

1 BOROUGH OF GARWOOD
2 PLANNING BOARD
3 REGULAR MEETING
4 403 South Avenue
5 Garwood, New Jersey
6 Wednesday, September 26, 2018
7 Commencing at 7:47 p.m.

STENOGRAPHIC
TRANSCRIPT OF
PROCEEDINGS

8 - - - - -X
9 IN RE: :
10 CASE NO. PB18-03 :
11 SOUTH AVE II URBAN RENEWAL, LLC, :
12 Applicant. :
13 :
14 Site Plan for 73 Unit Building :
15 Block 403, Lots 1-6, 19-22 :
16 423-453 South Avenue and :
17 424-440 South Avenue :
18 - - - - -X

19 B E F O R E :
20 STEVE GREET - Chairman
21 CHARLES LOMBARDO, Mayor
22 LOUIS PETRUZZELLI
23 SARA TODISCO, Councilwomen
24 STEVE NAPOLITANO
25 JOHN MALCOLM
DENISE RIDENTE
WILLIAM NEIRSTEDT
PAUL TARANTINO
MICHAEL VENA
KATHLEEN VILLAGGIO

Donald B. Fraser, Esquire, Board Attorney
Victor Vinegra, PE, Board Engineer
Leigh Flemming, Assistant Board Planner
Adele Lewis, Board Secretary

TRANSCRIBED BY AND BEFORE:
ToniAnn Acquaro, Professional Court Reporter, and Notary
Public of the State of New Jersey.

Job No. 3009415

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 2
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1 CHAIRMAN GREET: We have Case No. PB18-03,
 2 423-453 South Avenue & 424-440 South Avenue. The
 3 applicant is South Avenue II Urban Renewal, LLC. And
 4 I would like -- and Kathy brought up a good point
 5 earlier -- just as an introduction and I know this is
 6 not part of this application, but we all know your
 7 company and your firm is doing phase one. If you can
 8 just give us a brief --
 9 MR. MINKS: Absolutely. Ms. Villaggio
 10 actually gave me a little forewarning of that request
 11 so I was actually able to reach out to the project
 12 manager because, frankly, I couldn't have told you
 13 exactly when it's going to be done, in terms of the
 14 demolition. But as you all know we have been actively
 15 demolishing the existing improvements on the site --
 16 First of all, good evening. Good to see you
 17 all again. Mr. Mayor, Councilwoman, Mr. Chairman,
 18 it's my great pleasure to be back for phase two.
 19 The phase one, the demolition is ongoing.
 20 It's going in, I think you will all agree, a very
 21 orderly and neat and timely fashion. That's why we
 22 use the contractors that we use because we are very
 23 strict in particular about the way it's done. We have
 24 continued to get clean environmental reports for
 25 matters such as air quality and dust control and the

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1 I N D E X:
 2 A P P L I C A N T ' S W I T N E S S E S PAGE
 3 Douglas Bartels, P.E. 11
 4
 5 M E M B E R S O F T H E P U B L I C : PAGE
 6 Anthony Prieto 93
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 7 John Scalzadonna 109
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 10
 11 E X H I B I T S:
 12 A P P L I C A N T ' S D E S C R I P T I O N PAGE
 13 Exhibit 1 Engineering Plan 13
 14 Exhibit 2 Circulation Plan Sheet C3 with 18
 crosshatching
 15
 (Exhibits retained.)
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1 like. We submitted those to the mayor's office and
 2 we will continue to do the like. The next update will
 3 probably be next week.
 4 The demolition is ongoing. I got
 5 confirmation today about five minutes ago that all
 6 buildings and structures on the property will be
 7 completely demolished and raised with the debris
 8 associated with them largely removed from the site by
 9 next week, but for 400.
 10 There are some steel piles that are
 11 associated with the original construction of that
 12 building that we are doing subsequent testing on just
 13 to be make sure before we disturb anything there are
 14 no other environmental concern related to those piles,
 15 not for public health concerns, more so because we
 16 have to make sure that the debris is then taken to the
 17 proper disposal facility. That is, unfortunately,
 18 going to put a couple weeks' wrench into that.
 19 So I safely can say within the month
 20 everything will be demolished, raised, and the site
 21 will be secured for the next phase, which is
 22 environment remediation. At that time, within a
 23 couple of weeks I'm going to try to coordinate with
 24 the mayor's office with respect to offering another
 25 public outreach, if you believe it's important and

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1 necessary so that we can just -- I mean, it will be
 2 kind of obvious. We will tell people the building is
 3 down and we will start hauling dirt off the site.
 4 That's essentially what we are going to do,
 5 but it will give people an opportunity, maybe those
 6 who haven't come to the prior outreaches, that we did
 7 have the opportunity to hear what that environmental
 8 remediation is going to involve and give an estimate
 9 forecast as to the time period for which it will take
 10 place.
 11 With that said, I suspect that come spring
 12 we are going to be in the ground and starting to go
 13 vertical, obviously, based on all permitting and
 14 everything that is going to be necessary as
 15 prerequisite to that effort. But there is no gap in
 16 the process. It's moving forward. It's moving
 17 forward as rapidly as we are comfortable moving
 18 forward with this phase. And then we'll roll right in
 19 the remediation upon the heels of this.
 20 If we have a mild winter, it will be all the
 21 more rapid. We are dealing with soil so freezing
 22 ground becomes an issue depending on the nature of the
 23 winter. I suspect a lot of it will be done before we
 24 have to deal with that.
 25 I think that is probably all I can give you.

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1 I can actually give you something else. I
 2 know the mayor has received it and many of you may be
 3 aware of it. We did have an individual in town who
 4 took it upon himself to police us and sent letters to
 5 everyone including Ralph Nader and local media outlets
 6 making a number of claims.
 7 I dealt with him as I needed to, but at the
 8 same time we respected the fact that he did have
 9 questions and we tried to throw out answers with
 10 regard to the environment remediation and the
 11 demolition of the site.
 12 Not at our urgency, but in response to one
 13 of his correspondence to the director of the DEP and
 14 the director of EPA, he received a responsive letter,
 15 that I was copied on as was Mayor Lombardo, from the
 16 DEP going point by point down all the largely baseless
 17 allegations that he raised including probably the most
 18 incendiary or salacious, which was the notion of
 19 radioactive contamination from the Manhattan Project.
 20 All of this was dismissed categorically by
 21 the DEP. They provided the requisite data and
 22 information to him as to how and why those items were
 23 dismissed. We now, ironically, as a result of his
 24 efforts have this really nice letter from the DEP
 25 giving us a clean bill of health on top of the

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1 permitting and REOs and everything else that we have
 2 from them.
 3 So in the end it worked out well and gave us
 4 even more comfort and our future residents comfort.
 5 We may frame it and put in the lobby. I don't know.
 6 So, anyway, that is probable all I can give
 7 you by way of background, but all good things. I
 8 appreciate all your cooperation in allowing that
 9 project to go through.
 10 And tonight we have the second phase that
 11 all of you are very familiar with, having taken part
 12 in both public outreach and also efforts by this body
 13 and the governing body to come up with what we thought
 14 to be the most palpable development scenario and
 15 scheme for phase two, which is Block 403, Lots 1
 16 through 6, Lots 19 to 22, the parking lots, for lack
 17 of a better term, as well as the former bank branch
 18 location, as well as the former residential home that
 19 was located adjacent to those parking lots.
 20 The redevelopment plan, as you are sure
 21 aware, was vetted by this board. It was then
 22 subsequently approved by the governing body. And that
 23 redevelopment plan specifically addresses the lots and
 24 blocks that we are talking about today. We
 25 subsequently then succeeded in obtaining a

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1 redevelopment agreement with the borough. We
 2 negotiated that. It was signed as well as a financial
 3 agreement, which was negotiated and signed with the
 4 borough, both dated August 1.
 5 So all of that, as you may recall, were
 6 criteria that were elements of the settlement
 7 agreement with Fair Share Housing. This site will
 8 generate eleven affordable housing units as part of
 9 that settlement, that obviously we will continue and
 10 we will comply with that. That Fair Share settlement,
 11 if you are not aware, was actually recently the
 12 subject of a compliance hearing before Judge Cassidy
 13 last week. Judge Cassidy signed off on it.
 14 And I can happily tell you that there are no
 15 further hearings that are contemplated for that
 16 matter. So the borough has emerged from that with an
 17 order of compliance. And it will have then an order
 18 of repose. And you are good to go until 2025. And
 19 let's all say a prayer that it doesn't come back in
 20 2025. So we are happy to have made our contribution
 21 to that resolution.
 22 I'm here tonight with three witnesses and we
 23 are going to endeavor to move as quick as possible and
 24 I am not going to testify. I'm going to try to keep
 25 it as quick as possible. I have Doug Bartels, who is

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1 actually our engineer. You will recognize him from
 2 phase one. We also have Stuart Johnson, our chief
 3 architect on the project, who also testified during
 4 phase one. And we have Chuck Olivo, who is our
 5 traffic and parking expert from phase one. Chuck will
 6 have the added pleasure of providing very limited
 7 planning testimony today, too.

8 This application, as you know, we were very
 9 much involved in the redevelopment plan as well as the
 10 formulation of 73 rental multiple-family-housing unit
 11 development scheme that was ultimately adopted by the
 12 governing body having had a lot of public input. That
 13 said, this application is largely an as-right
 14 application as you might expect.

15 There are very minor deviations and I think
 16 you will see that the deviations are necessary,
 17 deviations from the requirements of the redevelopment
 18 plan principally because we have tried to maximum
 19 parking as much as possible. And that parking effort,
 20 as the witness will testify, has led to a couple of
 21 deviations with respect to open space and impervious
 22 coverage.

23 You may recall as part of phase I's
 24 application we had to provide you a total of 18 public
 25 parking spaces, utilizing some of the existing fire

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1 department spaces and expanding that lot. I'm happy
 2 to say as I alluded to at the end of the last meeting,
 3 we think we are going to do better are we are doing
 4 better. We are going to actually provide 22 public
 5 parking spaces in that lot.

6 We are not taking credit for any of those as
 7 part of our parking ratio for tonight, but it is part
 8 of our presentation that there is going to be four
 9 extra that are part of that expanded lot. And then we
 10 are providing not only covered parking in our
 11 structure underneath the building, but also another 18
 12 surface spots that we are probably not going to
 13 aggressively police. So they will be available for
 14 public and kind of flexible use, but they are for the
 15 project. So it's because of that parking layout that
 16 Mr. Bartels will testify to and other witnesses will
 17 testify to that we will be taking those deviations.

