

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

3 - - - - -
4 REGULAR MEETING FOR:

5 604-608 WILLOW AVENUE, LLC
6 BLOCK 302, LOTS 11 & 12
7 604-608 WILLOW AVENUE

8 CASE NO. PB19-03
9 - - - - -

10 TRANSCRIPT OF PROCEEDINGS
11 PUBLIC HEARING

12 WEDNESDAY, MAY 22, 2019

13 B E F O R E:

- 14 STEPHEN GREET, Chairman
- 15 STEVE BARCAN
- 16 KEN CAPOBIANCO
- 17 RICHARD McCORMACK
- 18 STEPHEN NAPOLITANO
- 19 WILLIAM NIERSTEDT
- 20 SERGIO SIMOES
- 21 SARA TODISCO, Mayor
- 22 KATHLEEN VILLAGGIO

23 A L S O P R E S E N T:

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

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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, May
9 22, 2019, commencing at 7:30 in the evening.

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14

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.

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21

-- Counsel for the Applicant

22

23

24

25

1 I N D E X

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(Exhibits not retained by reporter.)

25

1 (Time noted, 7:40 p.m.)

2 CHAIRMAN GREET: Okay, at this time
3 we're going to hear our continuation of 604-608
4 Willow Avenue. That's application PB19-03. And I
5 believe, if I'm not mistaken, we left off where the
6 engineer would be testifying.

7 MR. HEHL: Thank you. Again,
8 Stephen Hehl representing the applicant.

9 What I would like to do first is to
10 recall Mr. Waga because what he did is, based upon
11 the comments and just backing up, you recall from
12 when we first submitted this application it needed
13 quite a few variances including a "d" Variance for
14 Floor-Area Ratio, FAR. The plans at the last
15 hearing I commented that we heard the concerns and
16 the comments of the Board, went back to the drawing
17 board and made revisions to those plans that were
18 heard at the last hearing.

19 There were further questions at the
20 last hearing that we felt that we would like to
21 present an exhibit, and Mr. Waga will describe
22 those, one of which is to lessen the look of the
23 building to bring the siding down, add a little more
24 -- an additional privacy area separating, in further
25 support of why we feel that we would like the

1 variance for the side-by-side as opposed to the
2 up/down, and also some comments with respect to the
3 interior layout.

4 So what I would like to do is to
5 recall Mr. Gregory Waga, our engineer -- I'm sorry,
6 our architect to address those revisions.

7 MR. FRASER: Mr. Hehl, if I might?

8 MR. HEHL: Yes.

9 MR. FRASER: A procedural matter,
10 because I know that the transcript of the April 24th
11 proceeding in this matter has, in fact, been
12 circulated but since it's a continuation, I just
13 want to, first of all, be clear that we're only
14 relying on the testimony of the April 24th hearing
15 and this evening, not the one that preceded
16 April 24th. Correct?

17 MR. HEHL: Correct. We started
18 completely over again because of the extent of the
19 changes and the fact that we were now proceeding
20 before, in essence, the Planning Board and not the
21 zoning board because of the elimination of the "d"
22 variance.

23 MR. FRASER: Okay, great. And then
24 secondarily, I think it would behoove us just for a
25 second just to make sure that we're sitting the same

1 board that we were proceeding with on this one.

2 MR. HEHL: Sure.

3 MR. FRASER: In case we have somebody
4 here, and maybe we don't, but who was not here on
5 the last one, if we can just confirm where we are on
6 review of the transcript. So is there anybody here
7 this evening who was not here on the Board at the
8 April 24th hearing?

9 MR. HEHL: I think everybody --

10 MR. FRASER: My concern is overblown.

11 MR. HEHL: Never. Always good to
12 confirm those.

13 So I would like to again recall

14 Mr. Gregory Waga.

15 G R E G O R Y W A G A, previously sworn.
16 E X A M I N A T I O N

17 BY MR. HEHL:

18 **Q.** You are still sworn. And your
19 licenses are still in full force and effect?

20 **A.** Yes, yes. They have not expired yet.

21 **Q.** Mr. Waga, you heard my recap of the
22 past hearings and brief description of what you're
23 going to introduce tonight. So if you could comment
24 to the board on what further steps you have taken to
25 revise --

1 **A.** I do have reductions here of the
2 various new exhibits that we'll be discussing
3 tonight.

4 **Q.** Do you want me to start handing these?

5 **A.** Yeah, if you wouldn't mind, please.

6 MR. FRASER: This is something that
7 has to be marked?

8 THE WITNESS: It does.

9 MR. HEHL: Yes.

10 CHAIRMAN GREET: Now, these are the
11 plans that you issued at the last meeting?

12 THE WITNESS: That's correct. And
13 these are the addendums(sic) to those plans. The
14 exhibits that I'm passing out are addendums(sic) to
15 our discussion because there were three primary
16 points that were brought up as -- as requiring
17 modification or clarification.

18 CHAIRMAN GREET: So these are the ones
19 that --

20 THE WITNESS: Correct, correct. And
21 the reductions that you have in front of you are
22 indicative of what I have presented at a larger
23 format for formal display.

24 MR. FRASER: Let's just be clear. We
25 have been handed a two-page diagram that appears to

GREGORY WAGA, AIA**8**

1 consist of pages A4 and A5 that is colored. And we
 2 have been handed a two-page black-and-white I guess
 3 floor plan, for lack of a better term, that is
 4 entitled SK1 and SK2. Are these intended to replace
 5 prior pages and, if so, which ones?

6 THE WITNESS: A4, which is the color
 7 rendering, is going to replace the previously
 8 submitted A-4 that was issued last meeting. I
 9 believe it was A-4. And that -- what that is
 10 indicating is the lowering of the siding so as not
 11 to have the predominantly large base or stone base.
 12 We have modified that.

13 A-5 is a new exhibit. The Board had
 14 requested some sort of color rendering that would
 15 depict a view of the -- looking at the rear of the
 16 house, so that we could clarify in, again, color
 17 format what the rear yards would look like, the
 18 individual patios to more or less enhance the
 19 privatization of each of the side-by-sides.

20 MR. FRASER: I'm confused for a second
 21 because if I look at A-4 and the dates that are in
 22 the lower right-hand corner, it appears to me that
 23 the last three digits, unless I'm misreading it, is
 24 March 27th, 2009, which would be prior to the last
 25 hearing. Am I missing something there?

GREGORY WAGA, AIA**9**

1 THE WITNESS: No. Evidently the most
 2 recent revision date for this exhibit has not been
 3 entered. My apologies.

4 MR. FRASER: That's okay. But this is
 5 a new document.

6 THE WITNESS: Yes, it is.

7 MR. FRASER: So let's mark that
 8 document. I don't know what we're up to.

9 MR. HEHL: I think everything was just
 10 mounted. I'm sorry, documents that were submitted.

11 MR. FRASER: It's going to get all
 12 confusing if we call this Applicant 1. This is
 13 going to be confusing.

14 MR. HEHL: Maybe we should make the
 15 other one A-1 --

16 MR. FRASER: I'm going to call this --
 17 because it says A-4 on it and it says A-5, why don't
 18 we just call this A-4B and that's what we'll call
 19 this. And it's a two-page document that consists of
 20 A-4 and A-5. I mean it's not that complicated, the
 21 document. Let's be clear for the record.

22 THE WITNESS: That's fine.

23 MR. FRASER: That's A-4B.

24 (Exhibit A-4B, Colorized Architectural
 25 Renderings, is marked.)

GREGORY WAGA, AIA**10**

1 BY MR. HEHL:

2 **Q.** So again, now if you can take the
 3 board through, I know there's handouts here, but the
 4 changes.

5 **A.** Yes. So sheet A-4 of the Exhibit A-4B
 6 depicts -- it was requested by one of the Board
 7 members at last meeting in April to potentially
 8 lower because the base itself seemed to be a bit
 9 overbearing. So we were able to lower the siding,
 10 taking that board member's recommendation into
 11 consideration, we lowered the siding, which will
 12 remain as per my prior testimony, higher-end siding.

13 And we diminished the stone base to
 14 something that was more amenable to the surrounds
 15 which would be at 36 inches high above finished
 16 grade and that would be around the perimeter of the
 17 dwelling.

18 CHAIRMAN GREET: Okay.

19 THE WITNESS: And, again, the
 20 materials have not changed. I don't need to
 21 reiterate what those materials are going to be.
 22 They have not changed. They'll be the same
 23 materials that I had indicated in my prior
 24 testimony.

25 CHAIRMAN GREET: Very good.

GREGORY WAGA, AIA**11**

1 THE WITNESS: Sheet A-5 indicates
 2 a -- an elevation, a rendering of the rear
 3 elevation, which again shows a more definitive view
 4 of the separation of each of the side-by-side
 5 tenants with their own private access up to the
 6 first living level as well as a landscape division
 7 which would separate the patio.

8 It would be a five-foot buffer. The
 9 plantings would be columnar in configuration,
 10 evergreen in species yet to be determined as to
 11 which type although arborvitaes at six- to
 12 eight-foot are shown. We'll probably select
 13 something else, something a little more dense, but
 14 we have to also be careful to select a species that
 15 will not become too overbearing on that particular
 16 area. And again just showing the privatization and
 17 segregation of the units themselves.

18 MR. NIERSTEDT: Mr. Chairman, quick
 19 question on A-4. If I understood correctly, you
 20 said that the sides, the siding on the two sides of
 21 each structure goes down as far as the front that
 22 you're showing us?

