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BOROUGH OF GARWOOD  
PLANNING BOARD  
SPECIAL MEETING  
403 South Ave  
Garwood, New Jersey 07027  
Wednesday, February 21st, 2018  
Commencing at 8:04 p.m.

STENOGRAPHIC  
TRANSCRIPT OF  
PROCEEDINGS

- - - - -X

IN RE: :  
South Ave Urban Renewal, LLC :  
Applicant. :

Applicant is seeking preliminary :  
and final site plan approval for :  
a project which proposes to :  
demolish the vacant former :  
industrial buildings, remediate :  
and redevelop the subject :  
property with approximately :  
396,000 gross SF mixed use :  
building.

- - - - -X

B E F O R E :  
STEPHEN GREET, Chairman  
KATHY VILLAGGIO, Vice-Chair  
MAYOR CHARLES LOMBARDO  
WILLIAM NIERSTEDT  
JOSEPH SARNO, Councilman  
PAUL TARANTINO  
GENE JANNOTTI  
MICHAEL VENA  
STEVE NAPOLITANO  
JOHN MALCOLM  
DENISE RIDENTE  
LOU PETRUZELLI  
DONALD R. FRASER, JR., ESQ. Board Attorney  
VICTOR VINEGRA, Board Engineer  
ADELE C. LEWIS, Board Secretary

TRANSCRIBED BY AND BEFORE :  
Patricia Pucciarello, Professional Court Reporter,  
and Notary Public of the State of New Jersey  
Job No. NJ2811158

Page 2

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

2

3 R U S S O D E V E L O P M E N T

4 Counsel for Applicant

5 South Ave Urban Renewal, LLC

6 570 Commerce Boulevard

7 Carlstadt, New Jersey 07072

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BY: CHRISTOPHER H. MINKS, ESQ.

201-487-5657

cminks@russodevelopment.com

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1 (On record at 8:04 p.m.)

2 CHAIRMAN GREET: Okay. At this time

3 we're going to continue with our application for the

4 South Avenue Urban Renewal and that's case PB17-06.

5 So with that, I think I would turn it

6 over to Mr. Minks.

7 MR. MINKS: Thank you very much. I'm

8 happy to be back, although on the way I was tempted

9 to stop at Dairy Queen, but the line was too long.

10 Seriously, the line was too long.

11 Tonight, as I referenced at our last

12 hearing of January 31st, we are going to present

13 Diogo Santos who is the applicant's planner for this

14 matter. And Diogo -- I intend for Diogo to be our

15 final witness this evening, final witness for the

16 hearing, at which point I'll request the board's

17 indulgence for an opportunity to have a brief

18 closing statement when appropriate, have a final

19 public comment and then board deliberations is what

20 my goal is. And we certainly hope that we have an

21 opportunity for a vote on this application this

22 evening.

23 So with that I'll call Diogo Santos.

24 (Witness sworn.)

25 MR. FRASER: Please state your name.

Page 3

1 I N D E X:

2 APPLICANT'S EXPERTS: PAGE

3 Diogo Santos 5

4

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6

7

8 E X H I B I T S:

9 APPLICANT'S DESCRIPTION PAGE

10 None Marked

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14

15 (Exhibits retained.)

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Page 5

1 MR. SANTOS: My name is Diogo Santos.

2 First name spelled, D-i-o-g-o; last name,

3 S-a-n-t-o-s.

4 MR. FRASER: And your address.

5 MR. SANTOS: 570 Commerce Boulevard,

6 Carlstadt, New Jersey 07072.

7 MR. FRASER: Your witness.

8 MR. MINKS: Thank you.

9 EXAMINATION BY MR. MINKS:

10 Q. Mr. Santos, if you could give the

11 board the benefit of your experience and your

12 education and current licensure. You're here

13 testifying as professional planner. Correct?

14 A. Yes, I am. So I graduated from the

15 New Jersey Institute of Technology in 2005 with a

16 bachelor of science in civil engineering. I

17 received my professional engineer's licensure in

18 2008. And through examination in 2011, I received

19 my professional planner's license in New Jersey.

20 Q. And that license remains in good

21 standing?

22 A. Yes, it does.

23 Q. So you're an engineer, but you're

24 also a planner?

25 A. Yes.

Page 6

1 Q. Are you also an architect?  
 2 A. Yes.  
 3 MR. MINKS: So yet another  
 4 underachiever.  
 5 MR. FRASER: Qualified elsewhere?  
 6 THE WITNESS: Yes, I've been  
 7 qualified in over a dozen boards.  
 8 BY MR. MINKS:  
 9 Q. And you've testified in the capacity  
 10 as professional planner before multiple boards such  
 11 as this planning board?  
 12 A. Yes.  
 13 MR. MINKS: I present.  
 14 MR. FRASER: I recommend he be  
 15 accepted.  
 16 CHAIRMAN GREET: Okay. So be it.  
 17 BY MR. MINKS:  
 18 Q. Mr. Santos, I know you've been  
 19 qualified as a professional planner and  
 20 notwithstanding your other credentials, you're  
 21 testifying here in that regard.  
 22 You were engaged by the applicant to  
 23 perform certain planning services with respect to  
 24 this projection and application. Correct?  
 25 A. Yes.

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1 Q. And according to that and in order to  
 2 facilitate that service, you're familiar with the  
 3 South Avenue transit-oriented redevelopment plan.  
 4 Correct?  
 5 A. Yes, I am.  
 6 Q. And you're familiar that this subject  
 7 property is, in fact, part of that redevelopment  
 8 area?  
 9 A. Yes, I am.  
 10 Q. And the applicant is, in fact, the  
 11 designated redeveloper?  
 12 A. Yes.  
 13 Q. And also the property owner?  
 14 A. Yes.  
 15 Q. Are you also familiar with the other  
 16 testimony that's been elicited in this application?  
 17 A. Yes, I am.  
 18 Q. And that's because predominantly  
 19 you've sat through all of those hearings?  
 20 A. Correct, yes.  
 21 Q. And you did miss one but did you have  
 22 an opportunity to review the certified transcript of  
 23 that?  
 24 A. Yes, I did.  
 25 Q. So you're confident that you're

Page 8

1 familiar with the testimony of Douglas Bartels who  
 2 is the project engineer?  
 3 A. Yes, I am.  
 4 Q. If you would just give the board just  
 5 a brief background, because I think we've been able  
 6 to do this rapid fire enough with frequent hearings,  
 7 so I think everyone is still on the same page and  
 8 aware as to what project we're looking at and what  
 9 site we're looking at, given the fact that it's  
 10 across the street.  
 11 If you could take us through just a  
 12 very brief outline of the planning aspects of the  
 13 project, paying close attention, obviously, to if  
 14 you believe there are any smart planning aspects or  
 15 positive aspects of the plan.  
 16 A. Okay.  
 17 Q. And also, take us through the  
 18 satisfaction of the positive and negative criteria  
 19 for the deviations that the application is seeking.  
 20 A. Absolutely.  
 21 All right. Good evening, everyone.  
 22 So I'll provide a brief overview of the project. It  
 23 consists of four lots in Block 401 and it's  
 24 currently being consolidated into a new lot, 1.01  
 25 consists of just about 5.3 acres.

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1 The site is bordered by South Avenue  
 2 to the south, Center Street to the east. We have a  
 3 New Jersey Transit rail line to the north and  
 4 obviously some light industrial buildings to the  
 5 west. And currently, as we all know, the project's  
 6 located across the street and we have some abandoned  
 7 light industrial buildings as well.  
 8 So with that said, the property is  
 9 within the South Avenue redevelopment plan. We are  
 10 proposing a 288-unit mixed use development with 298  
 11 units and just over 19,000 square feet of retail  
 12 that's predominantly located in the southeast corner  
 13 of the project at the intersection of South Avenue  
 14 and Center Street.  
 15 The plan was designed and is  
 16 consistent with the objectives and goals of the  
 17 South Avenue development plan and also of the  
 18 Garwood Master Plan. We comply with both  
 19 requirements in terms of building height, maximum  
 20 impervious coverage, building setbacks; however, we  
 21 do have two minor deviations which I will talk  
 22 about, and that's what we're here for today to  
 23 request, two deviations and relief for those as  
 24 such.  
 25 Q. Mr. Santos, would you say that -- is

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1 it correct, because I've said it earlier in one of  
 2 my openings, I believe I elicited testimony through  
 3 some other witnesses, is it your opinion as a  
 4 planner that other than the minor deviations that  
 5 you'll speak of, that the plan and the project as  
 6 proposed in this application is otherwise an  
 7 as-of-right application?  
 8 A. Yes, I do believe that it is an  
 9 as-of-right application.  
 10 Q. And that means that we are not  
 11 seeking nor does the project or the developer  
 12 require any relief from this board, again, other  
 13 than the minor deviations that you speak of?  
 14 A. Correct.  
 15 Q. And that includes not only the bulk  
 16 setback standards and the bulk standards that you  
 17 indicated, but also matters such as parking; matters  
 18 such as density, unit distribution, layout,  
 19 setbacks, all of it?  
 20 A. Stormwater management and landscaping  
 21 design, yes.  
 22 Q. Okay. Thank you. If you could  
 23 continue.  
 24 A. Sure. So our first minor deviation  
 25 is associated with minimum square footages

Page 11

1 associated with the apartment units. So the  
 2 redevelopment plan stipulates minimum square footage  
 3 for studios, one bedrooms, two bedrooms. So we  
 4 comply with the minimum requirements for studios.  
 5 With regards to the one bedrooms, the  
 6 requirement is 750 square feet. So minimum  
 7 750-square foot area designated for floor area for  
 8 each unit.  
 9 So we have nine units. Out of the  
 10 157 one bedrooms, nine do not comply; one of them is  
 11 at 690 square feet and then eight range from 721 to  
 12 741 square feet. And the reason why I want to kind  
 13 of pay attention to the actual values of the square  
 14 footage numbers is that when we were designing this,  
 15 what we really did was we were looking at the units  
 16 themselves and there were some areas inside the  
 17 units that we felt were -- would be better  
 18 reallocated to the exterior of the unit itself. So  
 19 what we did was we created balcony areas so that  
 20 each one of these units had balcony terraces for the  
 21 actual tenants to enjoy.  
 22 So if you actually brought back that  
 23 50 square feet, which is about the square footage of  
 24 all our balconies, into the indoor square footage  
 25 number of the units, okay, only one of the

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1 one-bedroom units would not comply, okay.  
 2 With regards to the two bedrooms, the  
 3 redevelopment plan stipulates a minimum square  
 4 footage of an 1100 square feet, one of them is at  
 5 971, and then 20 between 1047 and 1097. And again,  
 6 if you add back that 50 square feet associated with  
 7 the balconies, you will see that all but with the  
 8 exception of one, we would meet the requirement.  
 9 Again, it's just reallocation of space with the unit  
 10 from indoor to outdoor.  
 11 Q. Mr. Santos, from a planning  
 12 perspective, is the provision of an amenity such as  
 13 -- well, first of all, is a balcony an amenity? Is  
 14 that a tenant amenity or a plus for a tenant?  
 15 A. Yeah, absolutely. I mean, we found  
 16 through our developments that not only is it an  
 17 amenity for the tenant itself, but it just really  
 18 engages and activates the building to the actual  
 19 community, the outdoors corridors, the streets, the  
 20 sidewalks. So it just creates an interaction  
 21 between the building and the community.  
 22 Q. So what I'm getting at is, it's not  
 23 just a plus to the tenant, it also serves a valuable  
 24 planning tool. Is that correct?  
 25 A. Correct, yes. And also, to play into

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1 the architecture of the building, the balconies also  
 2 serve to provide some articulation to the  
 3 architecture and kind of bring that type of  
 4 transitional architecture that we want to the area.  
 5 So it kind of hits us in all  
 6 different elements with regards to the tenants, with  
 7 regards to the community, and also the architecture  
 8 of the building, and that's why, you know, we did  
 9 what we did.  
 10 Q. Thank you.  
 11 A. The second deviation has to do with  
 12 the parking space width associated with the parking  
 13 garage spaces.  
 14 So we have 58 retail spaces that are  
 15 9 by 18, and then 424 parking garage spaces that are  
 16 8 and a half by 18 feet. So the redevelopment plan  
 17 stipulates a width of 9 feet, we reduced that by 6  
 18 inches.  
 19 And again, that comes from just  
 20 studies that we've done and also national standards  
 21 that are available such as the Urban Land Institute,  
 22 which for low turnover parking spaces recommends  
 23 between 8 feet, 3 inches and 8 feet, 6 inches.  
 24 So when I say low turnover, I'm  
 25 talking about spaces are that are dedicated for

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1 tenants who are going to park their vehicle at night  
 2 and then keep it overnight, or even, let's say,  
 3 commuters who park their vehicle there for, you  
 4 know, nine, ten hours as they're using the train  
 5 station.  
 6         So as a result, based on nationally  
 7 accepted standards, we are requesting a deviation of  
 8 six inches so that our parking aisle widths are --  
 9 our parking spaces widths are 8 and a half feet.  
 10         COUNCILMAN SARNO: How many spots is  
 11 that?  
 12         THE WITNESS: That is 424 parking  
 13 spaces.  
 14         COUNCILMAN SARNO: Thank you.  
 15 BY MR. MINKS:  
 16         Q. You heard the testimony at the last  
 17 hearing, our traffic and parking testimony of  
 18 Charles Olivo from Stonefield. Correct?  
 19         A. Yes.  
 20         Q. And during that testimony, the  
 21 applicant introduced to the board and has committed  
 22 to implement what's called a smart parking, a  
 23 managed smart parking system and other measures,  
 24 included provision of valet service if we're  
 25 fortunate to have a restaurant as a tenant?

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1         A. Correct.  
 2         Q. Does the width and -- I mean, it's  
 3 what, half-a-foot deviation?  
 4         A. Yes, six inches.  
 5         Q. So does the six-inch deviation in the  
 6 width of the parking stalls have any negative  
 7 implication on the implementation of those two  
 8 mechanisms?  
 9         A. No, in my opinion, it does not. And  
 10 to further that, we have backing from national, you  
 11 know, parking standards that stipulate that to be an  
 12 acceptable width.  
 13         Q. And that's the Urban Land Institute  
 14 standards?  
 15         A. Correct.  
 16         Q. Thank you.  
 17         A. So in my opinion, these deviations  
 18 requested can be granted under a C-2 variance  
 19 criteria. And as the board is aware, the C-2  
 20 criteria requires that the applicant show that there  
 21 are benefits associated with the approval of these  
 22 deviations and that those benefits outweigh any  
 23 detriments with what we are requesting from the  
 24 board here today.  
 25         And with that said, you know, I'll

Page 16

1 speak to the positive criteria proof. So with  
 2 regards to this project, it promotes a desirable  
 3 visual environment to the area. You have a corridor  
 4 for, you know, a very long time as, you know, having  
 5 an abandoned industrial building really being an  
 6 eyesore within the community, and now we're  
 7 developing it into an aesthetically pleasing  
 8 building with, you know, transitional architecture  
 9 that really fits within the area, engages the  
 10 community and has been developed in accordance with  
 11 the redevelopment plan.  
 12         Q. Does the remediation of the  
 13 environmental contamination also speak to the  
 14 positive?  
 15         A. Correct, absolutely. So in addition  
 16 to that, like Mr. Minks is stating, you do have, you  
 17 know, contaminated areas, whether it's asbestos in  
 18 the building or certain contaminations in the  
 19 ground. And as an owner, we will be responsible for  
 20 cleaning that. So that would also be a benefit that  
 21 we're bringing through this project.  
 22         With regards to the mixed use, we're  
 23 bringing a vibrant, mixed-use area with retail that  
 24 will both be supported by the new residents that  
 25 will be coming into the building, and also will

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1 provide a strong linkage between the building and  
 2 the surrounding communities, which is something,  
 3 again, it's an objective end goal of the  
 4 redevelopment plan. It's also a pedestrian friendly  
 5 oriented development where, again, we're engaging  
 6 the community. We're encouraging people to walk to  
 7 the train station, to partake in the beautiful plaza  
 8 areas that we're creating in front of the building  
 9 that are directly opposite of this building here.  
 10         So again, those strong linkages not  
 11 only provide benefits to our residence, but also to  
 12 the community.  
 13         Q. And, Mr. Santos, the elements, some  
 14 of them that you mentioned such as, you know, the  
 15 entryway, the plaza area, the way the retail is  
 16 structured, although there were guidelines put in  
 17 the redevelopment plan, the actual plan that we are  
 18 presenting over these past four hearings, are you  
 19 aware was the product of many meetings with the  
 20 borough planner and engineer and a collaborative  
 21 effort to see to it that those planning perspectives  
 22 and planning initiatives were actually realized?  
 23         A. Yes. Being involved in the design  
 24 and obviously, you know, understanding working with  
 25 Mr. Bartels and the project team, I believe this