18 With that I would like to call Mr. Bartels.
 19 CHAIRMAN GREET: Thank you.

20 D O U G L A S B A R T E L S, after having been
 21 duly sworn, testified as follows:
 22 MR. FRASER: Please state and spell your
 23 name and give your address.
 24 THE WITNESS: Douglas Bartels,
 25 B-a-r-t-e-l-s. Address, 570 Commerce Boulevard

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1 Carlstadt, New Jersey.
 2 DIRECT EXAMINATION
 3 BY MR. MINKS:
 4 Q. Doug, can you give the board the benefit of
 5 your professional experience and licensure,
 6 acknowledging, I think everyone will recall, that you
 7 testified here before in the capacity as a
 8 professional engineer but if you can update everybody?
 9 MR. FRASER: For that reason, it can be
 10 brief because he has been recognized.

11 A. I received by bachelor of science from NJIT
 12 in civil engineering in 1998. I have been working in
 13 this field ever since that time. I had been licensed
 14 since 2003 in the State of New Jersey and 2009 in the
 15 State of New York. My license is in good standing in
 16 both and I have testified before this board on phase I
 17 and several other boards on several other projects
 18 throughout the northern part of the state.

19 MR. FRASER: Mr. Chairman, I recommend that
 20 Mr. Bartels be recognized as an expert in the field
 21 mentioned.

22 CHAIRMAN GREET: So be it.
 23 MR. MINKS: Thank you.

24 Q. Doug, you are familiar with the site.
 25 Obviously, you have been engaged and have served as

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1 the capacity of chief engineer on this project?
 2 A. Yes, I have.
 3 Q. You are also familiar with the redevelopment
 4 plan, having done that work?
 5 A. I am.
 6 Q. And you are also in receipt of and familiar
 7 with the review letters --
 8 CHAIRMAN GREET: Are these different?
 9 Q. Are these different from what is in the
 10 packet?
 11 A. They are a little different, yes.
 12 MR. MINKS: And as you know from phase one
 13 we hate trees and kill a lot of paper. I apologize.
 14 MR. FRASER: So what we are being handed is
 15 different than, I assume, Mr. Minks, that you wish to
 16 mark this A-1 with this evening's date?
 17 (Applicant's Exhibit 1, Revised engineering
 18 Plan, marked for identification.)
 19 MR. MINKS: Do we have extra?
 20 MS. VILLAGGIO: Yes.
 21 MR. FRASER: If there are extra, please see
 22 if anyone in the public wants to follow along.
 23 Q. All right, Doug. If you could, if you want
 24 to just start with what has been marked Exhibit A-1
 25 and identify what that is.

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1 A. Certainly.
 2 The first board I have before you is part of
 3 Exhibit A-1. It's the second page of that document.
 4 It's entitled existing aerial. It's A1.1 and has a
 5 date of September 26, 2018.
 6 This is an existing aerial of the property.
 7 It also shows the northern property, which is phase
 8 one, the north side of South Avenue, as well as the
 9 property that is the subject tonight on the south side
 10 of South Avenue. The property in question is Block
 11 403, Lots 1 through 6 and 19 through 22. It totals
 12 approximately 1.75 acres. It is located on the north
 13 side of Willow, the south side of South Avenue and
 14 east of West Street. It's surrounded by on the north
 15 side of phase I property. To the west is a gymnastics
 16 facility as well as some other industrial buildings.
 17 To the east we have the municipal building and some
 18 residential homes along Willow and additional
 19 residential homes to the south as well. South Avenue
 20 is also know as County Road 610.
 21 The property falls within the South Avenue 2
 22 area of redevelopment plan where the allowable uses,
 23 permitted uses, include multiple-family housing and
 24 public parking. The accessory uses include off-street
 25 parking, customary accessory uses and structures

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1 secondary to multifamily development and signage,
 2 lighting and that sort of improvements.
 3 Q. Mr. Bartels, the redevelopment plan and the
 4 redevelopment agreement that the property owners has
 5 entered into with the borough actually specifically
 6 contemplates a 73-unit multifamily rental unit
 7 project, correct?
 8 A. Correct.
 9 Q. However, our application is actually for 72
 10 units and that is principally due to the fact that
 11 once the architects got involved that's just how it
 12 laid out.
 13 A. Correct. The way the units stacked up, two
 14 floors, it worked out to 72.
 15 Q. So the odd unit wouldn't have worked out?
 16 A. Correct.
 17 Q. There is no change to the affordable housing
 18 units that we are going to generate as a result of the
 19 mass. We are still sticking to the eleven?
 20 A. That's correct.
 21 Q. I neglected to ask, during the course of
 22 your testimony if you have the opportunity and can
 23 refer to Mr. Vinegra's engineer review letter of
 24 September 21st or Mr. Hansen's prior letter of
 25 June 25th, I think, the technical review letter, and

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1 address any comments that you have with respect to any
 2 of the comments raised in those letters, please do.
 3 A. Yes.
 4 Q. Go ahead. I'm sorry.
 5 A. So the property in question is primarily an
 6 open parking lot as everyone in the room knows
 7 probably better than I do. There is an existing
 8 single-family home and former bank that was located in
 9 the northwest corner of the property, as well. The
 10 property, in terms of pitch and drainage is
 11 approximately one-third, the upper third, the northern
 12 third of the property slopes toward South Avenue and
 13 the lower two-third slopes towards Willow Avenue.
 14 In terms of drainage, it runs off in
 15 approximately three directions, two to the southeast
 16 towards Willow and to the northeast to South Avenue.
 17 And the western portion drains in three directions,
 18 but ultimately winds up in that drainage system that
 19 is on the corner of West and Willow, going down West
 20 Street and discharging to the open ditch located
 21 between Willow and Myrtle.
 22 MR. NEIRSTEDT: Open ditch?
 23 MR. MINKS: The manmade brook.
 24 A. The property has approximately 95 percent
 25 impervious coverage. There is a 12-inch sanitary main

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1 running in South Avenue and existing electrical, gas
 2 and water utilities are on both South Avenue and
 3 Willow Avenue.
 4 This is the next sheet in the packet,
 5 Exhibit A-1. It's entitled the overall conceptual
 6 site plan, Sheet A1.2 with a date of September 26,
 7 2018.
 8 This plan is showing on the north side of
 9 South Avenue. The project that was previously
 10 approved, phase one. And on the South Avenue, the
 11 smaller building that is proposed tonight as part of
 12 this application, which, again, includes 72 apartment
 13 units. They are divided among 8 studio units, 32
 14 one-bedroom units, 24 two-bedroom units, and 8
 15 three-bedroom units.
 16 The density of the project is 41.3 units per
 17 acre and the property has a front yard setback of 12
 18 feet on all three streets frontages, where 10 feet is
 19 required. And a side yard setback, minimum side yard
 20 setback to Lot 18 of 65 feet where 35 feet is
 21 required.
 22 The proposed building height is
 23 approximately 35 feet and three stories where 40 feet
 24 and three stories the permitted.
 25 Q. And the design there, the desire there was

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1 to take what we've done on phase one and step down a
 2 little bit to be a better buffer to the residential
 3 homes that then following from Willow.
 4 A. That's correct. The buildings on the north
 5 side are four stories. This is three stories. And
 6 then the buildings along Willow are then two stories
 7 or two and a half stories.
 8 The proposed project has a proposed
 9 impervious coverage of 84 percent where 80 is
 10 permitted in the rezoning plan. So, obviously, there
 11 is 4 percent exceedent (sic.) there.
 12 As I mentioned the existing property is 95
 13 percent impervious, so there is a reduction from the
 14 present state of 11 percent. And a portion of -- or
 15 really the entire portions of what is over could
 16 actually be eliminated -- and I'm referring to this is
 17 Sheet C3.
 18 THE WITNESS: Chris, we need to mark this.
 19 MR. MINKS: Let's mark this as Exhibit A-2
 20 for today's date.
 21 (Applicant's Exhibit 2, Circulation Plan
 22 Sheet C3 with crosshatching, marked for
 23 identification.)
 24 THE WITNESS: It's entitled site and traffic
 25 circulation plan.

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1 MR. NEIRSTEDT: Mr. Minks, has this also
 2 been changed?
 3 MR. MINKS: Yes. You'll notice the green
 4 crosshatching. I asked Mr. Bartels to prepare this.
 5 MR. NEIRSTEDT: Other than that, it's still
 6 dated 5/18/18?
 7 THE WITNESS: Correct. The plan is
 8 unrevised with the exception of the green highlights.
 9 MR. FRASER: So this is not part of the
 10 other document we got.
 11 MR. MINKS: So we will call it the frame
 12 shot of Circulation Plan Sheet C3 with crosshatching.
 13 A. This is the site plan Sheet C3 that was in
 14 the original packet except for the green highlights.
 15 The green highlights on the board is what --
 16 the green highlighting, I guess, is the opposite side
 17 of some parking that we proposed on the lot. If not
 18 for providing the additional parking for the borough
 19 and the shared parking, this area would be green.
 20 That is enough green space that would actually put
 21 that from the 84 percent impervious coverage to be
 22 compliant with impervious coverage.
 23 Q. So the reason why we can't meet the
 24 impervious coverage number is because we would not be
 25 able to provide certain of that public parking?