23 THE WITNESS: Yes. It's contiguous
 24 around the perimeter.

25 MR. NIERSTEDT: Okay.

GREGORY WAGA, AIA
12

1 CHAIRMAN GREET: Any other questions?

2 Thank you.

3 BY MR. HEHL:

4 **Q.** And again, just touching on it, and I
5 know this came up at the last hearing but reconfirm
6 that now that we're here seeking a variance for the
7 side-by-side as opposed to the up/down, just briefly
8 again describe how you designed this to look like a
9 more traditional two-family as opposed to a duplex,
10 which really looks like two houses stuck together.

11 **A.** Yes. Well, again, we provided for the
12 separation of garage access, a common stair that is
13 centrally located, a dual door access at the front
14 covered by a portico whether it's gabled, oriented
15 or a shed frame. And, again, we've provided for the
16 provision of true symmetry and balance left to
17 right.

18 We do offer and we've made that clear
19 that in most cases only visitors will enter through
20 the front door as the occupants themselves will be
21 able to pull into the garage and enter directly
22 through the interior.

23 **Q.** And with respect to the exhibit of the
24 rear yards, again, from an architectural standpoint,
25 one of our points at the last hearing was that when

GREGORY WAGA, AIA
14

1 hasn't changed. Single-car garage, utility room,
2 access directly onto the patio. Upper first living
3 level will be open living room, powder room, more
4 uniform rectangular kitchen and a centralized stair
5 which will take you up to the bedrooms of which
6 there will be two along with a den, which is our
7 next topic of consideration.

8 There will be a single bath, closet
9 for each, and nothing has changed other than the
10 configuration of what is now going to be I presume
11 the next exhibit.

12 **Q.** Sure.

13 **A.** The eight-and-a-half-by-11 sheets
14 black-and-white that were handed out labeled SK1 and
15 SK2, they can be labeled --

16 THE WITNESS: Mr. Fraser, how would
17 you like those labeled?

18 MR. FRASER: What do you propose?

19 THE WITNESS: How about A-5B?
20 (Exhibit A-5B, Floor Plans, is
21 marked.)

22 THE WITNESS: So one of the
23 concerns -- actually the final concern of a number
24 of the Board members from April 24th's meeting was
25 our decision to provide further clarification on

GREGORY WAGA, AIA
13

1 you have the up/down there's questions as to who's
2 utilizing the rear yard.

3 In your opinion as an architect, what
4 benefits does that provide to occupants of the
5 proposed structure?

6 **A.** Again, it does separate the two
7 entities. It offers that ability to create a -- an
8 identity for both left and right units. They'll
9 both have at the rear as opposed to the front, the
10 rear access to the rear yard will be independent for
11 each unit. It will not be a shared -- a shared exit
12 and/or entry from the rear yard as is shown on sheet
13 A-4B, sheet A-5 and therefore it will allow for
14 again more of a private scenario, and a separation
15 of tenancies.

16 **Q.** And I know the applicant is going to
17 talk a little bit more about the floor plan but,
18 again, emphasize the open and importance of the open
19 floor plan.

20 **A.** Yes, the open plan again hasn't
21 changed. The layout and configuration of the plans
22 will remain.

23 I am reverting to sheet A-1A of
24 April 24th's testimony, which is a 32-foot wide unit
25 and, again, the openness remains. Ground level

GREGORY WAGA, AIA
15

1 what we had labeled as a den, which was an interior
2 space, had no windows. And a number of comments
3 that were taken into consideration, you know,
4 prohibiting the tenants from using them as -- this
5 particular space as a bedroom.

6 Though it did not qualify as a
7 bedroom, technically it would not stop -- it did not
8 stop anybody, it wouldn't stop anybody from
9 utilizing it as a bedroom. So we took it upon
10 ourselves with the comments from the board members,
11 to reflect two possible solutions for the
12 32-foot-wide unit, which is your SK1 and that was
13 to -- what I did was the exhibit that you have is
14 just a portion of the plan because if I prepared the
15 whole plan, eight-and-a-half-by-11, it would be too
16 small to read. So the area that I'm outlining on my
17 A-1A here is indicative of a smaller, more open
18 utilization of what we're still labeling as a den.

19 And what we're able to do, the two
20 sides, right and left, indicate just different
21 orientations of that space. And both also provide
22 for larger closet capacity for the bedrooms left and
23 right.

24 So we're going to show it this way
25 when we submit our drawings to the building

GREGORY WAGA, AIA
16

1 department and then ultimately it will be my
 2 clients' decision on which way they would like to
 3 build.
 4 All will satisfy code. We have kept
 5 the space or the access area open on both scenarios,
 6 thereby definitely not -- clearly the anticipation
 7 of it being used as a bedroom has diminished.
 8 CHAIRMAN GREET: Okay. Thank you.
 9 THE WITNESS: On the 40-foot-wide
 10 space, which is SK2, really because of the size of
 11 the bedrooms we were able to -- we were left with
 12 just removing the door right off the stair and we
 13 were left with what appears -- what is at a six-by-8
 14 or 9-foot-deep space. It does have a window. It's
 15 not an egress window because that particular space
 16 only has awning windows above it, so therefore they
 17 would not be considered egress windows.
 18 MR. HEHL: I have no further questions
 19 at this time of Mr. Waga.
 20 CHAIRMAN GREET: Questions from the
 21 Board?
 22 MS. VILLAGGIO: I have no questions.
 23 MR. SIMOES: Just one question.
 24 THE WITNESS: Sure.
 25 MR. SIMOES: The attic space, is it

NAZAR ALTUN
18

1 N A Z A R A L T U N, is sworn.
 2 MR. FRASER: Please state and spell
 3 your name and give us your address.
 4 THE WITNESS: Nazar Altun, N-A-Z-A-R,
 5 A-L-T-U-N, 9 Hamilton Court, Paramus, New Jersey.
 6 E X A M I N A T I O N
 7 BY MR. HEHL:
 8 **Q.** And, Mr. Altun, you're one of the
 9 applicants involved in this case?
 10 **A.** I'm one of the three partners, yes.
 11 **Q.** And you testified at the original
 12 hearing, which we had in essence a do over at the
 13 last hearing and I know you've worked really hard
 14 and heard the comments from the Board which led to
 15 the revisions of the -- presented at the last
 16 hearing and then the revisions presented this
 17 evening.
 18 If you could again give to the Board
 19 an overview of your vision for this, the development
 20 of this property, and emphasize again the importance
 21 of both the layout and the design of having the
 22 variance that we're seeking for the side-to-side
 23 configuration.
 24 **A.** Sure. In coming up with the design
 25 and working with our architects, my partners and I

GREGORY WAGA, AIA
17

1 just going to be a crawl space?
 2 THE WITNESS: It is going to be a
 3 pull-down stair, yes.
 4 MR. SIMOES: A pull-down stair for
 5 each unit?
 6 THE WITNESS: For each unit, yes.
 7 Yes. And there will be a fire-rated wall which will
 8 satisfy, again, all the building code requirements.
 9 CHAIRMAN GREET: If there's no further
 10 questions of the board, I will open it up for
 11 discussion from the general public, specific
 12 questions to this -- about this witness or to the
 13 witness itself.
 14 Seeing none, I will close that. Okay.
 15 MR. HEHL: Great. Thanks. I would
 16 now like to call upon Mr. James Watson, I
 17 believe -- I'm sorry, my client did want to address
 18 the revisions to the plans, so I would like to
 19 recall Nazar to testify. I don't know if he
 20 testified --
 21 MR. ALTUN: I didn't testify last
 22 session. The first one I did.
 23 MR. FRASER: We should swear him.
 24 MR. HEHL: We'll have you sworn in
 25 again and identify yourself.

NAZAR ALTUN
19

1 really focused on what kind of space would we want
 2 to rent were we to rent an apartment or a home. And
 3 we certainly were against an over/under duplex kind
 4 of setting because of the noise issues with the
 5 upstairs neighbors and with the fact that we
 6 wouldn't be able to really have our own personal
 7 space outdoors.
 8 And so we came up with this
 9 side-by-side model that Mr. Waga designed. And what
 10 we like about that in particular is, again, being
 11 able to have your own outdoor space. The new
 12 design, in fact, thanks to some of your comments,
 13 the new design we feel is even better in terms of
 14 the neighborhood feel because we have the outdoor
 15 porch in the front, the porch on the side.
 16 And so that was our thought in terms
 17 of the exterior of the building and the side-by-side
 18 design. We wanted an open plan and, again, because
 19 that's what we felt we would want to have in a home
 20 and it is more -- you know, we're seeing that more
 21 and more.
 22 And most importantly, we did want a
 23 space for the den for a home office. More and more
 24 people are telecommuting at least a few days a week
 25 and we feel it's very important and something that

NAZAR ALTUN**20**

1 is very desirable to renters.

2 **Q.** And you're certainly committed to

3 having the high quality of design, the addition that

4 shows in the rendering and Mr. Nierstedt's comment

5 to carry that around the entire structure?

6 **A.** Absolutely. Actually, thanks to -- I

7 think it was Mr. Nierstedt's comment, but we think

8 it's a actually a better design than it was

9 previously, so...

10 **Q.** And also with respect to the design to

11 make it look like a more traditional as opposed to

12 just two structures stuck together, I know you

13 worked very hard with Mr. Waga on that design?