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1 project has been a perfect example of collaboration  
 2 between the design team, developer, the community,  
 3 the board and I think it created a better design.  
 4 Q. Okay. Thank you.  
 5 A. So with that said, with all those --  
 6 all that positive criteria, and in addition, again,  
 7 we provide adequate landscaped areas; we provide  
 8 adequate stormwater control measures for the site,  
 9 and I offer that the project brings many benefits to  
 10 the community and those benefits outweigh any  
 11 detriments in the waivers or deviations that we are  
 12 requesting before you today.  
 13 Q. Now, your planning analysis did not  
 14 need to go into highest and best use, whether this  
 15 use is consistent with this area or appropriate for  
 16 this property, and that's all principally due to the  
 17 fact that the governing body and this board and  
 18 ultimately, it was adopted, the redevelopment plan  
 19 was adopted that contemplated this type of a  
 20 transit-oriented multifamily use. Correct?  
 21 A. Correct.  
 22 Q. So it goes without saying then that  
 23 is an appropriate use and it's uniquely suited for  
 24 this property and that this project is going to, as  
 25 you said earlier, accomplish and meet goals that

Page 19

1 were expressly enumerated in the redevelopment plan.  
 2 Correct?  
 3 A. Correct. Correct, absolutely.  
 4 Q. Okay. Thank you.  
 5 A. Now, in terms of the negative  
 6 criteria proof, I offer that this project will not  
 7 have a substantial detriment to the public good and  
 8 that it will not substantially impair the intent and  
 9 purpose of the zone plan and ordinance. And again,  
 10 with that said, I'll just, you know, review quickly  
 11 the two deviations as far as the substantial  
 12 detriment the actual units themselves, as far as the  
 13 square footage deviations.  
 14 And as I stated, I believe that we  
 15 are bringing benefits to the residents, to the  
 16 community, by creating those linkages between the  
 17 building, the balconies, and also the pedestrian  
 18 walkways, the corridors through providing these  
 19 balconies, and there are no detriments by, you know,  
 20 having those units. Like I said, they represent a  
 21 small percentage of the total unit count, but there  
 22 were no detriments associated with the square  
 23 footages of the units.  
 24 Q. Speaking to the balconies briefly, I  
 25 don't know, I believe you were here when there was

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1 testimony about the administration of the leases in  
 2 -- for the resident apartments that there will be  
 3 restrictions and there will be enforcement  
 4 prohibiting barbecue grills or people hanging  
 5 laundry off of their balcony.  
 6 So upon enforcement of those types of  
 7 rules, there's no concern for any negative impact  
 8 presented by those balconies. Correct?  
 9 A. Correct, yes.  
 10 Q. And the applicant is permitted  
 11 certainly to enforce those?  
 12 A. And again, the balconies played into  
 13 the architecture of the building as well, and again,  
 14 will be an architectural feature that will be  
 15 enhanced and really honed in on for this particular  
 16 building, and again, this transitional features that  
 17 have been incorporated.  
 18 And again, as far as detriment with  
 19 the parking because it's a low turnover zone, a low  
 20 turnover parking area, as far as detriments, there  
 21 is none, because again, national standards, you  
 22 know, they support the eight foot, six-inch parking  
 23 stall size, parking stall width, and as a result, we  
 24 offer that this project provides only benefits to  
 25 the community and the detriments are minimal and

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1 really non-existent.  
 2 And as a result, we have a plan here  
 3 prepared before you that meets the goals and  
 4 objectives of the South Ave redevelopment plan.  
 5 Q. With regard to the retail parking,  
 6 can you just make the distinction between the retail  
 7 parking and residential parking in terms of parking  
 8 width?  
 9 A. Sure. Sure. So the 58 spaces within  
 10 the retail that are dedicated to the retail, these  
 11 spaces will be 9 by 18-foot spaces, typical,  
 12 standard spaces. And then within the parking garage  
 13 area, we're going to have spaces dedicated to  
 14 residents of the building, or maybe there will be  
 15 some shared commuter spaces, those are the spaces  
 16 that are within the parking garage that will have  
 17 the 3 and a half by 18 stall sizes.  
 18 Q. And with regard to the operation of a  
 19 valet service, again, if it's the case that we have  
 20 a restaurant that has that demand, we've committed  
 21 to provide a valet service?  
 22 A. Sure.  
 23 Q. Those spaces, as is contemplated and  
 24 it was testified to at a prior hearing, the 58  
 25 spaces directly behind the retail, although they're

Page 22

1 striped 9 by 18, valet service may then result in  
2 cars being stacked and not necessarily strictly  
3 adhering to that width. Correct?  
4 A. Correct, and again, that was provided  
5 through testimony and through valet you could then  
6 take advantage of those extra spaces.  
7 Q. Meaning the valet service will not be  
8 constrained by that 9 by 18 width, they'll be able  
9 to utilize them in the most efficient way to  
10 maximize parking?  
11 A. Most efficient way, exactly, exactly.  
12 Q. Okay. Thank you.  
13 MR. MINKS: I don't have anything  
14 further for Mr. Santos.  
15 MR. NIERSTEDT: There are two major  
16 issues that I hope you could address from a planning  
17 perspective, one is the -- because we've heard these  
18 questions early on, and I'd kind of like to get, you  
19 know, professional testimony regarding the answers  
20 for the public, and one is the numbers of school  
21 children.  
22 THE WITNESS: Yes.  
23 MR. NIERSTEDT: Okay, and what those  
24 ramifications would be. And the second is the very  
25 important aspect of this, which is the affordable

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1 housing.  
2 THE WITNESS: Okay.  
3 MR. NIERSTEDT: If you could provide  
4 some testimony on that.  
5 MR. MINKS: If I may, before you  
6 testify, the issue of school children, as council  
7 can advise the board, is not a matter that can be  
8 legislated, and it's certainly the situation here  
9 that our density is absolutely compliant with the  
10 redevelopment plan.  
11 Our affordable housing component is  
12 dictated to us, it's not a component that we are  
13 able to reduce whether the board or us or the public  
14 would like that; one way or the other, we can't  
15 alter that number. That is the subject of a  
16 settlement agreement with respect to the  
17 municipality's declaratory judgment action against  
18 Fair Share Housing.  
19 So the applicant actually before it  
20 was an applicant submitted a fiscal impact study to  
21 the council that was considered by the council in  
22 the context of its designation, its redeveloper and  
23 the approval by the counsel of a financial agreement  
24 for certain fiscal benefits, certain tax exemption  
25 for the project. All of those were contemplated and

Page 24

1 they were then incorporated into the considerations  
2 with respect to density and ultimately, the  
3 affordable housing award that we are working it.  
4 So I just want the board to  
5 understand, we're certainly going to answer your  
6 questions, we're going to provide you with some  
7 information which is consistent with, and actually  
8 it's better than that initial fiscal impact analysis  
9 which was prepared on the basis of 315 units at the  
10 time with more COAH. We succeeded in negotiating a  
11 10 percent COAH set aside, which is all but unheard  
12 of in today's world in the State of New Jersey,  
13 which is actually a significantly lower percentage  
14 for this site and the 15 percent for Phase II.  
15 But with that, if you can provide  
16 some color to Mr. Nierstedt's question, because it  
17 certainly --  
18 MR. NIERSTEDT: Mr. Chairman, can I  
19 just ask, Mr. Minks, perhaps you thought I was  
20 asking that from a negative perspective.  
21 MR. MINKS: No, no, I just want to --  
22 MR. NIERSTEDT: I want to make sure  
23 because everything that you talked about was  
24 submitted to council, this board hasn't seen it.  
25 MR. MINKS: I certainly appreciate

Page 25

1 that and I just want to give color to the answer.  
2 MR. NIERSTEDT: Right, and as I think  
3 you well know, I'm supportive of the affordable  
4 housing.  
5 MR. FRASER: I think, Mr. Nierstedt's  
6 question was appropriate. Why don't we have the  
7 witness answer it.  
8 MR. MINKS: I agree. I just wanted  
9 to preface it --  
10 MR. FRASER: Mr. Minks, we have a  
11 very, very competent witness, we have a good  
12 question, let's get the answer.  
13 MR. MINKS: I'm all for it.  
14 THE WITNESS: Thank you.  
15 So as Mr. Minks has stated, we did  
16 perform a fiscal impact study in April 2016 which  
17 kind of highlighted and gave us some good  
18 information. And I will talk to the fact that, you  
19 know, since 1977, as far as like the study goes,  
20 they actually went back to see the number of school  
21 children within the district. And since 1977, the  
22 town has actually seen a decrease of about  
23 30 percent in the number of school children. So  
24 1977 we have 734 students, 2010 that was a drop to  
25 525, and then the report highlighted 2015, again,

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1 another drop to 410. So obviously, there's a  
 2 downward trend.  
 3 BY MR. MINKS:  
 4 Q. That trend did go up slightly,  
 5 though, for 2016?  
 6 A. Yeah, they had a projected, a  
 7 projected for 2016, not an actual, but a projected  
 8 in 2016, of, I believe, about 512.  
 9 Q. And I just want to clarify for the  
 10 record, when we're speaking of school children,  
 11 we're speaking of school-age children?  
 12 A. Correct.  
 13 Q. And the numbers you're quoting were  
 14 school-aged children that were enrolled in the  
 15 school system. Correct?  
 16 A. Correct.  
 17 Q. Just to be accurate.  
 18 A. Correct, K through eight, nine  
 19 through 12.  
 20 Q. Okay. So it's the full K through 12  
 21 experience, school experience?  
 22 A. Correct, yes.  
 23 Q. Okay.  
 24 A. So with that said, you know, we have  
 25 a project before you that's not conducive to

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1 families. It's really more appropriate to, you  
 2 know, people, professionals that are working in the  
 3 city, taking the train, taking a bus, empty nesters  
 4 that are moving in, going to downsize. Again, the  
 5 units are not conducive for families, and the  
 6 amenities are not as well.  
 7 So with that said, you know, the  
 8 development itself is not going to attract, you  
 9 know, and through our experience in the buildings  
 10 that we have developed in the past, many school-age  
 11 children.  
 12 But the report goes to highlight that  
 13 as far as the market-rate units themselves, the  
 14 actual number of students they generate is six  
 15 students. With regard to the COAH units, there is a  
 16 higher number associated with that, and again, like  
 17 Mr. Minks stipulated, that's something we can't  
 18 control. We're mandated by the 10 percent and we're  
 19 required to add those to this development. So with  
 20 that said, the impact would be minimal.  
 21 And also looking at the big picture  
 22 trends in school population, we feel both the report  
 23 stipulates that the impacts will be negligible.  
 24 Q. You omitted the number for -- you  
 25 inadvertently didn't state the number for the

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1 Affordable Housing.  
 2 A. So I prorated these because the  
 3 report was done for 315 units, and now it's 298.  
 4 So basically, when it was done for  
 5 315 students, there were six public school children  
 6 for the market-rate units, and it's still the same  
 7 number now as well. So for the 268 units that we  
 8 propose right now, market-rate units, there are six  
 9 students. For the 30 COAH units that we're  
 10 proposing, again, I'm prorating this, there's going  
 11 to be 21 children for 30 COAH, so total of 27.  
 12 Q. Now, those are based on what? How  
 13 does someone come up with an estimate of the number  
 14 of school children, what are the --  
 15 A. Well, yeah, I mean they kind of go,  
 16 you know, by Rutgers multiplier, so again, the  
 17 studies incorporate various different multipliers,  
 18 the type of building, the type of units, the  
 19 location and they kind of combine all that together  
 20 to come with a ratio and apply it to derive an  
 21 estimated number of school children.  
 22 Q. So was the Rutgers study by  
 23 Dr. Listokin?  
 24 A. Yes.  
 25 Q. In your experience as a planner and

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1 in your experience working with Russo, are -- and in  
 2 the industry, are the Listokin and Rutgers  
 3 multipliers considered very conservative by today's  
 4 standards?  
 5 A. Yes, they are.  
 6 Q. That data dates back to 2010, 2011?  
 7 A. Yes.  
 8 Q. And also, for a transit-oriented  
 9 development such as this, are those numbers even  
 10 more so?  
 11 A. Yes, again, absolutely because of the  
 12 type of developments and the type of tenant that  
 13 we're attracting, yes.  
 14 Q. And the school children, the  
 15 school-aged children that are forecast as  
 16 potentially being generated by a project such as  
 17 this, those are not 27 kindergartens coming into the  
 18 school system every year. Correct?  
 19 A. Correct, that is a total, at any  
 20 point in time, a total number of students generated  
 21 by the building from K through 12.  
 22 Q. And speaking to your testimony as to  
 23 the positive and negative criteria, as a  
 24 professional planner, would an influx of 21 or 27,  
 25 I'm sorry, potential students over the 12 grades



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1 plus of an educational district present a negative  
 2 such that it would implicate new facilities, new  
 3 teachers, new --  
 4 A. No, no, absolutely not.  
 5 Q. Okay. And from the fiscal impact  
 6 study, was there a net fiscal benefit not  
 7 withstanding the creation of additional school-age  
 8 children?  
 9 A. Yes, yes, the total encompassing  
 10 benefit. There was a benefit, yes.  
 11 Q. And with the resulting reduction in  
 12 school-age children that could be generated, is that  
 13 benefit slightly greater?  
 14 A. Yes.  
 15 Q. And your testimony is to a reasonable  
 16 degree of certainty as a professional planner?  
 17 A. Yes, it is.  
 18 MR. MINKS: I forgot that earlier.  
 19 MR. FRASER: No doubt, Mr. Minks.  
 20 MR. NIERSTEDT: That's the students.  
 21 Now, in terms of the affordable  
 22 housing, I'll state it now, I'm in favor of  
 23 affordable housing. My questions are not to  
 24 undermine affordable housing. My questions are to  
 25 respond to, you know, comments that people have

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1 made.  
 2 The affordable housing units that  
 3 we're talking about here, what are the income levels  
 4 to which these units would be ascribing -- to whom  
 5 these units would be rented? Did you go with region  
 6 two? Did you go with HUD? What numbers did you go  
 7 with?  
 8 THE WITNESS: Yeah, I'm not sure.  
 9 MR. MINKS: Those are actually  
 10 governed -- we didn't commission our planner to  
 11 study that, again, that's why I prefaced his answers  
 12 with my statement.  
 13 The settlement agreement governs it,  
 14 and it's strict in accordance with UHAC.  
 15 MR. NIERSTEDT: UHAC?  
 16 MR. MINKS: Yes, the Uniform Housing  
 17 Affordability Control Act, and that stipulates the  
 18 income levels and then the fixed percentages of  
 19 median income that establishes the percentage  
 20 discounts on the rent.  
 21 So roughly, an affordable housing  
 22 tenant could be paying 35 percent of the market  
 23 rent.  
 24 MR. FRASER: You're testifying,  
 25 Mr. Minks?

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1 MR. MINKS: No, I'm just stipulating  
 2 what the settlement agreement says, Mr. Fraser.  
 3 MR. NIERSTEDT: But the bottom line  
 4 is that a person who is proposing to rent an  
 5 affordable housing unit, they have to fit their  
 6 income -- first of all, they have to have an income,  
 7 that's number one. I'd like to get that on the  
 8 record, they have to have an income.  
 9 Number two, they also have to fit  
 10 within certain parameters, and these are moderate  
 11 income, low-moderate, what are these?  
 12 THE WITNESS: I don't know. I don't  
 13 know what the levels are.  
 14 BY MR. MINKS:  
 15 Q. The settlement agreement requires  
 16 compliance with UHAC. Correct?  
 17 A. Yes.  
 18 Q. And UHAC requires a certain  
 19 percentage of low, a certain percentage of moderate,  
 20 and a certain percentage of very low. Correct?  
 21 A. Correct.  
 22 Q. And the percentage in this case  
 23 pursuant to the settlement agreement is 13 percent  
 24 of very low. Correct?  
 25 A. Correct, yes.