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1 A. Yes. The elimination of the public parking
 2 and replacement with green space, which would complete
 3 the circulation here would ameliorate that deviation.
 4 MR. NEIRSTEDT: Mr. Chairman?
 5 So, Mr. Minks, I'm sitting here smiling. So
 6 basically what you are saying is the reason you can't
 7 meet the impervious coverage is because the borough
 8 wants some municipal parking, which is actually part
 9 of the redevelopment plan to begin with?
 10 MR. MINKS: We already comply with the 18
 11 spaces.
 12 MR. NEIRSTEDT: How much space is that,
 13 Mr. Bartels?
 14 THE WITNESS: We are proposing 22 --
 15 MR. NEIRSTEDT: No. No. No. I didn't ask
 16 that. In the green area?
 17 THE WITNESS: Within the green area is seven
 18 parking spaces.
 19 MR. NEIRSTEDT: Four spaces. I don't
 20 understand the connection.
 21 MR. MINKS: Well, Mr. Bartels can testify
 22 to.
 23 MR. NEIRSTEDT: I guess what I am saying is
 24 I'm kind of smiling because the reason for the
 25 variance is because you are complying I appreciate so,

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1 but you're complying to satisfy the requirement we
 2 have about municipality parking. But the bottom line
 3 is you need the variance.
 4 MR. MINKS: We need what we believe is a
 5 di minimus waiver from the redevelopment plan --
 6 MR. NEIRSTEDT: It's not a waiver.
 7 MR. MINKS: It's 4 percent.
 8 MR. NEIRSTEDT: It's not a waiver.
 9 MR. MINKS: It's a deviation. It's an
 10 exception from that requirement. Variance, call it
 11 what you will.
 12 BY MR. MINKS:
 13 Q. Mr. Bartels, if we provide the 18 spaces,
 14 which we are obligated to comply with and will be
 15 complying with, which is part of the phase one
 16 redevelopment plan and approval from this board --
 17 A. Yes.
 18 Q. -- and provided compliant parking on
 19 phase II, without any additional public parking, would
 20 we comply or could we comply with the impervious
 21 coverage requirement?
 22 A. We could. Because on the flip side of the
 23 seven spaces that are highlighted in green are another
 24 seven spaces, but there is also the connected drive
 25 aisle between the two lots. That drive aisle could

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1 then be replaced with the three parking spaces, which
 2 would get you the three spaces.
 3 Q. My other question is this: Was it a
 4 deliberate design to try to maximize the public
 5 parking? Again, this is not parking that is utilized
 6 for the project that we are here for today. This is
 7 purely public parking, at the phase one hearing we
 8 talked about with the board that they can meter, they
 9 can put kiosks, they controlled. They will utilize
 10 that for public parking purposes. Is the public
 11 parking area that we are providing and the intent to
 12 maximum that even beyond the 18 that we are required
 13 to do the impetus for designing this in the way that
 14 we designed it?
 15 A. Yes. It's been designed to maximum the
 16 number of spaces and also to improve the circulation,
 17 because this actually allows you to use those spaces
 18 rather than have a dead-end parking lot, which is
 19 currently on the firehouse parking lot because you can
 20 now can loop through and you exit out to Willow, you
 21 can exit out to South Avenue.
 22 Q. And our decision to do that is driven
 23 principally by what we heard not only from the public,
 24 but also members of this board and from everybody that
 25 Garwood has a public parking dilemma and we've decided

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1 to try to maximize our contribution to resolving it;
 2 is that correct?
 3 A. Yes.
 4 MR. MINKS: Okay. Thank you.
 5 CHAIRMAN GREET: Go ahead, Bill.
 6 MR. NEIRSTEDT: Mr. Minks, for what it is
 7 worth, I am more than happy to recommend we grant a
 8 parking variance. You could have 30 spaces and I'd be
 9 happy. The reason I'm smiling is you can do the same
 10 thing and I can make the same argument saying, well,
 11 eliminate seven of the spaces that are closer to the
 12 building and then you would also meet the impervious
 13 coverage requirement.
 14 MR. MINKS: But then we would not also be
 15 addressing the town's public parking need.
 16 MR. NEIRSTEDT: No, actually not. That's
 17 incorrect. You would then leave the public parking
 18 the way you are proposing and it satisfies all of
 19 them. But by eliminating those that are closer to the
 20 building, eliminating 7 spaces --
 21 MR. MINKS: What you are saying --
 22 MR. NEIRSTEDT: If I can just finish for a
 23 second. I have no problem recommending and granting a
 24 variance, as you know, parking is not a big -- with me
 25 and when you start getting into transit-related

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1 development I'd eliminate 30 spaces out here.
 2 MR. MINKS: We are not seeking a parking
 3 variance. That would be a mistake.
 4 MR. NEIRSTEDT: I didn't say you were and we
 5 can discuss that later.
 6 What I'm saying is putting forth an argument
 7 that we are not meeting impervious coverage because
 8 the borough is asking in its redevelopment plan that
 9 you provide some parking, you could provide that
 10 parking -- and I'm not advocating this, but you know
 11 as well as I do, you could reduce the number of units,
 12 you could reduce the size of the units, you can reduce
 13 the size of the buildings. I'm not advocating any of
 14 that. But there are other ways. And to say that the
 15 reason we are not meeting impervious coverage is
 16 because we are proving public parking, I just don't
 17 take.
 18 MR. MINKS: If this board decides that you
 19 would rather have us meet the impervious coverage, we
 20 would be happy and prepared to reduce the amount of
 21 public parking, which I think would be a serious
 22 mistake. It's contrary to everything we've been asked
 23 to do.
 24 MR. NEIRSTEDT: I wouldn't say it's contrary
 25 at all because this is a transit-oriented development

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1 area. When we started getting into the planning
 2 aspect of the transit-oriented development area, I
 3 don't see a single aspect of this plan that is
 4 actually advocating towards transit. You are
 5 providing far more parking than is required in the
 6 TOD, you know as well as I do is down to one per
 7 parking -- one per unit, even less.
 8 MR. MINKS: Not according to your engineer
 9 and your planner. They required us to have 1.5 plus
 10 in phase one.
 11 CHAIRMAN GREET: Bill, your points are
 12 excellent, but I am just wondering if during the
 13 questioning of this witness if it's time for you and
 14 Mr. Minks to both make any eloquent arguments of
 15 contrary philosophies.
 16 MR. NEIRSTEDT: I appreciate it.
 17 MR. MINKS: Thank you.
 18 Q. If you can continue, Mr. Bartels --
 19 CHAIRMAN GREET: Kathleen, you have a
 20 question?
 21 MS. VILLAGGIO: Or should I wait? It was
 22 with regard to drainage.
 23 THE WITNESS: I am not there yet. I am
 24 about to go through that very shortly.
 25 MS. VILLAGGIO: Thank you very much. I have

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1 just a couple of questions.

2 THE WITNESS: No problem. I just have two

3 points and then I will get into the drainage.

4 The flip side of the coin on the impervious

5 coverage issue is there is also a requirement of 20

6 percent, so we are a little over on the impervious

7 coverage we are also a little under on the open space.

8 So currently we are proposing 16 percent open space.

9 I'm not even going to touch on the subject

10 we just discussed. Again, I am not saying this is by

11 definition open space. There is impervious coverage

12 underneath this space so it is by definition not open

13 space. I'm just offering this as basically a

14 mitigating factor, let's say, toward the granting of

15 that variance.

16 The fact that the building is set up sort of

17 as an E on its side, with the open end of the E facing

18 Willow Avenue. On the second floor above the parking

19 area is our open amenity courts for the residents'

20 use. As I mentioned they are on impervious surfaces,

21 but they will be a raised pedestal system on the roof

22 of this parking deck, which will have artificial turf

23 surfaces on it, patio areas, grilling stations, fire

24 pits for the use and enjoyment of the residents of the

25 community.

Page 27

1 So if you were to factor that into open

2 space, and, again, I am not saying by definition you

3 can, but if you were to factor that in, that would

4 take that percentage from 16 percent to 26 percent and

5 thereby into the compliant range of open space.

6 Q. And while they may not comply with the

7 literal definition of open space, we are asking the

8 board to grant a waiver from that requirement and to

9 consider that open space because they will function as

10 open space as recreational space, as gathering space

11 for the residents in lieu of other open space that we

12 were not able to comply with.

13 And although you wanted to resist the

14 temptation if you did not build the parking in the

15 configuration in which it is designed currently, which

16 provides additional public parking to the town of

17 Garwood, we would otherwise come much closer to --

18 would we achieve or would be come much closer to the

19 open space requirement?

20 A. It would add that 4 percent.

21 Q. So we would comply with both the impervious

22 coverage and the open space?

23 A. Yes.

24 Q. So decisions that we've made with respect to

25 the priority of public parking -- we've made them --

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1 has put us over in the impervious and under in the

2 open space, but we are nevertheless requesting waivers

3 for those two deviations?

4 A. That's true.

5 Q. Thank you.

6 A. And the last sort of zoning matter is the

7 length of facade, building facade. Continuous facade

8 requirement of maximum 290 feet along South Avenue,

9 where we are proposing 283, so that is a conforming

10 distance. And along Willow Avenue, the maximum facade

11 length allowed is 75 feet where we are proposing 70

12 feet on the upper floors of the residential areas and

13 a more continuous facade on the ground floor of the

14 parking deck is 280 feet.

15 Q. However, as Mr. Johnson will testify, the

16 architectural design is such that it creates

17 individual facades with different horizontal and

18 vertical delineations along that ground level,

19 correct?

20 A. Yes. He will testify to that.

21 Parking, we are -- I'm going to switch

22 exhibits now to the next -- actually, this is probably

23 two sheets down, this is Sheet A-1.4 in Exhibit A1

24 entitled Ground Site Plan.

25 So this plan is still showing the overall

Page 29

1 development, but now rather than seeing the roof you

2 see the parking underneath the building.

3 The project proposals 116 parking spaces

4 underneath the building to the exclusive use of the

5 residents. That's a ratio of 1.6 spaces per unit in

6 depiction. There are 22 parking spaces provided in

7 the far east of the external parking lot and those are

8 the public parking for the use of the borough to be

9 administered as they wish, whether they be truly

10 public, or metered, for fire department, et cetera.

11 In addition there are 18 parking spaces

12 proposed along the east side of the building that are

13 what we call shared spaces. So these are for the use

14 of borough employees, firefighters, for residents of

15 the building, for visitors to the building, for retail

16 customers potentially for the property across the

17 street.

18 Q. So in addition to the 22 that we are

19 acknowledging, that we are not even counting in our

20 analysis, those are purely public for the borough to

21 manage as they choose, there are the 18 additional

22 ones that we are acknowledging will be basically first

23 come first serve?

24 A. Right.

25 Q. So those too will serve the public?

Page 30

1 A. That's correct.

2 Q. So there is approximately 40 spaces that

3 will be available for public use. Twenty-two, which

4 will be only public and then another eighteen which

5 will be available for public use?

6 A. Correct.

7 The parking requirement for the residential

8 use tonight basically works out based on the unit mix,

9 1.2 spaces per unit. And we are proposing, as I said,

10 1.6 spaces per unit.