14 **A.** Absolutely.

15 MR. HEHL: I have no further questions

16 of Mr. Altun at this time.

17 CHAIRMAN GREET: Any questions from

18 the Board? Seeing none --

19 MR. BARCAN: Just one.

20 CHAIRMAN GREET: Go ahead. I'm sorry,

21 Steve.

22 MR. BARCAN: So A-5B, you're going to

23 decide at some point whether to go to option A or

24 option B?

25 THE WITNESS: That's right.

NAZAR ALTUN**21**

1 MR. BAUSHG: What would influence you

2 to pick one or the other?

3 THE WITNESS: Well, depending on --

4 one would be cost, if there is a cost difference,

5 obviously. The other would be I would want it to be

6 private as possible. If it's going to be a home

7 office, if it's going to be open. I don't know if

8 you've seen the YouTube video of the guy who was

9 doing a teleconference -- or he was on TV and his

10 child walked into the room. You know, we want to

11 avoid that kind of scenario, so I would go with the

12 one that allowed for more privacy.

13 CHAIRMAN GREET: Anybody else? Okay.

14 Seeing none, I will open it up for general public of

15 questions of this witness. Seeing none, we'll close

16 that. And --

17 MR. HEHL: Thanks, Nazar.

18 Yes, I would now like to call upon

19 Mr. James Watson, who I know testified at the first

20 hearing.

21 MR. WATSON: Let's do it again.

22 MR. HEHL: We'll re-swear him.

23 J A M E S W A T S O N, is sworn.

24 MR. FRASER: State and spell your name

25 and give your address.

22

1 THE WITNESS: Sure. James Watson,

2 W-A-T-S-O-N, EKA Associates, 328 Park Avenue, Scotch

3 Plains, New Jersey. Land surveyor in New Jersey and

4 New York and a planner in New Jersey.

5 MR. FRASER: Presenting zoning and

6 surveying testimony. And your licenses are current?

7 THE WITNESS: Yes.

8 MR. HEHL: And planning.

9 MR. FRASER: I said "zoning" I meant

10 planning.

11 MR. HEHL: I'm sorry.

12 MR. FRASER: No, I misspoke. Thank

13 you, Mr. Hehl. But nonetheless I recommend Mr.

14 Watson be recommended as an expert.

15 MR. HEHL: Yes, and I believe he did

16 testify before this board and was, in fact, accepted

17 as an expert in both of those fields.

18 E X A M I N A T I O N

19 BY MR. HEHL:

20 **Q.** Mr. Watson, if you could take the

21 Board through the subdivision, which I believe is a

22 totally conforming subdivision, and touch on the

23 variances and the proofs for those.

24 **A.** Sure. I'll go through the set of

25 plans that were marked entitled, Minor Subdivision

JAMES WATSON, P.E.**23**

1 Tax Lots 11 and 12, Lot 302. The cover sheet,

2 typical cover sheet, has the tax map in the center

3 with your zoning boundaries overlaid on it and shows

4 plots within 200 feet and 600 feet.

5 Upper left-hand corner is a list of

6 owners within 200 feet. Below that are general

7 notes that apply to the whole set of plans. Upper

8 right-hand corner is a key map. Going down the side

9 on the right side of the page we have signature

10 blocks for the owners, applicants and approval

11 blocks for the borough officials. Our title block

12 is in the lower right-hand corner with a table of

13 contents.

14 Probably the most important things are

15 in the center of the sheet at the bottom we have a

16 schedule of general requirements for the RB

17 two-family residential zone. Lays out the

18 requirements, what is existing on the two lots

19 combined and shows the proposed setbacks and values

20 on the new proposed lots.

21 Next to that in the center of the

22 sheet at the bottom we have a parking requirement

23 for each unit. We have a total demand of three

24 spaces. We provide -- I'm sorry, on Lot 11.01 we

25 have a three-space requirement. We are proposing

JAMES WATSON, P.E.

24

1 three spaces. And on Lot 11.02 we have a
 2 requirement -- I'm sorry, we have a requirement of
 3 two spaces and we're providing -- wait a minute,
 4 sorry, let me restate that. Lot 11.01 proposed is
 5 two spaces and Lot 11.02 is proposed as two -- four
 6 spaces are proposed and that includes two garage
 7 spaces. Lot 11.01 and -- I'm sorry, 3 and 3. I
 8 think he has this mislabeled. I'll go through the
 9 parking on another sheet. I think it's mislabeled.

10 Moving on to the next sheet, minor
 11 subdivision plan with revision date of April 1,
 12 2019. What we show you here is the combined lot.
 13 You can see the former lot line in the center.
 14 We're proposing a new lot line down that subdivides
 15 this into two equal lots.

16 It used to be a 40-foot lot on the
 17 interior and a 60-foot wide lot on the corner.
 18 We're proposing to equalize that. Willow Avenue is
 19 to the bottom, Maple Street is to the east. We have
 20 access to both streets for the corner lot obviously.

21 All the buildings will front on Willow
 22 Avenue. We also show you the building envelope.
 23 You have a minimum and maximum with your zoning
 24 ordinance, so we showed you both lines, a 25-foot
 25 minimum and a 35-foot maximum. We show you the rear

JAMES WATSON, P.E.

26

1 taken care of either with an easement or through a
 2 dedication by the neighbor. Adjoining dwellings to
 3 the west.

4 And you can see part of the lot is
 5 mainly vacant. There are some trees. General
 6 grading pattern, the high point is in the northwest
 7 corner. Everything flows to the northeasterly
 8 corner. You do have some inlets at that
 9 intersection, so all the stormwater will go there
 10 and be collected to be put into the borough system.

11 That's it for the plans. There's not
 12 much to these. When I get into the letter from the
 13 Harbor consultants, they ask for grading. We would
 14 like to make that a condition of approval. The
 15 design was a little fluid. It's nailed down now and
 16 if approved we'll do the engineering for it.

17 It's not a problem. It's an easy lot
 18 to grade. You have a difference of about
 19 three-and-a-half to four feet between the
 20 northwesterly corner and the southeasterly corner.
 21 So if the Board so desired, we can make that a
 22 condition of approval. It's not a problem to make
 23 that work.

24 Anybody have questions on the plans
 25 before I move on to the letter?

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25

1 and the side yard setbacks.

2 Again general notes that mimic the
 3 front sheet. The parking requirements and the
 4 schedule of general requirements for the RE-Zone are
 5 shown at the bottom of the sheet.

6 Moving to Sheet 3 of 3 with a revision
 7 date of April 1st, again, titled, Site Plan Minor
 8 Subdivision Tax Lots 11 and 12, Lot 302. This shows
 9 you the proposed dwellings that Mr. Waga has
 10 prepared. It shows you each unit how it is
 11 separated by a party wall. Shows you the proposed
 12 driveways.

13 Again, all of the setbacks are met on
 14 this with the exception of that porch we discussed
 15 last time on the interior lot. And, again, that's
 16 uncovered. That's not living space but we took the
 17 conservative approach and noticed it as a variance.

18 Again, parking calculations and the
 19 schedule of general requirements are at the bottom
 20 of the sheet.

21 Finally, you have a boundary and
 22 topographic survey dated July 30, 2018. It shows
 23 what is there now. There's a masonry garage that is
 24 proposed to be demolished. We do have encroachment
 25 with the masonry garage from the north, that will be

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27

1 MR. FRASER: Do you want to clarify
 2 that point about the parking?

3 THE WITNESS: Sure. I'm sorry. The
 4 residential two-families, we require one space for
 5 each unit. RSIS requires that we have 1.5. That's
 6 where I got mixed up. I missed this top piece.

7 The borough ordinance requires that we
 8 have two spaces, for the two units that translates
 9 to four spaces. That's what we're providing, one in
 10 front of the garage and one in the garage for each
 11 unit. That is a total of four. RSIS requires that
 12 we have 1.5 times two units is three total and we're
 13 providing four again.

14 MR. FRASER: So there is no parking
 15 variance required?

16 THE WITNESS: Correct. Okay?

17 MR. FRASER: Okay.

18 THE WITNESS: All right.

19 MR. HEHL: If you can move on then to
 20 the planning or go through the letter and then the
 21 planning.

22 THE WITNESS: Yes, I think it's
 23 easier.

24 MR. HEHL: You guys, you didn't do an
 25 updated letter, just the March 11th. And I think a

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1 lot of those issues went away when we got rid of the
 2 underneath garages and the "d" variances, so --
 3 MR. BARCAN: There is an updated
 4 letter.
 5 MR. VINEGRA: April 22nd.
 6 MR. HEHL: Let me just double-check.
 7 MR. VINEGRA: It's April 22nd.
 8 MR. HEHL: That was before the last
 9 hearing, though.
 10 MS. FLEMING: Yes.
 11 MR. HEHL: I'm sorry, since the last
 12 hearing. You're right, it's the March 11th, 2019,
 13 revised as of April 22, 2019, where we have
 14 eliminated the "d" variance and eliminated the
 15 garage under, which I know were issues.
 16 THE WITNESS: Okay. Going through the
 17 letter, Section A just lists all of the documents
 18 that were provided.
 19 Section B gives you the borough tax
 20 map and an aerial image of the site. You will
 21 notice that we are the only vacant piece in the
 22 neighborhood.
 23 At this point Section C gives a
 24 project description which you just heard me go
 25 through.