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1 Q. So 13 percent of the 30 units will  
 2 have to be made available to very low income  
 3 residents. Correct?  
 4 A. Correct, yes.  
 5 Q. That is 30 percent of median income?  
 6 A. They do, yes. Yes.  
 7 MR. NIERSTEDT: You're doing well,  
 8 Mr. Minks, you're doing well.  
 9 MR. MINKS: I'm not testifying, I'm  
 10 leaving --  
 11 MR. FRASER: Mr. Nierstedt, I  
 12 challenge you to examine that witness.  
 13 MR. NIERSTEDT: I'm going to let it  
 14 go for now, we'll let it go for now.  
 15 MR. MINKS: I'm trying to help.  
 16 MR. NIERSTEDT: And I want to get  
 17 these answers, that's why I'm not challenging you,  
 18 because I think it's very good to get these on the  
 19 record so people understand what it is we're talking  
 20 about and not what they think is being proposed.  
 21 So your expert testified that 13  
 22 percent of -- do you know the percentage of the  
 23 other two or would you ask those percentages?  
 24 THE WITNESS: Possibly if I had  
 25 the --

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1 MR. NIERSTEDT: Possibly, okay. I  
 2 was hoping you could provide the income numbers on  
 3 the record, again, just to indicate to assuage some  
 4 concerns that people have regarding this affordable  
 5 housing. If we don't have it, we don't have it.  
 6 CHAIRMAN GREET: So you're basically  
 7 doing this just to get this on the record?  
 8 MR. NIERSTEDT: Yeah, absolutely.  
 9 VICE-CHAIR VILLAGGIO: And it's all  
 10 set forth in the settlement agreement.  
 11 MR. NIERSTEDT: Right.  
 12 MR. MINKS: Correct.  
 13 VICE-CHAIR VILLAGGIO: I usually have  
 14 a copy of that settlement agreement.  
 15 MR. MINKS: I have it right here.  
 16 I'm actually going to share it with you. The  
 17 problem is I believe it simply stipulates the -- and  
 18 I was wrong, it's 35 percent of median income, it's  
 19 the 13 percent very low -- no, 35. That's -- okay.  
 20 Here you go.  
 21 MR. NIERSTEDT: I think you said 35.  
 22 MR. MINKS: Let me give this to you.  
 23 You're more than welcome to look at it.  
 24 THE WITNESS: I could just read it.  
 25 MR. MINKS: I'll ask you study it and

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1 I'll ask you to please identify the document.  
 2 Unfortunately, it just stipulates that it has to  
 3 comply with the Uniform Housing Affordability  
 4 Control Act. So unfortunately, this witness is not  
 5 prepared to testify as to the specific percentages,  
 6 but the settlement agreement requires compliance  
 7 with UHAC which is the typical standard in the  
 8 state.  
 9 COUNCILMAN SARNO: And that's readily  
 10 available to the public too?  
 11 MR. MINKS: Absolutely, and we can  
 12 certainly provide it.  
 13 CHAIRMAN GREET: So it is on file, it  
 14 is documented what the requirements are?  
 15 MR. MINKS: Absolutely.  
 16 CHAIRMAN GREET: What we're just  
 17 missing right here is just the simple percentages,  
 18 which really isn't, I don't think, pertains to our  
 19 site plan.  
 20 MR. FRASER: Except that they will  
 21 comply.  
 22 MR. MINKS: We are court ordered to  
 23 comply, Mr. Fraser. So notwithstanding this  
 24 approval, we are obligated to comply with anything  
 25 that's built on the site.

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1 BY MR. MINKS:  
 2 Q. And actually, Mr. Santos, just to  
 3 give a little more color to the intent of the  
 4 questioning, which I certainly understand and  
 5 appreciate, the affordable housing is not simply --  
 6 we don't simply put an advertisement in the  
 7 newspaper and hope that people that require  
 8 affordable housing that may comply with the  
 9 requirements of UHAC will sign up, do we?  
 10 A. No, we do not.  
 11 Q. We actually pay for an administrator  
 12 and they go through a lottery process?  
 13 A. Right, there's an application  
 14 process. They interview and they make sure that  
 15 everyone that applies conforms with the requirements  
 16 and are within the income ranges, and so they --  
 17 it's not done through us, but we hire a consultant  
 18 that kind of manages that whole process.  
 19 Q. So as Mr. Nierstedt asked, these are  
 20 gainfully employed people that have to show proof of  
 21 income?  
 22 A. Correct.  
 23 Q. They have to qualify to the income  
 24 levels in order to qualify for a very low, a lot or  
 25 a moderate apartment?

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1 A. Yes.  
 2 Q. And they have to maintain that  
 3 qualification, correct?  
 4 A. Correct, absolutely.  
 5 MR. MINKS: Bill, if that helps.  
 6 MR. NIERSTEDT: It helps the record.  
 7 BY MR. MINKS:  
 8 Q. That's at developer's cost. Correct?  
 9 A. Yes.  
 10 Q. We pay for that consultant to manage  
 11 that process?  
 12 A. Yes.  
 13 CHAIRMAN GREET: Thank you. Bill, do  
 14 you have -- is that --  
 15 MR. NIERSTEDT: No, those were the  
 16 concerns.  
 17 CHAIRMAN GREET: Does anyone else on  
 18 the board have any questions of the witness?  
 19 Seeing none, I'll open it up to the  
 20 general public for questions specific to this  
 21 witness.  
 22 Please rise and state your name,  
 23 Bruce.  
 24 MR. PATERSON: Bruce Paterson, 325  
 25 Willow Avenue.

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1 I'm just wondering, if you have low  
 2 income, what about the association fees, are they  
 3 discounted somehow, you know, whatever fees you're  
 4 also charging on --  
 5 MR. FRASER: Bruce, these are rental  
 6 units.  
 7 MR. PATERSON: No, but I thought at  
 8 one point people were talking about the kind of  
 9 association.  
 10 CHAIRMAN GREET: No, it's rental.  
 11 MR. PATERSON: Okay. But there's  
 12 additional fees that they mentioned as part of the  
 13 rent, parking fees, pet fees.  
 14 MR. MINKS: That's all in accordance  
 15 with the applicable law. That's going to be managed  
 16 by the affordable housing manager. We use Piazza &  
 17 Associates as many different companies that manage  
 18 these facilities.  
 19 And to the extent that there are  
 20 subsequent fees or additional amenity fees or the  
 21 like, you're not obligated to pay them as an  
 22 affordable housing tenant; however, you're not  
 23 obligated to be provided certain amenities if you  
 24 don't pay for them. But again, it's in accordance  
 25 with applicable law, which is all governed under the

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1 Uniform Housing Affordability Control Act.  
 2 CHAIRMAN GREET: So in essence, the  
 3 rent will cover the rental of that apartment?  
 4 MR. MINKS: Absolutely.  
 5 MR. PATERSON: And what are the  
 6 standard amenities and therefore, any extra  
 7 amenities, I guess, are unnecessary? So either they  
 8 pay for them or they don't pay for them. Is that  
 9 what it boils down to?  
 10 MR. MINKS: Correct, to the extent  
 11 that we're able to -- to the extent that we're  
 12 compelled to provide them without a fee being paid,  
 13 the affordable housing tenants get them. To the  
 14 extent that we're able to charge a separate amenity  
 15 fee, certainly it's not something that's crucial to  
 16 the applicancy or to their livelihood or their  
 17 experience. But to the extent that it can be a  
 18 separate charge, then that amenity does not have to  
 19 be charged. But again, that's not our  
 20 determination, that's governed by applicable law and  
 21 managed by our third-party manager, affordable  
 22 housing manager.  
 23 MR. PATERSON: Thank you on that  
 24 point.  
 25 The number of children, is there some

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1 kind of tolerance on that? You say 27, right? Is  
 2 there a plus or minus 10 percent in the studies?  
 3 THE WITNESS: No. I mean, the  
 4 standard is pretty conservative, the Rutgers  
 5 standard. And again, that's a number that's derived  
 6 and it can certainly be less, but you know, through  
 7 our experiences in our developments it hasn't been  
 8 more than that. So that's where we derived the fact  
 9 that, you know, it is a conservative value. And the  
 10 fact that, again, it's transit oriented.  
 11 The type of market that we're  
 12 reaching out to, or at least, you know, the type of  
 13 tenant that we foresee getting in this type of  
 14 building, you know, the size of the units themselves  
 15 are just not conducive to, let's say, families. So  
 16 again, that also limits the amount of school-age  
 17 children that, you know, do come into the building.  
 18 MR. PATERSON: I would assume you've  
 19 done similar projects, you know, in different areas  
 20 of the state?  
 21 THE WITNESS: Correct.  
 22 MR. PATERSON: And it sounded like,  
 23 from what I heard, that you actually do go back and  
 24 you do some studies of how many children come out of  
 25 those other projects that you had done?

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1 THE WITNESS: Yeah, I mean, we  
 2 certainly highlight and do get some information from  
 3 these projects. And again, all our projects are  
 4 very transit oriented similar to this one.  
 5 So we have a project in Harrison  
 6 that's about 400 units and, you know, I can't  
 7 confirm, but I know in speaking with leasing, I  
 8 mean, the number of school-aged children there is  
 9 minimal, again, because everyone is taking the  
 10 train. It's all, you know, people that work in the  
 11 city, young professionals.  
 12 So for, again, this type of a  
 13 development which is classified as transit oriented,  
 14 that's certainly does, you know, help with keeping  
 15 those numbers on the lower end.  
 16 MR. PATERSON: Maybe you're not the  
 17 one to be asking, but the COAH units, they're  
 18 obviously spread around? I guess I wasn't at the  
 19 meeting.  
 20 THE WITNESS: Correct, yeah, they're  
 21 spread out through the building, yeah.  
 22 MR. PATERSON: How do you  
 23 differentiate between the COAH and the regular? Is  
 24 there quality of material involved?  
 25 THE WITNESS: You know, there's

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1 several stipulations that kind of, you know, as far  
 2 as what the architecture or the type of components  
 3 we put in, but they have to be substantially similar  
 4 to the other units, so that's what we do as far as,  
 5 you know, constructability and materials and things  
 6 like that.  
 7 MR. PATERSON: They have balconies  
 8 off them?  
 9 THE WITNESS: Yes.  
 10 MR. PATERSON: How many COAH units  
 11 are there?  
 12 THE WITNESS: Thirty.  
 13 MR. PATERSON: So actually, we're  
 14 slightly over ten percent, it sounds like?  
 15 THE WITNESS: Yes.  
 16 MR. PATERSON: Thank you very much.  
 17 CHAIRMAN GREET: Thank you.  
 18 Anyone else in the audience that has  
 19 a question of this witness?  
 20 Seeing none, I'll close that portion  
 21 of the meeting.  
 22 Okay. Now we have general discussion  
 23 and general questions.  
 24 MR. FRASER: I think we're done with  
 25 the questioning of that witness.

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1 Do you have any further witnesses,  
 2 Mr. Minks?  
 3 MR. MINKS: I have no further  
 4 witnesses.  
 5 CHAIRMAN GREET: Okay. Thank you.  
 6 At this time, I'll open it up to the  
 7 board for commentary and/or questions.  
 8 MR. VENA: If I may, I like the idea  
 9 that they reduced the size of some of the apartments  
 10 to give the balconies. I mean, it does give it a  
 11 better look. If I were to have an apartment, I  
 12 would love a balcony, this way you feel part of the  
 13 neighborhood being out there, so I don't see a  
 14 problem with that.  
 15 VICE-CHAIR VILLAGGIO: Mr. Minks, I  
 16 have a couple questions.  
 17 MR. MINKS: Absolutely.  
 18 VICE-CHAIR VILLAGGIO: Is that okay?  
 19 MR. MINKS: Of whom?  
 20 VICE-CHAIR VILLAGGIO: Of your  
 21 engineer.  
 22 MR. MINKS: Okay. We already have  
 23 Mr. Santos sworn in, he may be able to answer them.  
 24 He's familiar with the engineering and he is an  
 25 engineer as well, but if we need to qualify him as

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1 such, we can.  
 2 MR. FRASER: He's already qualified.  
 3 Right?  
 4 MR. MINKS: He's qualified as a  
 5 planner, but he's also currently a licensed  
 6 engineer.  
 7 MR. FRASER: Let's see what the  
 8 questions are.  
 9 VICE-CHAIR VILLAGGIO: I want to -- I  
 10 didn't hear much testimony with regard to the  
 11 reports that we got from both the fire department  
 12 and the police department. Can we just --  
 13 MR. MINKS: I thought Mr. Bartels  
 14 testified to those.  
 15 VICE-CHAIR VILLAGGIO: But I asked  
 16 the architect, like, when he was testifying, and I  
 17 was told that wasn't the proper time. So then when  
 18 the engineer and -- he did have the testimony with  
 19 regard to the majority of the fire department.  
 20 MR. MINKS: Correct.  
 21 VICE-CHAIR VILLAGGIO: Okay. But not  
 22 the --  
 23 MR. MINKS: I believe he also  
 24 testified to the police department in terms of --  
 25 and that was also covered in terms of the yellow

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1 striping, the restricted movements out of the turn  
 2 lane, all of that testimony came from either traffic  
 3 or engineering.  
 4 VICE-CHAIR VILLAGGIO: Okay.  
 5 MR. MINKS: And obviously, the  
 6 applicant will work with the police department and  
 7 the fire department to address, as much as possible,  
 8 all of their concerns because safety of our  
 9 residents in the communities is not lost on the  
 10 applicant. We're certainly going to make sure that  
 11 we maximize that.  
 12 VICE-CHAIR VILLAGGIO: Right, because  
 13 one of the comments that was made by the chief was  
 14 with regard to the right-hand turn, you know, just  
 15 the right-hand turn.  
 16 MR. MINKS: Correct.  
 17 VICE-CHAIR VILLAGGIO: But it was  
 18 testified here and Victor indicated that making the  
 19 -- making a left-hand turn would be a benefit.  
 20 MR. MINKS: Correct.  
 21 MR. VINEGRA: To not just myself, but  
 22 to their traffic engineer.  
 23 VICE-CHAIR VILLAGGIO: Yes, and I  
 24 want to make sure that's part of -- is that okay?  
 25 CHAIRMAN GREET: Let me just quantify

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1 and clarify maybe what you're going to hear from  
2 some of the questions that are going to be raised by  
3 board members, and I think they may -- they may go  
4 into other different areas of the, you know,  
5 application for various nights and pertaining to who  
6 would be the expert witness at that time.  
7         So I would ask, as much as possible,  
8 if you could answer that question and maybe not have  
9 that expert witness on hand to answer them because  
10 they're on record and have made those statements.  
11 And I assume that you would be reticent of their  
12 responses that you could speak on their behalf.  
13         MR. MINKS: Well, I can't -- again, I  
14 can't testify, although I try to.  
15         MR. FRASER: Noted.  
16         MR. MINKS: Duly noted. But I  
17 certainly, where appropriate, I will certainly try  
18 to point and remind the board of testimony that was  
19 provided, and obviously, the board has the benefit  
20 of the transcripts. But also, wherever possible,  
21 not only is Mr. Santos here, but as you can see,  
22 Mr. Bartels is here as the chief engineer in the  
23 site and he's very facile in terms of all aspects of  
24 the project, so if we want to -- he's already been  
25 sworn in, so I would offer him to the board as well

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1 in order to try and provide as much answers that we  
2 can give you.  
3         CHAIRMAN GREET: And I would, ask as  
4 a matter of, I won't say expediency, but maybe just  
5 clarification to make the questions relatively  
6 straightforward and particular to the question that  
7 you're looking at, and have the answers pretty much  
8 address those items specifically and then we can  
9 move on to another question.  
10         MR. MINKS: I understand.  
11         VICE-CHAIR VILLAGGIO: With regard to  
12 the streetscape, Mr. Minks.  
13         MR. MINKS: Yes.  
14         VICE-CHAIR VILLAGGIO: There was  
15 testimony that it will be like a cement, if I  
16 recall. It was also indicated that we would like a  
17 tint to it.  
18         MR. MINKS: Correct.  
19         VICE-CHAIR VILLAGGIO: And a resident  
20 indicated also a stamped cement so it looks better.  
21 Would you work with our engineer to make sure that  
22 it's in --  
23         MR. MINKS: Absolutely.  
24         VICE-CHAIR VILLAGGIO: You know, for  
25 the betterment of the sidewalks.