11 There are a total of six handicapped or ADA

12 spaces proposed, one on the far east side to serve the

13 firehouse and municipal building, one out in front of

14 the residential building to serve visitors and the

15 shared parking spaces, and then four spaces located

16 underneath the building to serve the tenants of the

17 building in question.

18 What I am about to say speaks to a comment

19 in Mr. Vinegra's letter, I believe it was actually the

20 June letter, regarding wheel stops. I wasn't sure

21 where the request was -- if it was specific, but the

22 only place we are proposing wheel stops is along the

23 firehouse as protection to keep the parked cars off of

24 the firehouse itself. Everywhere else there parking

25 is generally along -- parking underneath the building,

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1 there are separations between the parking spaces and

2 the wall. Plus the wall is a concrete wall and, you

3 know, sort of an unfinished -- it's not the pretty

4 exterior of a building. So we are not proposing car

5 stops anywhere else.

6 The sidewalk along South Avenue is proposed

7 as following the same pattern as the sidewalk on the

8 northern side of South Avenue. So we have a paver

9 strip running along behind the curb with a concrete

10 sidewalk behind that would have a scored pattern that

11 matches the sidewalk across the street.

12 Overall circulation of the property. We are

13 proposing two driveways out to South Avenue to the

14 external parking lot, originally as they were proposed

15 these were intended to be both full-movement

16 driveways. Concern was raised in the police chief's

17 letters regarding potential conflict with the turning

18 movements and.

19 I am going to flip back here to sheet A1.2.

20 Q. We are referring to the letter of

21 Chief Wright dated on its face September 18, 2017.

22 Obviously, it's just a typo. I believe he intended

23 for it to be 2018.

24 Is that the review letter you are referring

25 to?

Page 32

1 A. That is.

2 So I'm back to Sheet A1.2 in Exhibit A1, the

3 overall plan.

4 So the two driveways, as I mentioned were

5 proposed as full movement. The chief raised a concern

6 about potential confusion with multiple movements

7 coming out of those driveways onto South Avenue

8 particularly due to their proximity to the driveways

9 proposed on the north side.

10 So what we are proposing is a little bit

11 different than what he mentions in his letter. We are

12 proposing to limit the easterly driveway closest to

13 the firehouse to eliminate left turns out of that

14 driveway and maintain full movement at the westerly

15 driveway. The reason for this is because it's farther

16 from the intersection and less likely to be impacted

17 by backing of traffic there than the easterly driveway

18 is. And that way, again, we are only have one

19 driveway in that close proximity making that left out.

20 Also, just to be clear, that the driveway

21 most approximate to these two proposed driveways on

22 the north side is actually the entrance to that

23 development. The exit is farther down to the west.

24 Q. So the horseshoe that we referred to during

25 the phase one is the inbound --

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1 A. Right.

2 Q. -- and the egress is the westerly?

3 A. Exactly.

4 So that circulates from east to west in a

5 one-way movement.

6 In addition we have a driveway out to

7 Willow Avenue that also serves the parking lot. Now

8 that driveway would be a right-in/right-out only by

9 nature of the fact that Willow is a one-way street

10 going west.

11 And, finally, we propose access to the

12 ground floor parking off of West Street. I am going

13 to refer back again to Sheet A1.4 in Exhibit A1. This

14 shows how the driveway on the west side of the

15 building off West Street enters directly into the long

16 row of parking underneath the building, which allows

17 somebody entering to drive right in and not have to

18 make a turning decision that starts right away. So we

19 feel that that works best for the circulation within

20 the building.

21 Mr. Vinegra had suggested that we look at

22 moving the driveway from West to Willow, which we did

23 and, quite frankly, at first my initial reaction was I

24 think that would be better. But upon looking at it

25 more, we felt that this was the better location for a

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1 few reasons. One being to try to maintain or sort of
 2 maintain that character a little bit more along
 3 Willow Avenue and not having all that traffic
 4 directed, because, again, that's 116 cars that will be
 5 theoretically or ultimately parked in there. So we
 6 would rather have those go out to West Street rather
 7 than Willow. Not that this couldn't be accessed off
 8 of Willow, but, again, instead of cars exiting
 9 directly on Willow, they are exiting off directly off
 10 Willow. It allows the traffic to spread out.

11 In addition we felt as I alluded to, the
 12 long drive length aisle coming in. We felt that that
 13 was a better sort of alignment to enter the drive and
 14 have more options ahead of you and more time to make
 15 that decision to turn than if you had come in on the
 16 shorter leg of the parking.

17 And the last reason, which I really haven't
 18 touched on yet has to do with trash pickup. So I sort
 19 of will get into that a little more in the next
 20 section of my testimony.

21 Q. In terms of traffic on Willow, we also
 22 didn't want to have two drive aisles that would empty
 23 or be accessed off of Willow?

24 A. That was taken into consideration, yes.
 25 So in terms of handling trash with the

Page 35

1 collection from the building and pickup, trash can be
 2 collected in the individual rooms on the upper floors
 3 and will be dropped through a shoot to a collection
 4 room located on the ground floor, which is basically
 5 south of the lobby and on the east side of the
 6 building. Maintenance staff would then on trash day,
 7 which would be scheduled with our private hauler,
 8 would then bring that trash out to the West Street
 9 driveway entrance where it will be picked up by a
 10 garbage truck.

11 So, again, having it that that location
 12 rather than on Willow keeps that function occurring on
 13 West Street rather than the residential street,
 14 Willow Avenue.

15 MS. VILLAGGIO: So you would bring it, he or
 16 she would bring it from the East part of the building
 17 to the west part of the building?

18 THE WITNESS: Yes. They are small
 19 containers. They are not large containers. This is
 20 not uncommon --

21 MS. VILLAGGIO: Like within the building.

22 THE WITNESS: Yeah, within the parking
 23 garbage, correct.

24 And they, as I said, it's scheduled so they
 25 know when the truck -- they don't know the minute the

Page 36

1 truck is coming, but they have an idea when the truck
 2 is coming. And there is even a small area on the side
 3 here where it can be staged and pulled out at the time
 4 the pick will occur.

5 Q. So there won't be a line of trash
 6 receptacles out on West Street for any period of
 7 time --

8 A. Correct.

9 Q. -- they only go out to the street when they
 10 are actually being picked up by the hauler?

11 MS. VILLAGGIO: And will you make sure the
 12 pickup is after 7:00 in the morning.

13 THE WITNESS: Yes. I mean, I don't know how
 14 much we can guarantee that, but we'll do that when we
 15 try to make that arrangement.

16 MR. NEIRSTEDT: The borough is going to pick
 17 up it.

18 MR. MINKS: No, we have private haulers.

19 MS. VILLAGGIO: He testified that it was
 20 private haulers, but if you can indicate to the hauler
 21 themselves, since it's near a residential, if --

22 MR. MINKS: It wouldn't be 5:00 a.m.

23 MS. VILLAGGIO: Or not 6:00.

24 CHAIRMAN GREET: Any idea of, for example,
 25 if it's going to be daily?

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1 THE WITNESS: We haven't determined that
 2 yet. I would think more twice a week and if that
 3 proves insufficient.

4 CHAIRMAN GREET: Not on a daily basis?

5 THE WITNESS: No, we wouldn't anticipate
 6 that.

7 MR. NEIRSTEDT: Sure. And I was going along
 8 the same lines Mr. Chairman was. If you could indeed,
 9 I actually I wrote down refuse and recycling and I am
 10 going to assume when you say "refuse" you include
 11 recycling, too. If you can submit to us a plan from
 12 your hauler as to how many cans, because I assume you
 13 are not saying a dumpster. Do you know how many you
 14 are going to have?

15 THE WITNESS: It could be a two-yard
 16 dumpster.

17 MR. NEIRSTEDT: So they'd wheel that out
 18 then. And do you know -- and I don't expect you to
 19 know this, is it going to be compacted them?

20 THE WITNESS: I don't know if we've
 21 determined that just yet but the room is provided
 22 such --

23 MR. NEIRSTEDT: Large enough.

24 THE WITNESS: -- that that would be the
 25 intent, yes. So the shoot could be just a shoot that

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1 comes down to an open bin within the refuse room and
2 that's rolled out or it could come down the shoot and
3 then be compacted at that point at the ground level.
4 MR. NEIRSTEDT: I don't know whether --
5 Mr. Minks, before the next meeting, if we can have
6 that plan that would be great.
7 MR. MINKS: I don't know if we have -- we
8 haven't contracted a hauler at this point.
9 MR. NEIRSTEDT: Maybe before final.
10 MR. MINKS: We won't have engaged a hauler.
11 This is not going to be built.
12 MR. NEIRSTEDT: Well, I will like to have a
13 plan so I know what is going on. Who did you hire
14 across the street?
15 MR. MINKS: I don't think that hauler would
16 be hired yet either.
17 MR. NEIRSTEDT: The reason I'm asking is
18 because I've run into a number of situations where we
19 actually had to stop a hearing because it's
20 realized -- and you do realize, but it was realized
21 that they couldn't actually get the garbage from the
22 refuse area inside out to the street, because the
23 vehicles couldn't come inside because it was, indeed,
24 as this is the parking garage underneath. And they
25 had anticipated having to get other vehicles to

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1 actually get the material out. So all I'm saying
2 is --
3 MR. MINKS: What I can offer you -- and I am
4 just thinking as we are talking -- is we can probably
5 outline how we do it at Waldwick. We can provide you
6 with an outline of how it is currently being operated
7 at Waldwick as an example. That is probably as close
8 as we are going to be able to get you at this point
9 because I can't even forecast when we would engage a
10 hauler and I don't want to give you something that is
11 not accurate.
12 MR. NEIRSTEDT: And I would think that would
13 be sufficient.
14 CHAIRMAN GREET: Is Waldwick the one in
15 East Rutherford?
16 MR. MINKS: Waldwick, New Jersey. One
17 hundred eleven units, right on the rail.
18 MR. NEIRSTEDT: I thought it was another
19 development you had elsewhere.
20 THE WITNESS: It's a different configuration
21 building but the same in the sense that it's ground
22 floor parking, a number of three-, four-stories above,
23 shoots that go down and Gators that pull it out to one
24 of the driveway openings where they are picked up.
25 MR. NEIRSTEDT: Obviously -- well, I

