19 your 2009 master plan, that housing near transit not

20 only holds its value, it even commands a premium.

21 In fact, according to a Columbia University study,

22 between 1993 and 2003, residential properties within

23 one half mile of stations served by Midtown direct

24 trains on the New Jersey Transit lines increased in

25 value by 113 percent, while properties farther away

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1 experience only an 80-percent increase.

2 Obviously, areas that are around the train

3 station are worth more, and probably will increase

4 more and will support an increase in density. We're

5 not asking for a density variance, but it is a

6 balancing act. I'm not going to go through all of

7 the testimony that the traffic engineer went through

8 regarding the shared parking analysis and being near

9 the train.

10 As a planner, I have seen it. People are

11 either sharing cars or not purchasing cars, mostly

12 because the behavior of the Millennials is really

13 changing. They are taking the cheapest

14 transportation options. They want to stay

15 connected. There are all kinds of transportation

16 apps that are coming forth so that there is a

17 seamless connection from the bus to the train and or

18 the train to the bus and knowing when they come, and

19 because those options are prevalent and easier to

20 use, lots of Millennials, which is the younger

21 generation, not me, are not purchasing cars because

22 they are quite expensive, and so the opportunity to

23 live near the train station and on a bus route would

24 leave me to believe as a planner that there will be

25 less cars in this location, and there will be more

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1 people walking.  
2 I've experienced that in other communities  
3 that I work in where we are trying to create vibrant  
4 downtowns, you obviously have a really good start,  
5 and I think this just going to support it. So in  
6 conclusion, I do believe we meet both the positive  
7 and negative criteria. I don't believe there is any  
8 substantial detriment to the public good by allowing  
9 the variances for the landscaping, the buffering.  
10 We meet the intent of the ordinance.  
11 I believe that we do meet the parking  
12 requirement. You don't really want to be  
13 over-parked. You don't want more macadam. It's not  
14 really conducive to a walkable environment and what  
15 the central business really is. I do believe that  
16 the benefits of the variances really outweigh the  
17 detriments in this particular location for this  
18 particular project. I would hope that the Board  
19 will grant the variances that we have proposed.  
20 MR. SCHMIDT: Thank you for your  
21 testimony. I have no further questions.  
22 CHAIRMAN GREET: Questions from the  
23 Board? Open up to the general public?  
24 MR. KELLY: Frank Kelly, 439 Willow  
25 Avenue. In your expert opinion do you think an

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1 adjacent parking deck would suffice and meet parking  
2 variances on an area of fifty by a hundred?  
3 MS. GREGORY: I don't think I can  
4 could answer that. I've never design a parking  
5 garage; 50 x 100 doesn't really seem big to me. I  
6 have to really look at that.  
7 MR. KELLY: Are you aware that a  
8 potential offer is out there for this development?  
9 You did the site inspections and saw the plans, were  
10 you made aware that this option exists in the  
11 document?  
12 MR. SCHMIDT: That assumes a fact  
13 that is not evidence.  
14 MR. KELLY: I'm just asking.  
15 MS. GREGORY: The answer is I'm not  
16 aware. The answer is no, I'm not aware.  
17 MR. KELLY: In your planning and your  
18 study you mentioned this transit-oriented  
19 development district, which Garwood is not legally  
20 or in actuality, I understand that. Did you realize  
21 when you say "transit-oriented," that it refers to  
22 trains?  
23 MS. GREGORY: No, not just trains,  
24 also buses.  
25 MR. KELLY: Do you realize that,

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1 because you mentioned train station constantly?  
2 MS. GREGORY: The train acts as more  
3 of a hub.  
4 MR. KELLY: The transit-orientation?  
5 MS. GREGORY: Yes.  
6 MR. KELLY: Do you know the frequency  
7 of the trains that stop in Garwood versus Westfield  
8 and Cranford?  
9 MS. GREGORY: No.  
10 MR. KELLY: When you considered  
11 making this a transit --  
12 MR. SCHMIDT: She said no.  
13 MR. KELLY: Do you know it is about  
14 one-third of the stops that hit Westfield than  
15 trains that stop in Garwood?  
16 MR. SCHMIDT: I object to that.  
17 There is no evidence to substantiate that. That's  
18 hypothetical.  
19 MR. KELLY: I'm just asking the  
20 question.  
21 MR. FRASER: It's a legitimate  
22 question, Mr. Schmidt.  
23 MR. KELLY: Are you aware that there  
24 are one-third of the stops than the neighboring  
25 towns?