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29

1 Section D is the meat of the
 2 application. It's the zoning and planning review.
 3 Variances that we need, in your ordinance you are
 4 only allowed a two-family that's up and down. You
 5 heard testimony from a bunch of places. This is a
 6 newer type of design. Lots of time zoning
 7 ordinances have to catch up a little. The
 8 predominant design back in the '30s, '40s and '50s
 9 when most of Garwood was developed was up and down.
 10 Nobody had side-by-side two-families. I'll go into
 11 some proofs about that later. Two-family use is a
 12 permitted use in the zone. And, again, it just does
 13 not comply because of the side-by-side orientation.
 14 Next page we go into the zoning table.
 15 I'm not going to go through and read each one. What
 16 we're asking for tonight for the interior lot, we're
 17 asking for a variance for the front yard setback for
 18 the porch.
 19 We're also asking for a
 20 three-and-a-half-story versus a two-and-a-half-story
 21 limit. But keep in mind that we do comply with your
 22 35-foot height requirement. So while we're asking
 23 for another story, we're really not going over
 24 anything that would typically be allowed in the
 25 zone.

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30

1 MR. NIERSTEDT: Mr. Chairman, can we
 2 look at the April 22nd revised report. In the chart
 3 you mentioned the maximum number of stories. What
 4 it says there is proposed 2.5, 2.5. That's actually
 5 3.5, 3.5.
 6 THE WITNESS: Right. That was
 7 clarified.
 8 MR. NIERSTEDT: I knew it was. I
 9 wanted to make sure what we're looking at is
 10 actually wrong.
 11 THE WITNESS: Again, we comply with
 12 your FAR.
 13 MR. FRASER: Just to touch on that
 14 question of the story for a second, and I appreciate
 15 Bill's point completely, but that only gets us back
 16 to the whole question of does that garage level
 17 count as a story which, if it does, it's
 18 three-and-a-half, if it's not a story, it's a
 19 two-and-a-half. Your argument is nonetheless it's
 20 below the height.
 21 THE WITNESS: Correct.
 22 CHAIRMAN GREET: So if it's
 23 three-and-a-half you need the variance, if it's
 24 two-and-a-half, you don't. You're asking for the
 25 variance just in case that it is deemed a

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1 three-and-a-half and your argument is well, it's
 2 under the height limit.
 3 THE WITNESS: Correct. You can get
 4 tricky but there are methods. You could build up
 5 around the foundation, you could raise the level.
 6 You will have a steeper grade going away from the
 7 dwelling, but there are things you can do to
 8 mitigate that.
 9 In this case we don't think it's
 10 necessary because of the outdoor patio setup. And
 11 with the landscaping treatment, the patio is in the
 12 back, I don't think you are ever going to notice it
 13 because of the breakup with the stone treatment on
 14 the side and then the back being lower, it appears
 15 as a normal -- as what you would normally see on a
 16 street.
 17 Continuing on, parking requirements,
 18 again we conform. Off-street parking requirements
 19 for two-family homes, there is some discussion on
 20 it. We comply with everything, so I don't think
 21 that's a problem.
 22 Again, we go down to variances and
 23 waivers. Again, it's reiterated about the front
 24 yard setback on Lot 11.02. We're asking for a 21.02
 25 and 25 is required. Another waiver or variance that

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1 we need is the maximum number of curb cuts for
 2 driveways. One is permitted per lot. Because these
 3 are side-by-side, we're asking for a variance or a
 4 waiver to construct two curb cuts per lot.
 5 Going back to the Sheet 3 in the set
 6 of plans, and you heard a lot of discussion from
 7 Mr. Waga about how we treated the house, made it
 8 look like one unit. We do have two driveways but
 9 creating a central staircase with the front doors
 10 next to each other we feel is a much better design
 11 than flipping this whole design, putting two
 12 staircases in with a wider driveway in the front.
 13 One of the problems we face, not with a shared
 14 driveway but with a common driveway like that, you
 15 get into maintenance issues, like who's shoveling,
 16 who's taking care of it. We feel that in the unit
 17 it's better to have a separate identity for each.
 18 We go into discussion about c(1) and
 19 c(2). I'll take you through that in a moment.
 20 Engineering review comments: Most of
 21 this has to do with the grading plan and, as I said,
 22 we would like to make that a condition of approval.
 23 My client didn't want to spend all the money with
 24 the chance of getting turned down. This is a normal
 25 lot; you can grade this without a problem.

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1 Some of the comments are just left
 2 over from the original letter they just didn't get
 3 taken out. So, based on that, we can agree with all
 4 of his engineering review comments with the
 5 exception of 6, 7 and 10. All the others we would
 6 like to make a condition of approval. Those all had
 7 to do with grading to a driveway underneath that
 8 went down into the basin.
 9 Comments and recommendations. Again,
 10 we just reiterate what we're talking about, the
 11 side-by-side orientation. The small encroachment
 12 with the porch and some of the stuff is -- well, he
 13 made some revisions to the comments, we no longer
 14 need FAR and he needed some additional testimony.
 15 We have no other problem with any other approvals
 16 that are required.
 17 Moving into the proofs for what we're
 18 asking for tonight, we're going to apply tonight
 19 under a c(2) variance. C(2), as you know, is the
 20 positive versus the negative. We have to talk about
 21 five things. We have to talk about a specific
 22 parcel. I have to give you the positives of the
 23 application. We have to look at the negatives, then
 24 we have to weigh it and figure out what's best for
 25 Garwood and then you have to come to the conclusion

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1 at the end that there is no substantial detriment to
 2 your zoning ordinance or to your Master Plan.
 3 I believe that we comply with the
 4 positives, they come from purposes of zoning that's
 5 in the MLUL. Having met the -- let me go back, the
 6 specific parcel, this is the last vacant parcel in
 7 the area. Your Master Plan and re-examination talks
 8 about your two-family zone as being a buffer between
 9 your single families and the more intense use of
 10 your industrial and commercial zones that are
 11 generally along North and South Avenue. This is the
 12 only parcel that is vacant in the area, so it's
 13 unique.
 14 Going into the positives, again the
 15 purposes of zoning and they're mimicking your Master
 16 Plan, I believe that we comply with A, which is to
 17 encourage municipal action to provide the
 18 appropriate use and development of all lands in the
 19 state in a manner which will promote public health,
 20 safety morals and general welfare.
 21 The general welfare in this case when
 22 you're getting rid of a vacant lot, you drive into a
 23 neighborhood, the last thing you want to see when
 24 you enter into the residential neighborhoods are
 25 vacant lots. It should be developed. The lot is

JAMES WATSON, P.E.

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1 well kept, it's not an eyesore but it's still a
 2 large vacant lot.
 3 Next, I believe we comply with C which
 4 is to provide adequate air, light and open space.
 5 Like I said, with the exception of that small
 6 variance created by the porch, we have all of your
 7 coverages, we meet all of your setbacks. So we
 8 provide the adequate air, light and open space.
 9 Moving down, I believe we comply with
 10 I, which is to promote desirable visual environment
 11 through creative development techniques, good civic
 12 design and arrangements. Again, the side-by-side is
 13 somewhat new. The treatments to the sides,
 14 especially along the street and in the front
 15 provided by Mr. Waga and at the suggestion of the
 16 board, was very creative. I think lowering that
 17 siding and treating the foundation with a much nicer
 18 look is very innovative.
 19 Finally, I believe that we meet M,
 20 which is to encourage coordination of various public
 21 and private procedures and activities shaping land
 22 development with a yield lessening the cost of such
 23 development and to be more efficient use of land.
 24 This lot is on two streets that are
 25 totally developed. We don't need sewers, we don't

JAMES WATSON, P.E.**36**

1 need gas mains, we don't need water mains. We don't
 2 need anything. We're just going to hook back up.
 3 In addition to that, I believe getting rid of a
 4 non-conforming lot and creating two conforming lots
 5 is a big plus.

6 Again, when I looked at your Master
 7 Plan and you Re-examination, all of this is mimicked
 8 in the Master Plan Re-examination.

9 Next, negatives. In this zone since
 10 it's a permitted use, any negatives are usually
 11 anticipated: Normal residential noise, normal
 12 residential activity with traffic and lights. I
 13 don't think anything is special about this other
 14 than the fact that the orientation of the units is
 15 side-by-side.

16 If you can come up with a condition to
 17 mitigate some of that negativity, you know, we're
 18 more than happy to listen but I don't think there
 19 are any negatives at all.

20 Side-by-side is allowed in every
 21 surrounding town. I don't know of anybody else that
 22 has a requirement where it has to be up and down.
 23 Side-by-side is entertained no matter where you go.

24 When you weigh out the positives of
 25 creating conforming lots, getting rid of a vacant

JAMES WATSON, P.E.**38**

1 drainage also.

2 MR. NIERSTEDT: I understand that but
 3 in the right-of-way?

4 MR. VINEGRA: Maybe what you can do is
 5 we can grant them preliminary and they don't have to
 6 come back for final. Sometimes we do final for
 7 conformity and they don't have to bring back
 8 professionals.

9 CHAIRMAN GREET: That's fine.

10 MR. NIERSTEDT: I just want to make
 11 sure because to me it would be a matter of pursuant
 12 to code or Master Plan talks about shade tree every
 13 40 feet of driveway.

