

1                   BOROUGH OF GARWOOD PLANNING BOARD  
2                   COUNTY OF UNION - STATE OF NEW JERSEY

3 - - - - -  
4           REGULAR MEETING FOR:

5           2 LAXMEE, LLC  
6           BLOCK 210, LOT 9  
7           2 NORTH AVENUE  
8           CASE NO. PB19-01  
9           - - - - -

10                                   TRANSCRIPT OF PROCEEDINGS  
11                                   PUBLIC HEARING  
12                                   WEDNESDAY, APRIL 24, 2019

13           B E F O R E:

- 14           STEPHEN GREET, Chairman
- 15           STEVE BARCAN
- 16           KEN CAPOBIANCO
- 17           PETER DEMATO
- 18           JOHN MALCOLM
- 19           RICHARD McCORMACK (Recused)
- 20           STEPHEN NAPOLITANO
- 21           WILLIAM NIERSTEDT
- 22           SARA TODISCO, Mayor (Recused)
- 23           MICHAEL VENA
- 24           KATHLEEN VILLAGGIO

25           A L S O   P R E S E N T:

- 26           DONALD B. FRASER, JR., ESQUIRE, Board Attorney
- 27           VICTOR E. VINEGRA, P.E., P.P., Board Engineer
- 28           LEIGH FLEMING, Planning Assistant
- 29           ADELE LEWIS, Board Clerk

30                                   AB COURT REPORTING, LLC  
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1                   TRANSCRIPT of the stenographic notes  
2 of the proceedings in the above-entitled matter, as  
3 taken by and before ANGELA C. BUONANTUONO, a  
4 Certified Court Reporter, Registered Professional  
5 Reporter, Certified LiveNote Reporter and Notary  
6 Public of the State of New Jersey, held at THE  
7 BOROUGH OF GARWOOD MUNICIPAL BUILDING, 403 South  
8 Avenue, Garwood, New Jersey 07027 on Wednesday,  
9 April 24, 2019, commencing at 7:30 in the evening.

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15       A P P E A R A N C E S:

16

17       HEHL OFFICES OF JAVERBAUM WURGAFT HICKS KAHN  
18       WIKSTROM & SININS, P.C.

19       BY: STEPHEN F. HEHL, ESQUIRE

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22

23

24

25

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21 A-1 Colored architectural rendering of Sheet 21  
SK-1

22 A-2 Elevation of Sheet C-4 23

23

24 (Exhibits not retained by reporter.)

25

1 CHAIRMAN GREET: All right, folks.  
 2 Tonight we have two applications and they're -- they  
 3 may be lengthy, so I'm going to ask that whatever  
 4 questions you have of the specific witnesses, that  
 5 they're all relevant and if you can be concise on  
 6 what you're requesting of the witness, that would be  
 7 greatly appreciated.

8 And also to hold off on your comments  
 9 until the very end, so that we can kind of expedite  
 10 this thing up a little bit. I think it will work  
 11 smoothly that way.

12 So with that, we'll take our first  
 13 application. That's going to be case PB-19-01, it's  
 14 2 North Avenue located in the General Business Zone  
 15 of Garwood.

16 MR. HEHL: This one, yes, this is a  
 17 Zoning Board case.

18 Good evening, Mr. Chairman and board  
 19 members. Great to see you all again. And I'm  
 20 representing 2 Laxmee, LLC. Obviously everyone  
 21 knows Dittrick's Liquors. We think this is an  
 22 exciting redevelopment of this piece of property  
 23 introducing a mixed-use development at this  
 24 location.

25 We're before this board and the board

1 getting us the information ahead of time so we can  
 2 prepare for our presentation.

3 I would like to -- my client has  
 4 requested that she give just a brief statement to  
 5 the board; she would have to be sworn in and then I  
 6 will begin with our various witnesses.

7 MR. FRASER: Your client is your first  
 8 witness?

9 MR. HEHL: Yes.

10 CHAIRMAN GREET: Certainly.

11 MR. HEHL: Dela, first you have to be  
 12 sworn.

13 MR. FRASER: What is your witness's  
 14 name to be sworn?

15 MR. HEHL: It's Dela and it's spelled  
 16 Jagad, J-A-G-A-D.

17 D E L A J A G A D, is sworn.

18 MR. FRASER: Please spell your name  
 19 and then give us your address and then the floor is  
 20 yours.

21 MS. JAGAD: Dela Jagad. My address is  
 22 5 Heitz Lane, Hillsborough, New Jersey 08844.

23 MR. HEHL: And she has requested, like  
 24 I said, to just give a brief opening to the board  
 25 and then we'll move on to Mr. Waga to explain the

1 will be acting as a Zoning Board of Adjustment  
 2 because the residential portion is not permitted  
 3 although we will present planning testimony that  
 4 will show that we feel that this is a great  
 5 transitional use for this piece of property between  
 6 the commercial and the residential.

7 It's been, we believe, well designed  
 8 and well laid out. We have our witnesses. We have  
 9 our architect who will explain the site and the  
 10 building in detail. We have our professional  
 11 planner, and the applicant themselves who have been  
 12 operating the store for many years.

13 MR. FRASER: So it's a zoning matter.

14 MR. HEHL: Unfortunately we lose the  
 15 Mayor and council people, but we thank you for being  
 16 here.

17 MAYOR TODISCO: We're just going to go  
 18 to a comfy seat out there.

19 MR. HEHL: There you go.

20 MR. FRASER: Okay, Mr. Hehl.

21 MR. HEHL: Thank you. And, again, we  
 22 appreciate the board's time this evening in hearing  
 23 this.

24 We did receive the review letter from  
 25 Harbor Consultants and they're always great at

1 site and the building in much more detail.

2 CHAIRMAN GREET: Could I just ask one  
 3 favor, please speak up a little bit.

4 MS. JAGAD: Sure.

5 MR. HEHL: Not everybody has a big  
 6 mouth like me.

7 MS. JAGAD: I will try. First and  
 8 foremost, I want to thank the board for having this  
 9 gathering today. I also want to apologize if I seem  
 10 a bit less than exhilarated. Just this morning  
 11 while walking, I was hit by a car. The doctors say  
 12 I'm doing fine and I have not but one scratch and a  
 13 small sprain.

14 On my way here I thought to myself,  
 15 this must be a sign, nothing happened to me for a  
 16 reason. I believe that reason is that the approval  
 17 of the Dittrick's project is today. I have waited  
 18 much time for this day, and I'm blessed to be  
 19 standing here in this room with all of you instead  
 20 of the hospital or much worse.

21 I have faith that the board has seen  
 22 all of the beautiful things that will come with this  
 23 project. The gateway of Garwood will truly stand  
 24 out. Garwood will beam brighter than before due to  
 25 the decisions we all have set forth in the days that

1 have led up to this moment.  
 2 Thank you for your time and care for  
 3 this Garwood expansion and betterment. Thank you  
 4 for listening.  
 5 MR. HEHL: Thank you. And certainly  
 6 she'll be here if the board has any questions as the  
 7 proceedings go on. We appreciate you accommodating  
 8 us.  
 9 So, again, we are here for the  
 10 mixed-use project and what I would like to do first  
 11 is to call upon Mr. Gregory Waga to take us through  
 12 what's proposed by way of existing conditions and  
 13 then what's proposed by way of improvements.  
 14 Mr. Waga, if you could please be  
 15 sworn.  
 16 MR. FRASER: Mr. Chairman, as in the  
 17 past I'm going to note for the record that Mr. Waga  
 18 did some work now about a year and a half ago, maybe  
 19 two years ago, at my personal residence. I don't  
 20 think it presents a conflict and I do want it on the  
 21 record.  
 22 MR. HEHL: We have acknowledged that  
 23 before and no objection on behalf of the applicant.  
 24 G R E G O R Y W A G A, is sworn.  
 25 MR. FRASER: Your address, please.

**GREGORY WAGA, AIA**

1 THE WITNESS: 2109 St. George Avenue,  
 2 Rahway, New Jersey 07064.  
 3 MR. FRASER: Mr. Waga is being put  
 4 forth as an expert architect?  
 5 MR. HEHL: Correct.  
 6 MR. FRASER: Is he being put forth as  
 7 an expert in any other fields?  
 8 MR. HEHL: Not this evening, no.  
 9 MR. FRASER: Your licenses as an  
 10 architect remain current?  
 11 THE WITNESS: Current, yes.  
 12 MR. FRASER: We qualified him before.  
 13 I recommend that he be accepted by the board as an  
 14 expert architect.  
 15 CHAIRMAN GREET: So be it.  
 16 E X A M I N A T I O N  
 17 BY MR HEHL:  
 18 **Q.** You heard my opening statement and  
 19 statement by the applicant. If you can take the  
 20 board through what is -- what our proposal is here  
 21 this evening, giving first an overview of the  
 22 existing conditions at the site and then move on to  
 23 what's proposed by way of improvements.  
 24 **A.** Sure. So what I would like to  
 25 qualify, as I do before every meeting, is that the

**GREGORY WAGA, AIA**

1 presentation that you have in front of you is  
 2 identical to the boards that I have prepared here.  
 3 I will be offering two exhibits, a color rendering  
 4 and a more detailed isolated version of a rear  
 5 elevation which is in reduced format for desk copies  
 6 for each of you to review and we'll -- Mr. Hehl will  
 7 acknowledge those shortly.  
 8 What we're looking at here, I'm sure  
 9 we're probably all familiar with the site as we  
 10 enter in from Cranford at 2 North Avenue, we're  
 11 looking at a site that has a current area of  
 12 21,539 square feet. That will not be changing and  
 13 that is where 7,000 square feet is required. We are  
 14 in a GB Zone and so, therefore, that lot size does  
 15 conform.  
 16 We do have a lot width of existence,  
 17 which will again be existing and will be proposed,  
 18 which is at 200 feet where 70 is required. Our  
 19 minimum lot depth is a preexisting situation at  
 20 98.53. And, as we all know, we can't change the lot  
 21 depth, 100 is required. The variance is being  
 22 requested for that particular preexisting  
 23 non-conformity.  
 24 The minimum front yard setback whereas  
 25 required is ten, we are at 48.1 feet. We will

**GREGORY WAGA, AIA**

1 remain at 48.1 feet. We do have a side yard setback  
 2 where zero feet is existing. We actually -- a part  
 3 of the building overlaps at the northeast corner of  
 4 the structure into the Cranford property. This  
 5 property does abut the Cranford -- division of  
 6 Garwood and Cranford along the right side elevation,  
 7 the current single-story structure. The garage  
 8 structure of course is within Garwood.  
 9 And then we have a current structure  
 10 where three stories are permitted, one is  
 11 required -- one is -- sorry, three are permitted,  
 12 one exists and two are proposed. Our rear yard  
 13 setback is 15.5 feet required, where we have 26.17  
 14 is both proposed and existing.  
 15 The minimum building coverage required  
 16 is 30 percent, we are proposing 33.14 percent and we  
 17 are currently at 20.03 percent. So we have added a  
 18 tremendous amount of landscape, as I will present  
 19 shortly, again just falling back from a conversation  
 20 two minutes ago.  
 21 Two existing buildings, one was a  
 22 garage at one time, a pumping station, a repair  
 23 shop. Dittrick's Liquors has been there for a  
 24 number of years. We know the structures and their  
 25 conditions. Both have a situation where they're one

**GREGORY WAGA, AIA****12**

1 in need of deep repair. And in evaluating this and  
 2 working with my client for the last two year and a  
 3 half -- two years three months actually this month,  
 4 we have worked very hard and long on trying to come  
 5 up with a structure and facility that will both best  
 6 for being, as Dela alluded to, will be the gateway  
 7 into Garwood from Cranford on North Ave and from  
 8 Lincoln Ave as well.

9 So moving forward, what we've done is  
 10 what we're proposing -- I'm referring to sheet C-1  
 11 right now in the presentation, I'll go in the order  
 12 that is stapled in front of you. We're looking at  
 13 removing the two existing structures and creating  
 14 one single structure which will have a footprint and  
 15 house a liquor store expansion.

16 The liquor store will now be moving to  
 17 the left side of the site and then the vacant space  
 18 will be to the right side where the current  
 19 Dittrick's location is intact. Will have a proposed  
 20 liquor store area of about 3,600 square feet and a  
 21 proposed vacant tenant space at this time, a vanilla  
 22 box showing about 2,176 square feet.

23 The footprint, as was alluded to a  
 24 short while ago, will satisfy all our setbacks  
 25 front, left side, and rear. We will be building

**GREGORY WAGA, AIA****14**

1 I'll just take a step back. Back in  
 2 September of last year we did have an opportunity to  
 3 meet in front of this board for a preliminary  
 4 overview of the project. We took your comments into  
 5 great consideration and have applied and adapted  
 6 those comments into this new layout.

7 Moving now on to sheet C-2, which will  
 8 be the proposed second floor plan, the proposed  
 9 second floor plan will have an elevator access. It  
 10 will satisfy egress for the dwelling units as well  
 11 as a storage facility, a secured storage facility  
 12 for the liquor store below.

13 The liquor store, that area, totals  
 14 about 902 square feet. And then we have four  
 15 one-bedroom apartments which are located directly  
 16 parallel to North Avenue and one in the corner here  
 17 which is directly adjacent to the Cranford property  
 18 line as well as North Avenue.

19 We did create a minor or a covered yet  
 20 open seating area for the tenants to provide for  
 21 covered outdoor space. And we have implemented a  
 22 secondary means of egress for the second floor.

23 From an architectural standpoint of  
 24 view, I'm going to step to put my architectural hat  
 25 on here, the building will comply with all adopted

**GREGORY WAGA, AIA****13**

1 right on the property line along the right side of  
 2 the site.

3 Moving now, parking has also been  
 4 indicated on this site. I've worked diligently with  
 5 your municipal engineer, Mr. Victor Vinegra, and we  
 6 have had a couple of variations to this design but  
 7 we feel that this, from a circulation standpoint of  
 8 view, works best.

9 We will have ingress from the most  
 10 northeasterly apron and then they'll approach an  
 11 angled parking and then exit out through the  
 12 westerly portion of the site along North Avenue and  
 13 then again any supplemental parking which will be  
 14 located along the west side of the site will egress  
 15 out through the side street at Winslow.

16 And we do have a traffic engineer that  
 17 will be presenting tonight. I will defer any  
 18 questions you may have regarding traffic to my  
 19 colleague.

20 As we proceed around to the rear of  
 21 the site, we have isolated an area for refuse. We  
 22 also show four parking stalls for the four tenant  
 23 areas. We have a staging area off to the  
 24 northwesterly portion of the site which will be a  
 25 sitting area for the tenants.

**GREGORY WAGA, AIA****15**

1 New Jersey building codes. The building will be  
 2 fully sprinklered. The construction materials to be  
 3 implemented will be a block and steel primary frame  
 4 with a metal stud second floor. It will be rated  
 5 we're anticipating a 5A-type construction which will  
 6 satisfy, more than satisfy a building for this -- of  
 7 this particular size. We have not yet made that  
 8 decision; we may opt for a wood construction which  
 9 is permitted for this application as well.

10 The bedrooms -- the apartments  
 11 themselves will vary in area from 1,106 square feet  
 12 to 1,163 square feet and then the small corner unit  
 13 will be about 963 square feet.

14 As we proceed onto sheet C-2, which  
 15 depicts the elevations, we created a structure here,  
 16 again, a prominent one where we have to take two  
 17 elevations really primarily into consideration, the  
 18 view from North Avenue on the approach from both  
 19 Lincoln and North, either coming from Garwood to  
 20 Cranford or vice-versa. We've tiered the building  
 21 to a center point. We provided outdoor balconies  
 22 which will allow for access for the tenants.

23 They're deep enough for seats only, two chairs only  
 24 and a little table. No grilling will be permitted,  
 25 nothing of that sort will be permitted.

**GREGORY WAGA, AIA****16**

1 Again, my client will be more than  
 2 happy to bring forth to you the necessary  
 3 information that they will be implementing in any  
 4 type of lease agreement with their prospective  
 5 tenants.

6 As we proceed across clockwise, we  
 7 have the left side elevation which is along Winslow.  
 8 Again, we have treated the elements here in a style  
 9 that relates to both commercial and residential  
 10 aspect. We took into consideration the board's  
 11 comments back in September and have intermingled  
 12 both a masonry brick veneer along the base and a  
 13 Hardie plank with double-hung windows across the  
 14 front and perimeter of the facades.

15 We have addressed again all egress  
 16 issues. The storefront windows and glazing along  
 17 the commercial aspect, along the North Avenue and  
 18 Winslow Avenue side will be black aluminum  
 19 storefront with a tinted glass. Not tinted for  
 20 security purposes but for -- just enough for sun  
 21 exposure. The entire walkway along the perimeter  
 22 will be covered with a canopy that will cantilever  
 23 out over the depth of the walkway which will be at  
 24 six feet.

25 Now, moving on to sheet SP-1. SP-1

**GREGORY WAGA, AIA****17**

1 are basically a cover sheet acknowledging the  
 2 various requirements for a board approval as well as  
 3 creating a D plan as to what exists and what is  
 4 proposed. Along the center portion of the exhibit  
 5 we have the existing configuration that I described  
 6 earlier. We have the two structures. The one  
 7 center structure is currently the one utilized by  
 8 the limousine company. And then the structure off  
 9 to the right, bordered with Cranford, is the liquor  
 10 store and its necessary storage requirements.

11 The proposed site plan, which is  
 12 located directly below, is indicative of what I just  
 13 presented to you on sheets C-1 and C-2.

14 Sheet SP-2 is a little more detailed  
 15 sheet describing my initial SC-1 description. So  
 16 all of the building elements are exactly the same or  
 17 exactly identical but what we refined here and what  
 18 we have implemented are -- is our traffic flow along  
 19 with the necessary site boundaries and setbacks,  
 20 many of which I have already described. I will be  
 21 more than happy to go back if anybody has a  
 22 question.