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1         MR. MINKS: Absolutely. And if I  
2 didn't confirm it that night I apologize. But I  
3 reached out to my client during a break, I believe,  
4 on that evening and confirmed that we would have no  
5 objection to, you know, coming up with a decorative  
6 tint and where appropriate, because the stamped  
7 concrete is not appropriate in all areas, but where  
8 appropriate in some of the hardscape we would use  
9 either a stamped concrete or another decorative  
10 element, and we will certainly work with the  
11 engineer.  
12         I know how passionate Mr. Vinegra is  
13 about this plaza and we share that passion, so we'll  
14 work with him.  
15         VICE-CHAIR VILLAGGIO: Okay. With  
16 regard to the trees that will be planted, there was  
17 testimony that you would be responsible for the  
18 maintenance of the sidewalk and of the metal grates  
19 by your maintenance people that I -- and would you  
20 also be responsible for -- I would like you to be  
21 responsible for the maintenance of the trees, you  
22 know, not that the borough won't be able to do that,  
23 but because, you know, we do have DPW, but if he's  
24 maintaining the, you know, the grates around it, I  
25 don't see any reason why he or she wouldn't be able

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1 to maintain those trees, God forbid like one gets  
2 hit by a car or something. I don't anticipate that  
3 happening, but --  
4         MR. MINKS: I mean, it certainly  
5 benefits the project to have it continuing to look  
6 attractive. The only hesitation I have is that  
7 there comes a point where the trees are an older  
8 growth tree and, you know, we don't want there to be  
9 any interference.  
10         Are there wires on that side of the  
11 street? They're not going to be a tall growth,  
12 though, right? The variety will be a small, a low  
13 growth?  
14         VICE-CHAIR VILLAGGIO: I understand  
15 your landscape guy is not here.  
16         MR. MINKS: No, that's why I'm asking  
17 some confirmation from Mr. --  
18         MR. BARTELS: There's supposed to be  
19 more of like a columnar sort of growth of a tree to  
20 help avoid the conflict of the wires.  
21         MR. NIERSTEDT: Just an FYI here,  
22 fastidious hornbeam trees, they're very narrow.  
23 They actually are trees that the contractor just  
24 planted here in the borough along the streets, I'm  
25 still hesitant on them. They're not going to

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1 provide any shade. They're not going to provide  
2 much of anything other than there will be trees, you  
3 know, every -- I think it's 25 feet or something.  
4 They will not interfere with the building, which is  
5 good, but I would appreciate it if Victor's  
6 landscape architect would take a further look at  
7 some of those trees.  
8 MR. MINKS: Well, we'll certainly  
9 work with Mr. Vinegra to confirm the variety. We  
10 are concerned about the implication of the high  
11 wires.  
12 VICE-CHAIR VILLAGGIO: Concerned  
13 about the wires, you know, and you can't, you know,  
14 we don't want to have the big tree like with the Y.  
15 MR. BARTELS: Right.  
16 MR. NIERSTEDT: They're appropriate  
17 along the street. I'm sorry. I apologize. What  
18 Mr. Minks and his expert are testifying to, the  
19 trees that were proposed by his landscape architect  
20 along the street are perfect. It's in the plaza  
21 area is where, you know, I'd like to get some shade  
22 for the summer, what have you, but along the street  
23 those Hornbeams are fine.  
24 CHAIRMAN GREET: But the testimony is  
25 they'd work with --

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1 VICE-CHAIR VILLAGGIO: Would you be  
2 willing to actually maintain those trees for the  
3 betterment of the project?  
4 MR. MINKS: Yes, we'll certainly make  
5 sure that we maintain living trees on the street  
6 front. I mean, keeping in mind that they're located  
7 within the right-of-way, so we're going to need the  
8 permission of the borough to do so.  
9 VICE-CHAIR VILLAGGIO: Understood.  
10 MR. MINKS: But if it's a stipulation  
11 in a resolution, I will go out on a limb and commit  
12 my client to maintaining the trees. I may not be  
13 here anymore. I may have just --  
14 MR. FRASER: Is that testimony,  
15 Mr. Minks?  
16 MR. MINKS: No, I'm answering  
17 Ms. Villaggio's question.  
18 VICE-CHAIR VILLAGGIO: So you will be  
19 willing to work with both the engineer with regard  
20 to the type of trees and all that, not only on the  
21 street, but like within the development itself?  
22 MR. MINKS: Yes.  
23 VICE-CHAIR VILLAGGIO: Okay. And  
24 you'll be willing to work with the borough with  
25 regard to maintaining the trees in the right-of-way?

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1 MR. MINKS: Yes.  
2 VICE-CHAIR VILLAGGIO: Thank you.  
3 I'm not done yet.  
4 There was testimony with regard to  
5 traffic on Center Street coming south, going south.  
6 Would you be willing to put a sign up saying signal  
7 ahead, you know, with the understanding that there  
8 is a red light there, but --  
9 MR. MINKS: I'm not --  
10 VICE-CHAIR VILLAGGIO: It was a  
11 suggestion.  
12 MR. MINKS: I'm not following exactly  
13 where --  
14 MR. BARTELS: A static traffic sign  
15 that would be a signal on the road that would just  
16 indicate signal ahead?  
17 VICE-CHAIR VILLAGGIO: Correct,  
18 signal ahead and it would be probably most likely,  
19 working with the engineer, most likely before the  
20 bend?  
21 MR. MINKS: I think Mr. Vinegra had  
22 testified that it would have a negligible benefit.  
23 As I recall, he had said that it was a possibility,  
24 but it was not a suggestion that it actually be put  
25 in place.

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1 VICE-CHAIR VILLAGGIO: Is it a  
2 possibly that you would look to do something like  
3 that?  
4 MR. MINKS: We'll work with  
5 Mr. Vinegra. I think as long as it's a negligible  
6 cost, because it is an offsite improvement, and  
7 frankly, it's our position that is not a traffic  
8 consideration that's generated by our project, so it  
9 wouldn't be an appropriate exaction. But we'll work  
10 with Mr. Vinegra and, within reason, we'll sign it.  
11 VICE-CHAIR VILLAGGIO: Because it's  
12 an offsite, you know, if it's an offsite and the  
13 traffic accident coming that way is not part of  
14 this, you know, I understand that.  
15 You agreed to do a photographic study  
16 of the site to do some of the history to preserve  
17 some of the history and pictures, that was the first  
18 meeting.  
19 MR. MINKS: We certainly did agree,  
20 and we will document what is picturesque that  
21 remains.  
22 VICE-CHAIR VILLAGGIO: When do you  
23 anticipate to begin the demolition if this  
24 application gets approved?  
25 MR. MINKS: Mr. Bartels.

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1 MR. BARTELS: I would say within a  
 2 month.  
 3 VICE-CHAIR VILLAGGIO: Within a  
 4 month, and it would take?  
 5 MR. BARTELS: The demo would take a  
 6 number of months, four to six months I believe to  
 7 completely do the abatement and remediation work as  
 8 well and demolition.  
 9 VICE-CHAIR VILLAGGIO: Thank you. I  
 10 wrote all this down, by the way.  
 11 MR. MINKS: I have no doubt.  
 12 VICE-CHAIR VILLAGGIO: But some of it  
 13 have been answered already, so I'm just trying to  
 14 look at what hasn't been answered.  
 15 The parking, the parking spaces that  
 16 are going -- that I'm asking for a variance.  
 17 MR. BARTELS: A waiver for?  
 18 VICE-CHAIR VILLAGGIO: Yeah. Now, is  
 19 that each and every one that's in the parking deck?  
 20 MR. BARTELS: Yes.  
 21 VICE-CHAIR VILLAGGIO: So there's 424  
 22 spaces in that parking deck?  
 23 MR. BARTELS: Correct.  
 24 VICE-CHAIR VILLAGGIO: If they were  
 25 the standard of 9 by 18, how many -- I'm just

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1 asking, how many would have that been reduced to?  
 2 MR. MINKS: We could lose on the  
 3 order of 24 parking spaces.  
 4 VICE-CHAIR VILLAGGIO: Okay. Good  
 5 answer. Thank you.  
 6 With regard to the bus stop that will  
 7 probably need to be moved from where it's at, are  
 8 you going to speak with --  
 9 MR. MINKS: Yeah, that's something  
 10 we'll have to discuss with the county and Transit.  
 11 VICE-CHAIR VILLAGGIO: Would you be  
 12 willing to have a member of the town borough, you  
 13 know, in those discussions?  
 14 MR. MINKS: Of course.  
 15 VICE-CHAIR VILLAGGIO: Because as you  
 16 know I met a few times -- well, you may not know,  
 17 but back when I was an elected official I did meet  
 18 with them a few times getting some stops, you know,  
 19 train stops.  
 20 MR. MINKS: Correct.  
 21 VICE-CHAIR VILLAGGIO: Additional  
 22 train stops at that time. At that time there was a  
 23 memorandum -- no, there was a letter that we signed  
 24 with regard to what the borough needed to do and  
 25 what would be done by Transit. Now, that letter was

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1 dating 2009 or '10, so --  
 2 MAYOR LOMBARDO: '9.  
 3 VICE-CHAIR VILLAGGIO: Okay. Yeah, I  
 4 gave the mayor a copy.  
 5 MR. MINKS: Well, as we -- I believe  
 6 during a prior hearing we committed on record that  
 7 we would work with the borough to approach Transit  
 8 with respect to the train stops and that issue. We  
 9 will combine that and work with the borough  
 10 similarly with respect to the relocation of the bus  
 11 stop.  
 12 VICE-CHAIR VILLAGGIO: Okay. I just  
 13 wanted to make sure that the borough was involved.  
 14 MR. VINEGRA: Let me just jump in on  
 15 that briefly.  
 16 Since we're doing an entire  
 17 streetscape and all the sidewalks are being removed,  
 18 the bus stop is going to have to be removed, I mean  
 19 location. I would like to make it contingent on  
 20 this application that the applicant re-stripe just  
 21 in front of their frontage parking spaces here to  
 22 make sure we have safe parking distance and possibly  
 23 relocate that, because we're removing it. We're  
 24 going to redo the sidewalk, we're going to remove  
 25 the sign, so that's all coming out, so it's going to

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1 have to be replaced.  
 2 MR. MINKS: Well, we're only going to  
 3 be able to remove it with the cooperation and  
 4 participation of Transit.  
 5 MR. VINEGRA: Correct, but if we  
 6 decide to move it either this location further down  
 7 or further closer, we'll do that at that time,  
 8 because technically we're removing it.  
 9 MR. MINKS: I think that's what the  
 10 question asked and that's what we're committing to,  
 11 correct.  
 12 MR. VINEGRA: And we'll work with  
 13 you, but we would want your engineer instead of our  
 14 engineer just to demarcate where we place parking  
 15 spaces on the street and the bus stop.  
 16 MR. MINKS: Absolutely.  
 17 MR. VINEGRA: And then I'm going to  
 18 make a recommendation possibly to council to do  
 19 maybe some type of fee parking, not by this  
 20 applicant's requirement, but the municipality in  
 21 that area so we don't have overnight parking, we  
 22 don't have people shuttling their cars back and  
 23 forth, you know. But that wouldn't be the  
 24 applicant's responsibility, that would be some type  
 25 of kiosk for this facility and across the street the

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1 parking lot.

2 VICE-CHAIR VILLAGGIO: And I have a

3 comment, just one comment, one more comment. I have

4 some more comments, but this is just with regard to,

5 I think Bill Nierstedt said this at the last

6 meeting, with regard to the financial agreement and

7 that is signed between your company and the borough.

8 It would be my recommendation, just like

9 Mr. Nierstedt said last month, last meeting, that

10 the borough put aside some funds from that pilot

11 agreement each year so the town can purchase a

12 ladder truck in the near future. I mean, you know,

13 in the future utilizing some of the funds that they

14 will receive, that's a comment. This has nothing to

15 do with this application.

16 MR. MINKS: I understand.

17 VICE-CHAIR VILLAGGIO: But I wanted

18 to put that on record also, that that would be a

19 recommendation by me and hopefully this board, that

20 that would happen, because that would benefit the

21 whole town not only this development, you know, by

22 utilizing some of the dollars for that, some of the

23 additional dollars that would be brought in for this

24 particular development.

25 And I have one more question, what

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1 were they doing this afternoon across the street?

2 Do you know, Mr. Minks?

3 MR. MINKS: I believe we're involved

4 in utility cutoffs.

5 MAYOR LOMBARDO: The water company.

6 MR. MINKS: The water company was

7 there I believe today and we're also working with --

8 there's utility cutoffs to be building, because the

9 building is completely vacant now so we're preparing

10 for demo.

11 VICE-CHAIR VILLAGGIO: Yeah, because

12 there was a vendor there. There was, I guess, he

13 works for you, Montana.

14 MR. MINKS: I don't know off the top

15 of my head.

16 MR. VINEGRA: I think Montana is

17 subcontract to the water --

18 VICE-CHAIR VILLAGGIO: Okay.

19 MR. MINKS: I know that our

20 representative was there meeting with

21 representatives of the water company, so I suspect

22 Mr. Vinegra's correct.

23 CHAIRMAN GREET: Can we make it a

24 stipulation that when there's going to be a known

25 shutdown for a period of time of South Avenue, and

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1 I'll just address South Avenue, can we at least know

2 in advance as far you can let us know that there

3 will be close up of South Avenue from X period to X

4 period?

5 MR. MINKS: Absolutely. And frankly,

6 I think that's kind of standard operating procedure.

7 We're not able to close the road unless we notify

8 local police, we notify in this case the county and

9 then we comply with their requirements.

10 CHAIRMAN GREET: And then I'm going

11 ask Victor, what is the process and procedure as you

12 know it once we get that notification to notify

13 public in general that that road will be closed

14 let's say tomorrow between 12 and 4?

15 MR. VINEGRA: What you can do is

16 utilize the county signage, they have an electronic

17 signage system, it is a county roadway.

18 So normally of a job of this

19 magnitude, we do have an inspector that works with

20 their contractor and we're expected to be the go

21 between them, Russo, and the county. So they'll

22 have access to one of my inspector's cell number in

23 case something happens, we can notify the county,

24 have the county police put a digital sign.

25 MR. MINKS: Do you have the Nixle

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1 System? The Nixle System is, I mean, I would

2 encourage your residents to subscribe to the Nixle

3 System, it's free and they'll get those alerts.

4 CHAIRMAN GREET: All right. I would

5 request then that that process or that procedure be

6 in a format that anyone can see and know that that's

7 how it --

8 MR. VINEGRA: Yeah, on or before, you

9 know, March 2nd which roadway will be made --

10 CHAIRMAN GREET: Right. And even if

11 we put it into a -- coming up to the mayor's office.

12 MAYOR LOMBARDO: As far as the

13 county, on their website they have a traffic

14 maintenance portion of that website and you can see

15 all the different things that are changing on the

16 roadways as far as tearing up the road or just being

17 detoured, but yes, we can do that.

18 CHAIRMAN GREET: Yeah, I would just

19 publicize that.

20 COUNCILMAN SARNO: Put it on in this

21 case, so that way you --

22 VICE-CHAIR VILLAGGIO: Lighting and

23 security cameras, there was a member of this board

24 who asked a question with regard to the security

25 cameras and the parking garage and all that. There



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1 will be sufficient --

2 MR. MINKS: And there was testimony

3 provided in the affirmative that there will be a

4 security system that we utilize for all of our

5 buildings.

6 So there will probably be some

7 outdoor cameras. There will be cameras in the

8 parking garage. Obviously, not cameras in personal

9 space, but yes, there will be a security system that

10 records.

11 And frankly, we had one incident in

12 one of our buildings, it wasn't actually in our

13 building, it was an incident where the police

14 department suspected that someone ran by our

15 building and it actually, we provided all that video

16 for the police department, so it's worthwhile.

17 VICE-CHAIR VILLAGGIO: One last

18 thing. Parking, the lights in the parking garage

19 the top level. I'll just ask that you abide by the

20 redevelopment plan page 11, paragraph 16.

21 MR. MINKS: I believe the testimony

22 was consistent with that and we certainly will.

23 VICE-CHAIR VILLAGGIO: Because that

24 would alleviate the height of the -- that's what I,

25 you know, like I said, something during that

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1 testimony and I think Bill Nierstedt also said

2 something with regard to that.

3 MR. MINKS: Right.

4 VICE-CHAIR VILLAGGIO: That, you

5 know, since it's set forth in their plan, I mean in

6 the plan, then you have to abide by that.

7 MR. MINKS: Absolutely. To the

8 extent that the provisions of the plan limit or

9 restrict, we're going to abide by it.

10 CHAIRMAN GREET: Okay.

11 VICE-CHAIR VILLAGGIO: I am done.

12 Thank you, Mr. Minks, for answering or agreeing with

13 some of my concerns.

14 MR. MINKS: Thank you, Ms. Villaggio.

15 CHAIRMAN GREET: Bill, I know you

16 have a litany of questions.

17 MR. NIERSTEDT: Yes, for the record,

18 I guess I don't know if it's time, but I did type up

19 comments, I did send them to the chair and to the

20 board attorney today and I could give it to

21 Mr. Minks now. And I'd just like the board to ask

22 if we do get to a vote, those would be my

23 recommendations for conditions of approval, I'm

24 sorry I gave you -- did I give you mine? Yes. Pass

25 these around, sorry.

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1 The first -- I mean, everybody gets

2 them. As Mr. Minks indicated in response to some of

3 Kathy's questions and Kathy noted also, there's a

4 difference between what the board can recommend and

5 what's left to council, so when you get this you'll

6 see Number 1 A through J actually are

7 recommendations to counsel to include within the

8 redevelopment agreement. So these would then be

9 recommendations that this board recommend to council

10 to include within their redevelopment agreement.