14 MR. HEHL: That's no problem.

15 MR. NIERSTEDT: And also the standard
 16 that should be two on Maple and two on Willow.
 17 Thank you very much.

18 Obviously they'll repair or replace
 19 anything that is damaged in the right-of-way,
 20 sidewalks, curbs, driveway aprons. So thank you
 21 from the engineering perspective.

22 From the planning perspective, to me
 23 you have a conforming building in essence except for
 24 the height, stories.

25 THE WITNESS: And that's debatable.

JAMES WATSON, P.E.**37**

1 parcel, getting a new -- two new structures on new
 2 lots, I think that all of those positives greatly
 3 outweigh any negatives that anybody can come up
 4 with.

5 And finally, I hope you agree with me,
 6 and it is my opinion that by granting the variances
 7 and waivers that we are asking for, there is no
 8 substantial detriment to your Master Plan or zoning
 9 ordinance.

10 Everybody still awake? We're doing
 11 good?

12 MR. HEHL: Thank you, Mr. Watson.

13 CHAIRMAN GREET: Any questions of the
 14 Board for this witness?

15 MR. NIERSTEDT: Victor, so what this
 16 really boils down to is the applicant has agreed to
 17 your engineering comments and I would just like to
 18 make sure of three things, one is the chain-link
 19 fence that is there today will be gone.

20 THE WITNESS: Yes.

21 MR. NIERSTEDT: Number two, I didn't
 22 see anything about shade trees, Victor. They'll
 23 conform in terms of --

24 MR. VINEGRA: Yeah, they have to grade
 25 the whole lot and supply the -- they have no

JAMES WATSON, P.E.**39**

1 MR. NIERSTEDT: That's what I'm
 2 saying. And so I heard your comment about, you
 3 know, the houses were, quote, unquote, yesterday.
 4 And what I'm curious and I would like to discuss
 5 with fellow members of the Board is, you know, we're
 6 supposed to look at the character of the
 7 neighborhood.

8 So my first question to you is are
 9 there any other properties, any other structures in
 10 this neighborhood that are at three-and-a-half
 11 stories?

12 THE WITNESS: Three-and-a-half, no,
 13 but side-by-side, there are several in the area.
 14 Looking at the tax map, Lot 21, Block 303 is a
 15 side-by-side. Lot 20 is a side-by-side. And across
 16 the street catty corner Lot 3 in Block 305 is also a
 17 side-by-side. It's not the predominant design but
 18 they are there.

19 MR. NIERSTEDT: So we do have
 20 side-by-sides. And like you said maybe now is not
 21 the time, we can discuss it later but I would like
 22 to discuss with fellow Board members, this was
 23 written in '85, the code. I mean, are we changing
 24 the character? Are we willing to change it? Is
 25 this a precursor perhaps for a code change?

JAMES WATSON, P.E.**40**

1 CHAIRMAN GREET: This is for
 2 discussion after the fact.
 3 MR. NIERSTEDT: Or -- and you're
 4 right. I agree with you. The reason I'm bringing
 5 it up now is in case they would like to add to the
 6 conversation because if we just go into Board
 7 discussion, they won't be able to comment. And I'm
 8 very open at this point. I really don't know where
 9 I am on this application because of the
 10 three-and-a-half stories.

11 And so I would be curious -- and I
 12 apologize, the train of thought just left, we have
 13 side-by-side -- okay, because I mentioned at the
 14 last meeting how we had Victor as zoning officer had
 15 submitted a request or you had an applicant submit a
 16 request regarding three-and-a-half stories, 35 feet
 17 and we sat here and approved that and every time I
 18 look at it, I can't stand it. And so I don't know
 19 if I want to go down that road again. So do you
 20 have any thoughts on that?

21 THE WITNESS: Side-by-side, one of the
 22 advantages for that and putting the driveways in the
 23 front, if you look at the older side-by-sides that
 24 were done, they may be a little less tall but the
 25 other problem you get is because they don't have the

JAMES WATSON, P.E.**41**

1 garages underneath and you can get cars in there and
 2 off the street, they pave all the way around the
 3 house.

4 Lot 21, Block 303 has a driveway that
 5 enters from Maple. They also have parking coming in
 6 off Willow. When you look at the other designs,
 7 there's a lot more pavement than what we're showing.

8 So I think the benefits, giving you
 9 more green space versus keeping you under your limit
 10 of 35 feet but giving you room to get a car off the
 11 street and out of sight, I think that's a big plus.

12 MR. NIERSTEDT: So you think that's a
 13 planning or variance criteria satisfaction, that
 14 outweighs concern about what the predominant
 15 structures are in the neighborhood and the character
 16 of the neighborhood?

17 THE WITNESS: Well keep in mind that
 18 if you allow this and some of the other ones you are
 19 dealing with, you're going to see these start to be
 20 redeveloped. And you're going to see a side-by-side
 21 come in a lot more than an up and down come in.

22 MR. NIERSTEDT: You're right and I
 23 think that's what we should discuss.

24 CHAIRMAN GREET: And that we will,
 25 Bill. So any other questions?

JAMES WATSON, P.E.**42**

1 MAYOR TODISCO: I have a quick
 2 question about curb cuts. So on the review letter,
 3 Page 8 of 10, it said the four driveway and curb
 4 openings proposed leaves no room for vehicles to
 5 park on the street. Just from the color rendering
 6 shown earlier, it looks like the 40-foot building on
 7 the interior of the two lots, the curb in front of
 8 that area, is your assessment also that a car could
 9 not fit there or, I mean, depends on the type of
 10 car, I'm sure, but...

11 THE WITNESS: Right. We have 12 feet
 12 in between the interior lot -- let me check the
 13 scale -- and we have about four or five feet in
 14 between the corner lot. Keep in mind that we are
 15 removing the curb cut on Maple and you do have
 16 110 feet of frontage along Maple Street that is
 17 available for on-street parking as well.

18 MAYOR TODISCO: So the curb -- I'm
 19 just trying to clarify, so the cut that exists on
 20 Maple will be no longer?

21 THE WITNESS: That is going to be
 22 taken out. The driveway apron is going to be
 23 removed. There's some pavement in between the
 24 sidewalk and the property because there was a garage
 25 back there at one time, I'm going to assume. So

JAMES WATSON, P.E.**43**

1 that's all coming out, that's going to be grass.

2 MAYOR TODISCO: Okay. I have to say
 3 it's very positive to have the additional curb on
 4 Maple because you don't want to have a situation
 5 where you're grandfathering in essentially two curb
 6 cuts which, for this, would actually be three on a
 7 corner lot.

8 THE WITNESS: That curb cut is 22 feet
 9 long. If I recall correctly, you need 24 feet for a
 10 parallel parking space. So you're almost -- there
 11 you're adding at least one whole car by removing
 12 that curb cut on Maple.

13 MAYOR TODISCO: Okay. I just want to
 14 make sure that on Willow your assessment is also
 15 that a car could not fit in that space?

16 THE WITNESS: In between, correct.

17 MAYOR TODISCO: Okay, but we're adding
 18 essentially a space on Maple.

19 THE WITNESS: Right. And some of the
 20 discussion about that with our concept hearing, we
 21 tried to put the driveways together and we still
 22 couldn't get a conforming parking space between the
 23 two lots.

24 So whether you have a non-conforming
 25 space between here and you push the driveways

JAMES WATSON, P.E.**44**

1 together and then put stairs on the outside, I think
 2 the setup and the visual from the streetscape point
 3 of view this looks a lot nicer than a
 4 half -- gaining three-quarters of a parking space.
 5 MAYOR TODISCO: Okay. Appreciate
 6 that.
 7 MR. BARCAN: So I drove the street and
 8 as you get down to -- go down towards center, there
 9 seemed to be some two-family homes. I couldn't tell
 10 whether they were one above the other or
 11 side-by-side. How do you --
 12 THE WITNESS: If the doors were
 13 side-by-side, whether they entered on the first
 14 floor, the ground floor, or they had stairs up and
 15 there were two doors visible, that's what I used as
 16 a criteria. And two families to me are two
 17 doorbells, two meters and two doors.
 18 MR. BARCAN: What I'm not
 19 understanding, let me restate this, how does it
 20 appear to be different from the street if they're
 21 side-by-side or one over the other? How can you
 22 tell?
 23 THE WITNESS: One above the other a
 24 lot of times has a single entrance where you go in
 25 and you go -- if the entrance is on the left, you go

JAMES WATSON, P.E.**45**

1 in, turn right to go into the ground floor unit, go
 2 straight up the stairs to go into the second floor
 3 unit.
 4 Sometimes they are not as visible as
 5 the two doors that we're showing here but we think
 6 that the pluses of a side-by-side unit, the privacy
 7 issues, the identity for each one where there's no
 8 problems with maintenance, who's taking care of the
 9 driveway, who's cutting the grass, who's doing what.
 10 It's pretty evident by this who takes care of what.
 11 And I mean I know there's some
 12 discussion about condominiums but I don't think that
 13 should be an issue with this. You could make a
 14 condo out of anything with a one-family.
 15 MR. BARCAN: So basically aesthetic?
 16 THE WITNESS: Yeah. And this is
 17 newer. It's not brand new, it's been around. This
 18 design you will see in row houses in the city. But
 19 everybody is starting to go to this because of the
 20 privacy issues and the issues of maintenance and
 21 identity. So something like this is not the wave of
 22 the future but that's what everybody is going to
 23 want when they come in.
 24 MR. BARCAN: Okay.
 25 CHAIRMAN GREET: Bill?