23 Sheet SP-2 -- I'm sorry, SP-3, is  
 24 indicative of a lighting isometric which proposes  
 25 and outlines as satisfying the minimum requirements

**GREGORY WAGA, AIA****18**

1 for site circulation, vehicular and pedestrian in  
 2 nature. And then we have also applied low-level  
 3 lighting with shading devices that buffer against  
 4 the rear elevation to protect and screen the  
 5 light -- the lighting capacity out towards the  
 6 residential aspect. And those specifications we'll  
 7 be more than happy to provide to your municipal  
 8 engineer on approval.

9 Sheet SP-4, is a clear description of  
 10 the landscaping proposed. We are proposing almost  
 11 350 different -- not different, six different  
 12 species, 350 plus or minus total landscape features.

13 I'll start with the rear of the site.  
 14 Along the rear of the site we'll be looking to  
 15 implement mature, minimum 15-foot tall Spartan  
 16 junipers which are more dense and wider columnar  
 17 growth evergreen. Evergreens, as we all know, will  
 18 be a nice screen and will not lose any of its -- any  
 19 of its leaves during the fall and winter months.

20 As we proceed along the west side or  
 21 left side of the drawing, we're now providing a nice  
 22 array of low-row landscaping along the sidewalks.  
 23 All new sidewalks will be poured. I may have missed  
 24 this in the past. We are diminishing tremendously  
 25 the curb cuts and aprons that currently exist by

**GREGORY WAGA, AIA****19**

1 half. The one at the northeast end right now is  
 2 almost 48 feet long where we're reducing it to meet  
 3 the DOT standards. The one at the westerly side of  
 4 the site, the lower left-hand portion is 42 feet  
 5 wide and we are, again, satisfying all DOT sides.

6 North Avenue is a state highway and  
 7 therefore we are mandated to implement those  
 8 features. And, again, our traffic engineer, my  
 9 colleague, will attest to that shortly.

10 The parking configuration, again, has  
 11 not changed. We provided for handicap accessibility  
 12 and satisfied that feature. We will also be  
 13 implementing a bike -- a bicycle storage rack, so we  
 14 can park up to four bicycles. And that will be  
 15 located in this corner here underneath the stair.  
 16 We have plenty of room at that location.

17 The species, again, we'll get back to  
 18 this, the species are evergreen in nature. We do  
 19 have a few ornamental trees that we've implemented  
 20 just to soften the environment. We don't want to  
 21 look at just a screen of evergreens from our  
 22 property, but we did take our neighbors into strong  
 23 consideration. Low growth here, a variety of  
 24 grasses, hydrangea. Again, all suitable and native  
 25 to this area.

**GREGORY WAGA, AIA****20**

1 Sheet SP-5 is basically a utility  
 2 plan, what currently exists, what may be required to  
 3 be relocated. The topography of the site will  
 4 remain. It's relatively flat. There will be no  
 5 issues as far as water drainage. We will work,  
 6 again, diligently with your municipal engineer to  
 7 satisfy all those requirements and have those  
 8 elements implemented with a licensed engineer.  
 9 And then sheet SP-6 and 7 are your  
 10 common elements that we'll look to implement. We  
 11 have a refuse enclosure. We have our curb cuts. We  
 12 have our signage, our bollard locations. And,  
 13 again, any type of stockpiling on sheet SP-7 will,  
 14 in fact, be implemented.  
 15 Same for SP-8. Just generic standards  
 16 that all comply with the standards set forth for the  
 17 Borough of Garwood.  
 18 Now, sheet SK-1. If you would, Steve,  
 19 hand out. This is a new exhibit. See, again, sheet  
 20 SK-1, color rendering and what we propose here is  
 21 indicative of what exists. As I work left to right,  
 22 we have some proposed landscaping, far left side  
 23 lower corner of the rendering. The white outline  
 24 that exists behind the left side of our structure,  
 25 our proposed structure is an approximate height of

**GREGORY WAGA, AIA****21**

1 the dwelling, the roof line of the peak of the  
 2 residents behind us on Winslow.  
 3 The tree line is a very close  
 4 depiction of what exists and how it exists and all  
 5 those elements occur on the rear of the neighbor  
 6 site on Winslow as well as the Cranford property.  
 7 THE WITNESS: This was new, not part  
 8 of the original. Do you want to mark it?  
 9 MR. FRASER: Yes, let's mark it. SK-1  
 10 is A, A for apple.  
 11 (Exhibit A-1, Colored  
 12 architectural rendering of SK-1, is marked.)  
 13 THE WITNESS: This is, once again, a  
 14 better representation of the anticipated structure  
 15 in color form, similar to that which you observed a  
 16 short while ago on Sheet C-3. We'll be coming in  
 17 with gray tones, neutral, light in color, nothing  
 18 bold. All our framing along the commercial side  
 19 will be all black aluminum with a tinted glass.  
 20 The residential aspect, all the  
 21 windows will be black along with the railing and  
 22 that will provide for the pop that we need to  
 23 satisfy the aesthetics of the structure.  
 24 The tiered effect bodes well as we  
 25 spread across the site from right to left. And it

**GREGORY WAGA, AIA****22**

1 works in harmonious fashion in the other direction  
 2 as well. As I alluded to earlier, we have to take  
 3 three routes of travel into consideration here.  
 4 The components, masonry along the  
 5 base, grayish brick tone. The gray that is shown on  
 6 your smaller rendering is much more indicative of  
 7 what we're planning. This one turned out a little  
 8 more green. I apologize for that. But the colors  
 9 on the reduction will be more suited for this  
 10 project.  
 11 That's my presentation.  
 12 BY MR. HEHL:  
 13 Q. And I just want to confirm you have  
 14 had an opportunity to review the April 17, 2019,  
 15 letter from Harbor Consultants?  
 16 A. I have.  
 17 Q. And you, in your presentation, with  
 18 respect to the structure and the like, I believe you  
 19 have addressed all of those items?  
 20 A. Yes.  
 21 Q. Did you want to do the back elevation?  
 22 A. Yes, sure. I thought we would hand  
 23 that out during the review of all of the items  
 24 individually.  
 25 So I don't have a larger version of

**GREGORY WAGA, AIA****23**

1 this, so we'll enter this I guess A-2 and it is  
 2 actually C-4. This is a continuation.  
 3 (Exhibit A-2, Elevation of Sheet C-4,  
 4 is marked.)  
 5 THE WITNESS: Part of the commentary  
 6 from Mr. Vinegra's office and Mr. Vinegra himself  
 7 was along the rear elevation and what I will do is I  
 8 will scroll back here to my Sheet C-3. Part of the  
 9 rear elevation along the base -- I'll wait until  
 10 everybody has a copy, your C-3.  
 11 MS. VILLAGGIO: C-3?  
 12 THE WITNESS: Your C-3. I'm handing  
 13 out a C-4, which will be a new exhibit, A-2.  
 14 So the comment, which was in the  
 15 report from Mr. Vinegra's office which I guess I  
 16 will refer to it right now, I think it's on Page 8  
 17 or 9 -- it's actually Page 10. Basically Mr.  
 18 Vinegra's concern was the, I guess for lack of  
 19 better terms, the monolithic appearance of the rear  
 20 elevation along the lower level, the masonry level.  
 21 Now, granted we all know that -- well  
 22 you don't know but I know, our clients know that  
 23 that entire rear wall is going to be used for  
 24 utilitarian purposes along the base. Storage, we're  
 25 going to have our walk-in boxes. We are going to



**GREGORY WAGA, AIA****24**

1 have a variety of elements there that really don't  
 2 bode well for any type of fenestrations.  
 3 So Mr. Vinegra did offer a suggestion  
 4 or recommendation to implement something along that  
 5 base, along the rear veneer and apply it. So what  
 6 we've done is we've created a herringbone pattern of  
 7 masonry which will be approximately four feet high  
 8 by the width of the windows above, which are just  
 9 over six feet.  
 10 They'll carry down below the windows  
 11 above and what we may do is even offer them in a  
 12 different color brick, something that will  
 13 complement the primary brick that we're going to  
 14 implement. That will then create the elevation that  
 15 you will see which will break up the monolithic  
 16 appearance and we hope will satisfy this board and  
 17 Mr. Vinegra's request.  
 18 We have held it all at the head height  
 19 of the door. You can see that we have it placed at  
 20 the rear of the emergency stair, the fire stair. So  
 21 you can see that the head height of the door, this  
 22 is head height of the door here, which is the top of  
 23 the door, all the herringbone pattern will start so  
 24 it won't be in balance, it will provide a linear  
 25 progression as we move left to right or right to

**GREGORY WAGA, AIA****25**

1 left along the site.  
 2 CHAIRMAN GREET: Now, are you going to  
 3 do that on the right-hand side as well?  
 4 THE WITNESS: On the right-hand side  
 5 here?  
 6 CHAIRMAN GREET: Yes.  
 7 THE WITNESS: We're contemplating  
 8 that. Yes, we're contemplating that.  
 9 CHAIRMAN GREET: Victor, it's not only  
 10 that. You might look on the right-hand side because  
 11 that's coming into Garwood.  
 12 THE WITNESS: From Cranford?  
 13 CHAIRMAN GREET: From Cranford. You  
 14 may want to look at some projections that will come  
 15 out from the blank area of the wall itself.  
 16 THE WITNESS: Sure.  
 17 CHAIRMAN GREET: So it would appear  
 18 that maybe some awnings or some windows would be  
 19 there.  
 20 THE WITNESS: I understand what you're  
 21 saying. So we will look into that. We have to be  
 22 careful because we're anticipating to be right on  
 23 the lot line there, so anything that projects out,  
 24 probably not. But what we will have to do is,  
 25 again, take the patterning or other element into

**GREGORY WAGA, AIA****26**

1 strong consideration and apply it.  
 2 CHAIRMAN GREET: Okay.  
 3 MR. NIERSTEDT: Chairman, I hear a lot  
 4 of words like we're contemplating the possibility.  
 5 That's not an answer.  
 6 THE WITNESS: We will implement.  
 7 MR. NIERSTEDT: Like that so much  
 8 better.  
 9 THE WITNESS: I should have known  
 10 better. We will implement the board's request.  
 11 MR. FRASER: And agree to have it be a  
 12 condition of approval?  
 13 THE WITNESS: Absolutely.  
 14 MR. NIERSTEDT: Contemplate doesn't...  
 15 THE WITNESS: I understand. I should  
 16 have known better.  
 17 MR. HEHL: Again I have further  
 18 questions at this time of Mr. Waga.  
 19 CHAIRMAN GREET: Before we begin, I'm  
 20 going to ask if the board members, and I would hope  
 21 you did, had an opportunity to read the reviews of  
 22 Victor's and if you have any questions specific of  
 23 this witness outside of those reviews, now might be  
 24 the time to ask.  
 25 Otherwise if we don't, I think we

**GREGORY WAGA, AIA****27**

1 should go through each review and make sure that  
 2 we're covered the way we want to be covered.  
 3 MS. VILLAGGIO: I have a question.  
 4 THE WITNESS: Yes.  
 5 MS. VILLAGGIO: With regard to the --  
 6 there is an existing fence.  
 7 THE WITNESS: Yes.  
 8 MS. VILLAGGIO: Is that on your  
 9 property? Is it on the applicant's property or the  
 10 neighboring property?  
 11 THE WITNESS: We're going to have that  
 12 verified. We're going to have that verified.  
 13 MS. VILLAGGIO: If it's on your  
 14 property, I would suggest -- I would highly  
 15 recommend that it be replaced --  
 16 THE WITNESS: Yes, it will be.  
 17 MS. VILLAGGIO: -- as part of this  
 18 application.  
 19 THE WITNESS: As part of this  
 20 application.  
 21 MS. VILLAGGIO: And even if it's not  
 22 on your -- I would suggest that it be replaced.  
 23 THE WITNESS: Understood.  
 24 MS. VILLAGGIO: Because I drove past  
 25 it today and the fence is not in good shape at all.

**GREGORY WAGA, AIA****28**

1 THE WITNESS: Understood.  
 2 MS. VILLAGGIO: Thank you.  
 3 MR. NIERSTEDT: I will take that a  
 4 step further. If it's not on your property and you  
 5 can't touch it, installing a new fence.  
 6 THE WITNESS: Understood.  
 7 MS. VILLAGGIO: Yeah.  
 8 MR. NIERSTEDT: But I didn't --  
 9 CHAIRMAN GREET: I have a question on  
 10 the remediation. Is there any remediation required  
 11 where the gas station had been previously or the  
 12 garage had been previously or was knocked down? Do  
 13 you know that?  
 14 THE WITNESS: I believe -- I don't  
 15 believe that any remediation was required. I  
 16 believe that all that Phase I and Phase II and the  
 17 No Further Action letter I would say had been  
 18 processed. I can't answer to that. Mr. Chair?  
 19 CHAIRMAN GREET: I would include that  
 20 in any type of calculations.  
 21 MS. JAGAD: It's all done.  
 22 THE WITNESS: It's been -- just from  
 23 Dela who has been sworn in, she has just informed me  
 24 that that has all been processed.  
 25 MR. NIERSTEDT: So Phase I and Phase

**GREGORY WAGA, AIA****29**

1 II the NFA has been submitted to Victor?  
 2 THE WITNESS: No. We will get that to  
 3 him.  
 4 CHAIRMAN GREET: That's part of this.  
 5 THE WITNESS: Understood. Understood.  
 6 MR. HEHL: If I could come back to,  
 7 for clarity sake, I sound like a board member but  
 8 with respect to the fence, if we can perhaps  
 9 identify where and the height.  
 10 MS. VILLAGGIO: On the rear.  
 11 MR. HEHL: And the type of fence.  
 12 THE WITNESS: Yeah. So currently the  
 13 fence exists, we're talking about the, I'll call it  
 14 the uppermost portion of the plan, which will be  
 15 probably clarified or qualified as the southwest  
 16 portion of the property line. And that will be  
 17 located along this edge here, along the rear.  
 18 MS. VILLAGGIO: That could be replaced  
 19 with a wooden fence?  
 20 THE WITNESS: A board-on-board, yes.  
 21 MS. VILLAGGIO: Board-on-board?  
 22 MR. HEHL: Board-on-board privacy  
 23 fence.  
 24 MS. VILLAGGIO: Privacy fence.  
 25 MR. HEHL: And specify the height.

**GREGORY WAGA, AIA****30**

1 MR. NIERSTEDT: Six-foot to the  
 2 adjacent yards of the adjacent properties then up to  
 3 four feet. You need to make it so the people coming  
 4 out can see.  
 5 MR. HEHL: Correct.  
 6 MR. FRASER: Mr. Waga, I'm confused.  
 7 Orient me. I don't see a directional arrow on the  
 8 map. Which way is north?  
 9 THE WITNESS: This way here. So it's  
 10 almost due west. I was talking about the southerly  
 11 corner of the site. I'm planning on this being the  
 12 southwest portion of the site which would be in this  
 13 corner.  
 14 MR. FRASER: Where is North Avenue?  
 15 THE WITNESS: Right here on this side.  
 16 If you turn to sheet SP-I, you will have your North  
 17 Avenue and Winslow place in queue.  
 18 MR. NIERSTEDT: Mr. Chairman,  
 19 Mr. Hehl, and Mr. Waga, I want to tell you where I  
 20 am in terms of support for this application and  
 21 where you have to convince me as we move forward,  
 22 all right, because I look forward very much to  
 23 getting into Victor's report.  
 24 I'm in favor of the redevelopment,  
 25 small R of this site, including the removal of the

**GREGORY WAGA, AIA****31**

1 two buildings. As was mentioned, I almost want to  
 2 quote Victor's report, "Since this project is  
 3 located at the entrance to the Borough," --  
 4 "entrance to the borough," I can say it four  
 5 times -- "it is recommended that this project  
 6 contain architectural details and interest on all  
 7 elevations and on both stories." And I would cite  
 8 to that.  
 9 So I'm in favor of that. I'm in favor  
 10 of the mixed-use, residential and commercial, great.  
 11 I support wholeheartedly the restriction of the  
 12 turning movements. Support where you have indicated  
 13 about the new sidewalks.  
 14 You have a ways to go, though, in  
 15 terms of the screening of the property, the buffers  
 16 from the adjacent properties. I'm looking forward  
 17 to traffic testimony. I'm not saying what you're  
 18 proposing is -- maybe it is the best but I'm not  
 19 sold on that yet.  
 20 CHAIRMAN GREET: Can I suggest as we  
 21 go down, you can bring up your --  
 22 MR. NIERSTEDT: That's what I'm doing.  
 23 CHAIRMAN GREET: I would like to  
 24 proceed.  
 25 MR. NIERSTEDT: I agree with you

**GREGORY WAGA, AIA****32**

1 100 percent, Mr. Chair.

2 CHAIRMAN GREET: Victor, do you want  
3 to lead it off or have Leigh --

4 MR. HEHL: You can both do it.

5 MR. VINEGRA: Leigh actually is the  
6 crafter of this document. That's why it's more  
7 detailed.

8 What we will do is hold off on the  
9 parking because we do have a parking expert and a  
10 traffic engineer here tonight, so we're going to  
11 hold off really and just go over the architectural  
12 features and I'll go through the document dated  
13 April 17th, 2019.

14 Page 1 is going over the relief being  
15 sought that they are a "d(1)" variance for the  
16 residential on the second floor and a "c(1)" and a  
17 "c(2)" bulk variance for this application.

18 There is four apartments and they are  
19 one-bedroom apartments. So Page 1 just lists the  
20 documents as they were reviewed. Page 2 is for the  
21 board members. It's a depiction on a tax map of the  
22 parcel and also on Google Earth. And you can see  
23 it's right on the Cranford border and it's right on  
24 a right-of-way access to the apartment building that  
25 fronts on Holly, West Holly Street in Cranford. So

**GREGORY WAGA, AIA****33**

1 the apartment building uses that alley, some of the  
2 tenants, to access, again, the small apartment  
3 building on West Holly.