11 I'll give everybody, you know, time

12 to read the others, obviously. I did realize one --

13 I'm sure there's more than one typo, and there's

14 probably some errors in there too, so I, you know,

15 other thoughts and other comments please let me

16 know. Number 16 I have "the use of lases," it

17 should be "leases."

18 I tried to keep the offsite

19 recommendations within Number 1, and Mr. Vena, you

20 can see Number 3. What I was trying to do, as we

21 went along, if Mr. Minks agreed to something, I

22 tried to write it down.

23 MR. MINKS: Well, I could tell you

24 that this -- I would have to qualify almost

25 everything on the first page thus far.

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1 MR. NIERSTEDT: Oh, A through J?

2 MR. MINKS: No, not A through J, 2

3 through 8, even. Not that I'm objecting to them,

4 but I think that they're subject to qualification

5 and I can either address them or I could, in the

6 event of a favorable approval, I could negotiate

7 them with council, but I think it's best to maybe

8 address some of them.

9 I mean, I think the pavers and the

10 decorative concrete we've committed to, you know,

11 working with the engineer to come up with something

12 that's aesthetically pleasing.

13 The installation of retail signage,

14 we've already provide testimony as to the specific

15 signage that we're proposing. And we're not seeking

16 to mirror another site signage, we're seeking to

17 distinguish the site, so I would object to that.

18 MR. NIERSTEDT: Well, the problem,

19 though, is that we don't have sign regulations in

20 the redevelopment plan, and so we're trying --

21 MR. MINKS: No, but we did provide

22 testimony as to signage, so I would ask the board to

23 consider what we provided. We provided specific

24 testimony as to the signage, and if we needed to

25 come back for a formal sign approval, we would be

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1 willing to do so, because again, we want to  
 2 distinguish our site.  
 3 And I think the signage that we  
 4 proposed was very conservative, it was not neon or  
 5 flashing.  
 6 MR. VINEGRA: Yeah, but we didn't go  
 7 into square footages, the exact number of signs.  
 8 MR. MINKS: Correct.  
 9 MR. VINEGRA: And in my letter also  
 10 it did state that if there's no real signage package  
 11 yet, they would submit a signage package to be  
 12 reviewed by the board.  
 13 MR. NIERSTEDT: And just to let you  
 14 know, Mr. Minks, I apologize I don't want you to  
 15 think that anybody restricted -- you probably  
 16 haven't even seen this.  
 17 MR. MINKS: I'm not familiar with it,  
 18 correct.  
 19 MR. NIERSTEDT: Yeah, it's very  
 20 open-ended. When I say positive in term of signage,  
 21 I mean that very sincerely, and I would guarantee, I  
 22 don't want to I say guarantee, but I am certain that  
 23 the signs that you proposed would fit within those  
 24 guidelines.  
 25 MR. MINKS: Well, we'll certainly

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1 commit. The applicant will certainly commit to  
 2 working with the engineer to come up with an  
 3 agreeable sign package. And again, to the extent  
 4 required, we will submit an application with our  
 5 sign package.  
 6 MR. VINEGRA: What we did before,  
 7 Chris, real quick, is that we let a couple other  
 8 developers put together a package of possible signs  
 9 and they were very different, but all within their  
 10 element that they wanted. So this way, if a vendor  
 11 came up with an old English style, it was already in  
 12 that kit and this way the zoning officer didn't  
 13 force the applicant to come back before the board.  
 14 MR. MINKS: That's great.  
 15 MR. VINEGRA: As long as it was in a  
 16 kit, if you give us the kit, this is our  
 17 philosophies and signage, and you can supply that to  
 18 us, the board will vote and approve that kit and  
 19 then you can select from it.  
 20 MR. MINKS: That sounds more than  
 21 reasonable and we'll certainly work with you.  
 22 MR. VINEGRA: It just keeps you out  
 23 of the board in the future.  
 24 MR. NIERSTEDT: Exactly, that was the  
 25 intent.

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1 MR. MINKS: I appreciate it.  
 2 Compliance with board engineer  
 3 recommendations. Again, it's consistent with  
 4 testimony. We absolutely have no objection to that.  
 5 Submission of the stormwater and  
 6 water quality system, maintenance plans to the  
 7 borough and board engineer. Doug?  
 8 MR. VINEGRA: You've already done  
 9 that.  
 10 MR. MINKS: We've already submitted  
 11 it.  
 12 The installation of security cameras,  
 13 we discussed that we would -- we already have those  
 14 types of programs in place. We'll certainly work  
 15 with the police department so that they understand  
 16 what those are and that they are in agreement.  
 17 The lighting for the plaza and the  
 18 parking deck, we're going to comply with the  
 19 redevelopment plan in our landscape testimony.  
 20 Provision of the one-way system in  
 21 and out -- that has already been testified to.  
 22 MR. NIERSTEDT: Yeah, that was an  
 23 earlier, right.  
 24 MR. MINKS: I hear you. The  
 25 provision -- and actually, as you'll recall, the

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1 entire entryway was redesigned based on comments and  
 2 considerations from the board.  
 3 MR. NIERSTEDT: You know what it is,  
 4 just between you and I, it's just a matter of  
 5 testimony is one thing, just trying to get it put on  
 6 paper so that --  
 7 MR. MINKS: And again, I don't mean  
 8 to -- I'm not trying to be combative. I appreciate  
 9 this and I think Mr. Fraser will certainly  
 10 appreciate it because it will frame, you know, the  
 11 potential conditions for him, but I just want to  
 12 make sure that we're on the same page.  
 13 Provision of additional parking for  
 14 the handicap on the eastern edge of the South Avenue  
 15 driveway entrance.  
 16 MR. NIERSTEDT: That was discussed at  
 17 the last meeting. It was on the one-way entrance  
 18 and it wasn't as if it was absolutely positive, it  
 19 was the possibility of provision.  
 20 MR. MINKS: If you could point to  
 21 where. I don't know where -- do you recall, Doug?  
 22 MR. BARTELS: I don't recollect this.  
 23 MR. NIERSTEDT: Just looking at the  
 24 plan that's up over there, it was on the right-hand  
 25 side as you go in.

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1 MR. BARTELS: In the deck?  
 2 MR. NIERSTEDT: I believe it was  
 3 actually before you get to the entryway into the  
 4 deck itself. Does anybody else recall that?  
 5 VICE-CHAIR VILLAGGIO: No.  
 6 MR. MINKS: That's the loading dock  
 7 area.  
 8 MR. NIERSTEDT: All right. There was  
 9 something that I had down as a note.  
 10 MR. VINEGRA: There's a valet pick up  
 11 in the future, that's what that's going to be.  
 12 VICE-CHAIR VILLAGGIO: I don't recall  
 13 anything with regard to the --  
 14 MR. MINKS: We're providing --  
 15 obviously we will provide handicap spaces in  
 16 accordance with applicable law and appropriate  
 17 standards as was testified to.  
 18 Bike racks we want each floor of the  
 19 parking deck in the plaza area, everybody gets a  
 20 bike rack.  
 21 MR. NIERSTEDT: What it comes down to  
 22 really, it really goes back to letter A which is,  
 23 you know, Kathy knows, this was really done as a  
 24 transit-oriented area, transit-oriented development.  
 25 And I appreciate what Mr. Minks said last time, and

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1 he's right, and again this is not a -- he's right in  
 2 the comment that I asked a question, you know, what  
 3 types of transit oriented features are you  
 4 providing, and I'm not quoting you, but basically he  
 5 said, well, the whole development. You know, like  
 6 we're there and hopefully that will encourage New  
 7 Jersey Transit or convince New Jersey Transit to  
 8 provide more stops. But beyond their mere  
 9 existence, there really isn't -- there really aren't  
 10 many transit-oriented features. And so, trying to  
 11 reduce the amount of cars, trying to reduce the  
 12 amount of traffic, you know, provision bike racks  
 13 helps.  
 14 MR. MINKS: Again, the testimony was  
 15 that we will be providing bike racks. And I can  
 16 assure you that if we have a prevalence of  
 17 bicyclists in the development and there's a demand  
 18 for an additional bike racks, we'll accommodate our  
 19 tenants. And I would have to -- never mind. I'm  
 20 not going to argue.  
 21 The recycling containers with every  
 22 garbage container onsite, I think we've certainly  
 23 agreed that we will put an adequate number of  
 24 recycling containers in.  
 25 MR. NIERSTEDT: You did agree to put

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1 one to one, yeah.  
 2 MR. MINKS: Retention of  
 3 non-contaminated historic material. First of all,  
 4 use of the Casale and Petro names, we certainly have  
 5 no rights to utilize -- to use their names in any  
 6 public manner, but again, we've agreed to try and  
 7 document the photography, you know, provide some  
 8 photographic documentation of the site, make it  
 9 available to the historic committee.  
 10 And I also indicated that I would  
 11 speak to Mr. Paterson, but I did confirm that I  
 12 don't know what the use could be. But if the  
 13 historic committee or commission in town has any  
 14 desire or use for the aluminum panels that are a  
 15 non-structural component of the Casale building, we  
 16 can remove one or two of them and provide them to  
 17 you. We don't have any need or use or any  
 18 understanding as to what they can be really used for  
 19 because they're not particularly decorative.  
 20 MAYOR LOMBARDO: They're not going in  
 21 my house, I'm telling you now.  
 22 MR. MINKS: But if there's a request,  
 23 that would have to be soon because once demo starts,  
 24 that's going to start in earnest.  
 25 The provision of sidewalk across

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1 South Avenue at the same level that is pedestrian  
 2 walk --  
 3 MR. NIERSTEDT: That comes down to,  
 4 you understand.  
 5 MR. VINEGRA: He's okay. They're  
 6 fine the way they're designed.  
 7 MR. MINKS: Okay. Thank you.  
 8 Compliance with -- again, consistent  
 9 with testimony, we will comply with the  
 10 recommendations of your traffic consultant reports.  
 11 Keeping in mind that, unfortunately, a lot of these  
 12 conclusions were based on the wrong redevelopment  
 13 plan.  
 14 MR. VINEGRA: That's correct. You're  
 15 absolutely correct.  
 16 MR. MINKS: But I think, again,  
 17 testimony, I think will control that.  
 18 Use of lasers.  
 19 MR. NIERSTEDT: Leases.  
 20 MR. MINKS: Oh, leases. I thought it  
 21 was lasers. I know because they have parking lasers  
 22 that identify where you park.  
 23 The use of leases that include  
 24 parking within the rental agreement not as a  
 25 separate fee.

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1 MR. TARANTINO: You had testified  
 2 that the lease is going to require, include a  
 3 parking spot.  
 4 MR. MINKS: Typically a lease will  
 5 include a parking space, but that doesn't mean -- I  
 6 don't know that it's necessarily within the lease  
 7 amount. It's one way or the other; it's either  
 8 within the lease fee or it's a separate parking fee.  
 9 MR. NIERSTEDT: The reason I mention  
 10 it is because what happens, and Councilman Sarno,  
 11 this might go back to the parking restrictions or  
 12 regulations that we end up developing. We have  
 13 learned, you know, those of us who work in urban  
 14 areas that if you charge parking fees separate from  
 15 the leases then the resident decides, well, I don't  
 16 need to pay that fee. I'll park on the street  
 17 because it's free.  
 18 So that's where that kind of stems  
 19 from, that you're not charging them a separate fee  
 20 that they can say no to and then park on Willow or  
 21 park on, you know, Spruce or whatever, that's the  
 22 intent of that.  
 23 MR. FRASER: But, Bill, if the space  
 24 is not specifically designated for the apartment,  
 25 what's the point?

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1 MR. NIERSTEDT: Correct, none of them  
 2 are designated, but --  
 3 MR. VINEGRA: It's going to be a  
 4 smart system.  
 5 MR. MINKS: It will be allocated for  
 6 resident parking. So technically, you're still  
 7 paying for the privilege of having one -- I  
 8 understand what he's saying.  
 9 Do you know definitively for  
 10 Lyndhurst? I mean, I think they do pay for one  
 11 automatically. Correct?  
 12 MR. BARTELS: I thought they  
 13 specifically paid there.  
 14 MR. MINKS: Separately for an  
 15 interior -- well, that's because there's exterior  
 16 and interior. What about Waldwick?  
 17 MR. BARTELS: They have to register  
 18 the vehicles here. We don't have inside spaces, you  
 19 know, we've also talked about where it's included in  
 20 the rent and then there's a credit if you don't need  
 21 a parking space.  
 22 MR. MINKS: Right.  
 23 MR. JANNOTTI: If someone doesn't  
 24 have a car, I mean, you're going to provide a  
 25 parking space for everybody whether they have a car

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1 or not?  
 2 MR. MINKS: And for a  
 3 transit-oriented development such as this that's  
 4 exactly the issue, because if you don't have a car,  
 5 they can't be assessed a component of rent, then  
 6 you'd have to artificially adjust the rent.  
 7 MR. NIERSTEDT: But by not saying,  
 8 hey, I'm making this up, right, by not saying it's  
 9 25 bucks a month for parking space just this is your  
 10 lease.  
 11 MR. JANNOTTI: Yeah, but if I don't  
 12 have a car why should I pay the same amount as this  
 13 person?  
 14 MR. NIERSTEDT: But you're not. It's  
 15 just all the amenities, we have everything in the  
 16 lease.  
 17 MR. FRASER: Well, it cuts both ways.  
 18 MR. MINKS: And somehow it works.  
 19 COUNCILMAN SARNO: You'd still have  
 20 access for a visitor, if that were the case, right?  
 21 If you didn't have a car, you could play that card  
 22 too.  
 23 MR. MINKS: Yeah, but it's going to  
 24 be a significant chilling effect to the tenant that  
 25 doesn't have a vehicle if they have to pay a

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1 component of rent for a space that they have no need  
 2 for, that's a significant chilling effect.  
 3 CHAIRMAN GREET: Quite honestly, I  
 4 would think if you don't have a car --  
 5 MR. MINKS: You would challenge the  
 6 lease.  
 7 MR. FRASER: Well, it's a question of  
 8 whether it's included in your rent. If they charge  
 9 you \$2,000 and your space is included versus 2,000  
 10 plus 50 for a space.  
 11 MR. MINKS: The problem is is a  
 12 transit-oriented development such as this and our  
 13 experience with our other developments is such that  
 14 there are a number of tenants that doesn't want a  
 15 space, that don't have a car, and they're coming to  
 16 this type of facility because they don't have a car.  
 17 And that also speaks to the reason why the  
 18 redevelopment plan has the ratio that it does and  
 19 why we're complying with that ratio and providing  
 20 the parking, nature of the parking that we're  
 21 providing.  
 22 So it would be, I think,  
 23 counterintuitive for a transit-oriented development  
 24 to require that a space is automatically associated  
 25 with an apartment and inclusive in the rent.