JAMES WATSON, P.E.**46**

1 MR. NIERSTEDT: To add on to Steve's
 2 comment because I think he's right on the mark. I
 3 couldn't tell either. You know, you look at that
 4 one door because a lot of structures out there are
 5 brick and you have one staircase going up and you
 6 look at that one door and it is identical
 7 side-by-side, you don't know. You don't know unless
 8 you are actually in the foyer and you see there's
 9 stairs going up or if there's two doors on either
 10 side and they both have top and bottom.
 11 MR. FRASER: You see two meters.
 12 THE WITNESS: Two meters, two
 13 doorbells.
 14 MR. NIERSTEDT: You know it's
 15 two-families but don't know if it's up and down or
 16 side-by-side.
 17 THE WITNESS: They're two-families.
 18 MR. NIERSTEDT: I know they're
 19 two-families, but I don't know if they're
 20 side-by-side or up and down.
 21 THE WITNESS: If you only had one door
 22 to get in, I don't know if you would be able to do
 23 side-by-side.
 24 MR. NIERSTEDT: I have been in some of
 25 them. I know that some of them do have two doors.

JAMES WATSON, P.E.**47**

1 THE WITNESS: On the outside?
 2 MR. NIERSTEDT: No, the inside.
 3 MS. VILLAGGIO: Side-by-side.
 4 THE WITNESS: So you have one main
 5 then side-by-side?
 6 MR. NIERSTEDT: Yeah, one main.
 7 THE WITNESS: Like a six by six and
 8 then you turn left and right.
 9 MR. NIERSTEDT: Yes. And that would
 10 actually help your argument. But you have to go
 11 into every one to find out.
 12 THE WITNESS: I took the obvious ones.
 13 MR. NIERSTEDT: I am not that -- I'm
 14 curious.
 15 MR. MCCORMACK: I have a question. I
 16 think this may pertain to Victor. So we have a
 17 vacant lot. We're going to rebuild this lot. Is
 18 this lot not required to have any type of drain well
 19 for the drainage on the roof systems?
 20 THE WITNESS: We're going to take care
 21 of that --
 22 MR. MCCORMACK: You mentioned all the
 23 water would be pitched to the sewer that we have
 24 now. So I'm asking are we having a dry well on the
 25 piece of property for rainwater?

1 THE WITNESS: Yes. We'll conform with
2 all those regulations. We just didn't want to go
3 through the whole thing because then if we got
4 turned down, he's eating a large check.

5 We can put dry wells here. The reason
6 I mentioned the pitch is because if you have a very
7 flat lot and you have no way to get water off the
8 lot, it's a problem. In this case you have
9 three-and-a-half feet of pitch from one corner to
10 the other, it's perfect.

11 CHAIRMAN GREET: Any other questions
12 of the Board? Seeing none, I'll open it up -- close
13 that and open it up to the general public for
14 questions of this witness. AI?

15 MR. DEL CONTE: AI DelConte, 545
16 Locust Avenue. Just so the Board is aware, the
17 expert is telling us that we have no empty lots on
18 that street. On the 600-block of Willow Avenue,
19 yes, you do have vacant lots. One is up for sale
20 now, it's where the house burnt down. I don't know
21 the address but that's on the 600-block.

22 And also what came in front of this
23 board several months ago was the Seville property
24 that the Statewide Fence is in. They have two empty
25 lots behind that on also Willow Avenue that they use

1 now for storing of fence material.

2 So there are three vacant lots on the
3 600-block of Willow Avenue. And there's also a
4 vacant lot on the 600-block on Myrtle and there's
5 also a vacant lot on the 500-block of Myrtle, just
6 to give you what's in the area.

7 MR. FRASER: That was actually
8 testimony, which you have the opportunity certainly
9 to give, but since we got you why don't we just
10 swear you for a second so the Board can consider
11 that testimony.

12 A L D E L C O N T E, is sworn.

13 MR. FRASER: Please state and spell
14 your name for the court reporter, please.

15 MR. DEL CONTE: AI DelConte, D-E-L,
16 capital C, O-N-T-E, 545 Locust Avenue, Garwood.
17 Thank you, that's all.

18 CHAIRMAN GREET: Anyone else from the
19 public?

20 MR. SINCLAIR: Hugh Sinclair, 228
21 Second Avenue in Garwood.

22 The den, this question, the den on the
23 second floor at the end of the hallway, I don't know
24 if we decided or did you decide to put a window in
25 that room or not put a window in that room. I was

1 thinking of it becoming a bedroom and the idea of
2 making that a den or an office, I often fall asleep
3 in my den. I would be happier to see a window in
4 that room just for safety reasons just in case.
5 Also it's nice to have a den with a window in it
6 than not. I'm not sure -- the last time I know
7 there was a big discussion, last round but not
8 today.

9 MR. FRASER: That's actually I think
10 for Mr. Waga. He's been sworn so he can testify.

11 MR. WAGA: Sure. Actually there is a
12 den -- there is a window outside of that what is now
13 the common area. So there is a window. We made a
14 provision for that.

15 MR. SINCLAIR: That was it. Thank
16 you.

17 CHAIRMAN GREET: Thank you. Anyone
18 else from the public? Seeing none, I will close
19 this portion of the meeting and it is up for general
20 discussion now. Bill?

21 MR. FRASER: Well, first, Mr. Hehl, do
22 you have any further witnesses?

23 MR. HEHL: We have no further
24 witnesses at this time.

25 MR. FRASER: Then secondly, the

1 question would be whether anybody from the public
2 wishes to comment positively or negatively or
3 provide any --

4 CHAIRMAN GREET: I was going to have
5 discussion first.

6 At this time I will open it up to
7 general public for general comments on this
8 application, if anybody has any? Seeing none, I'll
9 close that portion of it.

10 Now we'll open it up to discussion
11 among the Board.

12 MR. HEHL: Would you want me to sum up
13 now or wait --

14 CHAIRMAN GREET: Let's discuss then
15 you can sum up.

16 MR. HEHL: Great. Thank you.

17 MS. VILLAGGIO: I think the
18 side-by-side, like at first I didn't like it. But
19 with you working with us and listening to what we
20 suggested here on the Board, I think this is an
21 excellent improvement. So that's my comment.

22 CHAIRMAN GREET: I totally agree with
23 Kathy. I was initially a little conservative on
24 going side-by-side because of the nature of the
25 community. But I think overall, we had a really

1 very good working relationship with this -- with
2 this group and they in turn made modifications and
3 adjustments based on some conversation that we had
4 among the Board and among the folks in the audience
5 as well.

6 So they were very receptive. They did
7 a significant number of changes to their original
8 drawings which I think, as one of the application
9 owners had made reference to, just enhanced the
10 whole property and the look of it. And I think -- I
11 think it's going to be a significant improvement to
12 that lot and to that area.

13 MAYOR TODISCO: I would like to
14 quickly add that while the height would be a concern
15 of mine as well, the pitched driveways had me of
16 greater concern and I was very happy to see that
17 change come through. We have seen that at at least
18 one other location in Garwood and with the snow it
19 can really pose an issue. So that improvement
20 really helps build the case for me.

21 MR. NIERSTEDT: I guess what it comes
22 down to for me is the borough is composed of
23 one-and-a-half Cape Cods, two-and-a-half-story
24 houses. You don't find too many of this type. And
25 while I understand the comments the mayor has made

1 about not having a community garage underneath or
2 underground, I should say, and I agree
3 wholeheartedly, raising it, -- I don't know I'm
4 still open -- raising it, you still could provide
5 the two-and-a-half-story house on this lot.

6 To be frank with you, what it comes
7 down to, and not just here and I know I'm not saying
8 something brand new to everybody, it comes down to
9 economics and it comes down to we're looking at this
10 as a vacant lot.

11 As Mr. Watson said, getting two new
12 two-family houses built on here, hey, I think that
13 lot has been vacant since the day I moved here and
14 I'm sure that the rest of you, that lot has been
15 vacant for a very long time.

16 So yes, I would like to see something
17 built there. I guess what I'm asking fellow Board
18 members on 50-foot wide lots, which is what the
19 standard is here in town, this is what we're going
20 to be looking at down the road on future
21 developments.

22 As you stated, nobody is going to
23 build up and down. So are we -- I'm not saying it's
24 good or bad, are we changing the character of
25 development that we're going to have in the future?

1 And are we going to do this by variance and by
2 interpretations or are we going to end up amending
3 the code to say that three-and-a-half stories are
4 okay?

5 CHAIRMAN GREET: Personally I think
6 the concept is that we should do it by variance,
7 individual processes for each unit that comes before
8 us.

9 MR. NIERSTEDT: But if we do it --
10 that's a conversation that can go on forever so I'm
11 not going to get into that too far, but if we do
12 that, what would be the practical difficulties, to
13 get into planning lingo, of not building a
14 conforming structure? There aren't any.

15 As Mr. Waga said, this is a flat piece
16 of property. There is nothing unique about this
17 property that is giving it any c(1) hardship
18 ordinance. Mr. Watson went through the c(2), which
19 I understand. Doing it lot by lot, we have a flat
20 municipality with the square lots. I don't know
21 what the hardships are going to be on each and every
22 property. And if we are going to go c(2), then we
23 might as well just amend the code to allow that.

24 And in the meantime, are we concerned
25 about three-and-a-half-story structures being next

1 door to one-and-a-half and two-and-a-half, will that
2 negatively effect?