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1 shouldn't say, obviously -- but with 72 units I don't
2 know the amount of garbage that will be generated.
3 But going back to what Kathy was saying -- and I'm
4 just making this up, I don't know if there is going to
5 be twenty -- that's a ridiculous number -- if there is
6 going to be one dumpster out there, two dumpsters.
7 What we are looking at?
8 Q. And, again, Mr. Bartels, the notion would be
9 that it wouldn't be rolled out awaiting the truck?
10 A. Correct.
11 Q. It's staged until the truck arrives and then
12 the hauler would likely with some help --
13 A. Maintenance.
14 Q. -- from maintenance would pull it out, put
15 it in the truck and then take it back out. So it's
16 not going to be staged on the street?
17 MR. NEIRSTEDT: So how wide is that walkway
18 in which the hauler would pull it out? Is it in the
19 driveway itself?
20 THE WITNESS: It's through the driveway,
21 right. The storage area is approximately 8 feet wide,
22 I would say. I'm eyeballing this parking space to the
23 this striped area here along this hallway.
24 MR. NEIRSTEDT: All right. So it would not
25 interfere with the vehicular movements going in and

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1 out?
2 THE WITNESS: No. It would be stored out of
3 the way until such time it's picked up.
4 MR. TARANTINO: Mr. Bartels, is that the
5 area that is shown on the engineering drawing to have
6 Mr. Neirstedt's bike rack?
7 THE WITNESS: Yes, it is --
8 MR. NEIRSTEDT: Thank you.
9 THE WITNESS: -- and the bike racks would
10 have to be relocated.
11 MR. NEIRSTEDT: Paul, I owe you.
12 THE WITNESS: But we would maintain the bike
13 rack.
14 MR. NEIRSTEDT: Mr. Bartels, you would work
15 that out?
16 THE WITNESS: Yes.
17 MR. MINKS: We would be providing the
18 honorary Neirstedt bike racks.
19 THE WITNESS: In terms of security, the
20 building and parking area would be access control for
21 the use of the residents. There will be security
22 cameras provided generally in the building according
23 to the surveillance plan that is yet to be developed
24 but also in the parking area, as well, which would
25 cover the entire scope or stretch of the parking area.

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1 MR. MINKS: And similar to phase one we will
 2 share that information and the location of the cameras
 3 with the local police department.
 4 CHAIRMAN GREET: And just as a note and for
 5 my own verification there is not going to be any
 6 gating or any type of barrier on the entrance here?
 7 THE WITNESS: There would likely be a
 8 barrier to make sure it's for residents, but typically
 9 we provide a tag in the windows that is picked up so
 10 when the vehicle comes the gate recognizes it.
 11 CHAIRMAN GREET: So you would have a gate?
 12 THE WITNESS: Yeah.
 13 CHAIRMAN GREET: And it would be free exit?
 14 THE WITNESS: Yes. It would be
 15 resident-only parking. There wouldn't with any gate
 16 control or any gate in the public parking area unless
 17 the borough decides to put kiosk or a pay station.
 18 MS. VILLAGGIO: I have a question about
 19 parking.
 20 CHAIRMAN GREET: Go ahead.
 21 MS. VILLAGGIO: I have a couple of parking
 22 questions.
 23 MR. MINKS: Could we finish him up? I would
 24 rather wrap up the testimony, if we can. At your
 25 discretion, you tell me.

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1 MS. VILLAGGIO: Go ahead.
 2 BY MR. MINKS:
 3 Q. The amenities -- you mentioned certain
 4 amenities in the courtyard areas. In addition,
 5 however -- and if I missed it while you were
 6 testifying, I apologize -- but in addition, the notion
 7 here and the intent is that the residents here will
 8 enjoy the amenity stations provided in phase one,
 9 correct? So this is really the second phase of the
 10 overall development. So they will have access to the
 11 pool, they will have access to the yoga room or other
 12 amenities.
 13 A. Right. The fitness center, the gym, even
 14 the external. But, again, they have their own
 15 external amenities here so they may be less likely to
 16 cross the street.
 17 Q. And the leasing office at phase one will
 18 serve this phase as well, correct?
 19 A. That's correct.
 20 Q. I just wanted to get that on the record. Go
 21 ahead to the grading and drainage.
 22 A. So in terms of drainage and grading, the
 23 project generally flows in very similar scenario to
 24 the existing condition in terms of, you know, sloping
 25 up approximately a third of way and then slopping back

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1 towards Willow Avenue approximately two-thirds of the
 2 way, however, it's being captured, all runoff within
 3 the parking lot and from the roof above the building,
 4 which is then carried down underneath the building.
 5 It will all be captured and detained.
 6 The detention here is just all underground
 7 pipe. There is an outlet structure located in the
 8 grass area in the southwest corner of the property.
 9 And as a result of the detention provided, the post
 10 development runoff during all storms analyzed, which
 11 is a two-year event, ten-year event, twenty-five year
 12 event, and one-hundred year event as well as all
 13 points analyzed, which are basically the points to the
 14 northeast that I've described earlier, the point to
 15 the southeast that I've described earlier, and the
 16 point between West and Willow, all points have been
 17 decreased in the post-development condition.
 18 In addition, the overall runoff from the
 19 property in totality will be reduced by -- just let me
 20 get my numbers right here -- reduced to 50 percent, 53
 21 percent, 58 percent and 51 percent of the
 22 predevelopment rates in the those same two-, ten-,
 23 twenty-five-, and one-hundred-year storms. So those
 24 reduction rates, with the exception of the two-year,
 25 which is basically right on the nose of what is

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1 required, all of those reduction rates exceed what is
 2 required by the storm water management regulations.
 3 In addition the property as I mentioned
 4 earlier, is reduction of impervious coverage. As a
 5 result there is no -- the water quality standard other
 6 than regulations doesn't apply. And really the
 7 biggest improvement that is happening here in terms of
 8 water quality is most of this runoff the now roof
 9 runoff now instead of three-and-a-half acres of open
 10 parking lot or more than that. It's now runoff from
 11 the roof. In addition, the property lies in the
 12 Metropolitan planning area so the ground water
 13 discharge requirement doesn't apply here either.
 14 Q. There were a number of comments that were in
 15 the June 25 technical review letter which were really
 16 principally drainage related. Do you have -- or is
 17 the applicant prepared and capable of complying with
 18 the requirements that are stated in that letter?
 19 A. Yes. We haven't had the opportunity to
 20 fully prepare the revision prior to tonight, but we
 21 actually made all of those revisions and the numbers I
 22 just read to you are as a result of those.
 23 Q. And we are prepared to comply with
 24 Mr. Vinegra's office to achieve those results?
 25 A. That's correct.

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1 Q. Utilities?

2 A. Regarding utilities, the building will be

3 heated and cooled using Magic-Paks. There would be no

4 HVAC units. It will be very similar to what was

5 approved across the street.

6 CHAIRMAN GREET: Could you explain to the

7 general public what a Magic-Pak is?

8 A. Sure. A Magic-Pak is a single-package unit

9 that does both heating and cooling. There is no

10 condenser on the roof for those units. They are all

11 contained within a closet. These closets are

12 located -- I'm referring now to from the Exhibit A1,

13 Sheet A2.2, second floor plan with today's date. Most

14 of these units have balconies on the outside. So the

15 Magic-Paks units are stored in a closet that are

16 located off of these balconies. A small grill, maybe

17 2-by-3, that is painted to match the color of the

18 facade of the building that vents to the outside.

19 That's a Magic-Pak.

20 CHAIRMAN GREET: And that's an insulated

21 area so you don't wind up with noise?

22 THE WITNESS: That's correct. And that's a

23 ductal unit. So the units that have a Magic-Pak unit

24 will actually have ducts there. A duct mini split

25 system is one of those units you see typically hanging

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1 on the wall near the ceiling. These units probable

2 have depending on their size two to three units of

3 these wall-mounted units in each apartment. There are

4 no ducts. It's all just blown air. And the

5 condensers will be on the roof of the building.

6 CHAIRMAN GREET: And how many units of that

7 type, approximately?

8 THE WITNESS: I do not have that number.

9 Approximately -- I'm going to rough that it is 70/30,

10 70 percent with the Magic-Paks units and 30 percent

11 without, just based on the numbers that are shown.

12 CHAIRMAN GREET: Okay. Thank you.

13 THE WITNESS: The sanitary sewage from the

14 building will be served -- the sanitary sewage will be

15 within the building and the plumbing would be brought

16 down columns within the parking structure at the

17 ground floor, brought underground. And one lateral

18 will come out approximately to the center of the

19 building on the South Avenue side and connect to the

20 existing manhole within South Avenue.

21 Subject to ultimately the review and

22 approval of New Jersey American Water we are proposing

23 a water and gas meter room in the southwest corner of

24 the building. And we are proposing separate domestic

25 and fire service off of Willow into that room.

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1 Ultimately there is a chance that could switch to

2 South Avenue if through the process with New Jersey

3 American we learn that flow and pressure is better

4 there than Willow. We can flip that and rearrange the

5 utilities rooms on the ground floor.

6 Based on our past experience and recent

7 experience with New Jersey American Water dealing with

8 the north side of the street and in Union I do feel

9 that they will accept and they will approve the two

10 separate laterals for services. That was --

11 Mr. Vinegra had raised a question whether they will do

12 that or not. And, again, based on our most recent

13 discussions and applications with them, we believe

14 they will.

15 And rather a meter pit on the outside the

16 building on the street, all the metering will be

17 located inside that room as opposed to a separate

18 vault on the outside. And we will work, again, to the

19 point of one of Mr. Vinegra's comments regarding

20 hydroflow, we will continue to work with American

21 Water and make that decision.

22 Electrical service is proposed currently to

23 come off of the pole, which would be a pole drop,

24 basically the line will come down the pole, go

25 underground to the transformer that is located on the

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1 northwest corner of the building. And then the

2 secondary service will then come into the electric

3 room that is shown on the northwest corner there.

4 That room is shown with access from the

5 outside of the building, and in our experience with

6 PSE&G in the past, they have allowed the meters to be

7 stored in that room because the room is accessible

8 from the outside of the building. They don't want to

9 come into your building, but they will enter the room

10 from the outside of the building.

11 I mentioned gas. The gas service will also

12 come into that room on the southwest corner. It's

13 unclear right now how much gas we will have in the

14 building, but we will certainly have a potential for

15 common eating with the gas service, grills and fire

16 pits that I mentioned in the green space, will be gas

17 as well.