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1 MR. NIERSTEDT: That's not what this  
2 says.  
3 MR. MINKS: No, and inclusive in the  
4 rent.  
5 MR. NIERSTEDT: Let's say that a  
6 tenant that you rent to doesn't have a car and then  
7 you go out and buy one, what happens?  
8 MR. MINKS: Then they have to come  
9 and if they want to park here they have to pay an  
10 additional fee for a space, just as if they had a  
11 second car and there was adequate parking.  
12 MR. TARANTINO: That's the problem  
13 that I agree with Bill that this town is going to  
14 have. As soon as you tell somebody you're going to  
15 have a fee associated with parking in the garage,  
16 they're going to go to the street.  
17 MR. MINKS: But they will in either  
18 event, because you either have to pay it as a  
19 component of rent, which is going to increase your  
20 rent artificially if you don't have a car and create  
21 discord among the tenants and a chilling effect for  
22 renting it or you're charging it as a separate  
23 component fee.  
24 CHAIRMAN GREET: I'm going to jump in  
25 now. I was going to wait to hold off a little bit,

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1 but I do want to get something clarified, and this  
2 may even resolve the issue that we were just talking  
3 about.  
4 Just several days ago, and I know you  
5 were specific on installing a managed smart parking  
6 system, and we agreed on that and we agreed that the  
7 parking situation within the complex was borderline,  
8 it was right on the margin of being -- supplying  
9 enough parking spaces and not supplying quite  
10 enough. But with the managed parking we all agreed  
11 that that would put us over the top, in laymen's  
12 terms, and be able to get this project moving with  
13 the parking that you had proposed.  
14 On top of that, I'm going to propose  
15 a little something different that maybe -- well, not  
16 different, but just clarification on the type of  
17 parking assists that you would be supplying in your  
18 complex, and that would be a system whereby each  
19 stall has a camera associated with it. That camera  
20 actually not only shows that someone is in your  
21 space, it also shows the license plate. When that  
22 space is free there's a menu board on the entrance  
23 to your parking and it has a level one, two or three  
24 and it will show you how many vacant spots at any  
25 particular level at any particular time is

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1 available, and as you drive up to that level, you'll  
2 see either a green light or a red light indicating  
3 that space is available.  
4 And in conjunction with someone, for  
5 example, saying, well, I don't have a car and then  
6 he goes out and buys a car, with this system I'm  
7 sure it's incorporated in a computerized method  
8 where that license plate can be tracked on how many  
9 times it's actually parking in a particular parking  
10 space.  
11 MR. MINKS: Actually, you're talking  
12 about the Park Smart System. We actually are  
13 interviewing Park Smart.  
14 So just so you know and so the board  
15 knows, although Nexus was the first that we took  
16 into the smart parking system, we're also talking to  
17 Park Smart.  
18 CHAIRMAN GREET: Well, this is  
19 actually Park Assist.  
20 MR. MINKS: Or Park Assist, I'm  
21 sorry, yeah, that's exactly who I'm speaking to.  
22 It's a smart parking system, but the company is Park  
23 Assist.  
24 Park Assist doesn't have cameras on  
25 every parking space necessarily, but they have

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1 cameras that can visually monitor every stall.  
2 Again, I don't think it's necessarily appropriate to  
3 compel us to work only with Park Assist, however --  
4 CHAIRMAN GREET: Oh, absolutely not.  
5 We're not asking you to do that.  
6 MR. MINKS: Well, the problem is, a  
7 lot of this technology is new, so there's few  
8 vendors that have the features that necessarily are  
9 being mentioned, but we are committing to a smart  
10 parking system and that doesn't mean a really smart  
11 guy in an office that's going to manage all the  
12 parking.  
13 CHAIRMAN GREET: So it would be to  
14 that level of sophistication?  
15 MR. MINKS: That level or a similar  
16 level. I don't know that we're going to monitor  
17 with cameras every individual space, but there  
18 would, in the alternative, be registration of all  
19 the license plates for the resident's cars that are  
20 issued a fob so that that could be maintained and  
21 determined.  
22 There are systems that have, again,  
23 like the Park Assist has the red and green lights so  
24 that as you look down the aisle --  
25 CHAIRMAN GREET: They also have a

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1 blue light, which I'm not sure what that is.  
 2 MR. MINKS: That's handicap. The  
 3 blue light is an available handicap spot, it goes  
 4 red when it's occupied.  
 5 So again, we were speaking to these  
 6 guys. We actually are setting up a webinar with my  
 7 principal so that -- well, not a webinar, a webcast  
 8 with our principal so we can go over, not only the  
 9 system, but also the associated costs with the  
 10 system, and we have to maintain that economy. But  
 11 we will be implementing a smart parking system such  
 12 as the Nexus which uses different computer-based  
 13 algorithms to monitor parking, or the Park Assist or  
 14 something roughly the equivalent thereof.  
 15 MR. VINEGRA: I think we should, if  
 16 you're going to put minimum requirement on that  
 17 system, smart parking, I think at minimum we should  
 18 know availability per deck level.  
 19 CHAIRMAN GREET: May I ask that you  
 20 work with our planner on that?  
 21 MR. MINKS: We certainly will.  
 22 MR. VINEGRA: Because you can do that  
 23 without going individual cameras. Say you went to  
 24 Park Assist and they came back with a crazy number  
 25 and they had the patent on that camera, but you

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1 could do it with sensor cameras, how many cars are  
 2 going up to what level and how many came back down.  
 3 You could do a smart system per level.  
 4 MR. MINKS: Again, it's not just  
 5 Nexus and Park Assist, there's other companies.  
 6 MR. VINEGRA: Correct, but what I'm  
 7 saying is, at a minimum, because the deck is not  
 8 that big, you know, but it would be very helpful if  
 9 you come in and there would be a menu board, Level 1  
 10 has five spaces, Level 2 has three spaces, and you  
 11 do that without individual cameras. You can do that  
 12 with sensors.  
 13 MR. MINKS: Well, again, as you  
 14 asked, Chairman, we'll certainly, we're going to put  
 15 into a sophisticated system. Like I said, we're not  
 16 going to have some smart guy that's down there  
 17 taking a physical count. We're going to put in a  
 18 smart system because we want it to function and we  
 19 want it to improve the parking experience of not  
 20 only our tenants, but also we want to encourage  
 21 retail users and we want to encourage -- we want to  
 22 have a good restaurant there and that's going to be,  
 23 you know, beholden on us to have a nice parking  
 24 system.  
 25 MR. VINEGRA: At a minimum, again,

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1 smart could be anything. It could be one app could  
 2 be called smart. But I think at a minimum we should  
 3 have a standard saying that at a minimum, this  
 4 system must identify available spaces per level.  
 5 COUNCILMAN SARNO: I agree with you,  
 6 Victor. The parking here is very slim and the  
 7 reason it works is because of things like the smart  
 8 parking system which he just brought up and the  
 9 valet, that's exactly what our traffic expert  
 10 testified to, Mr. Klein, at the last meeting saying  
 11 that the adequacy of the parking for this project  
 12 was contingent on this. So I agree that we do need  
 13 some kind of minimum language that  
 14 does differentiate --  
 15 MR. VINEGRA: And the minimum, we'll  
 16 go into that later, could be a hybrid system where  
 17 the tenants get an app and they can find out where  
 18 the levels are, but the first -- only the first  
 19 floor, the first two levels are smart. They can  
 20 develop a hybrid system, this way if you're a  
 21 tenant, you know, there could be an app for that or  
 22 something like that. But you don't want hunting,  
 23 you just don't want hunting.  
 24 MR. MINKS: Again, I think the  
 25 testimony was, first of all, I think the testimony

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1 of your expert was somewhat flawed because he used  
 2 the wrong redevelopment plan.  
 3 Secondly, the comparables that your  
 4 expert examined in his report actually were by and  
 5 large lower than the ratio of parking that we're  
 6 providing without a smart system, and I think our  
 7 expert pretty effectively contradicted that.  
 8 I do agree that your expert's opinion  
 9 was with the smart system and the valet, again, if  
 10 there's a restaurant. If there's no restaurant,  
 11 there's not going to be a valet system because  
 12 there's no demand for that parking which was the  
 13 testimony, that it's adequate and that he was then  
 14 in agreement with our expert's testimony.  
 15 All of that said, the standards that  
 16 you're talking about, my only concern is that I  
 17 don't want to come up with a standard such as a  
 18 camera on every stall. I don't want to come up with  
 19 a standard that's too subjective, that's too tied to  
 20 a particular vendor because then I'm beholden to  
 21 that vendor and I'm stuck with whatever that cost  
 22 might be, whether it's a benefit or not.  
 23 So I'm not opposed to, and I don't  
 24 think my client would be opposed to some minimum  
 25 standards so that, again, we're not doing the bare

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1 minimum of the system. We want a system that's  
 2 going to function because we too, even though it's  
 3 the applicant's position and our expert's position  
 4 and I think data supports that our parking ratio is  
 5 not only compliant with the redevelopment plan  
 6 requirements but it's sufficient standalone, we also  
 7 want to better it. We want to have a better  
 8 experience, which is why we offered this system.  
 9 This was not a condition of the board, it was not a  
 10 suggestion of your engineer or your traffic  
 11 engineer, it was our suggestion, which I think  
 12 should go also carry some weight that we're  
 13 committed to doing this.

14 VICE-CHAIR VILLAGGIO: And you'll  
 15 work with our engineer?

16 MR. MINKS: And we'll certainly work  
 17 with Mr. Vinegra to come up with a good system.

18 MR. VINEGRA: The plan was a minimal,  
 19 so the redevelopment plans at a minimum. It's all  
 20 basically your leases of what we retail, you know,  
 21 so I mean, for anybody who put that plan to the  
 22 revisions of the redevelopment plan was not a  
 23 parking expert. Anybody who worked on that  
 24 redevelopment plan modifications was not a traffic  
 25 expert.

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1 When I ran the numbers, if they had  
 2 successful retail in there on a Saturday they can be  
 3 down a percentage of 1.1 per unit, which you should  
 4 be fine. I looked at the numbers separately and I  
 5 did my own analysis and it's tough. It's a little  
 6 thin, but we hope that parking management is going  
 7 to decrease.

8 But I think at a minimum if we just  
 9 asked for just per level, that's easy technology,  
 10 identification at the level. And that's not camera,  
 11 all camera, that can be done by sensors.

12 A traffic count, which I haven't done  
 13 a traffic count which the Nexus System is a traffic  
 14 counter system. So instead of just one Nexus at the  
 15 lower level, you would have one per level and they  
 16 would count how many cars go in and out and it's an  
 17 easy -- it's a car counter, car-counter system per  
 18 level and that's an inexpensive system compared to a  
 19 camera per space.

20 MR. MINKS: Again, we'll explore it  
 21 with you. I think our expert testimony, and I  
 22 thought it was Mr. Vinegra's testimony that given  
 23 the small size of the deck, that that type of a  
 24 system would be overkill. But again, we'll work  
 25 with Mr. Vinegra and come up with an appropriate

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1 smart parking system that he can recommend in good  
 2 conscience to the board.

3 MR. VINEGRA: If I don't feel it  
 4 meets the intent of per level, we'll bring it back  
 5 before the board prior to CO, which normally I don't  
 6 want to wait till CO to decide this kind of thing.

7 MR. MINKS: Well, it would be a  
 8 resolution compliance issue, so we'll work with  
 9 Mr. Vinegra and comply.

10 CHAIRMAN GREET: Okay.

11 MR. TARANTINO: Mr. Chairman, I  
 12 think, though, we got way off track from Bill's  
 13 original question which is, this parking system is  
 14 not going to fix the problem that if a lease does  
 15 not include a parking spot, you could have 298  
 16 people parking on the street if each unit has a car.

17 MR. VENA: Excuse me. Mr. Chairman,  
 18 can I say something?

19 CHAIRMAN GREET: Certainly.

20 MR. VENA: Everybody remembers  
 21 probably 15 years ago when there was a garage issue  
 22 near my house. And my big contention was, people  
 23 don't use the garages for their cars, they use them  
 24 for storage. And I sat out in the audience and I  
 25 talked and pled my case and, Paul, I'm going to tell

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1 you, you weren't here then. I told the traffic  
 2 experts, the lawyers that night that I'll guarantee  
 3 you that the tenants of that house are not going to  
 4 use that garage or they're not going to use that  
 5 driveway, because it would be a 125 feet for them to  
 6 walk from the driveway to the entrance of their  
 7 house. And they're going to park in front of their  
 8 house, because people tend to park the most  
 9 convenient place it is for them to get inside their  
 10 house or apartment.

11 So I have to disagree with you on  
 12 that. If someone is trying to get over on the  
 13 parking situation there and wants to steal a space,  
 14 they're not going to park on Willow Avenue and walk  
 15 a block and a half to their apartment, so I have to  
 16 disagree with you on that.

17 MR. VINEGRA: But what does happen is  
 18 you have a second car in the household. So say you  
 19 get the first car --

20 MR. VENA: Now we're assuming.

21 MR. VINEGRA: But we're going to have  
 22 to take care of that on our own. He's not going to  
 23 be able to control if somebody moves in there and  
 24 has a second vehicle, that's going to be Garwood's  
 25 enforcement, you know, it's going to be permit

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1 parking a couple streets up.  
2 VICE-CHAIR VILLAGGIO: There is  
3 presently permit parking only.  
4 MR. NIERSTEDT: As I was saying  
5 earlier, it might have to be extended.  
6 CHAIRMAN GREET: And that would be on  
7 us.  
8 VICE-CHAIR VILLAGGIO: That's the  
9 borough's problem.  
10 COUNCILMAN SARNO: That's my  
11 committee's issue.  
12 VICE-CHAIR VILLAGGIO: Which I'm a  
13 member of.  
14 MR. VENA: When I come home from work  
15 if somebody's in front of my house and I have to  
16 park ten feet in front of where I usually park, I  
17 get a little mad because I want to park in front of  
18 my house.  
19 MR. VINEGRA: And he has a garage.  
20 MR. FRASER: That's why you need a  
21 bicycle.  
22 MR. NIERSTEDT: You pull right into  
23 the garage, Mike.  
24 MR. VENA: I can't see anyone coming  
25 home from work and carrying their lunch pail or

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1 briefcase or just went shopping and parking on  
2 Woodland Avenue and walking into the complex to go  
3 up to the third floor to their apartment because  
4 they don't want to pay the parking.  
5 MR. VINEGRA: There are interviews  
6 that I've had with parking authorities, the problem  
7 becomes in these tenant complexes the second car in  
8 the household. But that is something we'll have to  
9 deal with.  
10 MR. VENA: And it's up to us to  
11 expand our none-parking area and the client to  
12 maintain his parking garage.  
13 MR. VINEGRA: We just hope that his  
14 lease doesn't have the second number or the first  
15 number to absorb and it people go hunting.  
16 MR. VENA: I really don't think it's  
17 going to be doomsday.  
18 MR. VINEGRA: And we'll have to  
19 control it on the municipality.  
20 COUNCILMAN SARNO: We expanded our  
21 space from the original intention of what it was, we  
22 expanded it at our last meeting and we'll revisit it  
23 again. This is a fluid issue and it will always be  
24 that way, that's fine.  
25 CHAIRMAN GREET: I think, as Paul

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1 said, we're getting a little out of the way here. I  
2 think we have opinions on certain things and I think  
3 we all have an opinion, but I don't think it's  
4 necessarily on the site plan review and the approval  
5 process that we're hopefully going to get to  
6 tonight.  
7 So anyway, any other comments?  
8 MR. NIERSTEDT: We got through 18.  
9 MR. MINKS: The minimum 18 parking  
10 spaces we already committed to that. And frankly,  
11 in our latest iteration of the South Ave II plan, we  
12 may be providing upwards of 40 total, so -- not  
13 related to this application, however.  
14 The provision of loading area onsite  
15 for resident tenants -- that's going to be lease  
16 management, but there is a loading area that  
17 presumably would be usable for that. But there  
18 certainly will be move in and move out restrictions  
19 that will be managed by our onsite property  
20 management which will be a Russo entity. Russo will  
21 be managing this, self-managing this, we have that  
22 division now.  
23 MR. NIERSTEDT: Did I understand that  
24 right, that the wire is going to be overhead from  
25 the south side to the north side and from the north

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1 side --  
2 MR. MINKS: Do we have commitment to  
3 underground?  
4 MR. BARTELS: Onsite service from the  
5 pole to the building will be underground.  
6 MR. MINKS: Okay. Merger of all lots  
7 in one lot, that is actually part of this  
8 application. Part of our application is not only  
9 for preliminary and final subdivision approval, but  
10 also technically -- preliminary and final site plan  
11 approval but also subdivision approval in that it's  
12 a lot consultation of Lots 1, 2, 4 and 5 and Block  
13 401.  
14 Continued provision of affordable  
15 housing compliant. All right. As you may know, I  
16 was kind of instrumental in the affordable housing  
17 plan and the settlement.  
18 MR. NIERSTEDT: All this is is  
19 putting it on -- testimony is -- nobody remembers  
20 testimony if it's not put in, you know.  
21 MR. FRASER: Mr. Minks, this is the  
22 work he's doing for me.  
23 MR. MINKS: No, and I'm just I'm  
24 conceding that's accurate, we will comply.  
25 And provision of number of commuter



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1 spaces.

2 MR. NIERSTEDT: Did we have a number?

3 I couldn't -- in my notes, I -- was there an actual

4 number?

5 VICE-CHAIR VILLAGGIO: There wasn't a

6 specific --

7 MR. MINKS: We actually have 48

8 spaces in excess of the requirement under the

9 redevelopment plan, a strict requirement ratio

10 that's required by the redevelopment plan. But

11 those are not, again, no spaces will be designated

12 as resident only. No spaces will be designated as

13 commuter only or retail only. They will all be

14 managed and have the requisite flexibility that --

15 not requisite, the resulting flexibility that a

16 smart parking system that we're discussing affords.

17 We do not permit -- our leases

18 prohibit satellite dishes and there will not be --

19 these units will be cooled already. There will not

20 be window air conditioning units nor are the windows

21 conducive to that.

22 Again, our property management will

23 enforce the balcony restrictions, of course, which

24 will also be any -- I don't know if there are any

25 municipal ordinances against, you know, restricting

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1 balcony use.

2 Provision of removable/openable

3 windows to allow for outside plaza dining at site

4 restaurants. That's really going to be I think our

5 design is flexible enough, the window designs that

6 we have proposed in our elevations are probably

7 similar to what's going to wind up there, but that's

8 really going to be dependent on who the ultimate

9 tenant is and whether that is a part of their model.