3 MR. NAPOLITANO: It's a two-family
4 zone.

5 MR. NIERSTEDT: It's a two-family
6 zone, yes.

7 MR. NAPOLITANO: Not talking about the
8 whole town.

9 MR. NIERSTEDT: No, but most of the
10 town is -- well, I say most of the town, most of the
11 town are one but I would say at least a third of the
12 town is two-family.

13 MS. VILLAGGIO: But if you look at the
14 ones on Second Avenue, the 300-block of Second,
15 those are two-families, no different.

16 MR. NIERSTEDT: Right, the same
17 zoning.

18 MS. VILLAGGIO: Right. No different
19 than -- except those are up and down two-families
20 and this is side-by-side. And if you look at those
21 two-families on Second Avenue, you know, a number of
22 them, three at least, they're not that much
23 different except it's up and down with the third
24 story.

25 MR. NIERSTEDT: Which block?

1 MS. VILLAGGIO: The 200-block.
 2 MR. NIERSTEDT: 200-block?
 3 MS. VILLAGGIO: 200-block of Second.
 4 Underneath parking level and then the first floor,
 5 second floor. So it isn't any different.
 6 But I like this concept. I didn't
 7 like it in the beginning like I have indicated,
 8 however, you know, based upon what I have heard I'm
 9 for it. The testimony justified it.
 10 MR. McCORMACK: If I may, I see that
 11 the rendering where we are now from where we started
 12 is totally a different rendering. It was great the
 13 way this looks right now, I love it. But I'm going
 14 to have to side with my counterpart over there, Bill
 15 Nierstedt, and I think we're going to be changing
 16 the whole dimension of the town if we keep approving
 17 this type of building code.
 18 This is a large structure. This is --
 19 I could be quoted differently on this but we're
 20 going to stop some light from shining on somebody
 21 else's piece of property with this structure. And
 22 it's going to continue through the town, so we are
 23 setting a precedent with this building.
 24 So, again, I'm going to agree with
 25 Bill on this. That's my statement on that.

1 MAYOR TODISCO: I am glad I get to go
 2 next because my question is probably for Mr. Fraser.
 3 I haven't even been on the Planning Board a full
 4 year yet so, but what I caught earlier in the
 5 conversation was that this variance for the number
 6 of stories is really a "just in case they need it,"
 7 saying that you could argue either way that the
 8 garage floor is a story or is not a story.
 9 Could you speak a little bit more to
 10 that so that I could feel a little bit more in the
 11 know about this matter?
 12 MR. FRASER: I know that this issue
 13 has had some history in this Board. And I'm
 14 choosing my words carefully because I don't know
 15 that with the passage of time there has always been
 16 the same interpretation. Reasonable minds could
 17 differ as to whether this is a
 18 three-and-a-half-story structure or a
 19 two-and-a-half-story structure.
 20 If I were in the position of being the
 21 applicant -- because it's less than 35 feet, so from
 22 a height perspective you don't have it. The
 23 question is, is that, I won't call it a story, but
 24 is that level that has the garages, is that a story?
 25 Now, when they were digging down and it's below

1 street level and you have the tilty driveway, it's
 2 not a story.
 3 Where that garage is built at grade
 4 level, there are those who will argue, and at least
 5 in one occasion, actually I think I was not here
 6 that evening but a substitute took my place, but on
 7 one occasion I believe several years ago, this Board
 8 concluded that that was a story and someone was
 9 turned down for an application. I forget who it was
 10 but then most recently -- no, I don't forget who the
 11 applicant was, I know who the applicant was, I know
 12 who got turned down. But then there was another
 13 application sometime within the last year or two
 14 that it was viewed as it's not a story.
 15 So if I'm the applicant here, and I am
 16 compliant with the height requirement, which they
 17 are, I take the position it's not a story, but if
 18 it's a story then I want the variance. And I think
 19 that's the correct way for an applicant to approach
 20 it.
 21 I'm not going to sit here and -- first
 22 of all, I'm not qualified to but I don't have the
 23 power to rule whether that is, in fact, a story so
 24 that it's three-and-a-half requiring a variance or
 25 if it's not a story, so that it's two-and-a-half and

1 it doesn't.
 2 This Board has in the past, with the
 3 passage of time, with independent applications and a
 4 change of composition of the Board, the Board has
 5 not been speaking of one mind on that issue.
 6 MS. TODISCO: I appreciate the
 7 insightful answer on that. It says to me my
 8 interpretation earlier stands true. How I felt, as
 9 I indicated five minutes ago, stands true that if
 10 it's a variance "just in case" situation, then to me
 11 the height being conforming I don't see why this
 12 would be a detriment to the area. I can see the
 13 detriment of a below-grade driveway but I can't see
 14 the detriment of the height.
 15 And I think it sounds like we can go
 16 down a really wishy-washy path if we are concerned
 17 about the story when it sounds like it could be
 18 argued either way. So that, in my opinion, should
 19 not be a make or break for anyone but for me, it's
 20 certainly not -- I'm comfortable with the height.
 21 CHAIRMAN GREET: And that being said,
 22 I just -- again, that gets back to my rationale
 23 where I don't think necessarily a blanket ordinance
 24 across the board should be implemented because we
 25 don't have a lot of vacant property, number one.

1 Number two, I think it should be taken
2 on an individual case-by-case basis and seen that
3 way and discussed and looked at on a unique way and
4 as we're doing now, we make a decision on whether we
5 do or whether we don't.

6 MR. FRASER: Moreover, the ordinance
7 is not before you now.

8 CHAIRMAN GREET: No, it's not.

9 Okay. Would you like to sum up,
10 Mr. Hehl?

11 MR. HEHL: Just, again, briefly and we
12 appreciate the dialogue of the Board and
13 certainly --

14 MR. VINEGRA: Well before he sums
15 up --

16 MR. HEHL: Oh, I'm sorry.

17 CHAIRMAN GREET: I'm sorry.

18 MR. VINEGRA: -- the main concern I
19 have is on the first one, the concept A, the drawing
20 A-1A, do you have a rendering of it, the floor plan
21 for A-1 -- A-1A? On the den it came up before as
22 the third floor.

23 MR. WAGA: Yes.

24 MR. VINEGRA: How is that den laid out
25 now? Looking at old plans.

1 MR. WAGA: No, this is the new plan.

2 MR. VINEGRA: Right.

3 MR. WAGA: So this is SK2 I believe or
4 SK1.

5 MR. VINEGRA: Was that ever submitted
6 to the board members?

7 MS. VILLAGGIO: Here.

8 MR. WAGA: It was. It was an exhibit
9 this evening.

10 MR. VINEGRA: No, but I don't have it,
11 it's too small. You didn't submit a 24-by-36, so
12 continue.

13 MR. WAGA: Okay.

14 MR. VINEGRA: I can't read that thing.

15 MR. WAGA: So to the top of the stair,
16 top of the stair you will make a left to access the
17 bathroom and the bedroom. You will make a right
18 into what is an open area. And then you will also
19 bypass that area to get into what will be the second
20 bedroom or the larger of the two bedrooms.

21 On the right side of that unit, I
22 offered an alternate idea where the den is now
23 deeper left to right and shallower front to back.
24 Walk-in closet for this bedroom is larger in
25 capacity.

1 The volume of the two closets in this
2 particular case for this bedroom equals the volume
3 for the area of this left side, as does the area of
4 this office area. It is wider because it's now
5 incorporated in the hallway. We created a little
6 privacy screen or a full height wall that will
7 buffer this furniture arrangement in this area here
8 from the access to the bedroom.

9 MR. VINEGRA: Are there stairs to the
10 upper level or is it pull down.

11 MR. WAGA: Pull down, as was stated
12 earlier.

13 MR. VINEGRA: Now I'm looking at the
14 past plan and that's a superior design, the new one?
15 Because the past plan the den was of a size that
16 someone could convert to a bedroom. And the issue
17 becomes now you don't have fire ingress and egress
18 through a window. We're finding apartment buildings
19 are starting to pop up this way. Designers are
20 making them with a den to save on windows and to
21 save on heating systems and people are using them as
22 bedrooms and they're becoming fire problems.

23 This is a far superior plan. So with
24 the pull down, because there is a utility room on
25 the lower level, that there is storage. So you want

1 storage for the occupiers. So at least now they
2 have a pull down instead of walk up so nobody is
3 going to convert the third floor. And you have some
4 storage down below, so this is a superior layout to
5 the other one.

6 MS. VILLAGGIO: Thank you.

7 CHAIRMAN GREET: Thank you.

8 MR. HEHL: Again, just briefly, we
9 truly appreciate the Board, the Board professionals'
10 feedback that we received. I think this is a far,
11 far superior plan then when we first submitted it
12 and even made better from the last hearing.

13 With respect to -- I think there is
14 great benefits to providing as we said the
15 configuration of the side-by-side, both in the
16 ability and the quality of life of the residents of
17 those properties utilizing the -- being able to
18 utilize and have some privacy in the rear yard.

19 And with respect to the number of
20 stories, which I know has been discussed here,
21 again, we have a structure that complies with the
22 height. So stories many times we have had them and
23 it's based upon either how a property is graded or
24 how you -- how that home is designed.

25 So I think the key is that we don't

1 need a height variance, we comply with the height.
2 And the steps that Mr. Waga has taken in the design
3 of this property in making it look and have nice
4 synergy extending the siding down really provides a
5 benefit.