18 Q. Similar to phase one this is going to be a

19 fully-sprinkled building?

20 A. I was just going to get that. Yes. The

21 building will be a fully-sprinklered building at PA13,

22 which is the highest standard of sprinkler system. So

23 the whole building will be done with that system. All

24 units will be individually metered for electric and

25 gas and sub-metered for water. So New Jersey American

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1 Water will necessary bill the project as a whole, but
 2 then there would be sub-meters for each unit that
 3 would be passed on to the tenants.
 4 Q. And the garage will have this sprinkler
 5 system as well as a dry system?
 6 A. Correct.
 7 Site lighting. We have proposed matching
 8 site lights along South Avenue to match the street
 9 lights proposed on the north side of South Avenue,
 10 which also matches the lights along Center Street near
 11 the train station. On site in the parking lot we will
 12 provide a decorative pole-mounted light that has a
 13 sort of an arch, mounted arm, sort of like an upside
 14 down teardrop fixture. It's all down light, very
 15 well-controlled light.
 16 All the lights proposed will be LED fixtures
 17 both on the street and at the parking lot and under
 18 the parking level, as well. The parking, the fixtures
 19 within the parking lot will be 14-foot high fixtures,
 20 so it's a very pedestrian scale sort of fixture.
 21 In terms of landscaping we are proposing 45
 22 European horn beams around the three street facades of
 23 the site. We are proposing foundation plantings,
 24 shrubs along all of the facades of the building, as
 25 well as some flowering trees, which are the smaller

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1 circles you see closer to the building, for example a
 2 dogwood tree, in these locations.
 3 In addition, along Willow just below the
 4 areas that are the open courtyards, we are proposing
 5 Leyland Cyprus trees, eight to ten foot high
 6 plantings, and they will be clustered along the
 7 facades to sort of break up that look along
 8 Willow Avenue.
 9 In addition, along the parking lot adjacent
 10 to Lots 17 and 18 we are proposing three giant
 11 arborvitaes, seven to ten feet at planting, with a
 12 chain-link fence with green slots located along the
 13 property line there to act as a screen and buffer for
 14 those two properties.
 15 Q. The fire department, Chief Tweedle, had sent
 16 a review letter as well. And while, I mean, the
 17 majority of the letter was with respect to the loss of
 18 the use of the Casale parking lot, correct?
 19 Unfortunately, while we've been cooperative with the
 20 borough and the fire department to allow the continued
 21 use of this parking lot for various purposes, for
 22 training purposes, for any number of different
 23 purposes, other than the public parking and then the
 24 shared parking that we are providing as part of this
 25 plan, obviously, the parking lots no longer exist in

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1 the development.
 2 A. Yes.
 3 Q. So I don't know exactly how -- whether you
 4 can respond to that.
 5 One comment, though, is about access to the
 6 roof of the proposed building with ground ladders.
 7 And in addition to that, there was a question as to
 8 location of hydrants and standpipe system. Is the
 9 applicant's intent to work with the fire department
 10 with respect to the location of a number of hydrants,
 11 standpipes, department connections and other issues
 12 that the fire department may have?
 13 A. Yes. We will confirm the location of those.
 14 We will have standpipes in all the stairwells. That's
 15 something that we have typically in all buildings.
 16 In terms of some of the parking spaces or
 17 comments that were in the letter, again, there are 22
 18 borough-only spaces. There are 18 shared spaces.
 19 That will certainly go a long way towards if; 15
 20 firefighters that would potentially show up for a call
 21 and these types of comments or questions.
 22 There was a comment or question regarding
 23 the -- they had a shed located approximately in the
 24 southwest corner of the parking lot. That could stay.
 25 That could be relocated, I should say, but it would

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1 mean the loss of probably two parking spaces in order
 2 to relocate that say to the east side of the parking
 3 lot, where the two spaces are shown in the southeast
 4 corner.
 5 Q. And the fire department is municipal
 6 property, so if the fire department chooses to use
 7 that that would be in the municipality's decision.
 8 A. Correct.
 9 Q. That falls within the 22 parking spaces?
 10 A. It does, yes.
 11 You know, regarding using the lot for
 12 meetings, again, there are basically municipality-only
 13 or first-come-first-serve spaces, so if the spaces are
 14 there, they can certainly park there.
 15 As far as not being able to access the roof
 16 with ground ladders, the building across the street is
 17 going to be four stories. That will be accessed, I
 18 believe the term is mutual aid response. I'm assuming
 19 if there are no ladder trucks that would access that
 20 building that this building will be similar as a
 21 three-story building.
 22 Q. And throughout the town there are several
 23 other three-story buildings, so we are not creating a
 24 situation?
 25 A. Correct, we are not creating a situation

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1 that doesn't exist today.
 2 Q. That's all.
 3 A. There was just the one from the police
 4 chief. And I think as far as the two review letters
 5 from Harbor Consultants, I tried to address like I
 6 thought if there was something that I needed to make a
 7 clarification or was not in complete agreement with;
 8 otherwise, the rest of the comments were things that
 9 we were prepared to meet.
 10 Q. So consistent with your testimony the
 11 applicant will comply with the review letters from the
 12 consultants?
 13 A. Yes, we will comply.
 14 CHAIRMAN GREET: I have a question about the
 15 parking ventilation. Is that going to be serviced by
 16 enough free air, flow of air to not warrant having a
 17 system in there or --
 18 THE WITNESS: Yes, that calculation has not
 19 been completed yet.
 20 CHAIRMAN GREET: It has or has not?
 21 A. Has not been completed yet, but based on
 22 linear footage and the amount of window openings we do
 23 have in the facade, it's fully expected to be in the
 24 garage.
 25 CHAIRMAN GREET: I was going to say, is that

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1 first floor going to have to be basically open to some
 2 extent? I know you will have decorative fences.
 3 MR. MINKS: Grates.
 4 CHAIRMAN GREET: But it will have --
 5 (Several people speaking at once.)
 6 MR. TARANTINO: Can I just follow up on
 7 that? Will we will discussing tonight what that grate
 8 looks like?
 9 THE WITNESS: I don't have a sample of the
 10 grate to show you.
 11 MR. TARANTINO: So what is that?
 12 THE WITNESS: It would be a decorative grate
 13 to match the side.
 14 CHAIRMAN GREET: Will it be the same as
 15 phase one?
 16 THE WITNESS: Probably very similar, not
 17 exactly the same but it will be very similar to phase
 18 one.
 19 MR. TARANTINO: Where on phase one is that
 20 grate that is proposed because the garage isn't on
 21 that side?
 22 CHAIRMAN GREET: On South Avenue side.
 23 MS. VILLAGGIO: Yeah, in the front.
 24 THE WITNESS: In this area here there is a
 25 fence.

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1 MR. TARANTINO: Okay.
 2 THE WITNESS: Again, it will be a decorative
 3 grill of probably aluminum. It will be a color,
 4 probable black, to match with the other elements of
 5 the building.
 6 MR. TARANTINO: But one would be able to see
 7 into the garage?
 8 THE WITNESS: Yes, you would be able to see
 9 into the garage. It would not be a wide open window.
 10 MR. TARANTINO: But then the garage is going
 11 to be open 24 hours so then there would be spillage of
 12 what I think you are proposing, mercury light, out
 13 onto Willow?
 14 THE WITNESS: You would see the lights. I
 15 would not call it spillage. The lights are
 16 manufactured to cast their light. The lights would be
 17 at a lower level during the day.
 18 MR. TARANTINO: I'm just concerned at night.
 19 THE WITNESS: Again, you would see a glow
 20 through the window. There would be significant
 21 landscaping along Willow Avenue as well in front of
 22 the building.
 23 MR. MINKS: Mr. Tarantino, Mr. Johnson will
 24 give you testimony specifically about the dimming
 25 feature of the lights on timers at night as well as

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1 the fact that they are flushed mounted and there is a
 2 lot of effort that went into the architectural design
 3 to avoid that spillage.
 4 CHAIRMAN GREET: Victor, do you have any
 5 commentary about your letter?
 6 MR. VINEGRA: Just two items. It was a
 7 recommendation, actually, of the applicant. We would
 8 have to ask the mayor and council, to possibly provide
 9 a drop-off loading zone right about there to make that
 10 area no parking. It would be nice to have a 24-foot
 11 long area so that could be a loading and unloading of
 12 deliveries. And also a drop-off zone in inclement
 13 weather. That is something the applicant does not
 14 have control over. It's something to petition council
 15 about. That is number one.
 16 Number two, I did ask Doug to look in with
 17 their traffic engineer about the possibility of this,
 18 but the main problem with relocating the driveway
 19 there is we do know that this is one way. So it would
 20 force all the traffic to come back down and go down
 21 Willow. But I wanted them to just take a look at it.
 22 During his testimony, what I think we did
 23 also add for the council is the slow vehicles speed
 24 coming down West street. Sometimes the vehicles speed
 25 coming towards South Avenue along West Street and if

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1 we do the slowdown because we do have the main
 2 drop-off zone for -- I'm sorry -- Jim, is there -- I
 3 think we can petition council for a four-way stop
 4 here.
 5 THE WITNESS: That would make a lot of
 6 sense.
 7 MR. VINEGRA: So this way now, the
 8 approaching traffic --
 9 MS. VILLAGGIO: I spoke with the chief with
 10 regard to that already. Like the other day when I was
 11 speaking with the chief of police.
 12 MR. VINEGRA: Maybe Vince may be able to
 13 answer that.
 14 Would you not be opposed to a little
 15 traffic-calming feature at that intersection?
 16 MR. MINKS: We would support that.
 17 MR. VINEGRA: This way I think if we start
 18 from zero miles an hour at this intersection, that
 19 would slow down the vehicle speeds and help us control
 20 that area. I think it's the town's responsibility to
 21 do a little traffic and I think if the applicant will
 22 agree we can do some cross-hatched sidewalk out of a
 23 concrete material or just go with a four-way stop,
 24 maybe four-way stopping with a flashing sign. This
 25 way we do have some young kids that come out of