4 Page 3 is a description of the  
5 property and the square footages, along with the  
6 description of the existing zone and the uses  
7 permitted in that zone.

8 CHAIRMAN GREET: And the parking we're  
9 going to review?

10 MR. VINEGRA: We're going to go back  
11 over the parking, that's correct.

12 Page 4 is the general listing of the  
13 zone and at the bottom of the Page 4 is the general  
14 zoning requirements in the table format. So as you  
15 can see that the lot area does conform to the  
16 ordinance. The lot width does conform to the  
17 ordinance. The lot depth does not conform to the  
18 ordinance, but they'll give testimony tonight that  
19 it is a condition of the lot size, the preexisting  
20 condition of the lot, and they can't improve that,  
21 so...

22 CHAIRMAN GREET: The only thing that I  
23 would say is that both buildings are being knocked  
24 down.

25 MR. VINEGRA: Yes.

**GREGORY WAGA, AIA****34**

1 CHAIRMAN GREET: So, in essence, you  
2 are starting from a clean slate, right?

3 MR. VINEGRA: Yeah. That's what we're  
4 giving you. But once they come down, we have to

5 analyze the site as a clean site. But we do show  
6 the existing. So if you go to the next page, as you  
7 can see, minimum open. So if we go to Page 5 of 11  
8 -- I'm moving along because it is an 11-page letter.

9 So we are going down requirements, you can see in  
10 the minimum open space the existing condition is  
11 zero open space. That is because that site has been  
12 there for quite some time. We all know that. It's  
13 been a liquor store, since I remember it as a bar at  
14 one time, I think. And it's been there. It was a  
15 gas station and a repair shop for quite some time.

16 And then we have the proposed. As you  
17 can see, the open space is zero now. Proposed  
18 almost ten percent. And so there is a variance  
19 required because the requirement is 15 percent. So  
20 it does not meet the open space requirement.

21 CHAIRMAN GREET: Would that  
22 be -- would they be able to meet that open space  
23 requirement if, in fact, they shrunk part of the  
24 building?

25 MR. VINEGRA: They could, yes, sir.

**GREGORY WAGA, AIA****35**

1 MR. NIERSTEDT: They could also  
2 eliminate some of the parking, correct?

3 MR. VINEGRA: Correct. I don't know.  
4 Mr. Waga, did you include your open space on the  
5 roof deck on that 3,000 square feet?

6 THE WITNESS: I did not. I went back  
7 because I was quite surprised that -- to see that we  
8 were off by almost five and a half percent. What  
9 was not included, and I went back before the meeting  
10 this afternoon, I hadn't included the back patio  
11 area here, which was another 428 square feet which  
12 brings our ratio now up to 11.8 percent.

13 I did not include the rooftop as well  
14 or the open area which was above. And I'll go to  
15 sheet C-2, which was the covered yet open area here  
16 of 595 square feet. If we're to implement the  
17 additional 595 square feet, we have now eliminated  
18 that as a variance and therefore we would comply  
19 with the minimum of 15 percent required.

20 MR. VINEGRA: So that -- it doesn't  
21 bring him into compliance but that would be a reason  
22 for a variance of usable open space that is --

23 CHAIRMAN GREET: Because it is open  
24 space because it is usable.

25 MR. VINEGRA: -- is for the tenants,

**GREGORY WAGA, AIA****36**

1 correct. So some of it is private for the tenants,  
 2 some of it is outdoors but that's for the board  
 3 members to decide.  
 4 MR. NIERSTEDT: I agree with that but  
 5 if you want to get technical about it, what you're  
 6 doing is actually taking second floors so you are  
 7 actually increasing following lot area. I'm sure  
 8 the percentage that you just took is only of the  
 9 existing lot area. You didn't include the second  
 10 floor roof or the courtyard on top of the building  
 11 as additional lot area.  
 12 Do you follow me?  
 13 THE WITNESS: I do and I don't. I had  
 14 you for the first two-thirds of your comment, but I  
 15 lost you when you went into rooftop and open.  
 16 MR. FRASER: If you are going to add  
 17 it to your numerator, you also have to add it to the  
 18 denominator.  
 19 MR. NIERSTEDT: Couldn't say it more  
 20 succinctly.  
 21 THE WITNESS: Understood.  
 22 MR. NIERSTEDT: Very good. So I  
 23 support it. I like it but I agree with Victor, you  
 24 still need a variance.  
 25 MR. VINEGRA: Technically, it's still

**GREGORY WAGA, AIA****37**

1 a variance. It's still a "c(1)" variance.  
 2 CHAIRMAN GREET: That's what we have  
 3 to decide.  
 4 MR. VINEGRA: You have to decide that  
 5 you could go to a smaller building to meet this.  
 6 MR. HEHL: I just want to clarify,  
 7 though, that, Greg, again, in the 2,069 does not  
 8 include that area in the back.  
 9 THE WITNESS: It does not include the  
 10 area in the back here nor does it include this area  
 11 here.  
 12 MR. HEHL: But I'm saying the area in  
 13 the back. That brings it up.  
 14 THE WITNESS: I didn't include it.  
 15 That would bring us up 2.2 percent to 11.8.  
 16 MR. FRASER: The back area?  
 17 THE WITNESS: The back area, yes.  
 18 MR. VINEGRA: Normally you can include  
 19 those kinds of areas in open space, so he's about  
 20 12 percent.  
 21 THE WITNESS: 3.2 percent.  
 22 MR. VINEGRA: Three percent he's off.  
 23 CHAIRMAN GREET: Okay. That was my  
 24 comment. Go ahead.  
 25 MR. VINEGRA: Side yard setback,

**GREGORY WAGA, AIA****38**

1 that's on the Cranford right of way line, zero lot  
 2 line. Variance requested for that.  
 3 MR. NIERSTEDT: If you can ask right  
 4 there, I'm just going to ask a simple question, if  
 5 it's zero-foot side line, how are you going to  
 6 maintain the building? Are you going to trespass?  
 7 THE WITNESS: Again, the nature of the  
 8 way the building functions at this point is --  
 9 MR. NIERSTEDT: But the building is  
 10 coming down.  
 11 THE WITNESS: The building is coming  
 12 down, correct. We would treat it like any other  
 13 zero lot line clearance and either have owners's  
 14 permission to -- neighbors' permission to maintain  
 15 the facade for cleaning purposes only. We are  
 16 really not doing anything else. It's going to be  
 17 masonry and a very, very self-healing upper veneer.  
 18 MR. NIERSTEDT: Self-healing, I like  
 19 that.  
 20 THE WITNESS: Self-healing, yes.  
 21 MR. NIERSTEDT: Because my question is  
 22 always, you know, zero-foot when adjacent property,  
 23 you know, you have no way to paint. I love the  
 24 Chairman's recommendation in terms of perhaps  
 25 running some awnings down there and making it look

**GREGORY WAGA, AIA****39**

1 attractive, but I recognize that --  
 2 CHAIRMAN GREET: Then you have to  
 3 shrink it.  
 4 MR. NIERSTEDT: -- objection, so I'm  
 5 back to is that three-foot so important? Is it that  
 6 critical?  
 7 THE WITNESS: I would have to discuss  
 8 that with my clients.  
 9 MR. VENA: You could shrink it down  
 10 two feet the length of the side of the building and  
 11 put your awning and carry the awning which would  
 12 make it look like more of a pleasant entrance to the  
 13 town.  
 14 CHAIRMAN GREET: And keep that  
 15 difference that you were talking about as far as the  
 16 decorative approach in that.  
 17 MS. VILLAGGIO: And you can have some  
 18 more open space.  
 19 CHAIRMAN GREET: Use open space too.  
 20 MR. VENA: It looks to me that the  
 21 rear part of that building or that property is 24'7"  
 22 so you would shrink it down to 22'7". The front is  
 23 54'8", I think it is. So you would still have a  
 24 huge, huge open space there. And I don't think you  
 25 cut down the amount that much, two feet. Step it

**GREGORY WAGA, AIA****40**

1 down.

2 THE WITNESS: Okay. Thank you.

3 MS. VILLAGGIO: That's a big studio

4 too, 900 square feet.

5 MR. FRASER: Actually I think maybe

6 very specifically, Mr. Waga, the question is if the

7 side yard setback requirement is three feet and

8 we're building up a whole brand new building, why is

9 the building not being built in proposed compliance

10 with the ordinance?

11 THE WITNESS: I understand.

12 MR. FRASER: That's a question. Why

13 is that?

14 THE WITNESS: Again, it is a board

15 hearing. We're trying to maximize the potential of

16 the site. We know we're currently over into our

17 Cranford site. We had the foundation designed as

18 though it would be a vertical foundation with

19 a -- with all the necessary reinforcement and we're

20 building on the lot line. I can propose that to my

21 clients and --

22 MR. FRASER: Is there any reason that

23 the applicant cannot build and comply with the side

24 yard setback in the ordinance?

25 THE WITNESS: We can comply, if

**GREGORY WAGA, AIA****41**

1 needed.

2 MS. VILLAGGIO: Thank you.

3 CHAIRMAN GREET: Thank you. Do you

4 want to continue?

5 MR. VINEGRA: Yes. The next is the

6 rear yard requires 15 and a half feet in a

7 residential zone. They have 26.17. That's

8 conforming.

9 Maximum stories in that zone, you're

10 allowed to go three, they're going two.

11 MR. NIERSTEDT: I'm sorry, you have to

12 go back. The first two words of rear setback are

13 heavily landscaped. I think your report indicated

14 this is not heavily landscaped.

15 MR. VINEGRA: That was the original.

16 The modified documents he really went --

17 MR. NIERSTEDT: He went for a distance

18 but then it ends.

19 MR. VINEGRA: He tapers all the way to

20 the front and we may be able to make that island a

21 little bit smaller and push the distance a little

22 bit further.

23 MR. NIERSTEDT: Because if we can push

24 the distance of that rear island a little further

25 and put up that fence, you know, that helps a lot.

**GREGORY WAGA, AIA****42**

1 MR. VINEGRA: So what Bill and I are

2 talking about would be -- is to make this a little

3 bit more of a bend there and cut that off a little

4 and extend that buffer a little that way just to

5 give it to that house next door --

6 MS. VILLAGGIO: Has evergreens.

7 MR. VINEGRA: I think, Mr. Waga,

8 because there's only three cars parked back there,

9 we can narrow that down.

10 THE WITNESS: Four.

11 MR. VINEGRA: It's not going to be

12 heavily traveled, probably be employee parking by

13 day and tenant at night. It's really not going to

14 be that much shopping there, so we can neck that

15 driveway down a little bit, Bill, because we don't

16 need a full width driveway for cars going back and

17 forth.

18 MR. NIERSTEDT: Scary when Victor and

19 I agree, so go for it. Maybe it is.

20 MR. VINEGRA: We're getting old

21 together. Like an old couple, we're going to start

22 looking alike.

23 CHAIRMAN GREET: We have to switch,

24 though, right?

25 MR. HEHL: By the way, I just got word

**GREGORY WAGA, AIA****43**

1 from my clients. They're okay with the three-foot

2 side yard on the side of that building.

3 MS. VILLAGGIO: Thank you.

4 CHAIRMAN GREET: Very good.

5 MR. HEHL: And any improvements that

6 could be done to that side.

7 MS. VILLAGGIO: I would also suggest,

8 as Steve has suggested, with regard to the awning on

9 that side -- on that side.

10 MR. HEHL: That gives us some room.

11 THE WITNESS: We'll pick up just over

12 200 square feet of open space, which, again, will

13 then benefit our -- I did a quick calculation, at

14 3-by-67 it's roughly 200 square feet of open space

15 and therefore being able to qualify or increase the

16 open space and hopefully then getting that up to

17 about 13 percent where we have zero now, we'll be at

18 13 percent where then -- and, again, the board may

19 take strongly into consideration that covered open

20 area on the second floor as the buffer between that

21 one or two percent that is missing.

22 MR. HEHL: And just want to clarify

23 further and because if the board is kind enough to

24 approve the application and I have to look at a

25 resolution prepared by Mr. Fraser, are we talking on

**GREGORY WAGA, AIA****44**

1 that extension towards the -- towards Willow?  
 2 THE WITNESS: Winslow.  
 3 MR. HEHL: I'm sorry. Winslow.  
 4 MR. NIERSTEDT: What we're looking at  
 5 is you're talking about four parking spaces back  
 6 there. You're not trying to make it attractive to  
 7 shoppers to go back there. It's only the people who  
 8 live there.  
 9 THE WITNESS: Utilitarian.  
 10 MR. NIERSTEDT: I wouldn't put it  
 11 utilitarian, it's the people that live there. And  
 12 Victor said obviously also potentially employees  
 13 during the day. So that neck can be -- the driveway  
 14 itself can be reduced in width. I'll leave it to  
 15 Victor to figure out how wide that island can be.  
 16 You mentioned the junipers. You plant  
 17 them at ten feet, that's great and if you can carry  
 18 it as far as you can. If I lived right next to it,  
 19 I would like it up to my front porch. So if you  
 20 look at the front porch next door, boom.  
 21 THE WITNESS: We're actually at  
 22 15 feet, Bill, because again we do want to take into  
 23 consideration the screening to about a story and a  
 24 half of our residential neighbor in the rear.  
 25 MR. NIERSTEDT: That's great.

**GREGORY WAGA, AIA****45**

1 THE WITNESS: And again buffering that  
 2 with florals and flower-bearing trees.  
 3 MR. HEHL: I just want to have as much  
 4 detail so that we know what, if anything, is being  
 5 approved.  
 6 MR. NIERSTEDT: I'll be detailed.  
 7 MR. HEHL: Thank you. It's your high  
 8 school training.  
 9 MR. VINEGRA: Again, we're going back  
 10 to the rear yard which will be conforming.  
 11 The maximum number of stories for  
 12 height is one now, there will be two. Three are  
 13 allowed in the zone.  
 14 Maximum building height, we allow  
 15 40 feet, they're only going 31.  
 16 Minimum building coverage, this is  
 17 something that some people don't realize. We have a  
 18 minimum building coverage. That is -- when Bill  
 19 wrote the ordinance many years ago, it was to stop  
 20 small buildings and big parking lots, so we get  
 21 better coverage.  
 22 So it's a good section, so actually  
 23 he's reducing the size of the building now. So he  
 24 is going to be somewhere in the 32 percent range.  
 25 So the building by our codes has to be 30 percent of

**GREGORY WAGA, AIA****46**

1 the site coverage. That's why if you look at the  
 2 zone, it's 30 percent building coverage and only a  
 3 minimum open space because it is a commercial zone.  
 4 CHAIRMAN GREET: Right.  
 5 MR. VINEGRA: The next section goes  
 6 into the affordable housing, the end of Page 5 and  
 7 Page 6. So because it falls -- it doesn't have a  
 8 enough number of units -- do you want to briefly  
 9 address that, Leigh?  
 10 MS. FLEMING: Sure. Because Garwood  
 11 has a mandatory set-aside ordinance, you can't get  
 12 an affordable unit until at least five units are  
 13 created because it has to be 20 percent. So if you  
 14 don't have five yet then it doesn't go in. However,  
 15 it does kick into the development fee requirements  
 16 which would be almost in lieu of providing a unit  
 17 for the Borough.  
 18 CHAIRMAN GREET: So there is a  
 19 development fee included in that?  
 20 MS. FLEMING: Yes. And because this  
 21 is a mixed-use project, there is a development fee  
 22 for the commercial portion as well as for the  
 23 residential portion.  
 24 MR. VINEGRA: And, Leigh, because  
 25 they're not permitted by code, it's a "(d)"

**GREGORY WAGA, AIA****47**

1 variance, they also have to pick up an additional  
 2 fee, correct?  
 3 MS. FLEMING: Correct. Traditionally,  
 4 the way the ordinance is, like the letter of the  
 5 law, is that it's for a density "(d)" variance.  
 6 However, in effect, you're essentially doing that  
 7 here with the "d(1)" use variance because here zero  
 8 density is permitted but you would be increasing it  
 9 to four units.  
 10 MR. VINEGRA: And did you assist in  
 11 writing this ordinance for Garwood?  
 12 MS. FLEMING: No, I did not.  
 13 MR. VINEGRA: Mike Minstretta?  
 14 MS. FLEMING: No, I think it was  
 15 Jill Hartman.  
 16 MR. VINEGRA: She does write these  
 17 types of housing ordinances?  
 18 MS. FLEMING: They vary somewhat.  
 19 MR. VINEGRA: And you have done it for  
 20 Scotch Plains, correct?  
 21 MRS. FLEMING: Yes.  
 22 MR. VINEGRA: So our residential fee  
 23 expert.  
 24 CHAIRMAN GREET: While we're on the  
 25 residential fee expert portion of it, there is a

**GREGORY WAGA, AIA****48**

1 residential fee that isn't being picked up. Strange  
 2 it doesn't get picked up pretty much by any of the  
 3 commercial developments or even  
 4 residential immediately. And that's in addition to  
 5 the residential sewer connection which is a  
 6 requirement, there's a fee that is required to be  
 7 paid to the Borough of Garwood for \$750 per unit.  
 8 And I don't -- it wasn't in the call out in the  
 9 original package and I think I mentioned it briefly  
 10 at our last meeting. It may not have been at this  
 11 application. I thought it was. But it's something  
 12 that is required. So you have \$3,000 worth of  
 13 connection fees.