10 MR. NIERSTEDT: We understand that.

11 And again, I tried to take this from what I had

12 written down as testimony.

13 Somebody mentioned earlier, you know,

14 it's not that it's required to be a restaurant, but

15 if your first -- let's just say you have five

16 tenants and if none of the first five tenants are a

17 restaurant and one goes out and a restaurant moves

18 in, we want to make sure that it's possible for

19 those windows to be open to provide for that, you

20 know, amenity. As long as the windows can be -- and

21 I know you have architect and engineer here, as long

22 as those windows can be done that way -- we did that

23 with South Avenue over here with the 12 units I

24 think it is across the street from the Garwood Mall,

25 those windows, if he ever changes to a restaurant --

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1 MR. MINKS: Well, I don't know.

2 Doug, are you aware as to whether or

3 not there is that functionality automatically?

4 MR. BARTELS: I don't believe that's

5 set into the plan at the moment, no, but it's

6 certainly a flexibility that --

7 MR. MINKS: It's a flexibility that

8 if a tenant asks for it, it's obviously something

9 that we would work out with the tenant in terms of

10 their fit out, whatever allowances might be given a

11 tenant in order to induce them to rent.

12 So there's any number of permutations

13 of what the actual architecture of the restaurant is

14 going to look like that I am not comfortable

15 committing to today because that type of window may

16 preclude something else that a quality restaurant

17 wants that then forecloses my client from being able

18 to lease to that restaurant, and I wouldn't want to

19 do that or commit my client to something like that.

20 But we certainly, I can tell you

21 right now it's in our mind that we would love to

22 utilize a portion of that plaza with outdoor seating

23 and encourage that kind of a restaurant. I don't

24 know if it's going to be open air or if it's simply

25 going to be outdoor seating, but it's something that

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1 we certainly would like to have and we'll be

2 marketing it as such.

3 MR. NIERSTEDT: You're very good at

4 not saying yes.

5 MR. MINKS: In this case I don't want

6 to say yes. I'm reluctant to say yes for those

7 reasons.

8 VICE-CHAIR VILLAGGIO: He's a lawyer.

9 MR. FRASER: Mr. Minks, can your

10 quality restaurant serve McRib?

11 MR. MINKS: On certain nights I'm

12 sure we can work that out.

13 MR. NIERSTEDT: Well, we went through

14 to the end. The first ones really pertain to

15 council and the developer and I just hope that there

16 aren't any issues there. I know Mr. Minks will

17 certainly discuss letter A with me or with us. But

18 on the other ones, I do hope that we can recommend

19 to council as Kathy indicated earlier use the pilot

20 fund a certain way that you do sell the one piece of

21 property to Russo.

22 Title 39, I don't think there's an

23 issue with Title 39.

24 MR. MINKS: I think we already

25 testified that we would grant Title 39 jurisdiction.

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1 MR. NIERSTEDT: Testimony is one  
 2 thing, conditions are another.  
 3 MR. MINKS: Well, that's the purpose.  
 4 MR. NIERSTEDT: You know, that you  
 5 would work with the borough for that letter I to  
 6 continue to try to get more stops.  
 7 MR. MINKS: Correct.  
 8 MR. NIERSTEDT: And I think the last  
 9 when the traffic expert testified you talked about  
 10 commuter parking fees and a point was made, and  
 11 correct me if I'm wrong, who sets those?  
 12 VICE-CHAIR VILLAGGIO: It should be  
 13 Russo does.  
 14 MR. NIERSTEDT: Is it 100 percent  
 15 Russo?  
 16 VICE-CHAIR VILLAGGIO: Because that's  
 17 not our garage.  
 18 MR. MINKS: And again, I think the  
 19 testimony --  
 20 MR. NIERSTEDT: If that's 100 percent  
 21 Russo that just gets taken out.  
 22 VICE-CHAIR VILLAGGIO: And I think  
 23 there was testimony to that effect.  
 24 MR. MINKS: Correct.  
 25 MR. NIERSTEDT: Thank you. I

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1 appreciate it.  
 2 CHAIRMAN GREET: Okay. Are there any  
 3 other questions of anyone else from the board  
 4 concerning this application in general?  
 5 Seeing none, I'm going to open it up  
 6 to the general public for any questions of this  
 7 applicant or of this application for the general  
 8 public. Bruce.  
 9 MR. PATERSON: First question, this  
 10 is final wrap up public comment period?  
 11 CHAIRMAN GREET: You'll have general  
 12 comment at the very end.  
 13 MR. PATERSON: I'll wait for general  
 14 comment.  
 15 MR. NIERSTEDT: Isn't this the very  
 16 end?  
 17 MR. PATERSON: I do have a couple of  
 18 conditions, but I'll --  
 19 MR. VINEGRA: Conditions from the  
 20 public?  
 21 MR. PATERSON: Recommended  
 22 conditions.  
 23 MR. FRASER: This is the opportunity  
 24 for the public to provide commentary in opposition,  
 25 support or potentially conditions.

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1 CHAIRMAN GREET: Okay. Bruce, it's  
 2 open, the floor is open for conditions, for  
 3 questions.  
 4 MR. FRASER: Bruce, do you intend to  
 5 produce testimony at this time?  
 6 MR. PATERSON: Well, swear me in  
 7 anyway.  
 8 (Witness sworn.)  
 9 MR. FRASER: State your name and  
 10 address.  
 11 MR. PATERSON: Bruce Paterson, 325  
 12 Willow Avenue. I have a statement and then I have  
 13 possible conditions.  
 14 I understand the issues of COAH and  
 15 the building remedy lawsuits, and you know, that  
 16 we're being prodded from the whole process from 2014  
 17 to now, you know, with deadlines and possible  
 18 threats hanging over our head.  
 19 The planning board and the governing  
 20 body had no experience on such of this issues of  
 21 high density, or at least maybe one planning board  
 22 member did. So it's always a learning curve. And  
 23 as first a planning board member and as a resident,  
 24 I also tried to help noting density incentivisation  
 25 letter, a parking spot transfer possibly, even

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1 unwarranted financial over-enrichment and other  
 2 residence also spoke their concerns also, mostly  
 3 turning a blind eye to the residents expressing  
 4 their concerns. But at least you actually did on my  
 5 density incentivisation letter from 2015, you  
 6 actually did address some of the items, which I  
 7 appreciate, that was like the more parking spots on  
 8 the south side of South Avenue, the charging  
 9 stations in the parking garage, redesigned the  
 10 egress of the project, which wasn't really a major  
 11 concern of mine. It's still didn't satisfy me, but  
 12 at least you pushed it back about 200 feet from the  
 13 fire house and that, you know, that's fine.  
 14 And also, the Garwood street lights I  
 15 had mentioned in the letter, but that was a given.  
 16 So I thank you for at least listening to me on some  
 17 of these issues from that letter.  
 18 The traffic testimony hopefully  
 19 opened everyone's eyes except for Bill, because he  
 20 was agreeing with these guys, that moving forward,  
 21 all traffic impact studies are meaningless as long  
 22 as no drivers or pedestrians are severely injured.  
 23 From that testimony, I heard traffic will be backed  
 24 up across the project exit, but I did not hear any  
 25 solid resolution as to what's going to be done there

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1 and no one on the planning board expressed concerns  
 2 about all those residence going to the bus or the  
 3 train constantly pushing the pushbutton on the  
 4 traffic light stanchion to cross the streets to the  
 5 train and the bus stop on the other side, and that's  
 6 going to impact the off-on, off-on of the traffic,  
 7 but I guess we don't really care about traffic  
 8 anymore.

9         There was an eyesore and it had a  
 10 HAZMAT and we all wanted it to change, but to many  
 11 not to this immensity or not for the developer to  
 12 overpay for the property so demand higher density to  
 13 compensate. Casale from the beginning really didn't  
 14 want to sell, but you offered him a great price, of  
 15 course he will.

16         What we have is one of the largest  
 17 projects in the county in one of the smallest towns  
 18 in the county. A knowledgeable planning board  
 19 member noted to me this same density is really found  
 20 only in cities. We are not in a city.

21         This increases our population by 13  
 22 percent, housing by 17 percent, rental-to-home owner  
 23 will be at the tipping point of 50 percent.

24         One further issue I actually have,  
 25 and maybe you resolved it, I wasn't at that meeting

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1 but I did question it in the past meeting, it's that  
 2 dungeon parking lot of 58 spots. There's four sides  
 3 enclosed and then, I guess, there's a ten-foot  
 4 ceiling and you said there was going to be an  
 5 opening I guess overhead, and like I said, I wasn't  
 6 at the meeting, but hopefully you specified at least  
 7 a 40-percent roof opening for daylight and  
 8 orientation for the people, the drivers in the  
 9 dungeon parking lot. Maybe somebody could actually  
 10 tell me what was resolved on the percentage of open  
 11 light.

12         With this said, I hope you consider  
 13 some of the conditions upon approval the following,  
 14 and you mentioned this in testimony, if there's  
 15 actually going to be a second restaurant, you have  
 16 to return to the planning board.

17         The power lines I brought this up,  
 18 and it should be buried over the quarter mile  
 19 stretch of the project. I heard that it was too  
 20 expensive, but I'll tell you, all those power lines  
 21 out there are really going to impact the nice  
 22 aesthetics of the new building, so I don't know what  
 23 you want do there.

24         Three and this, obviously, was  
 25 discussed and Mr. Minks turned me a couple times,

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1 but as president of the historical committee, to  
 2 remember the legacy of what was here with the  
 3 aluminum company of America, the committee discussed  
 4 this and we would like to preserve four of the large  
 5 and small aluminum panels that are at the underside  
 6 of the windows and incorporate them into the new  
 7 project, maybe by framing. If not, we actually did  
 8 discuss an alternative that may be a little easier,  
 9 and an alternative solution would be to have Russo  
 10 furnish a bird's eye view of the complex framed on a  
 11 non-destructible mount on a front wall of the Russo  
 12 project near the entrance and maybe a small,  
 13 weather-resistant tag to go with it with an  
 14 inscription furnished by the historical committee,  
 15 and we can work with Russo on that if that's the  
 16 alternative.

17         Also, if there is first-floor  
 18 apartments, hopefully they're shielded from  
 19 headlights. Bob's not here anymore but he always  
 20 brought up the washing stations for the trucks  
 21 entering and exiting the complex, I think that is  
 22 something that needs to be addressed unless it  
 23 already.

24         CHAIRMAN GREET: Washing stations?  
 25         MR. PATERSON: The washing stations

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1 for the truck tires.

2         MR. NIERSTEDT: Soil conservation.

3         MR. PATERSON: Is that in there? You  
 4 have it in there.

5         MR. NIERSTEDT: (Nods.)

6         MR. PATERSON: And, you know, I just  
 7 like to hear him address the dungeon parking lot  
 8 with the roof opening and one percent, it really  
 9 should be at least 40 percent.

10         So hopefully, this project is going  
 11 to work out well for Garwood. I mean, I did raise  
 12 my concerns over the past two, three years about it,  
 13 you know, it's contentious project. It's something  
 14 brand new for Garwood. A lot of I's were dotted and  
 15 T's were crossed, but hopefully somebody on the  
 16 planning board still has some concerns about this  
 17 fitting into the character of Garwood and maybe I'll  
 18 see a no, which will be at least some satisfaction  
 19 for this long journey that we were on.

20         So at least a couple of these  
 21 suggested recommendations I'd like to hear about.  
 22 Thank you very much.

23         CHAIRMAN GREET: Thank you, Bruce.  
 24 Just as a question for you, would that be a no from  
 25 you if you were sitting up here?

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1 MR. PATERSON: Would that be a no,  
 2 probably, you know, because I would feel otherwise.  
 3 I tried to prod you guys for something smaller, 250  
 4 was my number, but, you know, not too far away, but  
 5 still.  
 6 CHAIRMAN GREET: Thank you, just out  
 7 of curiosity. Thank you.  
 8 Anyone from the public?  
 9 Seeing none, we'll close that portion  
 10 of the meeting. And then I'll open it up for  
 11 discussion. No, I'm sorry.  
 12 Mr. Minks, would you like to address  
 13 some of the issues?  
 14 MR. MINKS: Honestly, I just want to  
 15 be very brief, I think that's uncharacteristic of  
 16 me, so it's a challenge.  
 17 VICE-CHAIR VILLAGGIO: You're a  
 18 lawyer.  
 19 MR. FRASER: I hate that part when  
 20 they say "one more question, Mr. Minks."  
 21 MR. MINKS: The purpose of my close,  
 22 if you will, is really to express our gratitude to,  
 23 not only to this board for the hearing process,  
 24 which I think has been satisfying for us, not merely  
 25 because I'm happy with the testimony that we

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1 produced, I'm happy with the proofs that we  
 2 provided, but I'm truly happy with, as I said in the  
 3 beginning of the hearing, that this really is a  
 4 study in civics.  
 5 I think the whole process for the  
 6 last five years that I've been involved in has  
 7 really been a productive one, laborious, time  
 8 consuming, but you know what, with a project like  
 9 this respecting the fact that it does represent a  
 10 major change, I think a major positive change in  
 11 Garwood, not a change to the character of Garwood,  
 12 frankly, the removal of an environmentally  
 13 contaminated health hazard, not only an eyesore, a  
 14 health hazard, that really speaks to this type of  
 15 development.  
 16 Your governing body, not only in the  
 17 most recent times in terms of the adoption of this  
 18 redevelopment plan, but previous to that envisioned  
 19 this as a centerpiece of the downtown that could  
 20 create more of a transit opportunity, more of a  
 21 transit-oriented or transit village type of concept  
 22 to get people on the streets to support your  
 23 downtown to, you know, increase the level of  
 24 community participation in this type of living  
 25 quarters, living structure.

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1 I think this is, in large measure,  
 2 due to our work with Mr. Vinegra literally over  
 3 probably two years of working with the planning and  
 4 zoning committee, Mr. Vinegra's office, and really  
 5 maturing, you know, this matured, this whole  
 6 process was a maturation of an initial plan that we  
 7 proposed with, you know, far greater density,  
 8 resistance to Fair Share Housing, which was the real  
 9 foe in this case, it was not threats by the  
 10 developer, but it was fair share housing that was  
 11 pushing us to have greater density. They wanted  
 12 density upwards of 500 units, and it was the  
 13 developer in conjunction with the municipality that  
 14 kind of linked arms and said, no, there's a critical  
 15 mass here and we want to achieve that critical mass  
 16 and we arrived at the 298 which represented  
 17 concessions by the borough and concessions by the  
 18 developer.  
 19 But overall, again, I think this is a  
 20 process that everyone here should be proud off  
 21 because it was deliberative. It was by no means,  
 22 you know, a wink and a nod. You're putting us to  
 23 the test. We're asking you for certain concessions,  
 24 I think we've mitigated them to the greatest degree  
 25 possible so that we've presented you with an

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1 application that is as-of-right for a project of  
 2 this magnitude and of this significance that I think  
 3 this board will probably ever see. I think you see  
 4 more variance requests for a simple driveway  
 5 relocation for a single-family home than you do for  
 6 a project of this significance.  
 7 So again, we greatly appreciate your  
 8 patience, your indulgence, your consideration, your  
 9 insights. And the same goes for the members of the  
 10 public, even Mr. Paterson who I certainly  
 11 appreciate. And we've listened. I promised and  
 12 committed that my team would listen from the onset  
 13 of these hearings and I think we've achieved that.  
 14 I certainly hope you feel that we have, but  
 15 listening also means, if you're doing it right, it  
 16 means hearing, and hearing means responding and  
 17 acting. And I think we've tried to do that at every  
 18 turn.  
 19 And with that, I leave it to the  
 20 board for careful deliberation and I certainly hope  
 21 that you have a positive vote tonight so that we can  
 22 get going, because we're truly eager to do so.  
 23 Thank you.  
 24 CHAIRMAN GREET: Okay. Thank you.  
 25 Well, I know from my own perspective

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1 it has been interesting and kind of exciting past  
2 six months to a year of dealing with all the  
3 aspects, specific aspects of the development. I,  
4 for one, I don't have to elaborate a whole lot  
5 because I think we've done that adequately for the  
6 last several meetings that we've done, but from my  
7 own perspective, I think it's an exciting project  
8 and I think it's going to be a true benefit to  
9 Garwood. Again, there maybe some hiccups that we  
10 will develop, I'm sure, as construction continues,  
11 but I think for the most part we've ironed out a lot  
12 of our concerns, you've addressed some, we've asked  
13 to do some others, but I think all in all it was a  
14 collaboration on both parts.  
15 And I'm really exited about a project  
16 that I think is going to be a tremendous asset to  
17 both the town and to its people. Thank you.  
18 VICE-CHAIR VILLAGGIO: I started  
19 working on this like on the redevelopment back in  
20 2009 when I was on the borough council, and then by  
21 holding, you know, meetings with the residents in  
22 town, what they would like to see.  
23 So this has been a long road to this  
24 point. I think this development here is a topnotch  
25 and it will be a topnotch one in Union County, not