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1 Surgent's gym.
 2 I think the drop-offs right here would
 3 actually help them. They don't need the on-street
 4 parking. We have enough room for on-street parking,
 5 it is permitted on this side. Nobody parks there
 6 because nothing was open there.
 7 I also put -- we have to talk about that,
 8 the applicant, they said they'd agree to the letter,
 9 that they would paint parallel spaces. I don't know
 10 if we need the painting or not. It was just a
 11 recommendation. They probably would agree to it, but
 12 I don't know if we do want it painted.
 13 But, I think coming back also one thing was
 14 in my letter, just for people in the audience, once we
 15 apply the site triangle to these two driveways, then
 16 we will put no parking in that site triangle. We are
 17 going to keep the landscaping out of the site triangle
 18 and make sure we have no parking so that when you do
 19 pull out of that parking area there is not a car
 20 there because that does impede your visibility
 21 especially with the vehicle speeds on South Avenue.
 22 So we are, again, going to ask that the
 23 applicant show the site triangle and then we are going
 24 to go back to the mayor and council to ask for a
 25 no-parking-zone sign -- they will pay for it, the

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1 mayor and council has to agree to it, to make certain
 2 areas no parking for the site triangles and maybe one
 3 loading zone in front of the building. Those are the
 4 two main things I thought would increase the safety of
 5 the traffic circulation.
 6 Everything else I thought the plans were
 7 very well done. I think they hit on almost
 8 everything. A lot of my letter is just housekeeping
 9 and stuff that I think of along the way. I am glad
 10 they looked into relocating the driveway. I thought
 11 of it, but I wanted another engineer to look at it.
 12 Yes, Kathy.
 13 MS. VILLAGGIO: With regard to parking, the
 14 parking at the fire department as per the memo that we
 15 received from the chief, I'm concerned and just like
 16 the fire department is concerned, about these spaces
 17 that are next to the fire department. Let me ask the
 18 question. The other question I have is: Where are we
 19 parking now with the fence that you put up, is that
 20 basically the area that we are talking about --
 21 MR. MINKS: No, I doubt it. That was --
 22 MS. VILLAGGIO: -- for the public or will it
 23 be less?
 24 MR. MINKS: It's -- honestly, I don't know
 25 that you can really compare apples to oranges. And I

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1 wouldn't venture a guess. That, believe it or not,
 2 that was me going to my job foremen with a pen and
 3 saying why don't you just put the fence here and fill
 4 in as many spaces because we were trying to address
 5 the governing body's request that we provide parking
 6 for the seniors so they didn't have to walk any great
 7 distance. So I would be hesitant to say if it was
 8 more, less, the same.
 9 MS. VILLAGGIO: Because I was trying to get
 10 it in my mind how much room.
 11 Now, the parking that you have under the
 12 building, that meets the code, correct, of 1.5?
 13 THE WITNESS: Yes, at least.
 14 MS. VILLAGGIO: All right. So you don't
 15 need the extra 18, you don't need the 7, the 7 and the
 16 8 in order to meet it?
 17 THE WITNESS: Correct.
 18 MS. VILLAGGIO: Now, the difference, the
 19 fence that is there right now with regard to the fire
 20 department --
 21 THE WITNESS: I am trying to estimate. I
 22 parked there just this evening so I'm trying to
 23 estimate --
 24 MS. VILLAGGIO: The borough lot that was
 25 presently -- the actual fire department lot, which is

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1 not part of your property, that presently has how many
2 spaces? Eight? Seven or eight?
3 THE WITNESS: Correct. I forget seven or
4 eight.
5 MS. VILLAGGIO: With the shed and with the
6 thing for the cans.
7 THE WITNESS: Right.
8 MS. VILLAGGIO: What would it do to the
9 parking if we left that fence there?
10 THE WITNESS: Again, I am trying to estimate
11 what --
12 MS. VILLAGGIO: And I understand what the
13 redevelopment, you know, agreement said, I understand
14 the 18 spots, but we can always amend and it has not
15 to do with --
16 THE WITNESS: I hear you. I'm just trying
17 to visualize. So you are basically saying put a fence
18 in between.
19 MS. VILLAGGIO: But there is a fence there
20 right now.
21 MR. MINKS: Oh, there is the fence
22 somewhere.
23 MS. VILLAGGIO: No, there is a fence at the
24 fire department's property.
25 THE WITNESS: Oh, I've got you.

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1 MS. VILLAGGIO: If we just left that, would
2 we be able to also have the seven, the seven and the
3 two? We would be all right with the 18 spaces, but
4 what about the 2 sevens?
5 MR. PETRUZZELLI: What is existing is on
6 this page, Sheet 2?
7 MR. MINKS: Well, if you look at the A1.1, I
8 am looking at the aerial also.
9 MS. VILLAGGIO: I am estimating that that
10 fence is currently --
11 MR. MINKS: She is not talking about the
12 fence to be added. If you look at the aerial, if you
13 go to A1.1, the existing fence cordoning off Lot 6
14 from Lot 7. Lot 7 is the fire department lot. Lot 6
15 is --
16 MS. VILLAGGIO: Right.
17 MR. MINKS: And that's the property line so
18 that's where this fence theoretically is.
19 MS. VILLAGGIO: And that would satisfy like
20 a number of their items on their sheet.
21 MR. MINKS: We will look at that, but,
22 frankly, I think --
23 THE WITNESS: But you are going to lose
24 parking.
25 MR. MINKS: Yeah, we give them more parking

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1 by eliminating the fence, giving them a new entryway,
2 better circulation and, again, the use of potential 40
3 parking spaces.
4 CHAIRMAN GREET: And the use of parking for
5 our purposes if it's municipal, we as the tenant can
6 dedicate whatever parking spaces we need to, am I
7 correct?
8 MR. MINKS: Correct.
9 CHAIRMAN GREET: So I'm not sure I
10 understand why we were looking to fence or eliminate
11 or leave the parking spaces. And if the fire
12 department makes a stand to the town and says we need
13 X-number of spots and the town agrees, then we can
14 certainly be able to --
15 MR. MINKS: You can mark them as such.
16 CHAIRMAN GREET: Say this is what the fire
17 department needs.
18 MR. MINKS: We have nothing to say with how
19 you administer the 22 public spaces that we are giving
20 to you. The 18 that are shared we can't have
21 restricted from general use, that's all we are saying.
22 But the 22 you do with as you see fit.
23 MS. VILLAGGIO: Would you be willing to help
24 with signage with regard to that?
25 MR. MINKS: Yes. And if Mr. Russo disagrees

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1 it's coming out of my salary. Mine and Doug's.
2 MS. VILLAGGIO: So, basically, if the town
3 says the shed stays so the shed stays, and the cans
4 are going to stay.
5 MR. MINKS: Correct.
6 MS. VILLAGGIO: And with regard to --
7 THE WITNESS: I'm sorry, I would just --
8 those would want to be relocated though. They would
9 not want to stay exactly where they are because they
10 will interrupt the circulation of the property.
11 MR. MINKS: And in terms of the interest,
12 and this is kind of an unknown, and we will work with
13 the borough in determining exactly what the interest
14 will look like, whether it's a long-term license,
15 obviously, with no fee, or whether it's an easement,
16 or it's a subdivision and a dedication to the town,
17 obviously, Lot 6 is what the balance of what the 22
18 spaces is located on. We own Lot 6, the borough owns
19 Lot 7.
20 So we will have to give you some right and
21 interest and access over Lot 6, obviously, so that the
22 fire department and the members of public can use it
23 and then we will also give Title 39 jurisdiction so
24 that police department can police, not only the 22,
25 but also the 18 that are on our side.

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1 MR. NEIRSTEDT: You just took one of my
 2 questions away.
 3 MR. MINKS: Yes, you are all very welcome.
 4 MS. VILLAGGIO: And I would also -- that was
 5 my parking question.
 6 I'd also, with regard to the ladder, you
 7 know, not reaching, I'd like to make the same request
 8 on phase II as I did in phase one, with the
 9 recommendation that the borough put aside a certain
 10 amount of funds each year from the PILOT to offset any
 11 bonding that may become with the purchase of a ladder
 12 truck, if the borough decides to purchase one. That
 13 would only be a recommendation from this board, but
 14 like I made it on phase one, I will continue to make
 15 it on phase II. And the next application, I will make
 16 the same thing.
 17 CHAIRMAN GREET: Is that it?
 18 MS. VILLAGGIO: That's it.
 19 CHAIRMAN GREET: Anyone else?
 20 Yeah, Bill.
 21 MR. NEIRSTEDT: Doug, I apologize because my
 22 notes are in the order of which I picked things out so
 23 I'm going to be jumping all over. So I apologize to
 24 you for that.
 25 First of all, nobody has mentioned it, but

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1 you are the closest thing to a surveyor we have here,
 2 I assume all of the lots are going to be merged?
 3 THE WITNESS: Yes. I apologize I forget to
 4 mention that. All the lots will be merged to Lot 101.
 5 MR. NEIRSTEDT: You will do it through a
 6 deed?
 7 MR. VINEGRA: I am also a licensed
 8 surveyor.
 9 MR. NEIRSTEDT: That may be so, but you
 10 can't testify on your behalf. I know you'd like to.
 11 MR. MINKS: Is the subdivision achieving
 12 that merger part of the second half?
 13 THE WITNESS: If now, we should amend,
 14 because the borough does not require a subdivision
 15 approval for a merger. It's actually already been
 16 submitted to the county for that.
 17 MR. NEIRSTEDT: Okay. Great.
 18 We mentioned refuse and recycling. I look
 19 forward to that.
 20 Title 39, Chris, I appreciate you bringing
 21 that up.
 22 You mention a chain-link fence in addition
 23 to the arborvitae adjacent to Lot 18, I don't know how
 24 the rest of the board feels about it, but I would not
 25 support the use of a chain-linked fence.

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1 THE WITNESS: A chain-linked fence with
 2 green hedged slats in it.
 3 MR. NEIRSTEDT: Agreed. Even worse. Even
 4 worse. I would rather, again, I don't know how the
 5 rest of the board feels. First off, green is really
 6 one of those forest green colors that doesn't really
 7 exist, hunter green is not a reality. But regardless
 8 of that, I'd recommend a board-on-board or stockage.
 9 And also arborvitae, I don't know if everybody has
 10 seen it, but this past winter did a job on arborvitae.
 11 You see them lifted all over the place. We are trying
 12 to get away from the arborvitae. You are going to be
 13 surprised, but I always forget the name of this plant.
 14 I do have it written down here. There is an another
 15 plant that I would recommend and when I come up to
 16 it -- skip laurel, which may be better in terms of
 17 providing that screen.
 18 CHAIRMAN GREET: Can you bring a picture of
 19 that?
 20 MR. NEIRSTEDT: Sure. Can I? Yes. Did I?
 21 No.
 22 CHAIRMAN GREET: Did you.
 23 MR. NEIRSTEDT: No, but I could. But I can
 24 bring you hundreds of pictures of arborvitae that
 25 have just split in half.