14 THE WITNESS: Understood.  
 15 CHAIRMAN GREET: And that goes to the  
 16 Borough.  
 17 THE WITNESS: Correct.  
 18 MR. VINEGRA: So what our office will  
 19 do, we'll sit down with the Borough engineer,  
 20 Mr. Disko, and he'll inspect the connections at the  
 21 street side and we'll make sure that Mr. Disko will  
 22 not sign off on those until that fee is paid. And  
 23 I'll sit down with him. We have a good relationship  
 24 so...  
 25 So we're going to move to page -- that

**GREGORY WAGA, AIA****49**

1 was Page 6. Page 7 is parking. I would like to  
 2 defer that until we have the parking expert. Item E  
 3 at the bottom of Page 7 are the variances. And as  
 4 Leigh showed in the letter she drafted, that the one  
 5 is the zero lot line which is now being revised per  
 6 the owner -- the owner has agreed to have the  
 7 architect make revisions to the plan so this  
 8 variance will be eliminated.

9 The lot depth is a preexisting  
 10 condition that they cannot modify in any way, shape,  
 11 or form unless they buy the lot next door which is  
 12 fully developed.

13 Item 3, the open space they're getting  
 14 closer to -- they're probably 13 and a half percent  
 15 because now they have a three-foot strip. They're  
 16 going to include the back spot. So they still need  
 17 a variance but are getting very close. And if the  
 18 board so sees fit if you include the open space, the  
 19 rooftop open space, they would meet that condition.

20 Item 4, the project requires 31 spaces  
 21 by ordinance but we also have a tabulation there  
 22 they can reduce it to 1.5. So I think they're short  
 23 on 22 spaces versus -- I think it's a six-space  
 24 variance?  
 25 MR. NIERSTEDT: Nine.

**GREGORY WAGA, AIA****50**

1 MR. VINEGRA: We're going to have in  
 2 the traffic review they go into 1.5 spaces on the  
 3 small apartments, so we allow that to happen in the  
 4 Transit Village type projects. Their traffic expert  
 5 is going to testify to sharing the parking and going  
 6 down to 1.5 on one-bedrooms.

7 The "d" variance is the apartments on  
 8 the second level. It is permitted in other zones  
 9 along South Avenue you are allowed to have  
 10 apartments, as we know, on the second level. But in  
 11 this area of Cranford -- Garwood on the Cranford  
 12 border, we don't allow apartments but there are some  
 13 preexisting residential in that zone already.

14 So the zone isn't clean. It does have  
 15 a mixture of apartments on the second level and some  
 16 non-conforming residential structures along North  
 17 Avenue. They are not permitted but they are  
 18 existing. They predate the ordinance.

19 So the rest of that paragraph they  
 20 have to give testimony and the reason why for the  
 21 "d" variance they're looking for.

22 Item E, the engineering review, it's  
 23 really just my comments to the letter, nothing major  
 24 in section -- it's actually F -- it's really E, it  
 25 got truncated here. Engineering review section.

**GREGORY WAGA, AIA****51**

1 They're really housecleaning items.  
 2 The foot candle, if we go along the  
 3 first part, the Winslow driveway we already talked  
 4 about it. The North Avenue driveway, they informed  
 5 me it has to be one way because of the DOT  
 6 requirement but they have a traffic engineer who is  
 7 going to speak about it. So we may want to shrink  
 8 the width of the driveway down.

9 If we do shrink the width of that  
 10 driveway down, again, we pick up more open space on  
 11 this project because they do have a traffic expert  
 12 here tonight, because it's kind of wide for a  
 13 one-way.

14 MS. VILLAGGIO: Victor, Winslow, the  
 15 opening on Winslow, is that really necessary or  
 16 should I just wait to ask the traffic engineer?  
 17 MR. VINEGRA: I think it is but I  
 18 think it will be minimally used because I think it  
 19 will be for the tenants or people going out the  
 20 back. Let's see if the traffic -- I kind of like  
 21 it. I do stop at the store now and I go out North  
 22 Avenue and I don't have a problem going out North  
 23 Avenue.

24 MS. VILLAGGIO: Yeah, I know.  
 25 MR. VINEGRA: I stop in on the way

**GREGORY WAGA, AIA****52**

1 home once in a while.  
 2 MR. NIERSTEDT: Tonight.  
 3 MS. VILLAGGIO: We can ask the  
 4 question of the traffic --  
 5 MR. VINEGRA: What I like about it,  
 6 it's a one way the other way so people won't be --  
 7 MR. NIERSTEDT: Let's wait for the  
 8 traffic engineer. Getting too much information.  
 9 MR. VINEGRA: Number 2, location and  
 10 number of bike racks --  
 11 MR. NIERSTEDT: You mentioned bike  
 12 racks --  
 13 MR. VINEGRA: Only in the back--  
 14 MR. NIERSTEDT: You got it. Victor  
 15 and I both looked at each other on that one. You're  
 16 proposing a bike rack in the back. That's for the  
 17 residents?  
 18 MR. VINEGRA: Yes.  
 19 MR. NIERSTEDT: What about the users?  
 20 What about the shoppers?  
 21 THE WITNESS: We'll accommodate it.  
 22 MR. NIERSTEDT: We're going to get  
 23 into it again because the question would be where.  
 24 You can't put it in open space and you can't put it  
 25 in the parking spaces. So I appreciate very much

**GREGORY WAGA, AIA****53**

1 your willingness to propose it but we have to figure  
 2 out, as Mr. Hehl said, detail. We'll have to figure  
 3 out where we put that.  
 4 THE WITNESS: Understood. But I did  
 5 answer your question, we will. I didn't say we'll  
 6 attempt.  
 7 MR. NIERSTEDT: Will attempt. Is that  
 8 any better?  
 9 THE WITNESS: I said will. Semantics.  
 10 MR. VINEGRA: Item 3, it's a  
 11 housecleaning item. Next sheet SP-3, that we want  
 12 to review the type of lighting fixtures, the type of  
 13 box, the style. And that will be contingent upon  
 14 them submitting a revised plan with just a cut sheet  
 15 to the boxes. I want to see the foot candle  
 16 intensities on the plans. It was hard to read.  
 17 Next item SP-4, this, again,  
 18 housecleaning items with some dimensions.  
 19 MR. NIERSTEDT: That's very important  
 20 because the report is indicating eight and a half  
 21 minimum are nine. What are they?  
 22 THE WITNESS: They are nine feet. We  
 23 did comply with that. And, again, if it's  
 24 considered -- we will clarify that along the North  
 25 Avenue facade.

**GREGORY WAGA, AIA****54**

1 MR. VINEGRA: I did check. He has  
 2 room to make them nine. Eight and a half is a  
 3 little tough for commercial. We've done eight and a  
 4 half for an office when you know the person that  
 5 you're parking next to, or an apartment when you  
 6 know the car you're parking next to, but when you  
 7 have retail with turnover -- we are eight and a half  
 8 but you kind of know each other.  
 9 So sheet SP-5 just a utility plan that  
 10 needs more detail.  
 11 THE WITNESS: Yes.  
 12 MR. VINEGRA: And the grading plan  
 13 will need some additional detail.  
 14 Sheet SP-6 again is really detail,  
 15 additional detail. That would be required before  
 16 any building permits are -- it would be if this  
 17 board found this -- they decide to vote tonight and  
 18 found it satisfactory, they would have to meet these  
 19 conditions prior to going for building permits.  
 20 So, again, under the comments, you  
 21 know, you can leave that really until the end after  
 22 we hear additional testimony. The one comment I did  
 23 make that I thought that normally when we review  
 24 these, everyone is trying to get a two-bedroom. I  
 25 mean, we're fighting with that all the time, an

**GREGORY WAGA, AIA****55**

1 oversized two-bedroom and a lot of them don't have  
 2 elevators. I can't count how many times we're  
 3 arguing with projects they have rentals with no  
 4 elevator. And I did like the one fact about this  
 5 project is that there will be an elevator for a  
 6 two-story building, it's only two stories and that  
 7 they're one-bedroom units, they're not trying to  
 8 maximize their bedroom count.  
 9 CHAIRMAN GREET: I just have a  
 10 followup and someone brought it up and made a good  
 11 point because I know it happens. Are you going to  
 12 prohibit any tenant from building a wall to make a  
 13 separate bedroom up on that residential unit?  
 14 THE WITNESS: Yes, I am sure we have  
 15 had --  
 16 CHAIRMAN GREET: Is that written into  
 17 the contract that you cannot make modifications to  
 18 the interior of their apartment?  
 19 THE WITNESS: Yes. We have discussed  
 20 this at length, my clients and I, and that is the  
 21 reason that we are going with one bedroom. We have  
 22 taken the Borough's overload, to say, into  
 23 consideration, into strong consideration. And the  
 24 plan that will be added -- that is indicated here  
 25 will be the plan that is implemented.



**GREGORY WAGA, AIA****56**

1 The terms in the lease agreement again  
 2 I will defer to my client to attest to that. I do  
 3 not want to speak on their behalf. But knowing them  
 4 the way I do over the last 27 months, I'm strongly  
 5 -- I'm in the same opinion as they are. They will  
 6 eliminate that.  
 7 MR. HEHL: I can represent that that  
 8 is acceptable.  
 9 CHAIRMAN GREET: Good.  
 10 MR. VINEGRA: And just to go along  
 11 that line, it's over the last many, maybe five  
 12 years, Lenny and I and the building department in  
 13 Cranford, Lenny picks things up all the time. I  
 14 will drive by, I'll see some 2x4s being unloaded,  
 15 call Lenny, call Cranford, and more than once the  
 16 building department comes and gives them a stop-work  
 17 order. Can't make this stuff up.  
 18 So North Avenue is very difficult to  
 19 get away with doing anything. Especially the best  
 20 zoning officer there is is your neighbor. So we'll  
 21 get a phone call, hey, someone's moving sheetrock,  
 22 my next door neighbor, and send them down to  
 23 Cranford, the construction department. The citizens  
 24 of Garwood do a good job policing their  
 25 neighborhood.

**GREGORY WAGA, AIA****57**

1 So I will leave the comments to the  
 2 end.  
 3 CHAIRMAN GREET: I'll ask Mr. Barcan  
 4 if you have any specific comments?  
 5 MR. BARCAN: No.  
 6 CHAIRMAN GREET: No? Okay. With  
 7 that, anyone else? Anybody on the board?  
 8 MR. NIERSTEDT: I'll wait for  
 9 comments.  
 10 CHAIRMAN GREET: I will open it up to  
 11 the general public for specific questions of this  
 12 witness. I'll open it up. Anyone from the general  
 13 public?  
 14 UNIDENTIFIED SPEAKER: I have one.  
 15 CHAIRMAN GREET: Yes.  
 16 MR. MOORE: My name is Joe Moore. I  
 17 live -- I own the house next door.  
 18 MR. VENA: The one with the white  
 19 roof?  
 20 MR. MOORE: Yes.  
 21 CHAIRMAN GREET: Can we have your  
 22 address, please?  
 23 MR. MOORE: 100 Winslow Place.  
 24 MR. FRASER: Is it Moore, M-O-O-R-E?  
 25 MR. MOORE: Yes. The only concern

**GREGORY WAGA, AIA****58**

1 with this project is the fence line along my  
 2 property. And right now it's all grass and dirt  
 3 basically and stone. You're paving all back there.  
 4 THE WITNESS: And landscaping.  
 5 MR. MOORE: So water flow onto my  
 6 property? Drainage?  
 7 THE WITNESS: That will all be  
 8 addressed.  
 9 MR. MOORE: And additional shrubs or  
 10 bushes along my house would be perfect.  
 11 THE WITNESS: Great.  
 12 MR. MOORE: My biggest concern is  
 13 water flow.  
 14 THE WITNESS: Understood.  
 15 CHAIRMAN GREET: That will be  
 16 addressed?  
 17 THE WITNESS: Yes, it will. Yes, as  
 18 part of the commentary from Mr. Vinegra's office,  
 19 yes.  
 20 MR. VINEGRA: Just to go for the --  
 21 Joe, he will have to give additional plans. Right  
 22 now there's no storm sewers out there whatsoever, so  
 23 whatever rains it tends to end up on your property a  
 24 little bit.  
 25 MR. MOORE: Right.

**GREGORY WAGA, AIA****59**

1 MR. VINEGRA: The revised plan they  
 2 have to put inlets in there, underground pipe --  
 3 MR. MOORE: Right now it's dirt and  
 4 stone. I don't have an issue with that. You pave  
 5 all that --  
 6 MR. VINEGRA: He will have to put  
 7 underground system in for retention. And that's a  
 8 requirement for all the town. If he gets a positive  
 9 vote, he has to give a detailed plan to myself and  
 10 the municipal engineer, the both of us, to review it  
 11 before he can connect to the town sewer in the  
 12 front.  
 13 CHAIRMAN GREET: You want to add into  
 14 that the fact that all leaders and gutters that  
 15 Kathy made reference are going to eject into the  
 16 parking area?  
 17 MR. VINEGRA: No. We want them to go  
 18 in the ground. All the leaders and gutters that go  
 19 flashing out now they have to go underground into  
 20 the storm sewer system that he will have to dig.  
 21 That is a requirement for all projects.  
 22 MR. BARCAN: Have to do that to get  
 23 final?  
 24 MR. VINEGRA: Yes, to meet. And then  
 25 what I will do is normally sometimes we'll do for a

**GREGORY WAGA, AIA****60**

1 conditional, they'll give revised plans. We can  
 2 bring them back before here. We can make it and  
 3 then we can vote on it and they meet the conditions.  
 4 MR. BARCAN: Okay.  
 5 CHAIRMAN GREET: Anyone else from the  
 6 general public?  
 7 MR. McCORMACK: Yes. Richard  
 8 McCormack, 101 Fourth Avenue. I've heard a lot of  
 9 testimony about the parking in the rear. There's  
 10 four parking spots. And then I'm witnessing what  
 11 I'm hearing tonight is that maybe daytime employees  
 12 will be parking in those four spots.  
 13 It may be an odd subject right now but  
 14 what happens if I come home ill half a day and  
 15 there's employees in that parking spot which is  
 16 mine, where do I park?  
 17 So, yes, for the two commercial pieces  
 18 of property downstairs, it looks good that empty  
 19 spots are there, but I think that's where the  
 20 employees should park, not in the back. Thank you.  
 21 CHAIRMAN GREET: Thank you. Anyone  
 22 else from the general public? Seeing none, I will  
 23 close that portion. Okay.  
 24 Your next witness?  
 25 MR. HEHL: I was actually going to

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1 call my client back up to give some operational but  
 2 I think they're pretty straightforward. If you have  
 3 questions, she's certainly here to answer more  
 4 questions but it's been operating there.  
 5 So what I would like to do is call  
 6 upon our traffic engineer. I'm sure Bill will have  
 7 some questions for Cory Chase. I would like to call  
 8 upon Cory Chase, our traffic engineer.  
 9 CHAIRMAN GREET: What I would like to  
 10 do is follow the same procedure that we did with the  
 11 architect and that is to wait until the end for  
 12 Victor to do his reviews unless you have specific  
 13 questions not covered by the review and that he may  
 14 be asked.  
 15 C O R Y C H A S E, P.E., is sworn.  
 16 MR. FRASER: And I believe you have  
 17 testified and I know Mr. Staigar has been here.  
 18 THE WITNESS: I have never been before  
 19 the Borough before.  
 20 MS. VILLAGGIO: Mr. Staigar has been  
 21 here numerous times.  
 22 MR. FRASER: Many times.  
 23 MR. HEHL: Yes. So anyhow, this is  
 24 not Mr. Staigar, this is Mr. Chase.  
 25 E X A M I N A T I O N

**CORY CHASE, P.E.****62**

1 BY MR. HEHL:  
 2 Q. But please give the board the  
 3 benefit of your work, educational experience, area  
 4 of expertise.  
 5 MR. FRASER: Let's start with the  
 6 address.  
 7 MR. HEHL: Oh, sorry.  
 8 THE WITNESS: Certainly. Cory Chase.  
 9 Last name is C-H-A-S-E. I'm a principal with Dynamic  
 10 Traffic located at 245 Main Street, Chester, New  
 11 Jersey. I'm a licensed professional engineer in the  
 12 State of New Jersey and five other states.  
 13 Bachelor's of science in Civil Engineering from  
 14 University of Massachusetts.  
 15 I have been practicing traffic  
 16 engineering for almost 18 years, and I have been  
 17 qualified as an expert in traffic engineering for  
 18 over 80 municipalities throughout the State.  
 19 MR. FRASER: Your licenses are all  
 20 current?  
 21 THE WITNESS: It is, yes.  
 22 MR. HEHL: And I would offer Mr.  
 23 Chase as a professional engineer focusing in the  
 24 area of traffic.  
 25 MR. FRASER: I recommend he be

**CORY CHASE, P.E.****63**

1 accepted, Mr. Chairperson.  
 2 CHAIRMAN GREET: So be it.  
 3 THE WITNESS: Thank you.  
 4 MR. HEHL: Thanks.  
 5 BY MR. HEHL:  
 6 Q. Mr. Chase, if you could please give  
 7 the board an overview of your findings with respect  
 8 to both traffic and parking and certainly  
 9 recognizing that we're dealing with a state highway?  
 10 A. Certainly. As Mr. Hehl just  
 11 mentioned, our primary focus on the application was  
 12 to assess the overall traffic and parking impacts.  
 13 We also will be handling the N.J.D.O.T. permitting  
 14 for the subject property because it is located along  
 15 North Avenue which is State Highway 28.  
 16 We will be required to submit to  
 17 N.J.D.O.T. for a new access permit for the modified  
 18 curb cuts along the North Avenue frontage. And as  
 19 Mr. Waga mentioned, one of the primary benefits of  
 20 this application is there's currently two lengthy  
 21 uncontrolled curb cuts that serve the property  
 22 today, the liquor store and the limousine rental  
 23 facility. What we're doing is we're going to modify  
 24 those curb cuts to bring them into compliance with  
 25 current N.J.D.O.T. compliance, and we are also going