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1 only in Garwood, and I am in favor or it. So I'm  
2 very happy that we've gotten this far at this time.  
3 MAYOR LOMBARDO: Mr. Chairman, I just  
4 have to say I will be voting in the affirmative this  
5 evening. I think as former Council Member  
6 Villaggio, I was at that meeting in the firehouse in  
7 2009 and the transit-oriented village proposals, and  
8 I think overall as the mayor I can say the planning  
9 board, the professionals, council and their  
10 professionals all did a great job. It's been a give  
11 and take.  
12 Mr. Minks and his organization have  
13 been very positive, they've been good neighbors to  
14 us and hopefully within six or seven months we'll be  
15 putting some sticks in the ground, and I thank  
16 everyone that. Thank you.  
17 COUNCILMAN SARNO: I'll also be  
18 voting in favor of this project. From my  
19 perspective from being on both sides of this whole  
20 -- on Russo, being opposed to it and coming around  
21 and working together with other members of council  
22 to come to the board on a redevelopment agreement  
23 and give you my approval on that last year to being  
24 involved in the financial process and seeing it  
25 through here. This is something that's going to be

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1 a benefit and I think the town itself did the best  
2 they could with the situation that's right there  
3 right now across the street with the environmental  
4 hazards.  
5 And yes, there are certain things  
6 that will not be in our favor. Traffic will go up,  
7 but that ultimately happens when you have dark  
8 buildings with no public access going on with them.  
9 This is something that I think is going to help  
10 Garwood and I know I came in the middle of this  
11 process, I haven't been around here since 2009, but  
12 I can appreciate the efforts all the way around and  
13 I can even appreciate the viewpoints on the opposing  
14 side as well.  
15 CHAIRMAN GREET: Okay. Thank you.  
16 MR. NIERSTEDT: I think I've stated  
17 on the record I've been in favor of this project for  
18 a long time. There are disappointments. I'm on  
19 record stating I wish there were more units here  
20 because then we can provide more affordable housing  
21 on this side of the street and not have so many on  
22 the other side of street when we get to Russo II. I  
23 think we're going to regret that move by council  
24 when we look at the south side of South Avenue  
25 project, that's number one.

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1 Number two, I wish there was more of  
2 a connection to transit, and I know early on I had  
3 advocated an actual connection, an actual walk out  
4 the back door and you're on a link or walk, some  
5 type straight to the train station, the train, bus  
6 stop, whatever you want to call it. I advocated  
7 that early on and I'm disappointed that we do not  
8 get more of a connection. The argument coming back  
9 swayed me in the sense of, hey, do you want to have  
10 people walking through the downtown to get to that  
11 station? I understand that, and I guess that is  
12 more of something that's more important, but I'm  
13 disappointed in that.  
14 I think architecturally this is going  
15 to be, I don't know the word to use beyond a  
16 fantastic improvement. I mean, this is as -- I  
17 don't know if it was the mayor or Kathy or Joe just  
18 said the change that's going to be across the street  
19 is just going to be tremendous, and I think it is  
20 going to be a project that people are going to look  
21 at throughout Union County and say it's a great one.  
22 The parking, I'm always contradictory  
23 when it comes to parking because as far as I'm  
24 concerned, I know it's a joke but I'm serious about  
25 it, you know, in New Jersey it's just unfortunate

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1 everybody wants two cars and so many people where I  
 2 live on the block I live there's more cars than  
 3 there are people. And I don't know what we have the  
 4 to do to get people to get out of the cars, but I  
 5 hope this project is something that moves us toward  
 6 that and I hope that it allows for other  
 7 improvements in our downtown which will allow  
 8 Garwood to be a true walkable, livable, and what's  
 9 the word? It's not playable, what is it? Well,  
 10 whatever the word is, you know, community and people  
 11 don't have to get in their cars for everything.  
 12       You know, not that it matters but,  
 13 you know, last Saturday Marie and I, we walked out  
 14 of Cranford, walked to the theater, walked to the  
 15 restaurant, that's what you want, people doing that  
 16 and I hope this brings people towards that.  
 17       Tonight I hope, Mr. Fraser, we're  
 18 just going to vote on up or down and you'll have the  
 19 resolution for next time and we can actually --  
 20 tonight I hope we're not going to go through each  
 21 and every condition.  
 22       CHAIRMAN GREET: We are not.  
 23       MR. NIERSTEDT: Great. I do ask  
 24 serious consideration for those recommendations I  
 25 put forth in a Garwood redevelopment agreement and

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1 I'm not quiet on too many things, and there's things  
 2 I'm seeing at this point in council, and it's not  
 3 the redevelopment agreement before we had this site  
 4 plan and I think that's why we have ten  
 5 recommendations, at least from my perspective, going  
 6 from this board to council to amenities to the  
 7 redevelopment plan to add to.  
 8       I hope that the planning board  
 9 members will seriously look at those and encourage  
 10 council to take some of those items on, particularly  
 11 the fire truck, particularly the school board, those  
 12 items will make a very important overall planning.  
 13       This project is not going to have a  
 14 sizable number of students and I wish that we did  
 15 have that information on COAH on hand here tonight,  
 16 but we know there are other projects coming and the  
 17 cumulative impact of these projects as they come on  
 18 one by one is going to add something, I don't know  
 19 how much, but it's going to add something. I think  
 20 we need to start with this developer to address some  
 21 of those educational concerns and space concerns  
 22 before we do end up in a situation where we are over  
 23 capacity.  
 24       Traffic, hey, we kid about South  
 25 Avenue in Cranford and we say, hey, you know, I

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1 avoid going there on a Saturday night, well, you  
 2 know what, that's what we want because it's so  
 3 active and so vibrant and so busy, maybe Don didn't  
 4 like it when I was living there.  
 5       MR. FRASER: Well, it's active now  
 6 that I'm gone.  
 7       MR. NIERSTEDT: But you know, the  
 8 North Avenue, the -- I mean, they have brought some  
 9 vibrancy to our town and I hope that this brings the  
 10 same vibrancy to the south side. And the traffic,  
 11 hey, we are ones who create the traffic, get out of  
 12 your cars, put on your sneakers, you know, get on  
 13 the bike and then you don't have traffic. Everybody  
 14 kids with me, but I never have a problem finding a  
 15 parking space. I never have a problem getting right  
 16 at the front door, it works, you know.  
 17       And so that's it. I will be voting  
 18 in favor, but I look forward to seeing the  
 19 conditions next month.  
 20       CHAIRMAN GREET: Thank you, Bill.  
 21       Anyone else?  
 22       MR. JANNOTTI: Yeah, I just would  
 23 like to say it's been a long process. I also think  
 24 about what the new community is going to do to the  
 25 rest of the town, these people will be buying

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1 services in town, they will be buying groceries,  
 2 they will be getting their hair cut and using all  
 3 the facilities in town, walking to the town. I  
 4 think it's a great influence on the businesses in  
 5 town to have the additional population that we will  
 6 have. Besides the development being a great  
 7 development, I see other positive results of this  
 8 from the business community. So I certainly look  
 9 forward to being able to vote on this tonight.  
 10       CHAIRMAN GREET: Great.  
 11       Anyone else?  
 12       MR. VENA: I would just like to go  
 13 with everyone that was said, it's been a long, long  
 14 process. We came from having a meeting in the  
 15 school where there was 200 residents there down to I  
 16 see three in the audience now, so I guess everybody  
 17 is agreeing with this project. There's no naysayers  
 18 here and even Bruce likes it.  
 19       We missed the mark by 40 apartments,  
 20 right, Bruce?  
 21       MR. PATERSON: There's a lot more  
 22 issues, but --  
 23       MR. MINKS: Let's not push it.  
 24       MR. VENA: I can't wait to see it  
 25 done. I mean, I've been looking at that site now

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1 for almost 30 years and it looked like that when I  
 2 was here 30 years ago when I moved in and it hasn't  
 3 looked any better, so I can't wait to see this  
 4 project started, finished. There's going to be like  
 5 Bill said, a vibrancy on this side of town like  
 6 you've never seen. I mean, just the Muse and the  
 7 Point, on any given night there's people mulling all  
 8 about and that's going to happen on this side.  
 9 CHAIRMAN GREET: All right. Anyone  
 10 else?  
 11 VICE-CHAIR VILLAGGIO: I have one  
 12 more question. Where is Mr. Russo? I was hoping  
 13 that he would be here tonight.  
 14 MR. MINKS: He actually intended to  
 15 be here today but he's got commitments not only, in  
 16 this case, today was not a business committed.  
 17 Today was he actually was this close to coming and  
 18 then he was told that he absolutely had to attend a  
 19 family commitment. It was actually a health-related  
 20 kind of family commitment, it was not -- but he also  
 21 is the father of young triplets, so unfortunately  
 22 night hearings have become more and more of a  
 23 challenge because his kids have gotten a little bit  
 24 older, they are more demanding than you can -- well,  
 25 you may be able to imagine.

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1 VICE-CHAIR VILLAGGIO: It would have  
 2 been nice, but thank you for the explanation. It's  
 3 very understandable with triplets.  
 4 MR. MINKS: I express his regret. If  
 5 you know during the day meetings and all the daytime  
 6 meetings that we've had, he's always been here.  
 7 It's the evening meetings that have become a  
 8 challenge. My kids are too old, too big to cuddle.  
 9 CHAIRMAN GREET: Anyone else or shall  
 10 we -- okay.  
 11 Do I hear a motion to -- Adele, is  
 12 there any question on any of the board members  
 13 voting tonight if they have missed any meetings?  
 14 And if they have missed meetings, could you call  
 15 them by name and just they will commit to whether or  
 16 not they've read the transcript.  
 17 MR. FRASER: That's a good point.  
 18 MS. LEWIS: The only person who was  
 19 not at every meeting was Lou Petruzelli.  
 20 I know you've read the one  
 21 transcript. Were you able to read the one that was  
 22 just distributed?  
 23 MR. PETRUZELLI: I got the other one,  
 24 yeah, that Don sent.  
 25 MS. LEWIS: Okay, so everyone is

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1 qualified.  
 2 MR. JANNOTTI: If I may, I also read  
 3 the transcript of the last meeting for the portion  
 4 of the beginning part of the meeting that I was not  
 5 in attendance for.  
 6 CHAIRMAN GREET: So everyone is  
 7 qualified to vote?  
 8 MS. LEWIS: So yes, it will a  
 9 nine-member vote.  
 10 CHAIRMAN GREET: Okay. With that do  
 11 I hear a motion to approve this application with the  
 12 understanding we will have a resolution forthcoming  
 13 that addresses the issues that we have been raised  
 14 and that Russo Development has agreed to.  
 15 MR. FRASER: Let's clarify that. It  
 16 would be a vote to approve subject to a number of  
 17 conditions, many of which were addressed by Bill  
 18 that will be included in the resolution that will be  
 19 memorialized at the next meeting.  
 20 CHAIRMAN GREET: Okay, great.  
 21 As stated, do we have a motion?  
 22 VICE-CHAIR VILLAGGIO: I will make  
 23 that motion.  
 24 MAYOR LOMBARDO: I will second it.  
 25 CHAIRMAN GREET: Roll call, please.

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1 MS. LEWIS: Mayor Lombardo.  
 2 MAYOR LOMBARDO: Aye.  
 3 MS. LEWIS: William Nierstedt.  
 4 MR. NIERSTEDT: Yes.  
 5 MS. LEWIS: Councilman Sarno.  
 6 COUNCILMAN SARNO: Aye.  
 7 MS. LEWIS: Stephen Greet.  
 8 CHAIRMAN GREET: Yes.  
 9 MS. LEWIS: Kathy Villaggio.  
 10 VICE-CHAIR VILLAGGIO: Aye.  
 11 MS. LEWIS: Paul Tarantino.  
 12 MR. TARANTINO: Yes.  
 13 MS. LEWIS: Gene Jannotti.  
 14 MR. JANNOTTI: Yes.  
 15 MS. LEWIS: Michael Vena.  
 16 MR. VENA: Yes.  
 17 MS. LEWIS: And Lou Petruzelli.  
 18 MR. PETRUZELLI: Yes.  
 19 MS. LEWIS: Motion carries.  
 20 MR. FRASER: Actually, I think that's  
 21 five yeses to four ayes.  
 22 MR. MINKS: The yeses carry.  
 23 MR. FRASER: Mr. Minks, I've had that  
 24 claim for years. They don't listen to me. I think  
 25 they do it deliberately.

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1 MAYOR LOMBARDO: What is appropriate  
2 then?  
3 MR. FRASER: Mr. Mayor, for years I  
4 have said, let's make it either aye or yes, I don't  
5 care, but let's be consistent.  
6 But no, they are all in the  
7 affirmative.  
8 MR. VINEGRA: Just make a  
9 clarification. Adele stated to me just to kind of  
10 be for preliminary and final.  
11 MS. LEWIS: Is that correct?  
12 MR. VINEGRA: But no one made that  
13 motion.  
14 VICE-CHAIR VILLAGGIO: Oh,  
15 preliminary and final.  
16 MR. VINEGRA: A motion for  
17 preliminary and final.  
18 MR. MINKS: And subdivision.  
19 MR. FRASER: Wait, hold on. Let's  
20 not have it be a question. Let's be crystal clear.  
21 Let's do it again.  
22 The motion is for preliminary in  
23 final. A motion in favor is yes. A vote in the  
24 negative is no. Let's do it again.  
25 MR. MINKS: Mr. Fraser, if we could

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1 be clear, is the motion for preliminary final site  
2 plan approval and minor subdivision as per the  
3 application? Because again, the lot consolidation  
4 is part of the application.  
5 MR. FRASER: Oh, there's a  
6 subdivision, I'm sorry, Mr. Minks, thank you.  
7 VICE-CHAIR VILLAGGIO: I'll make the  
8 motion.  
9 MAYOR LOMBARDO: I'll second it.  
10 MS. LEWIS: Mayor Lombardo.  
11 MAYOR LOMBARDO: Aye.  
12 MS. LEWIS: William Nierstedt.  
13 MR. FRASER: My resignation.  
14 MR. MINKS: Affirmative.  
15 MR. NIERSTEDT: I'll just continue  
16 that so we'll be consistent all around, okay, aye.  
17 MS. LEWIS: Councilman Sarno.  
18 COUNCILMAN SARNO: Aye.  
19 MS. LEWIS: Stephen Greet.  
20 CHAIRMAN GREET: Aye.  
21 MS. LEWIS: Kathy Villaggio.  
22 VICE-CHAIR VILLAGGIO: Aye.  
23 MS. LEWIS: Paul Tarantino.  
24 MR. TARANTINO: Aye.  
25 MS. LEWIS: Gene Jannotti.

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1 MR. JANNOTTI: Yes.  
2 MS. LEWIS: Mike Vena.  
3 MR. VENA: Yes.  
4 MS. LEWIS: Lou Petruzelli.  
5 MR. PETRUZELLI: Aye.  
6 CHAIRMAN GREET: Motion carries.  
7 Congratulations, we all look forward to it.  
8 MR. MINKS: Thank you very much.  
9 (Matter adjourned at 10:19 p.m.)  
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1 C E R T I F I C A T E  
2  
3 I, PATRICIA A. PUCCIARELLO, a shorthand  
4 reporter and Notary Public of the State of New  
5 Jersey, do hereby certify that the foregoing is a  
6 true and accurate transcript of the testimony as  
7 taken stenographically by and before me at the time,  
8 place and on the date hereinbefore set forth, to the  
9 best of my ability.  
10 I DO FURTHER CERTIFY that I am neither a  
11 relative nor employee nor attorney nor counsel of  
12 any of the parties to this action, and that I am  
13 neither a relative nor employee of such attorney or  
14 counsel, and that I am not financially interested in  
15 this action.  
16  
17  
18 -----  
19 Notary Public of the State of New Jersey  
20 My commission expires March 12, 2019  
21 License No. 2383485  
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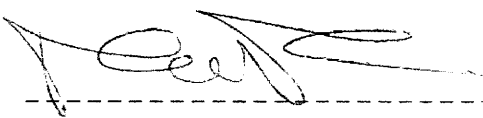


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C E R T I F I C A T E

I, PATRICIA A. PUCCIARELLO, a shorthand reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.



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Notary Public of the State of New Jersey  
My commission expires March 12, 2019  
License No. 2383485

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