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1 MS. GREGORY: No.  
2 MR. KELLY: Do you think that would  
3 impact the transit-orientation?  
4 MS. GREGORY: That what we're trying  
5 to do.  
6 MR. KELLY: If you did know that the  
7 train stops in Garwood with one-third of the times  
8 it stops in Westfield and Cranford, would you still  
9 consider this a transit-oriented development  
10 district?  
11 MS. GREGORY: Yes.  
12 MR. KELLY: In your  
13 planning experience, do you think a scaled-down  
14 number of units, particularly residential because  
15 that seems to be the high permit, do you think that  
16 a scaled-down version of this would reduce the  
17 numbers of parking required and potentially reduce  
18 the need for parking variance?  
19 MR. SCHMIDT: I have to object. I  
20 don't know what he's saying. From this plan  
21 scaled-down? I don't know.  
22 MR. KELLY: Let me clarify that for  
23 you, Mr. Schmidt. Would the number of residential  
24 units being reduced, reduced in number, could this  
25 develop meet the ordinances stated again?

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1 MR. SCHMIDT: I'm going to object.  
2 He keeps talking about the number being reduced,  
3 from what?  
4 MR. KELLY: Reduced from the twelve  
5 to six?  
6 MS. GREGORY: I haven't done that  
7 analysis.  
8 MR. KELLY: Would you consider doing  
9 that analysis?  
10 MR. SCHMIDT: Do you want to pay for  
11 it?  
12 MR. KELLY: No, Mr. Schmidt. I'm  
13 asking the planner.  
14 MR. SCHMIDT: You're asking her to do  
15 an opinion.  
16 MR. KELLY: I'm asking her if she  
17 would consider. I'm not asking to her to do it.  
18 I'm asking here whether or not she would consider  
19 doing it.  
20 MR. SCHMIDT: What is the relevance  
21 to that question? The developer is not paying for  
22 her to do another analysis.  
23 MR. KELLY: That's all I have for  
24 now.  
25 CHAIRMAN GREET: Anybody else from

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1 the general public?  
2 MR. PRIETO: Anthony Prieto, 336  
3 Willow. Did I understand your testimony correctly  
4 that me being one of the property owners in the  
5 back, that I should have anticipated when I  
6 purchased this property, that that application would  
7 be made?  
8 MS. GREGORY: I was not anticipating  
9 that you should know.  
10 MR. PRIETO: I thought your testimony  
11 was that it was a nonconforming use, and therefore,  
12 people that bought the property around it should  
13 have anticipated something of this nature, did you  
14 say that in your testimony?  
15 MS. GREGORY: Yes and no. The fact  
16 is that you did buy this piece of property that  
17 abutted commercial property. The fact that this  
18 application is coming forth is, in fact, the same  
19 use, albeit in a larger scale, should not be a shock  
20 to you when you brought that property.  
21 MR. PRIETO: When I bought that  
22 property, it wasn't looking to have a parking  
23 spaces, would you agree?  
24 MS. GREGORY: I don't know when you  
25 bought the property. I have no idea.

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1 MR. PRIETO: I bought the property in  
2 2006 -- 2004, I'm sorry, 2004. So when I brought  
3 the property, it was in exactly the same condition.  
4 It has deteriorated since then. I bought the  
5 property, it has the exact same buildings on the  
6 front and the exact same parking. You're saying I  
7 should have anticipated ten years later that there  
8 would be an application for double the size of the  
9 building, triple the size of the building and double  
10 of size of the parking, is that your testimony?  
11 MS. GREGORY: No.  
12 MR. PRIETO: I want to be clear. I  
13 thought you said that I should have anticipated  
14 that. Thank you.  
15 MR. PATERSON: Bruce Paterson, 325  
16 Willow Avenue. One less store, if there was one  
17 less store, would it encourage the renovations of  
18 storefronts, encourage mixed use, and discourage  
19 parking in front yards?  
20 MR. SCHMIDT: You're saying one less  
21 retail unit?  
22 MS. GREGORY: Yes.  
23 MR. PATERSON: Thank you very much.  
24 MR. PRIETO: I have one other  
25 question. Do you know when the bottom photographs

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1 were taken of the property directly across the  
2 street, do you know when, what month, what year?  
3 MS. GREGORY: It was last year. It  
4 was before the winter, and I would have to look at  
5 my records to know exactly what day it was.  
6 MR. PRIETO: Was it before Crunch  
7 opened up?  
8 MS. GREGORY: I don't know.  
9 MR. PRIETO: Do you know what Crunch  
10 is?  
11 MS. GREGORY: Yes.  
12 MR. PRIETO: Have you been to the  
13 property, the applicant's property, and stood  
14 outside the property and looked across the street  
15 when Crunch is there what the extent of cars in the  
16 parking lot is at any time of day, have you done  
17 that analysis?  
18 MS. GREGORY: Well, typically gyms  
19 have more cars.  
20 MR. PRIETO: My questions is have you  
21 done the analysis?  
22 MS. GREGORY: I did not do the  
23 parking lot. We have a traffic engineer.  
24 MR. PRIETO: You took these pictures,  
25 right?