6 So I think that the variances that
7 we're seeking, yes, they are under a c(2), I think
8 the benefits of granting those variances,
9 eliminating a nonconforming lot, having two totally
10 conforming lots, that the variances associated with
11 this application far outweigh any detriments.

12 And we appreciate, again, the Board's
13 time. So thank you.

14 CHAIRMAN GREET: Thank you, Mr. Hehl.
15 With that, do we have any further questions by the
16 Board?

17 MR. NIERSTEDT: Just in closing,
18 Mr. Chairman, when I raised the question before, I
19 indicated I was undecided. I wasn't trying to
20 indicate "yes" or "no" but I do think it's something
21 that we should consider as a board because I
22 honestly don't know, and I apologize if I'm
23 repetitive, but I honestly don't know what peculiar
24 situations are going to exist, what particular
25 suitability, particular unsuitabilities are going to

1 MR. VINEGRA: It has nothing to do
2 with this application but I think the control height
3 in the municipality, that's how you're going to
4 control it.

5 MR. NIERSTEDT: I guess what it comes
6 down to for me here is, I'm torn between I want the
7 property developed, I want one or two two-families.
8 We're getting conforming lots. I think the variance
9 is required for three-and-a-half stories. And I
10 think this is an application that is going to be
11 approved. I'm not going to lose any sleep over it,
12 but I probably will vote no because that
13 three-and-a-half stories it's going to tower and be
14 out of character with the rest of the neighborhood.

15 But if we wanted to amend the code to
16 allow for three-and-a-half stories around the town,
17 I think that's the...

18 CHAIRMAN GREET: Thank you, Bill.
19 Anyone else?

20 MS. VILLAGGIO: I have already said
21 what...

22 MS. TODISCO: Mr. Chairman, just to
23 follow up to what Mr. Nierstedt said, the question
24 about looking into the ordinance moving forward,
25 perhaps that's something that the joint committee of

1 exist on future square 50-by-100-foot lots where
2 someone is going to propose three-and-a-half
3 stories.

4 To me this is three-and-a-half
5 stories. And I don't like the one that we approved
6 over on -- is that Willow? Is it -- no, next one
7 down, Myrtle?

8 MR. VINEGRA: Yeah, I think it was
9 Myrtle.

10 MR. NIERSTEDT: Myrtle?

11 MR. VINEGRA: It was an existing
12 building, though.

13 MR. NIERSTEDT: Right. Right.
14 Understood.

15 MR. VINEGRA: They were finishing the
16 attic.

17 MR. NIERSTEDT: Yeah, it so towers
18 over the rest of the neighborhood.

19 MR. VINEGRA: I always used to
20 interpret it as three was not permitted, 35 feet,
21 but then we looked at the reading of it. I think
22 we've got to look at the ordinance and say maximum
23 stories is now 35 feet. Keep it at 35 feet but
24 limit the stories.

25 MR. NIERSTEDT: Right.

1 the Planning Board and Council could look at before
2 it goes to a process, whichever board can look at
3 that first.

4 CHAIRMAN GREET: Okay. Anybody else?
5 Steve?

6 MR. BARCAN: And just as a procedural
7 thing, the report points out all the details that
8 are missing here. And the applicant is agreeable to
9 providing it in the future, so I'm not sure what the
10 right approach is. There should be probably a bunch
11 of waivers requested just to formally cover that and
12 I don't know if they're getting final or...

13 MR. VINEGRA: No, what I recommend is
14 vote on preliminary only tonight and then final the
15 board can --

16 MR. NIERSTEDT: He's asking about
17 completeness waivers.

18 MR. BARCAN: There are submission
19 waivers.

20 MR. VINEGRA: Conditionally
21 requesting, correct. Requesting waivers from
22 drainage, waivers from grading, waivers from
23 numerous things that are in the checklist. So
24 they're official checklist items. This Board can
25 deny those waiver requests.

1 MR. NIERSTEDT: We're talking about
 2 completeness waivers, right? They're deemed
 3 complete with and are requesting waivers?
 4 MR. VINEGRA: Correct.
 5 MR. NIERSTEDT: So that has to do with
 6 your application. We probably should have heard
 7 them first.
 8 MR. VINEGRA: Right. This board has
 9 to determine if they're satisfied with the applicant
 10 not submitting grading plans.
 11 CHAIRMAN GREET: But they would have
 12 to submit grading plans through your office before
 13 it gets final approval?
 14 MR. VINEGRA: Correct. But the expert
 15 did testify that this is a flat lot and it's not a
 16 very difficult grading exercise for this type of
 17 construction, and I'm satisfied with that.
 18 He doesn't show any of the landscaping
 19 but he has to show landscaping and the roof leaders
 20 tying into the drainage system. All these items
 21 that the Board will look at, that's fine.
 22 MR. NIERSTEDT: Mr. Chairman, if you
 23 want a motion put forth to grant those completeness
 24 waivers, I would be more than happy to do that so we
 25 can proceed. Is that what you're asking,

1 MS. LEWIS: Steve Barcan?
 2 MR. BARCAN: Yes.
 3 CHAIRMAN GREET: Okay, motion carries.
 4 Thank you, Steve. Anyone else? Okay. Then at this
 5 time do I hear a motion to approve this application?
 6 MS. VILLAGGIO: I will make that
 7 motion to okay the application with the
 8 variance -- variance for setback, side-by-side,
 9 stories and I think that's it.
 10 MR. FRASER: So, Kat, that would be
 11 for the variances but for preliminary but not final
 12 site plan approval?
 13 MS. VILLAGGIO: Yes, correct.
 14 MR. NIERSTEDT: Can I ask a question.
 15 This doesn't require site plan approval.
 16 MR. FRASER: It applies that they're
 17 applying for preliminary and final.
 18 MR. NIERSTEDT: One- and two-families
 19 don't require site plan approval.
 20 MS. VILLAGGIO: Preliminary and final
 21 but there are a number of items that need to be
 22 addressed with our engineer. We can make it a
 23 condition.
 24 MR. FRASER: I think Bill's point is
 25 well taken. So what it really is is with all of

1 Mr. Barcan?
 2 MR. BARCAN: Yes, I think to cover the
 3 bases.
 4 MR. VINEGRA: He's right.
 5 MR. NIERSTEDT: I would make a motion
 6 then that we grant the submission waivers that are
 7 being requested by the applicant.
 8 MS. VILLAGGIO: I will second that.
 9 CHAIRMAN GREET: Roll-call.
 10 MS. LEWIS: Mayor Todisco?
 11 MS. TODISCO: Aye.
 12 MS. LEWIS: Ken Capobianco?
 13 MR. CAPOBIANCO: Yes.
 14 MS. LEWIS: Councilman McCormack?
 15 MR. MCCORMACK: Yes.
 16 MS. LEWIS: Stephen Greet?
 17 CHAIRMAN GREET: Yes.
 18 MS. LEWIS: Kathy Villaggio?
 19 MS. VILLAGGIO: Aye.
 20 MS. LEWIS: William Nierstedt?
 21 MR. NIERSTEDT: Yes.
 22 MS. LEWIS: Steve Napolitano?
 23 MR. NAPOLITANO: Yes.
 24 MS. LEWIS: Sergio Simoes?
 25 MR. SIMOES: Yes.

1 those things to be conditions.
 2 MS. VILLAGGIO: Correct.
 3 CHAIRMAN GREET: And I will just add
 4 one item that I addressed already previously on this
 5 application, that is that all connection fees, in
 6 particular the sewer, be paid prior to any approvals
 7 going forward.
 8 MR. FRASER: You mean permits being
 9 granted?
 10 CHAIRMAN GREET: Yes.
 11 MR. FRASER: And Kat, those conditions
 12 that were part of your motion, that is subject to
 13 the approval of Harbor Consultants?
 14 MS. VILLAGGIO: Yes, it is.
 15 MR. FRASER: So we have a motion.
 16 CHAIRMAN GREET: I'll second it.
 17 MS. LEWIS: Mayor Todisco?
 18 MS. TODISCO: Aye.
 19 MS. LEWIS: Ken Capobianco?
 20 MR. CAPOBIANCO: Yes.
 21 MS. LEWIS: Councilman McCormack?
 22 MR. MCCORMACK: No.
 23 MS. LEWIS: Stephen Greet?
 24 CHAIRMAN GREET: Yes.
 25 MS. LEWIS: Kathy Villaggio?

1 MS. VILLAGGIO: Yes.
 2 MS. LEWIS: William Nierstedt?
 3 MR. NIERSTEDT: No.
 4 MS. LEWIS: Steve Napolitano?
 5 MR. NAPOLITANO: Yes.
 6 MS. LEWIS: Sergio Simoes?
 7 MR. SIMOES: Yes.
 8 MS. LEWIS: Steve Barcan?
 9 MR. BARCAN: Yes.
 10 MS. LEWIS: Motion carries.
 11 CHAIRMAN GREET: Congratulations.
 12 MR. HEHL: Thank you very much and
 13 look forward to the project moving forward.
 14 CHAIRMAN GREET: Good luck.
 15 MR. HEHL: I guess I don't get to say
 16 good night.
 17 CHAIRMAN GREET: No, you don't.
 18 Folks, we're going to take just a three-minute break
 19 to go through a few items and then we're going to
 20 reconvene. Thank you.
 21
 22 (Application concluded at 9 p.m.)
 23
 24
 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: June 14, 2019

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