**CORY CHASE, P.E.****64**

1 to restrict some of the movements.  
 2 Right now you can make full turning  
 3 movements from either curb cut along the frontage.  
 4 We're going to make the eastern curb cut ingress  
 5 only and the western curb cut egress only, creating  
 6 a one-way circulation island which is going to run  
 7 parallel to -- the circulation aisle is going to run  
 8 the one-way direction westbound along the North  
 9 Avenue frontage.  
 10 Again, you know, from a traffic,  
 11 purely traffic access standpoint, reducing the  
 12 number of points of conflict along a state highway,  
 13 consolidating those turning movements to an ingress  
 14 and egress point, it's a benefit to the overall  
 15 function and flow of the site.  
 16 We took a look at the traffic impacts  
 17 associated with the development. We did prepare a  
 18 Traffic Impact Statement for the subject property  
 19 last revised April 9th, 2019. We prepared a  
 20 trip-generation projection between the existing  
 21 development and the proposed development, the liquor  
 22 store, the retail space, and the four residential  
 23 units.  
 24 We analyzed each one of those  
 25 independently, which is the most conservative way to

**CORY CHASE, P.E.****65**

1 do it. Typically we'll lump all of the commercial  
 2 space together, analyze it as a whole. But in this  
 3 case, to be conservative, we broke it out  
 4 independently. We looked at the commercial space,  
 5 the liquor store, and then the four residential  
 6 units.  
 7 We compared it to the existing liquor  
 8 store and the limousine rental facility and what we  
 9 found is it's going to generate an additional 33  
 10 additional peak hours trips. As traffic engineers  
 11 we typically focus on peak hours, weekday morning  
 12 and the weekday evening commuter times to assess the  
 13 overall traffic impacts.  
 14 To give you guys an idea of what that  
 15 33 trips entails as far as impacts go, the Institute  
 16 of Transportation Engineers and the N.J.D.O.T., they  
 17 have a threshold of 100 or more peak-hour trips as  
 18 being significant. So we're roughly one-third of  
 19 that level of creating a significant increase in  
 20 traffic.  
 21 So from a traffic generation  
 22 standpoint, we don't expect this to have any  
 23 detrimental impacts on the adjacent roadways or  
 24 surrounding roadway network. We will be submitting  
 25 to N.J.D.O.T. for a Highway Access Permit to permit

**CORY CHASE, P.E.****66**

1 the improvements proposed along the frontage and the  
 2 right of way, the sidewalk and the driveway,  
 3 curbing, et cetera. They'll be reviewing Mr. Waga's  
 4 plans to make sure they're in conformance with all  
 5 their standards and ultimately issuing a new access  
 6 permit for the subject property.  
 7 We also took a look at the overall  
 8 site circulation, the proposed parking. Mr. Waga  
 9 did mention we do have 22 parking spaces proposed  
 10 on-site. The four spaces in the rear of the  
 11 facility are intended to be dedicated to tenant  
 12 parking. I am -- it was a great comment raised by  
 13 the gentleman in the audience. It's our intention  
 14 to limit those to tenant parking.  
 15 We do have 18 parking stalls to serve  
 16 the commercial portion of the development. We took  
 17 a look at data, again, published by the Institute of  
 18 Transportation Engineers. In addition to the trip  
 19 generation data, they also published parking  
 20 generation data. And again conservatively, instead  
 21 of just analyzing it all as commercial space, we  
 22 looked at the liquor store component and the retail  
 23 component.  
 24 Based on data published by the  
 25 Institute of Transportation Engineers, for this

**CORY CHASE, P.E.****67**

1 development they would suggest that a parking demand  
 2 of 12 vehicles would be generated in the proposed  
 3 condition. Again, we have 18 spaces that are  
 4 dedicated to serve the retail portion, whereas we're  
 5 only estimating 12 being peak parking demand.  
 6 So notwithstanding the four spaces in  
 7 the rear to serve the residential portion of the  
 8 development, we think that the 18 spaces serving the  
 9 commercial will be more than adequate to accommodate  
 10 those demands.  
 11 One benefit to the mixed use nature of  
 12 this development is you have complementary parking  
 13 demands whereas the residential would tend to peak  
 14 overnight and the commercial is going to peak during  
 15 the day, so they have offsetting parking demands.  
 16 In the event there's a visitor or guest for one of  
 17 the residential units, they would have the ability  
 18 to use those commercial spaces to park in because  
 19 the commercial portion would typically be closed  
 20 during those times.  
 21 Overall, again, from a traffic impact  
 22 access and circulation, you know, we don't see any  
 23 detrimental impacts to the adjacent roadways. We  
 24 think that there's more than adequate parking. The  
 25 circulation has been designed to be adequate and

**CORY CHASE, P.E.****68**

1 will safely accommodate vehicle turning maneuvers in  
 2 and out of the site.  
 3 I didn't have anything else on direct.  
 4 Mr. Hehl, if you think I missed anything?  
 5 MR. HEHL: I know Victor will hit some  
 6 things in his letter and I'm sure you have a  
 7 question on the side entrance and the width of the  
 8 driveway so I can --  
 9 CHAIRMAN GREET: I have one question.  
 10 What do you predicate the commercial unit -- I mean,  
 11 what kind of commercial unit are you using to  
 12 provide that data?  
 13 THE WITNESS: General retail.  
 14 CHAIRMAN GREET: General retail. And  
 15 that would be inclusive of what type of retail?  
 16 THE WITNESS: Any sort of commercial  
 17 use you would see in a shopping center. There's a  
 18 multitude of -- it runs the full gamut. General  
 19 commercial.  
 20 MS. VILLAGGIO: I have a question on  
 21 the -- on the entrance on Winslow. Is that really  
 22 necessary?  
 23 THE WITNESS: In my professional  
 24 opinion, it provides an added benefit to the public  
 25 because it provides a second point of ingress a

**CORY CHASE, P.E.****69**

1 little bit further away from the adjacent signalized  
 2 intersection along North Avenue. Right now knowing  
 3 that Winslow runs one way away from North Avenue,  
 4 the likelihood of somebody exiting that driveway I  
 5 feel is very slim.  
 6 But it does provide an added benefit  
 7 to access those parking stalls that are along the  
 8 western facade of the building in that you can turn  
 9 left onto Winslow, access the driveway, and have  
 10 access to the parking stalls. It also provides a  
 11 secondary point of access for the residents that  
 12 will be parking behind the building.  
 13 MS. VILLAGGIO: What is the width of  
 14 that driveway because when I looked on the plans  
 15 itself like -- because when I looked --  
 16 MR. VENA: Fourteen.  
 17 MS. VILLAGGIO: It's 14 feet?  
 18 THE WITNESS: Yes, 14 feet wide.  
 19 MS. VILLAGGIO: Because what exists  
 20 now is much larger.  
 21 THE WITNESS: That's correct.  
 22 MS. VILLAGGIO: So you are reducing  
 23 the opening on Winslow. I'm not very -- you know, I  
 24 would like it if it wasn't there but I needed to  
 25 know why you're proposing, you know, not to, you

**CORY CHASE, P.E.****70**

1 know, take it out.  
 2 THE WITNESS: Just as an added point  
 3 as well, from the N.J.D.O.T. perspective we do have  
 4 that driveway today. The State likes to see sites  
 5 developed what they refer to as alternative access,  
 6 meaning additional access in supplement to the state  
 7 Highway Access Permit. Having it today and  
 8 maintaining it, N.J.D.O.T. would see it as a  
 9 positive. So that was another reason why we were  
 10 choosing to maintain it.  
 11 MS. VILLAGGIO: All right. It's not  
 12 as big as it is right now because what it is now,  
 13 it's very wide presently.  
 14 MR. VINEGRA: If you look at it now,  
 15 they're drastically reducing -- that's one way out  
 16 only, correct?  
 17 THE WITNESS: Correct.  
 18 MR. VINEGRA: So now, if you're going  
 19 to come in from westbound, the light is there. You  
 20 would have to be in the light transition to make  
 21 that left. That's a tricky left.  
 22 MS. VILLAGGIO: Yes, it is.  
 23 MR. VINEGRA: So I like that the  
 24 traffic engineer says if you're coming in westbound  
 25 and you're going into here on Winslow, that's a much

**CORY CHASE, P.E.****71**

1 safer movement than being thrown into this because  
 2 that's no man's land, that's a little bit of no  
 3 man's land.  
 4 MS. VILLAGGIO: I just wanted to make  
 5 sure of, you know --  
 6 MR. VINEGRA: I see what you're  
 7 saying. I would like to see it reduced but to force  
 8 vehicles into that area to make that left is real  
 9 tricky.  
 10 MS. VILLAGGIO: All right. And with  
 11 regard to the parking, so they would need a shared  
 12 parking? Are you proposing shared parking?  
 13 THE WITNESS: It's really going to  
 14 function as shared parking.  
 15 MS. VILLAGGIO: Like in order to meet  
 16 the criteria or the, you know, the demand possibly  
 17 for the tenants, you're proposing shared parking?  
 18 THE WITNESS: There will be shared  
 19 parking, yes. It's our intention to designate the  
 20 space in the rear of the building to be Tenant Only  
 21 so we don't have a mix of commercial and tenant  
 22 parking in the rear and that would thereby allow us  
 23 to reduce the aisle width as suggested. But yes, we  
 24 would --  
 25 MS. VILLAGGIO: At night it could

**CORY CHASE, P.E.****72**

1 possibly be shared --

2 THE WITNESS: Exactly.

3 MS. VILLAGGIO: -- with the business

4 parking, the tenant -- the business parking can be

5 shared with the tenants.

6 THE WITNESS: That's correct.

7 CHAIRMAN GREET: And there will be no

8 oversight. You parked here too long even though

9 you're visiting a tenant, that won't be an issue.

10 THE WITNESS: It's not our intention,

11 not at all. Based on our analysis we think that the

12 commercial parking is more than adequate and could

13 accommodate any visitor parking.

14 MS. VILLAGGIO: Thank you very much

15 for your answers.

16 MR. CAPOBIANCO: I have a question

17 about just even on the parking issue. So around the

18 back of the building, so we see that there's an

19 elevator there, right? And there is a second floor

20 storage area for the liquor store; is that correct?

21 Is that correct?

22 THE WITNESS: Correct.

23 MR. CAPOBIANCO: So that's going to be

24 used as a loading area and unloading area. Trucks

25 are going to have to pull in there somewhere. Where

**CORY CHASE, P.E.****73**

1 are the trucks going to be when they're making

2 deliveries to the liquor store and even to the other

3 store?

4 So what -- how has that been taken

5 into account? How are they going to come in? Are

6 they going to make the radius? Are they going to

7 have to back into the tenant parking area and block

8 that driveway while they're making their deliveries

9 in order to get to the elevator?

10 MR. WAGA: Want me to take it?

11 THE WITNESS: Sure.

12 MR. WAGA: So our client will attest

13 to delivery times. There are a number of days

14 during the week, not every day during the week and

15 only at certain times that deliveries occur. They

16 occur between 9:00 a.m. and they peak at 12:00 p.m.;

17 all right? There are no long beds on here, no

18 53-footers.

19 The largest truck that will access

20 this site, that currently accesses this site is at

21 26 feet, all right. So therefore the intent is to

22 pull in here, stage here, offload. And my client

23 will attest to the duration of the offload period

24 which we discussed in the past is roughly

25 15 minutes. And at that point they will have to

**CORY CHASE, P.E.****74**

1 back out and then maneuver out.

2 MR. CAPOBIANCO: So the length of that

3 exit driveway out to Winslow is going to still be an

4 issue for a 40-foot-long box truck.

5 MR. WAGA: No. They max out at

6 26 feet. They do not have a truck larger than

7 26 feet making deliveries.

8 MR. CAPOBIANCO: That seems short.

9 MR. WAGA: And also, again, it's more

10 a boutique liquor store, so they do not have the

11 high demand that the larger chains require. They

12 are select. They order what they need for the week,

13 for the couple of weeks. And, again, many of the

14 items, specialty items are hand-delivered by the

15 merchandisers.

16 MR. CAPOBIANCO: Right now none of the

17 trucks is making a sharp right-hand turn to go into

18 the back of the building. They all pull in the

19 front?

20 MR. WAGA: No, no. There is no access

21 whatsoever to this part of the building. And there

22 will be signs to attest to that. And that will be

23 part of the representation that we will make for

24 approval.

25 MR. CAPOBIANCO: And the second

**CORY CHASE, P.E.****75**

1 question I had was so the Cranford line side of the

2 property is in line with Lincoln Avenue which is a

3 traffic light.

4 MR. WAGA: Correct.

5 MR. CAPOBIANCO: So why aren't you

6 making use of that for ingress and egress and having

7 that driveway use that as part of the --

8 MR. WAGA: Over this side here?

9 MR. CAPOBIANCO: That driveway there,

10 which is right near that intersection which could be

11 helped by the red light and the Lincoln Avenue being

12 green light. Am I off a little on that?

13 MR. VENA: You're off.

14 MR. CAPOBIANCO: I thought it was

15 closer than that. Sorry.

16 MR. WAGA: Actually, if I can turn to

17 my exhibit on sheet SK-1, I will give you an

18 indication of where it currently is. Right here.

19 So we have now moved it closer towards Cranford so

20 that transition will be much easier to make, as you

21 can see. Here versus here. We're really the right

22 side of this apron --

23 MR. CAPOBIANCO: Still not in line --

24 THE WITNESS: -- you're still too far

25 east to go straight.

**CORY CHASE, P.E.****76**

1 MR. CAPOBIANCO: Okay.  
 2 THE WITNESS: And we're actually, by  
 3 DOT requirements, we have to provide a minimum  
 4 12 feet offset from the property line so we're  
 5 maintaining that requirement.  
 6 MR. CAPOBIANCO: Good.  
 7 CHAIRMAN GREET: Anyone else? Bill.  
 8 MR. NIERSTEDT: I love Ken's question  
 9 and I want to expand that a little bit. I think  
 10 it's a terrific suggestion. If we're at a zero-foot  
 11 setback with the building --  
 12 CHAIRMAN GREET: No, you're not.  
 13 MR. NIERSTEDT: No. The proposed  
 14 building is zero-foot off the property line,  
 15 correct?  
 16 THE WITNESS: This one shown here?  
 17 MR. NIERSTEDT: I'm being told no. Up  
 18 here the answer is yes. So that driveway, that  
 19 right-of-way is right there? Am I wrong?  
 20 Identified as a paper street. Isn't that  
 21 right-of-way right there?  
 22 MR. WAGA: This here or this here?  
 23 MR. NIERSTEDT: No, no. Take the  
 24 building, take it down to North Avenue walking  
 25 right.

**CORY CHASE, P.E.****77**

1 MR. WAGA: Okay.  
 2 MR. NIERSTEDT: Because I appreciated  
 3 all the testimony and trip generation, but I wasn't  
 4 concerned about that. What I was concerned about  
 5 was the turning movements off of North into the site  
 6 and the amount of parking. So I'll get to the  
 7 amount of parking in a second, but I love the  
 8 suggestion of somehow linking, no pun intended, that  
 9 light with the left-hand turn off of that  
 10 right-of-way into the site and closing off that  
 11 proposed eastern driveway. Why can that not be  
 12 done? I didn't even consider it until Ken brought  
 13 that up.  
 14 MR. WAGA: I don't have an answer for  
 15 you.  
 16 MR. VENA: You're not in line.  
 17 MR. NIERSTEDT: But you have to be in  
 18 line. If that setback is zero, you have to be in  
 19 line.  
 20 THE WITNESS: It's still further to  
 21 the west than what this line actually shows.  
 22 MR. NIERSTEDT: How can it be? If the  
 23 setback -- you understand what I'm saying, right?  
 24 THE WITNESS: I do understand what you  
 25 are saying --

**CORY CHASE, P.E.****78**

1 MR. NIERSTEDT: So how can it not be  
 2 straight?  
 3 THE WITNESS: It's the function of the  
 4 width of the driveway. But I will tell you that the  
 5 overlying concern is that by doing that and the way  
 6 the site circulates now, what you would effectively  
 7 be doing is anyone traveling west on 28 would have  
 8 to make a U-turn when they get into the site at that  
 9 light, which is a rather difficult maneuver, where  
 10 now they have more --  
 11 MR. NIERSTEDT: That's not --  
 12 MR. VENA: It's Victor's letter.  
 13 MR. NIERSTEDT: So you're saying the  
 14 entrance -- I have driven without getting into it,  
 15 you're saying even though it's zero-foot --  
 16 MR. VENA: That's Victor's letter.  
 17 MR. NIERSTEDT: I have Victor's  
 18 letter.  
 19 CHAIRMAN GREET: Look on the front.  
 20 MR. VENA: Look on the chart.  
 21 MR. VINEGRA: Page 2 shows the tax map  
 22 so you see how --  
 23 MR. VENA: You see how the north or  
 24 the east end of Lincoln Avenue is too far east.  
 25 MR. NIERSTEDT: What I'm saying -- and

**CORY CHASE, P.E.****79**

1 if it can't work, it can't work -- what I'm saying  
 2 is I understand you're on Lincoln going north, to  
 3 get to North Avenue you have to turn left. But  
 4 Ken's comment and Victor's comment earlier about no  
 5 man's land of North Avenue, they're both 100 percent  
 6 accurate. Is it possible, if not, fine, but is it  
 7 possible to come straight on Lincoln, proceed into  
 8 "right-of-way" and make that last move into the  
 9 parking lot?  
 10 THE WITNESS: If you look at the way  
 11 Lincoln approaches 28, there's a large concrete  
 12 channelizing island.  
 13 MR. NIERSTEDT: Right. There's also a  
 14 traffic light which makes it somewhat safer.  
 15 THE WITNESS: There is but what that  
 16 precludes you from doing is going straight. No  
 17 matter what, as you come north on Lincoln and turn  
 18 left onto 28, you have to turn --  
 19 MR. NIERSTEDT: You are not going to  
 20 go perfectly straight. But we all drive, we all  
 21 know you can -- certainly you make a left. So if  
 22 you can make a left there, you can certainly make a  
 23 left and jog right.  
 24 THE WITNESS: You can but from a  
 25 traffic engineering standpoint, the further you are

**CORY CHASE, P.E.****80**

1 away from that intersection, the better you are.  
 2 MR. NIERSTEDT: From a traffic  
 3 engineering standpoint, wouldn't you prefer to have  
 4 your turning within the signalized intersection  
 5 rather than having, as Victor said, a no man's land  
 6 about 30 feet outside of that signalized  
 7 intersection? Because you -- and I'll let you  
 8 answer that question. I do want you to answer it,  
 9 but I like the one-way system if you're going  
 10 westbound.  
 11 If you're going eastbound to make that  
 12 left-hand turn, people aren't going to realize, oh,  
 13 I can go down Winslow. They're going to think I  
 14 have to make that left-hand turn into the site. And  
 15 then they are, my number may be off, but 30 feet  
 16 away from the intersection. It's dangerous.  
 17 Wouldn't you prefer to have that  
 18 turning maneuver within the signalized intersection?  
 19 THE WITNESS: I would not personally  
 20 professionally because --  
 21 MR. NIERSTEDT: Professionally no?  
 22 THE WITNESS: No, because it's not  
 23 going to operate within the overall control of the  
 24 intersection and that's what is going to confuse  
 25 people.