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1 MS. GREGORY: Yes.

2 MR. PRIETO: Do you know if you go

3 over there ten o'clock tomorrow morning if the

4 parking lot across the street is the same appearance

5 as last year?

6 MS. GREGORY: Well, it was sometime

7 in October or November before we came to the Board.

8 MR. PRIETO: I'm trying to get out of

9 here tonight. Do you know what the parking

10 situation is now across the street from the

11 applicant's property now that Crunch is open, and

12 they utilize virtually spot in the parking lot? Do

13 you know what the condition is today?

14 MS. GREGORY: It depends on what time

15 of day it is.

16 MR. PRIETO: All times of day.

17 MR. SCHMIDT: Objection.

18 MR. PRIETO: I'm asking your witness,

19 Mr. Schmidt.

20 MS. GREGORY: I don't know what cars

21 and which times. I didn't do that analysis. I

22 didn't do the parking analysis. These are

23 photographs that were for representation to show

24 where the historic land uses were. I wasn't showing

25 the uses of the lots by the pictures. That was

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1 testified to by our traffic engineer.

2 MR. PRIETO: Okay. You could take

3 current pictures if you want to?

4 MS. GREGORY: Yes, I could.

5 MR. PRIETO: Thank you.

6 CHAIRMAN GREET: Any other questions

7 from the public? Close to general public. Any

8 comments on the Board?

9 MR. SCHMIDT: Mr. Chairman, we have

10 no further witnesses to this application.

11 CHAIRMAN GREET: General comments

12 from the Board?

13 MR. McGARRICK: Mr. Chairman, do you

14 want to move to continue the decision tonight?

15 CHAIRMAN GREET: We have do general

16 have comments from the public. Do you want withhold

17 it?

18 MR. SCHMIDT: I'm more than willing

19 to stay.

20 MR. FRASER: Do you want to give a

21 try to push this through? It makes very little

22 sense to go to Board comments if there's not a

23 finish.

24 CHAIRMAN GREET: I understand some

25 are willing to stay, some aren't. I suspect, I

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1 don't know that for a fact. I expect to have quite

2 a few general comments from the public. I think

3 that we carry this to probably a late night, I don't

4 know that including myself that I'm willing or can

5 stay until one or 12:30 at night. I have to work as

6 well. With that I think I would like to postpone

7 the actual motion and general comments by the Board

8 and the general public for a later meeting, next

9 meeting. So with that, we'll carry this to the 23rd

10 of April. It will be the first application on the

11 agenda.

12 MR. FRASER: For the benefit of the

13 public, there is not going to be further notice.

14 The application is continued to April 23rd,

15 April 23rd at 7:30. There will be no further

16 notice, and the meeting continues that night.

17 MR. McGARRICK: Mr. Chairman, do we

18 need to have all the witnesses, or that's deferred

19 to the applicant?

20 MR. FRASER: My personal opinion, I

21 think that we only need the applicant. Technically,

22 we don't even need the applicant anymore, and

23 Counsel, you'll be present, I imagine you will need

24 to cross examine the objectors?

25 MR. SCHMIDT: Absolutely.

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1 MR. FRASER: Maybe sum up. With the

2 exception of counsel for the applicant, the

3 applicant has rested its case. So the applicant is

4 not required to bring back additional witnesses or

5 the same witnesses. He may choose to do so by his

6 own volition. It's rebuttal evidence, and the

7 objectors put on their case.

8 MR. SCHMIDT: I agree.

9 CHAIRMAN GREET: Thank you.

10 (Whereupon the proceeding is then

11 concluded at 11:09 p.m.)

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CERTIFICATION

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I, SHARI CATHEY, CCR, RPR, License No. 30XI00234700, and Notary Public of the State of New Jersey, hereby certify that the proceedings herein are from the notes taken by me of a Regular Meeting of the Garwood Planning Board, held on Wednesday, March 29, 2014; and that this is a correct transcript of the same.

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SHARI CATHEY, CCR, RPR  
A NOTARY PUBLIC of the  
State of New Jersey  
I.D. No. 2283786  
Commission Expires 2/4/17

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