**CORY CHASE, P.E.****81**

1 Typically when you see a four-lighted  
 2 signalized intersection, all approaches to the  
 3 intersection are signalized. What we'd be doing is  
 4 throwing an unsignalized driveway into that control.  
 5 MR. NIERSTEDT: No, no, no. You're  
 6 doing that now.  
 7 THE WITNESS: There is one there now.  
 8 What we are doing is remedying that situation by  
 9 reducing that curb cut, providing a dedicated  
 10 channelized ingress only by --  
 11 MR. NIERSTEDT: I understand all that.  
 12 What I don't understand is your statement about  
 13 throwing in an unsignalized driveway. No, that  
 14 driveway would still be signalized by that traffic  
 15 light. How would it not be signalized?  
 16 THE WITNESS: It's not operating under  
 17 the intersection controls.  
 18 MR. NIERSTEDT: Why would it not? You  
 19 would be within the intersection length and width.  
 20 MR. WAGA: If I may, just to enhance  
 21 my initial description of the overall site. On the  
 22 Cranford side it was just brought to my attention by  
 23 again a colleague of ours, that there is stream  
 24 encroachment within that right-of-way which would  
 25 have to be taken into strong consideration for

**CORY CHASE, P.E.****82**

1 clearances and potentially create a situation that  
 2 would negate the ability to provide or implement  
 3 what is being discussed this last few minutes.  
 4 MR. NIERSTEDT: Stream encroachment,  
 5 the stream is buried there, okay. So it's  
 6 underground.  
 7 MR. VINEGRA: No, it floods there.  
 8 MR. NIERSTEDT: I know it floods but  
 9 I'm saying you know --  
 10 MR. VINEGRA: Well, Bill, where you're  
 11 going with this real quick, first off that's  
 12 functioning as a driveway. What the traffic  
 13 engineer is saying that leg of the intersection is  
 14 not functioning as an intersection, it's functioning  
 15 as a driveway.  
 16 The signal timing, when they signal  
 17 time, the DOT, that entranceway, they didn't treat  
 18 it like a street, it's a driveway. It's not  
 19 directional, it's wide open, it's gravel. Number  
 20 two, it's in Cranford. We have zero jurisdiction.  
 21 Cranford can say no.  
 22 CHAIRMAN GREET: That was my question.  
 23 MR. VINEGRA: Cranford can say  
 24 100 percent no and so does DOT say, no, it's not a  
 25 leg to the -- we don't want it to be leg to the

**CORY CHASE, P.E.****83**

1 intersection. If we wanted it, we would have built  
 2 it that way. It's functioning as a driveway to an  
 3 apartment building.  
 4 CHAIRMAN GREET: And my follow-up  
 5 question would be on the traffic study, did you do  
 6 any study that indicated how many left-hand turns  
 7 from 28 going into Dittrick's currently occurs?  
 8 THE WITNESS: We did not. Something  
 9 of this level of traffic generation, that 100 trip  
 10 threshold that I spoke of earlier, that's usually  
 11 the point where we do a full Traffic Impact Study.  
 12 This was obviously one-third of that.  
 13 CHAIRMAN GREET: So, in essence, it's  
 14 such a low flow to Dittrick's that this doesn't even  
 15 warrant a review of how many turns or how many --  
 16 THE WITNESS: Exactly.  
 17 MR. VINEGRA: They have to go to DOT  
 18 for a minor; they don't have to go for a major and  
 19 they don't require traffic counts on this.  
 20 MR. NIERSTEDT: All right. I  
 21 appreciate the comments on Cranford, so it becomes  
 22 moot. Let's switch to parking.  
 23 MR. VINEGRA: What can be done, if  
 24 Cranford ever does improve that intersection leg in  
 25 the future, all he has to do is punch through that

**CORY CHASE, P.E.****84**

1 and it really helps. But that would, you know what,  
 2 to force them to go back, Cranford has decided never  
 3 to touch that intersection.

4 When I did the bank across the street  
 5 they wanted nothing to do with that intersection.

6 CHAIRMAN GREET: So it's a moot point.

7 MR. NIERSTEDT: Let's move on to the  
 8 parking. Let me preface it by saying I hate parking  
 9 spaces. As far as I'm concerned, eliminate all of  
 10 them. I don't want you to think I'm asking these  
 11 questions because I want more parking. I don't.

12 CHAIRMAN GREET: Get some bike racks  
 13 in there.

14 MR. NIERSTEDT: That's right. I want  
 15 to know where the bike rack goes. But your report  
 16 indicates that this application could actually live  
 17 with fewer parking spaces.

18 THE WITNESS: That's correct.

19 MR. NIERSTEDT: Would you recommend  
 20 eliminating some?

21 THE WITNESS: If it was the board's  
 22 preference, certainly you would consult with the  
 23 applicant. Typically from my standpoint we're in a  
 24 variance situation, so we're trying to justify what  
 25 the actual need is to support the variance.

**CORY CHASE, P.E.****85**

1 If it was the board's pleasure that we  
 2 were to reduce the parking on-site, we would  
 3 certainly consult with the applicant. Again, as I  
 4 presented, you know, I'm confident that the site  
 5 could live with fewer parking spaces.

6 MR. NIERSTEDT: I agree with the  
 7 planner's comments and your comments earlier that  
 8 the back should be restricted to residents only.

9 That's it. That's why I like the driveway off of  
 10 Winslow and also Ken's comment about the loading. I  
 11 had that written down. I didn't understand how any  
 12 of that was going to work, so I think it's needed.  
 13 So if we restrict the area in the back to residents,  
 14 I'm all in favor of eliminating some of those spaces  
 15 in the front and I'm sure we'll get to that in a  
 16 little bit.

17 MR. VINEGRA: What we could do, Bill,  
 18 is these two spaces here could be made out of  
 19 permeable pavers and if they're not used --

20 MR. NIERSTEDT: There you go.

21 MR. VINEGRA: If they're not used for  
 22 parking, you can have picnic tables on them, so you  
 23 can have some hardscape there if they're not used.  
 24 Put tables back there.

25 MS. VILLAGGIO: I don't agree with the

**CORY CHASE, P.E.****86**

1 reduction in parking at all, because, you know,  
 2 where will the workers park? Okay. What we don't  
 3 want them to do is, you know, like we want them to  
 4 park there, okay? We don't want the workers parking  
 5 on Winslow.

6 I personally feel, you know, like  
 7 you're asking for a variance now and I think that  
 8 the parking that you have now is sufficient, you  
 9 know. To actually reduce it may cause a problem  
 10 that we don't -- that we would not like -- not we,  
 11 you know, my personal opinion is I don't want to go  
 12 down that road and say, oh, you know, the workers  
 13 can park on Winslow. Well, they can't. And we  
 14 don't know what the second retail is going to be.  
 15 So that's just my opinion.

16 MR. NIERSTEDT: Does your parking  
 17 standard of 12 include the employee parking?

18 THE WITNESS: It does, yes.

19 MR. VINEGRA: That's why I made --

20 CHAIRMAN GREET: You want to pick it  
 21 up from --

22 MR. VINEGRA: That's why I made the  
 23 recommendation. I think we have done that in the  
 24 past. Spaces that may get minimally use, if it does  
 25 function without needing those, those two spaces can

**CORY CHASE, P.E.****87**

1 be constructed out of kind of like a grid block,  
 2 grass can grow up, but it's concrete, it's permeable  
 3 and it's softer. And you can put tables on it. You  
 4 can put chairs on it. It can be utilized. And if  
 5 they need it for parking, park on it. If you don't  
 6 need it for parking, it has a table on it. You can  
 7 use it for whatever you want. And it's not asphalt  
 8 underneath it, so...

9 CHAIRMAN GREET: I personally like  
 10 that idea.

11 MR. VINEGRA: If it totally --

12 MS. VILLAGGIO: But you're not taking  
 13 away.

14 MR. VINEGRA: Right. We use those in  
 15 situations called overflow parking that, you know,  
 16 eleventh-hour parking that for holiday time, a lot  
 17 of people go there holiday time to buy things.

18 CHAIRMAN GREET: Is that considered  
 19 additional open space?

20 MR. VINEGRA: We can consider it as  
 21 quasi. But it gets close, it's getting them closer  
 22 and closer.

23 MR. NIERSTEDT: I like it. I support  
 24 that. I wouldn't count it as open space because you  
 25 can park a car there if you needed to.



**CORY CHASE, P.E.****88**

1 MR. FRASER: Cars, it's grass too,  
 2 Bill.  
 3 MR. NIERSTEDT: We're not going to go  
 4 there. I don't see any grass on this site plan.  
 5 CHAIRMAN GREET: Are you finished?  
 6 MR. VINEGRA: Yes, because now we went  
 7 over the one section that we did skip over, the  
 8 parking we addressed in detail. When you do do  
 9 shared parking, to what ratio do you normally do for  
 10 retail and commercial of this type?  
 11 THE WITNESS: Typically in something  
 12 like this, the offset is complete.  
 13 MR. VINEGRA: Sometimes  
 14 twenty percent? 15 percent?  
 15 THE WITNESS: Twenty percent is  
 16 typical, so...  
 17 MR. VINEGRA: Reduction of the total  
 18 number of 20 percent. So if the requirement is,  
 19 say, 25 spaces, they can go down by 20 percent. We  
 20 have permitted that in this borough in the past in  
 21 some of our mixed-use spaces and it does work.  
 22 It functions right at that limit,  
 23 Kathy, the point functions right at that limit. I  
 24 have never been in there when I couldn't find a  
 25 space but I have been there when there was only

**CORY CHASE, P.E.****89**

1 three spaces open.  
 2 MS. VILLAGGIO: That's right.  
 3 MR. VINEGRA: So that 20 percent  
 4 overlap, you take your gross number, the 25 feet  
 5 will be 25 spaces. You times it by 20 percent, you  
 6 can reduce it by three spaces. And that is about  
 7 where they're at the functioning. They can function  
 8 at -- you know, at that 20 percent they don't need a  
 9 variance if they function at 20 percent.  
 10 CHAIRMAN GREET: We're going to cut it  
 11 right now just for five minutes and I would like to  
 12 make this five minutes, so please be back here in  
 13 time. Five-minute break, and we'll discuss the rest  
 14 then after the break. Thank you.  
 15 (Brief recess is taken at 9:10 p.m.)  
 16 (The record resumes at 9:20 p.m.)  
 17 MR. HEHL: Again, I have no further  
 18 questions of Mr. Chase at this time.  
 19 CHAIRMAN GREET: I will open it up to  
 20 the board right now for specific questions of this  
 21 witness.  
 22 MS. VILLAGGIO: No more.  
 23 CHAIRMAN GREET: Seeing none, I will  
 24 close it to the board and open it up for the general  
 25 public for questions specific of this witness.

**CORY CHASE, P.E.****90**

1 Anyone from the general public?  
 2 MR. McCORMACK: Rich McCormack, 101  
 3 Fourth Avenue. So we have a board member state that  
 4 he would like to see parking spots eliminated. I  
 5 find that disheartening, knowing that Garwood is in  
 6 tremendous need of parking spots. I also feel that  
 7 with that being said, where do we put the snow in  
 8 the wintertime?  
 9 So we're going to eliminate two  
 10 parking spots in the back and make it a so-called  
 11 green area, where are we putting that snow in the  
 12 winter? And if we are eliminating more parking  
 13 spots in the front, two, three, or four, where is  
 14 that snow going?  
 15 Because by doing that we're  
 16 eliminating more than three parking spots, we're  
 17 probably eliminating six or seven parking spots. So  
 18 that's my question and I hope you take that into  
 19 consideration.  
 20 CHAIRMAN GREET: Would you like to  
 21 address, anyone?  
 22 MR. HEHL: I can say it's the  
 23 applicant's position that we would like to keep the  
 24 parking the way it is, but we would have no  
 25 objection to Mr. Nierstedt and Mr. Vinegra's comment

**CORY CHASE, P.E.****91**

1 that those two spaces in that area, if you can point  
 2 them out, would be with pervious pavement area. And  
 3 then I think, Greg or Cory, you can address I assume  
 4 in that area, there's areas to stage the snow?  
 5 MR. WAGA: Yes, absolutely. I mean  
 6 any one of these buffers we do have a very wide  
 7 turning radius here of over 30 feet where 24 is  
 8 required. And again that may be subject to change  
 9 based upon the reconfiguration of the drive aisle at  
 10 this location.  
 11 So we'll have abilities to stage snow  
 12 here and any green area. All these are deciduous  
 13 along here. They're not evergreen in nature, so  
 14 they won't be hampered by, you know, a plowing  
 15 mechanism.  
 16 MR. NIERSTEDT: Mr. Chairman, I know  
 17 I'm making comments that might sound contradictory  
 18 but you actually put the snow in the same space  
 19 where you just eliminated the parking because that  
 20 becomes green and that's where the snow goes.  
 21 But the day that the board listens to  
 22 me in terms of reducing parking, I think I will, you  
 23 know, I don't expect that right away. I always  
 24 bring that up, but I don't really expect it to  
 25 happen.

**CORY CHASE, P.E.**

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1 CHAIRMAN GREET: Any other comments  
 2 from the general, specific --  
 3 MR. MCCORMACK: I would like to  
 4 continue on. So the exit on Winslow, I can probably  
 5 say it hasn't been used in 12 to 15 years. Used to  
 6 be railroad ties there. They may be removed now but  
 7 it really hasn't generally been used.  
 8 I thought I was against that entrance  
 9 but the more I think about that, I am in favor of  
 10 that entrance for the safety needs of the police  
 11 department or the fire department needing to get to  
 12 that property if North Avenue is closed off. So I  
 13 just wanted to make that clear tonight.  
 14 CHAIRMAN GREET: All right, thank you.  
 15 MR. HEHL: Thank you.  
 16 CHAIRMAN GREET: Anyone else from the  
 17 general public? Seeing none, I'm going to close  
 18 that portion of the meeting.  
 19 General comments from the board?  
 20 MS. VILLAGGIO: I made my comments  
 21 already.  
 22 CHAIRMAN GREET: You do have another  
 23 witness?  
 24 MR. HEHL: Yes. It's a use variance,  
 25 so we would like to call upon our professional

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1 planner, Mr. Nicholas Graviano.  
 2 N I C H O L A S G R A V I A N O,  
 3 P.P., is sworn.  
 4 MR. FRASER: Please state and spell  
 5 your name and give your address.  
 6 THE WITNESS: Yes. Nicholas with an  
 7 H, Graviano, G-R-A, V as in Victor, I-A-N-O.  
 8 Business address of 101 Crawfords Corner Road, in  
 9 Holmdel, New Jersey.  
 10 MR. HEHL: And I would offer Mr.  
 11 Graviano as a professional planner.  
 12 E X A M I N A T I O N  
 13 BY MR. HEHL:  
 14 **Q.** I don't think you have had the  
 15 pleasure of being before this board, so if you could  
 16 please give the board the benefit of your work and  
 17 educational background, and areas of expertise,  
 18 licenses you hold, and whether you have been  
 19 accepted as an expert in the field of professional  
 20 planning?  
 21 **A.** Yes. I hold a bachelor's degree in  
 22 geography with a minor in urban studies from Rutgers  
 23 University. I have a master's degree in city and  
 24 regional planning from Rutgers University.  
 25 I have a law degree from Temple

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1 University where I received a distinguished class  
 2 performance in state and local government law, and I  
 3 am a licensed planner in the State of New Jersey.  
 4 I have testified before boards and  
 5 governing bodies in 16 different counties including  
 6 Cranford, Elizabeth, Hillside, Roselle, Roselle  
 7 Park, Union, Westfield, Springfield and Kenilworth  
 8 here in Union County.  
 9 MR. FRASER: Your licenses are all  
 10 current?  
 11 THE WITNESS: Yes, they are.  
 12 MR. FRASER: And you propose to  
 13 testify in the field of professional planning?  
 14 THE WITNESS: That is correct.  
 15 MR. HEHL: Not as an attorney.  
 16 MR. FRASER: I was waiting. I  
 17 recommend Mr. Graviano be accepted in that field,  
 18 Mr. Chair.  
 19 CHAIRMAN GREET: So be it. Thank you.  
 20 THE WITNESS: Just a brief summary of  
 21 some of the information that you have heard before  
 22 you this evening. The applicant is before you  
 23 requesting preliminary and final site plan approval  
 24 with associated "c" and "d" variances to construct a  
 25 mixed-use building containing roughly 7,100 square

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1 foot of commercial space in the ground floor with  
 2 four, one-bedroom apartments on the second floor.  
 3 The applicant is before this board  
 4 because the residential units are not a permitted  
 5 use in the GB district. We have heard the  
 6 additional "c" variances that are required first  
 7 related to lot depth. 100 feet is required and  
 8 98.53 is existing and proposed.  
 9 Additionally we have had extensive  
 10 discussions regarding the open space which is being  
 11 provided on the site. The applicant originally came  
 12 in requesting 9.6 percent. Due to various  
 13 concessions on the applicant's willingness to work  
 14 with the board, the applicants have probably gotten  
 15 that number around high 13 to low 14 percent,  
 16 however, it still requires a variance.  
 17 The applicant has eliminated the  
 18 request for the side yard setback variance by  
 19 accepting the board's request to push the building  
 20 in from the side property line.  
 21 Lastly, you just heard the traffic  
 22 engineer discuss the parking variance where  
 23 ordinance requires 31 off-street parking spaces and  
 24 the applicant is providing 22, four of which will be  
 25 dedicated to the residential use and the 18 will be

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1 utilized for the rest of the building.  
2 With respect to the "d" variance, the  
3 board has the power to grant "d" variances in  
4 specific cases and for special reasons. That's the  
5 positive criteria of the "d" variance. New Jersey  
6 courts have held that the purpose of zoning, which  
7 clearly amplifies the meaning of special reason, is  
8 the promotion of the general welfare.

9 Additionally, in non-inherently  
10 beneficial uses, the board must determine that this  
11 site is particularly suited for the proposed use.  
12 The applicant does not need to demonstrate that  
13 there are no other viable locations within this  
14 borough for that use, just that this site is a  
15 rational location for the proposal that is before  
16 you this evening.

17 Lastly, the applicant must prove the  
18 negative criteria that there's no substantial  
19 detriment to the public good as well as no  
20 substantial impairment to the zone plan or zoning  
21 ordinance.

22 So moving on to the special reasons in  
23 relation to the positive criteria, this proposal  
24 before you helps satisfy Purpose A of the Municipal  
25 Land Use Law, to encourage municipal action to guide

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1 the appropriate use of lands which will promote the  
2 public health, safety and morals and general  
3 welfare.

4 And there are many aspects of this  
5 application which help promote the public health,  
6 safety, morals and general welfare. You have heard  
7 discussions about the reduction of curb cuts and the  
8 proper management of vehicular movement on the site.  
9 That is the promotion of the general welfare and the  
10 health and safety of the community.

11 Additionally, the applicant is  
12 providing new housing stock to a borough where  
13 almost 80 percent of the housing stock was built  
14 before 1969. This will be a fully sprinklered  
15 building with elevator access, which provides the  
16 opportunity for someone with access and mobility  
17 needs to have a residential unit that was newly  
18 constructed and is part of a newer part of the  
19 housing stock, something that you don't really find  
20 in communities with older housing.

21 Moving on, the proposal helps fulfill  
22 Purpose E of the Municipal Land Use Law, to promote  
23 the establishment of appropriate population  
24 densities and concentrations that will contribute to  
25 the well-being of persons, neighborhoods,

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1 communities, regions, and preservation of the  
2 environment. And when you look at population  
3 density, it is of benefit to having a number of  
4 residential units or residents to help support the  
5 uses that are permitted in that Commercial Zone. So  
6 you have the residents that are living above the  
7 store that can help support the liquor store and the  
8 ground level, that could help support the eventual  
9 user in the secondary retail space as well as other  
10 commercial uses that are permitted along North  
11 Avenue in this district.

12 Additionally it helps fulfill  
13 Purpose G to provide sufficient space and  
14 appropriate locations for a variety of commercial  
15 and residential uses to meet the needs of New Jersey  
16 citizens.

17 In terms of the sufficient space, this  
18 lot size does meet the minimum lot requirements of  
19 the Zoning District. With respect to the  
20 appropriate location, the GB Zone is intended to be  
21 a transitional zone between residential uses and  
22 industrial uses.

23 And the multi-family housing units on  
24 the second floor are a rational transition in the  
25 neighborhood where you heard Mr. Vinegra say earlier

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1 this is a neighborhood with a varied amount of land  
2 uses. There's a bunch of existing non-conforming  
3 residential uses. There's a mixed-use building  
4 right across the corner where the bakery used to be.  
5 There's residential above.

6 So this is a neighborhood that has a  
7 variety of land uses and this is in keeping with the  
8 mixed character of the neighborhood that exists  
9 today and, frankly, provides a great transition, as  
10 the zoning ordinance indicates, because it provides  
11 a use that complements the retail use on the ground  
12 level.

13 You heard the traffic engineer state  
14 that the demand for the residential parking and the  
15 demand for the commercial parking are at different  
16 times, so these are two uses that mesh well  
17 together.

18 And lastly, with the purposes of  
19 zoning, this helps accomplish Purpose I, to promote  
20 a desirable visual environment through creative  
21 development techniques, and good civic design and  
22 arrangements. This is the gateway to the  
23 municipality. This is the first thing that  
24 motorists will see entering the Borough. The  
25 applicant has proposed a very high-end facade

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1 package of brick, Hardie plank, a varied facade.  
 2 And, frankly, this will be a drastic improvement  
 3 over the older and deteriorating buildings that are  
 4 located on the site today.  
 5 With respect to this proposal to the  
 6 2009 Borough Master Plan, the Master Plan indicates  
 7 as goals and objectives to provide sufficient space  
 8 and appropriate locations for a variety of  
 9 residential and commercial uses, including the  
 10 encouragement of mixed-use developments along North  
 11 and South Avenues. And this proposal is definitely  
 12 in keeping with those goals and objectives of the  
 13 Master Plan.  
 14 With respect to the negative criteria,  
 15 the "d" variance, there is no substantial impairment  
 16 of the Zone Plan or zoning ordinance with this  
 17 proposal. The applicant is proposing a very modest  
 18 four one-bedroom units, which generates less traffic  
 19 and less parking demand than an otherwise permitted  
 20 use would generate on that second level.  
 21 So if you had office uses on that  
 22 second level, that's requiring more parking and  
 23 that's producing more traffic than what the  
 24 applicant has before you this evening.  
 25 Additionally the applicant could

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1 produce a three-story building on this site. Only  
 2 two are proposed before you this evening. That is a  
 3 nicer transition between this building and the  
 4 surrounding residential neighborhoods.  
 5 Moving on to the "c" variances, the  
 6 applicant does require the lot depth variance. That  
 7 is an existing condition not proposed or augmented  
 8 by this application. It's a classic "c(1)" scenario  
 9 by reason of exceptional narrowness, shallowness or  
 10 shape of specific piece of property.  
 11 Strict application of this Borough's  
 12 zoning ordinance would create an undue hardship upon  
 13 the developer. It's a little less than two feet in  
 14 depth. There is no substantial impairment to the  
 15 Zone Plan or zoning ordinance with this request.  
 16 Additionally, the applicant is  
 17 requesting a slight deviation from the open space  
 18 requirement. I think at this point it's so minor  
 19 it's practically de minimis and the applicant's  
 20 willingness to create the permeable paver parking  
 21 spots essentially gets that over the 15 percent  
 22 number, however the variance is still required.  
 23 And then lastly, you heard the traffic  
 24 testimony regarding the demand generated for the  
 25 parking on-site. Roughly 18 spaces would be needed

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1 between the residential and commercial uses and 22  
 2 are proposed. All those variances can be granted  
 3 under the "c(2)" criteria, which must be  
 4 demonstrated that it relates to a specific piece of  
 5 property.  
 6 This is a property with two older  
 7 structures that are in need of redevelopment. The  
 8 applicant is before you with a proposal that helps  
 9 redevelop the parcel. Additionally, the applicant  
 10 must satisfy purposes of the Municipal Land Use Law.  
 11 With respect to that, the "c" variances also  
 12 accomplishes Purposes A, E, G, and I that I  
 13 discussed in relation to the "d" variance.  
 14 And then lastly, the granting of all  
 15 these pretty minor variances requests now will not  
 16 substantially impair the intent and purpose of the  
 17 Zone Plan and zoning ordinance.  
 18 MR. HEHL: Thank you, Mr. Graviano --  
 19 CHAIRMAN GREET: Thank you.  
 20 MS. VILLAGGIO: Thank you.  
 21 MR. HEHL: -- for your concise  
 22 overview. Certainly if this board has any planning  
 23 questions, he's available to answer them.  
 24 CHAIRMAN GREET: I'll open it up for  
 25 the board for questions specific to this witness.

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1 MS. VILLAGGIO: No questions.  
 2 THE WITNESS: Thank you.  
 3 CHAIRMAN GREET: Thank you. Well, the  
 4 public. I'll open it up now to the general public  
 5 for questions specific of this witness. Seeing  
 6 none, I'll close that portion.  
 7 THE WITNESS: Thanks.  
 8 MR. HEHL: We have no further  
 9 witnesses for our presentation. Again, the  
 10 applicant is here if the board had further questions  
 11 for her and the other witnesses are also available.  
 12 MR. FRASER: The lease questions, why  
 13 don't you call the applicant on that.  
 14 D E L A J A G A D, previously sworn,  
 15 testifies as follows:  
 16 E X A M I N A T I O N  
 17 BY MR. HEHL:  
 18 Q. Again, you have been sworn. Real  
 19 quick. I just want you to confirm for the record  
 20 that you're in agreement first with the increase in  
 21 the side yard can now comply with the three-foot  
 22 side yard requirement?  
 23 A. Yes.  
 24 Q. You have to speak up.  
 25 A. Yes.

**DELA JAGAD****104**

- 1 **Q.** And then also with respect to the  
 2 modifications in connection with the buffering  
 3 Mr. Moore's house and the fence that would be  
 4 installed along there?  
 5 **A.** Yes.  
 6 **Q.** And there was also a question raised  
 7 with respect to the restricting the parking to the  
 8 rear for residential only?  
 9 **A.** Just for residential only.  
 10 **Q.** And there will be signage so as not to  
 11 have truck deliveries in the rear?  
 12 **A.** No deliveries.  
 13 **Q.** And also confirming that the size of  
 14 the delivery vehicles was as indicated by Mr. Waga?  
 15 **A.** Yes, that's correct.  
 16 **Q.** And then with respect to the lease  
 17 agreements, you will have a requirement in your  
 18 lease agreements that the interior structure people  
 19 cannot start adding and creating additional  
 20 bedrooms, these will, in fact, be one-bedroom  
 21 apartments?  
 22 **A.** Yes, that's true.  
 23 **Q.** And if the board was kind enough to  
 24 approve the application, that would be a condition  
 25 of the resolution that you would be bound to and any

**DELA JAGAD****105**

- 1 successors would be bound to?  
 2 **A.** Absolutely.  
 3 MR. FRASER: With respect to the  
 4 tenant parking, have you anticipated that each one  
 5 of the residential units will have individual  
 6 assigned parking spaces in the back?  
 7 THE WITNESS: Yes, will do.  
 8 MR. FRASER: And will that be a  
 9 provision in the leases?  
 10 THE WITNESS: Yes.  
 11 MR. HEHL: Yes.  
 12 MR. FRASER: Thank you.  
 13 MS. VILLAGGIO: What about shared  
 14 parking --  
 15 THE WITNESS: Shared parking is --  
 16 MS. VILLAGGIO: -- would you be in  
 17 agreement that would be part of the conditions?  
 18 THE WITNESS: Yes, part of the  
 19 conditions.  
 20 MS. VILLAGGIO: Right now, there is a  
 21 limo place and a lunch truck --  
 22 THE WITNESS: Right.  
 23 MS. VILLAGGIO: -- that parks there.  
 24 THE WITNESS: They're all gone.  
 25 MS. VILLAGGIO: Both of them will not

**DELA JAGAD****106**

- 1 be occupying that retail, that second retail?  
 2 THE WITNESS: Yes.  
 3 MS. VILLAGGIO: They'll both be gone?  
 4 THE WITNESS: They will be gone.  
 5 MS. VILLAGGIO: Thank you.  
 6 THE WITNESS: Thank you. Any other  
 7 questions?  
 8 CHAIRMAN GREET: I have one. I do  
 9 have a question. In regards to SK-1 I think it  
 10 is -- A-1.  
 11 MR. HEHL: The rear or the front?  
 12 CHAIRMAN GREET: Yeah, now that's not  
 13 the rear, it's the --  
 14 MR. HEHL: The front.  
 15 CHAIRMAN GREET: On the left-hand side  
 16 of that diagram, the one that you handed out, you  
 17 had an overhang of part of an additional unit that  
 18 you're adding to the second floor. That just looks  
 19 very odd and I don't pick it up in the prints  
 20 themselves. Is that accurate?  
 21 MR. HEHL: Is that left corner?  
 22 CHAIRMAN GREET: Yes.  
 23 MR. HEHL: Greg?  
 24 MR. WAGA: That is intended. That is  
 25 part of the calculations of the building structure,

**DELA JAGAD****107**

- 1 the footprint of the building. And when we  
 2 redesigned the -- again, working with Mr. Vinegra on  
 3 our final submission, he did redesign -- he did  
 4 request we had originally had four-foot pedestrian  
 5 walkways around the front and along the left side,  
 6 he requested we go to six feet and in doing so, the  
 7 cantilever, that projection was there to begin with.  
 8 So it just seems odd-looking, but it's structurally  
 9 sound. Everything is taken into full consideration.  
 10 CHAIRMAN GREET: Okay. That was my  
 11 question.  
 12 MR. WAGA: Not a problem.  
 13 MR. NIERSTEDT: Question about the  
 14 operation. Someone mentioned, and I want to make  
 15 sure I understand, the rear of the building where we  
 16 talked about parking but yet I think Mr. Waga  
 17 mentioned there might be some, I forget the exact  
 18 wording, but impertinences to the liquor store like  
 19 ice and things like that. Will you have any of that  
 20 storage outside along the rear or will everything be  
 21 inside?  
 22 THE WITNESS: Everything will be  
 23 inside.  
 24 MR. NIERSTEDT: Everything inside.  
 25 MR. FRASER: Bill, I think the point

**DELA JAGAD****108**

1 was because they're putting those parts of the  
 2 liquor store in the back of the store, you don't put  
 3 windows there.  
 4 MR. NIERSTEDT: I understand that.  
 5 Maybe I misunderstood in terms of outside.  
 6 CHAIRMAN GREET: I thought the same  
 7 thing that you did.  
 8 MR. WAGA: Everything will be  
 9 self-sufficient from within the four walls.  
 10 MR. VENA: Since you're stepping the  
 11 building back three feet on the property line for a  
 12 side yard, can we continue the mansard roof around?  
 13 MR. WAGA: We will look into that  
 14 because the steel -- I apologize. The reason I say  
 15 that --  
 16 MR. VENA: Not the whole six feet. It  
 17 can come out three.  
 18 MR. WAGA: Correct. So proportionally  
 19 we want to make sure that as we're tying it in, it  
 20 ties in nicely, so we have to be very careful. It  
 21 may require a slight modification on the angle of  
 22 the canopy at this location so that it ties in as we  
 23 make that turn on the right side.  
 24 Because if we're not six feet out on  
 25 the front, we're going to be three feet, so, again,

**DELA JAGAD****109**

1 it's all about proportion at that point.  
 2 MR. VENA: I understand. If you  
 3 carried it around --  
 4 CHAIRMAN GREET: It would look nice.  
 5 MR. WAGA: Agreed 100 percent. And no  
 6 more than 100 percent, Bill.  
 7 MR. CAPOBIANCO: Although by  
 8 increasing the side yard setback on the Cranford  
 9 border the three feet --  
 10 MR. WAGA: Yes.  
 11 MR. CAPOBIANCO: -- what is happening  
 12 with the building? Is the building going to be  
 13 three feet thinner, or is the complete structure  
 14 being moved over three feet --  
 15 MR. WAGA: No. The building will  
 16 reduce in overall width. We're not repositioning,  
 17 just moving and repositioning, we're going to be  
 18 decreasing the width. The liquor store area will be  
 19 subject to change as will the retail, the vanilla  
 20 box, so to speak. Most likely the vanilla box area  
 21 is going to change.  
 22 MR. CAPOBIANCO: So the ingress and  
 23 egress --  
 24 MR. WAGA: Nothing will change at the  
 25 three sides other than the left side as it projects

**DELA JAGAD****110**

1 the 98.53 feet along that property line.  
 2 CHAIRMAN GREET: Thank you.  
 3 MR. MALCOLM: How about the retail  
 4 space that is proposed on the other side? The  
 5 entrance door, being where it's at, not the center  
 6 but uniform like the other side?  
 7 MR. WAGA: Yeah, we may have to  
 8 restructure that depending upon traffic flow. What  
 9 we tried to do was out of courtesy if you see in our  
 10 traffic plan here, we allocated our handicap stalls  
 11 centered on the property so we have equal  
 12 disbursement here and equal disbursement to the  
 13 liquor store. So, again, by repositioning that,  
 14 we're only making that travel distance a little  
 15 further.  
 16 MR. VENA: One other question, I don't  
 17 see anything indicating anywhere on signage.  
 18 CHAIRMAN GREET: I was just going to  
 19 ask the same thing.  
 20 MR. WAGA: This is how I will qualify  
 21 that: We haven't selected a formal signage  
 22 mechanism, but I can attest that we will abide by  
 23 all the requirements set forth by the local  
 24 ordinance.  
 25 CHAIRMAN GREET: Meaning that we won't

**DELA JAGAD****111**

1 have a lot of signs in the windows taking up space  
 2 of those attractive windows that you have across the  
 3 front?  
 4 MR. WAGA: Correct. Most likely we're  
 5 probably going to position something centered in  
 6 this location here.  
 7 CHAIRMAN GREET: You follow what I  
 8 mean?  
 9 MR. WAGA: Yes, understood.  
 10 Understood.  
 11 MR. NIERSTEDT: I would like to stick  
 12 with what the Chairman said -- and the applicant is  
 13 here -- can't stress enough to you those are  
 14 windows. Not supposed to be where you would  
 15 like -- I'd like the vodka to be 9.99 but I don't  
 16 want to see it there. So keep those as windows so  
 17 people can see inside the store. It means so much.  
 18 It really does.  
 19 THE WITNESS: Sure.  
 20 CHAIRMAN GREET: Especially as you're  
 21 entering into town.  
 22 MS. VILLAGGIO: Something I thought  
 23 about is since we didn't receive anything from the  
 24 fire department or anything, would you be willing to  
 25 put a Knox-Box?

1 MR. HEHL: Sure.

2 MR. WAGA: Yes.

3 MS. VILLAGGIO: Can we make that part

4 of the general conditions?

5 CHAIRMAN GREET: I think the police

6 gave you a review, didn't they?

7 MS. VILLAGGIO: The fire department

8 did? I must have missed it. I'm sorry.

9 MR. NIERSTEDT: Any issues with the

10 fire department recommendation?

11 MR. HEHL: Not at all.

12 MR. WAGA: No.

13 MR. NIERSTEDT: Mr. Chairman, are we

14 going to continue addressing Victor's comments? He

15 stopped at comments and recommendations.

16 CHAIRMAN GREET: Let's continue then.

17 MR. HEHL: By the way, I would like

18 her to sit down.

19 CHAIRMAN GREET: Yes.

20 THE WITNESS: Thank you.

21 CHAIRMAN GREET: Thank you.

22 MR. NIERSTEDT: Do you want to take

23 it, Victor?

24 MR. VINEGRA: Sure. G is comments and

25 recommendations. First one was mine, storage on the

1 second floor. Too many times I see stores where

2 people are stacking storage in the ceiling tiles.

3 And if the ceiling tile falls down, it crashes

4 because there's no storage for the retail use. This

5 is the one time I see a retailer has retail stored

6 on the second floor with an elevator. It's not that

7 usual but it's a nice welcomed plus because if they

8 do have an issue with excess cardboard and stuff,

9 they have storage. And that's the biggest thing

10 with some of the shipping companies is excess

11 storage.

12 Also the upstairs, it's nice sometimes

13 like today you don't want to go downstairs and see

14 people see you outside, you may want to be a private

15 deck on the second level. That was a nice feature

16 where, again, they could have went for a bigger

17 variance for more parking but they didn't.

18 And also on this layout normally we

19 always see two-bedroom units, two, two, two, two.

20 They didn't go for two. These are all one-bedrooms.

21 And that is a welcome change too because there's a

22 lack of good one-bedroom units for a young couple

23 who don't need a two-bedroom. You know, it's more

24 affordable. They get less rent for a one-bedroom

25 unit. It's a little refreshing to see that on a

1 layout that we didn't request, that's the way it

2 came in originally.

3 Item 2, they made adjustments to that

4 so now it's a three-foot side yard setback from the

5 right-of-way, the side with Cranford.

6 Item 3, I think we're going to change

7 the way these -- that the parking, you know, we were

8 using 1.4, one and a half spaces for a -- you can

9 use them for a two-bedroom. Usually it's 1.8 but

10 1.5 is quite sufficient for one-bedrooms on a

11 parking ratios.

12 I think, listening to the board

13 members, we kind of want it to be that the rear

14 portion is just for residential only, so there's

15 plenty of spaces up front for the employees to park.

16 Item 4, it's a preexisting condition.

17 It's something that they have no control. They

18 can't adjust.

19 Item 5, that this deficiency has

20 gotten very close to within a percentage point in

21 the open space without counting the second floor

22 common area. So if they do count it, they're over.

23 But there is some -- what I like about the second

24 floor, it's private. So if you do have Wi-Fi in

25 your apartment, you may -- Wi-Fi might travel over

1 to the little open space. A day like today, you

2 want to work from home, you can be outside on the

3 second level doing some work and you get a cup of

4 coffee with your apartment, it's kind of like a

5 private open space between you and your three other

6 neighbors. I like that design.

7 And it's something that they've really

8 taking from what we have already done across the

9 street, we really implemented it and e drove home

10 that across the street and other developers are now

11 picking that up. Not every town does that. I mean

12 a lot of towns are just straight apartments with a

13 small exercise room with one rowing machine so...

14 MR. WAGA: They actually took it from

15 us.

16 MR. VINEGRA: Item 6, I think we went

17 over in detail that because it's shared parking,

18 that you can do a 20 percent reduction and then they

19 get within the number and they have testified to

20 that point.

21 Item 7, we want the pole heights when

22 they supply them to be shorter this way there's less

23 spillage. And when you use the new modern LED

24 lights, their cut-off is very dramatic. You don't

25 have a lot of spillage. So they will be giving my

1 office a revised plan for review and we'll look at  
 2 heavily because I don't want Joe here, he has my  
 3 personal number, the neighbor, I don't want him  
 4 calling me at night saying: Look at the light.  
 5 MR. NIERSTEDT: That's very important  
 6 particularly because I think one of the lights  
 7 on-site someplace was actually 20 feet, which would  
 8 be higher than the second floor shining into the  
 9 apartments, so yes, please be sure --  
 10 MR. VINEGRA: We are going to lower it  
 11 down to 12 feet over there and angled away from  
 12 Joe's property, Joe Moore, the neighbor and shine  
 13 towards the building. They are going to enhance,  
 14 they are going to modify the landscaping plan a  
 15 little bit, Bill, to mix species up.  
 16 MR. NIERSTEDT: I want to touch upon,  
 17 first of all there's no shade trees proposed at all  
 18 in the public right-of-way, but it has been noted  
 19 that what is proposing right-of-way is the front  
 20 landscaping is not actually on this property but  
 21 actually in the right-of-way. And you mentioned  
 22 earlier that it's none of it is evergreen. I hope  
 23 it is evergreen because otherwise you need a  
 24 variance for not screening the parking lot.  
 25 MR. WAGA: That's fine.

1 MR. NIERSTEDT: All three are fine?  
 2 MR. WAGA: Yes.  
 3 CHAIRMAN GREET: Wow.  
 4 MR. VINEGRA: We can have one of our  
 5 landscape architects work with Mr. Waga and  
 6 enhance --  
 7 MR. NIERSTEDT: Yeah. Victor used the  
 8 expression "drilled in." The guy across the street  
 9 with the fire -- what use do you want to call him,  
 10 on Lincoln? We told him a number of times the  
 11 entrance into Garwood, we wanted to improve the  
 12 site. And the shade trees, you know, keep in mind  
 13 today after Sandy and Irene, nobody is talking about  
 14 oaks and maples and huge trees. You know, nice  
 15 shade trees in front are appropriate. I don't know  
 16 if there's a concern if the landscaping is actually  
 17 in the right-of-way but that would be -- should be  
 18 noted because we don't actually have jurisdiction  
 19 over the right-of-way.  
 20 MR. VINEGRA: I'll check with the  
 21 mayor.  
 22 MR. NIERSTEDT: Check with the  
 23 attorney. Not just the mayor but check with the  
 24 attorney. And make sure it's evergreen it was noted  
 25 that you have more symbols than you have plant ID so

1 hopefully --  
 2 MR. WAGA: Yes and no but I'll review  
 3 that with Mr. Vinegra.  
 4 MR. NIERSTEDT: I hope that the 300  
 5 plants you weren't counting each pachysandra plant?  
 6 MR. WAGA: No, we did not do that.  
 7 MR. VINEGRA: You do want a hardy  
 8 ground cover because it's going to be covered with  
 9 snow, for example.  
 10 MR. WAGA: We'll do some sort of  
 11 low-growing juniper and implement something. We'll  
 12 mix it up a little more.  
 13 CHAIRMAN GREET: Victor, you got  
 14 number 8, 9?  
 15 MR. VINEGRA: Yes. No. 9, I think  
 16 this is a good comment that Leigh picked up that  
 17 we're going to shrink down that driveway. So along  
 18 the Moore property line we're going to continue the  
 19 evergreen buffer as far as we can while keeping a  
 20 safe driveway because the lack of volume on that  
 21 driveway for four parking spaces.  
 22 And the line of sight is good, too. I  
 23 mean my driveway in my office is one way and you  
 24 have to wait, you have to wait for someone. So we  
 25 can reduce this and make it safe because the line of

1 sight is clear. So mine is a preexisting,  
 2 non-conforming.  
 3 MR. FRASER: That's in Cranford.  
 4 MR. VINEGRA: Yes.  
 5 CHAIRMAN GREET: Lastly, No. 10.  
 6 MR. VINEGRA: No. 10, that's another  
 7 comment by Leigh next door to me here. That is the  
 8 one that Mr. Waga went into nice length to break up  
 9 the building next door to give an appearance so the  
 10 neighbor is looking at a nice brick structure now  
 11 next door with some dimension to it and low-level  
 12 lighting.  
 13 And I think the applicant has gone a  
 14 long way to address this original letter and I think  
 15 it's up to the board now to feel if they, you know,  
 16 they feel this project enhances the Borough.  
 17 CHAIRMAN GREET: Okay. Any other  
 18 questions specific right now from the board? If  
 19 not, what I'm going to do is I'll open it up to the  
 20 general public for...  
 21 MR. NIERSTEDT: Mr. Chairman, one  
 22 item, my notes here, wheel stops, do we really need  
 23 them? Mr. Waga made a very good point before. The  
 24 walkway is six-feet high. Even if you have two foot  
 25 because the snow plows and what have you, they



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1 destroy those wheel stops and it's not a great  
 2 welcome unless we really need them for some reason.  
 3 Do we?  
 4 MR. WAGA: They came under initial  
 5 advisements but I can again --  
 6 MR. VINEGRA: Even if we stripe it, it  
 7 should be fine.  
 8 MR. WAGA: That's fine.  
 9 MR. NIERSTEDT: Stripe it and we're  
 10 good.  
 11 CHAIRMAN GREET: With that, I'll open  
 12 it up to the general public for general comments of  
 13 this application. Anyone? Seeing none, I will  
 14 close the portion. And I will open it up to general  
 15 comments for the board to summarize.  
 16 I'll just start off. I think it's a  
 17 welcome application. I think that the design folks  
 18 and the architects or the architect has really done  
 19 a good cooperative job in looking at everything that  
 20 we picked up on, in particular Victor did, and was  
 21 very receptive to modifying what we suggested and  
 22 did our suggestions, so I thank you for that.  
 23 I think it's going to be an  
 24 aesthetically pleasing building as we enter, as we  
 25 enter into Garwood. And I think breaking it up, the

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1 blank wall type of effect and breaking that up is  
 2 going to be extremely beneficial and look really  
 3 nice coming into our borough.  
 4 With that, I mean, I'm very pleased  
 5 with how this progressed and from my perspective, I  
 6 wish the applicant well if it passes by the board.  
 7 Anyone else general comments?  
 8 MS. VILLAGGIO: I basically say the  
 9 same thing that was just mentioned by Steve. I also  
 10 want to say that it is nice that an existing  
 11 business is investing and not moving out. She's  
 12 expanding, she's improving the site, so I want to  
 13 say thank you. And it has my vote.  
 14 CHAIRMAN GREET: Thank you. Anyone  
 15 else from the board, if not --  
 16 MR. BARCAN: I just wanted to say --  
 17 and just pardon my voice I have some sort of allergy  
 18 going on here -- approving a use variance is not an  
 19 easy thing to do and you really have to link the  
 20 benefits to the site. And I just thought the  
 21 planner did a really good job with that, so...  
 22 MS. VILLAGGIO: Yes, he did, didn't  
 23 he?  
 24 MR. BARCAN: I think he nailed the  
 25 variance.

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1 CHAIRMAN GREET: That comes from an  
 2 expert person in the field, so that's an attaboy  
 3 where we're all concerned.  
 4 So with that, do I have a motion?  
 5 MR. NIERSTEDT: Mr. Chairman, I'll  
 6 make that motion. Don, do you want me to list what  
 7 I have written down as notes?  
 8 MR. FRASER: Of course.  
 9 MR. NIERSTEDT: Before I make the  
 10 motion, it's a long way tonight in terms of where we  
 11 walked in the front door, so the motion is -- make a  
 12 motion of approval. We are not granting the side  
 13 yard variance, it's been removed from the table.  
 14 Other than that, the other variances  
 15 are being granted. The conditions that I have noted  
 16 here are: Continuation of the approved facade along  
 17 the rear and right side of the building. Increase  
 18 of open space along that right side. Increase  
 19 length of the rear landscape buffer and plantings to  
 20 the front porch of the resident next door.  
 21 Take care of the fence issue. Remove  
 22 the one that's there if it's on your property, if  
 23 not, put up new six-foot board-on-board. The two  
 24 spaces in the rear we're using permeable pavers.  
 25 Locate the bicycle racks. Resolve the lease

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1 agreement particularly with regards to no walls for  
 2 the second bedroom. Shade trees, evergreen screen  
 3 and the identification of plants with the Harbor  
 4 Consultant's landscape architect.  
 5 The rear area, parking area is  
 6 restricted to residential parking. Ensure that the  
 7 spaces are nine feet wide. You will comply with the  
 8 fire division/fire department recommendations.  
 9 And that's what I have. Motion to  
 10 approve.  
 11 MR. VINEGRA: Wheel stops.  
 12 MR. NIERSTEDT: You are going to  
 13 provide a sign plan consistent with the Borough  
 14 ordinance. You will amend the lighting plan to  
 15 reflect, no pun intended, to reflect the maximum  
 16 height as indicated by the board engineers to be  
 17 below the height of the residences. And you will  
 18 remove the wheel stops from the plan.  
 19 MR. FRASER: Bill, if I might, you  
 20 said remove the fence. You meant remove and  
 21 replace?  
 22 MR. NIERSTEDT: Yes, if they can  
 23 remove it, right, remove and/or replace depending on  
 24 whose property it's on.  
 25 MR. FRASER: Parking spaces for the

1 residential tenants are going to be individually  
 2 signed?  
 3 MR. NIERSTEDT: Sounds good.  
 4 MS. VILLAGGIO: Shared parking?  
 5 MR. NIERSTEDT: Shared parking in the  
 6 front. And the lease is to allow overnight stays.  
 7 MS. VILLAGGIO: The water has to be  
 8 okayed by the engineer.  
 9 MR. VINEGRA: Yes, that's in the  
 10 review letter. And so all items in the review  
 11 letter.  
 12 MR. FRASER: And, Bill, just with  
 13 respect to the abandonment of the side yard setback  
 14 variance, there was some discussion as to whether or  
 15 not the mansard roof would wrap around. There had  
 16 previously been some discussion as to the  
 17 possibility of an awning or something like that,  
 18 either of which would presumably protrude into the  
 19 rear yard -- excuse me, the three-foot side yard  
 20 setback. The elimination of the three foot, the way  
 21 you're making the motion, I'm asking is that allowed  
 22 to protrude in?  
 23 MR. NIERSTEDT: That's a very good  
 24 question. I know we have permitted encroachments --  
 25 MR. VINEGRA: I think the awnings are,

1 Bill.  
 2 MR. FRASER: Good.  
 3 MR. NIERSTEDT: Very good point.  
 4 MR. FRASER: To the extent that the  
 5 mansard roof we're going to wrap around the side or  
 6 there would be an awning, the variance for that you  
 7 are moving to grant but not the variance for the  
 8 building itself. That's what I thought we wanted to  
 9 do.  
 10 MR. NIERSTEDT: I agree with your  
 11 amended wording, yes.  
 12 MS. VILLAGGIO: I'll second that.  
 13 CHAIRMAN GREET: Okay. Roll-call.  
 14 MR. FRASER: Well we have a lot of  
 15 people here. Let's identify who the board members  
 16 are, Adele.  
 17 MS. LEWIS: So I have voting tonight  
 18 Ken Capobianco, Stephen Greet, Kathy Villaggio,  
 19 William Nierstedt, Steve Napolitano, Mike Veena and  
 20 John Malcolm would be our seven.  
 21 CHAIRMAN GREET: Okay. Roll-call.  
 22 MS. LEWIS: Ken Capobianco?  
 23 MR. CAPOBIANCO: Yes.  
 24 MS. LEWIS: Stephen Greet?  
 25 CHAIRMAN GREET: Yes.

1 MS. LEWIS: Kathy Villaggio?  
 2 MS. VILLAGGIO: Aye.  
 3 MS. LEWIS: William Nierstedt?  
 4 MR. NIERSTEDT: Yes.  
 5 MS. LEWIS: Steve Napolitano?  
 6 MR. NAPOLITANO: Yes.  
 7 MS. LEWIS: Mike Veena?  
 8 MR. VEENA: Yes.  
 9 MS. LEWIS: And John Malcolm?  
 10 MR. MALCOLM: Yes.  
 11 MS. LEWIS: Motion carries.  
 12 CHAIRMAN GREET: Congratulations.  
 13 MR. HEHL: Thank you very much. We  
 14 really appreciate the board and its professionals'  
 15 input this evening and look forward to this business  
 16 moving forward.  
 17 CHAIRMAN GREET: Thank you. Okay,  
 18 folks, we have another application that we're going  
 19 to go right into. No breaks, we already had one.  
 20 So we're going to pick up with Willow Avenue.  
 21 Congratulations and good luck.  
 22 MS. JAGAD: Thank you.  
 23  
 24 (Time noted, 10:00 p.m.)  
 25



C E R T I F I C A T E

I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witnesses were duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the hearing as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

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 the action.

Angela C. Buonantuono, CCR, RPR, CLR  
 License No. 30X100233100  
 Dated: May 10, 2019

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