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1 MR. MINKS: Did you see what happened to my
 2 skip laurels? They got a beating, too.
 3 MR. NEIRSTEDT: That's a first. Anyway, we
 4 can look into something else.
 5 Again, as the rest of the fellow board
 6 members, a chain-linked fence between residents, if we
 7 can go with board-on-board or stockade. I think that
 8 would look better.
 9 You mentioned the bicycle racks already.
 10 You are going to find a place for them. I appreciate
 11 that.
 12 Within the parking area, the seven spaces
 13 where you have two seven -- rows of seven. At the end
 14 there is no curb island. We should, I believe, have a
 15 curbed landscape island at the end of it.
 16 Vic, I forget if that is actually a code
 17 requirement or not. I think it is. I'm not positive.
 18 Your aisle width right now is 24, but there
 19 is nobody backing into it. And you could cut down to
 20 20 without any problem. I would recommend you put
 21 that in there.
 22 MS. VILLAGGIO: Where is this?
 23 MR. NEIRSTEDT: At the end of where the two
 24 seven spaces are. There is nothing to prevent a car
 25 from sideswiping a parked car there.

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1 THE WITNESS: In the south end of the seven
2 on seven parking spaces, there is no island here so
3 you want to put an island there. My only concern
4 would be the lost parking, but if we agree to reduce
5 the --
6 MR. NEIRSTEDT: Well, you don't lose any.
7 THE WITNESS: The aisle way, if you agree to
8 reducing the aisle way, then two-way traffic at 20
9 feet with parking.
10 MR. NEIRSTEDT: That's fine. I appreciate
11 that.
12 MS. VILLAGGIO: I don't like islands.
13 MR. NEIRSTEDT: Well, when your car gets hit
14 when you park on the end you'll like islands.
15 MS. VILLAGGIO: That's why I have car
16 insurance.
17 MR. NEIRSTEDT: Getting back to islands,
18 just in general, if you look at the so-called Kings
19 Mall, if you look at the majority of islands in the
20 state, we give these trees a very difficult area in
21 which to live and we also raise it above the height of
22 the parking lot. I've seen some best practices with
23 DEP to talk about actually either, A, lowering the
24 planting island --
25 THE WITNESS: Or having a depressed curb.

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1 MR. NEIRSTEDT: Exactly, having a depressed
2 curb. I'm would appreciate if the two engineers can
3 talk about what, what makes more sense. And if we
4 could try to get some water going into this area for
5 these trees, that would be appreciated. The utility
6 plan, I understand the testimony and I heard Vic's
7 comments that all meters are going to be inside.
8 That's greatly appreciated. I look forward to seeing
9 that.
10 Questions on some construction details
11 starting on Page C7. There are a lot of references to
12 county road, and I assume -- do you have C7 with you,
13 Doug?
14 THE WITNESS: I didn't.
15 MR. MINKS: So now you are referring to C7
16 in the site plan set that was part of the application?
17 MR. NEIRSTEDT: That's correct, yes.
18 Detail 5, I know it's county road for
19 concrete sidewalk, but I assume that is for the whole
20 site, right, for the sidewalk? Is that just along
21 South?
22 THE WITNESS: That is specifically --
23 MR. NEIRSTEDT: Along South.
24 THE WITNESS: Along South. So, no, it
25 really did serve both purposes. It says pavers along

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1 South Avenue. It would be along Willow and West
2 Street. So I can correct that.
3 MR. NEIRSTEDT: I appreciate that.
4 Six also says county road, but I assume that
5 depressed curb is only at West and Willow.
6 THE WITNESS: Correct.
7 MR. NEIRSTEDT: No?
8 THE WITNESS: No. There would be no
9 depressed curb there.
10 MR. NEIRSTEDT: But they are concrete
11 aprons, right?
12 Vic, what is the standard?
13 THE WITNESS: I'm sorry, we do show them as
14 concrete aprons. You are correct and they would have
15 depressed curbs.
16 MR. NEIRSTEDT: I appreciate that.
17 On 8 then, Detail 8, that is applicable to
18 South Avenue, correct?
19 THE WITNESS: Correct. And we would modify
20 that detail based on Mr. Vinegra's comments about the
21 cross section detail.
22 MR. NEIRSTEDT: Yes, I appreciate that. I
23 get that.
24 Eleven it says Center and South; is that
25 correct?

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1 THE WITNESS: I'm sorry, which one?
2 MR. NEIRSTEDT: Eleven.
3 CHAIRMAN GREET: Dual handicapped ramp.
4 MR. NEIRSTEDT: Dual handicapped ramp on
5 Center and South?
6 THE WITNESS: That's an old one.
7 MR. NEIRSTEDT: I understand that. I see
8 where it came from.
9 THE WITNESS: That is going to be at South
10 and West and also West and Willow.
11 MR. NEIRSTEDT: Okay, great.
12 I don't know if 13 is applicable anywhere
13 besides South so that might be correct as far as
14 county road.
15 C7.1 and I already said that Mr. Tarantino I
16 owed him one. I couldn't even see the bicycle racks
17 on the plan I have. So I appreciate that.
18 Vic, I ask you as a fellow cyclist, I never
19 to this date understand bicycle safe grates, aren't
20 these the grates where the bike tire always goes in?
21 MR. VINEGRA: No, those are stream grates.
22 MR. NEIRSTEDT: These aren't stream grates?
23 THE WITNESS: I've tested these myself.
24 They don't work.
25 MR. NEIRSTEDT: Have you?

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1 MR. MINKS: You don't drive a fat-tire bike?
 2 MR. NEIRSTEDT: I don't. I still have a
 3 skinny speed bike.
 4 Now I understand the purpose of 16 because
 5 my note was where was this proposed. Now I
 6 understand.
 7 On C7.2, if you can explain to me, trash
 8 rack, where does that actually go on site?
 9 THE WITNESS: Actually, this was something
 10 that came up in the review letter and in our prepared
 11 response -- I actually thank you for bringing it up --
 12 we proposed to not have one of those. Typically the
 13 trash rack like this would be proposed on the face of
 14 an outdoor structure in open space. So if there is
 15 trash in the basement and it's getting caught by the
 16 trash rack and not going in the aqua structure. So
 17 the flow into the system is being controlled by the
 18 Ecograde and the bicycle safe grades so there is no
 19 need, in my opinion, for a trash rack.
 20 CHAIRMAN GREET: So we did just take them
 21 off.
 22 THE WITNESS: That's my proposal, which
 23 would be subject to Mr. Minks' agreement.
 24 MR. MINKS: That is summed up in the June 25
 25 drainage letter that we all worked with our

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1 consultants to resolve.
 2 MR. NEIRSTEDT: Great.
 3 The tree well detail, I didn't see a plan of
 4 it. Can you bring a brochure or sketch, what have
 5 you, of what kind of tree detail it is in plain view?
 6 THE WITNESS: It's along South Avenue. It
 7 would be the same metal grade as phase one.
 8 MR. MINKS: Phase one.
 9 MR. NEIRSTEDT: That would be great. Just
 10 bring it to include in this one. That would be great.
 11 Where is the snow going to go from the
 12 parking lot? And I hate to think about that, believe
 13 me I do. If you don't have an answer now, that's
 14 fine.
 15 MR. MINKS: Presumably, Doug, in any other
 16 situation you wind up stockpiling snow within the
 17 spaces in the parking lot, correct?
 18 THE WITNESS: It would be pushed to the
 19 corner. And if that proves an issue because the
 20 parking is in desperate need, then we would have to
 21 look at moving it.
 22 MR. NEIRSTEDT: The reason I ask, Mayor and
 23 Councilwoman, that might be something to think about
 24 because, obviously, we are losing the south parking
 25 lot for the winter and we know how much we are

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1 dependent on that. So I look towards the council to
 2 make a determination as to snow. If it needs to be
 3 moved off site in order to provide as many parking
 4 spaces as we can in the winter, that would be
 5 terrific. And, also, I assume in the contract there
 6 is an agreement of who is going to plow the snow. Are
 7 they going to be responsible for their portion? Is
 8 the borough going to be responsible for theirs. How
 9 is --
 10 MR. MINKS: That's part of the coordination
 11 that we will work with the borough as to what exactly
 12 the public's interest is in the public parking that
 13 lies on our property. And I would image it would
 14 probably be best that one or the other does the snow
 15 hauling.
 16 With respect to a requirement that we would
 17 remove snow from private property, I would have to
 18 speak with my client. I don't know that I could agree
 19 to that. Again, the borough has continued the use of
 20 these parking lots because really Mr. Russo has
 21 continued to allow the borough and the residents of
 22 Willow to park in this lot in the event of snow so it
 23 can take cars off the street for plowing. Obviously,
 24 we've tried to cooperate in that regard. By providing
 25 the additional 40 spaces, the shared spaces, I think

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1 we are already accomplishing that continued
 2 cooperation.
 3 So I think the private property owner should
 4 be allowed to stockpile snow on the site unless,
 5 obviously, that hinders the operation of our property,
 6 in which case we should have the ability to make that
 7 determination.
 8 MR. NEIRSTEDT: I understand that and there
 9 are going to be a lot of contradictions expressed
 10 regarding parking. One of my responses to that would
 11 be the comment I made earlier, which is that I would
 12 support reducing the number of parking spaces on this
 13 site tremendously. I wouldn't get into the philosophy
 14 of TOD until you get your planner up here and we can
 15 discuss whether or not this plan actually advances the
 16 TOD concept or not.
 17 But part of a parking lot and part of
 18 parking provisions is that those parking spaces be
 19 provided at all times. And I am exaggerating, I
 20 recognize that. But you are not in a situation where
 21 you need a variance. You are in a situation that you
 22 are providing more spaces than are required. But
 23 those spaces are important and to lose those spaces
 24 during heavy snow times is not something I would
 25 advocate given the past history. So I would just look

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1 to council and Mr. Russo to try to work something out
2 so we don't lose them longer than we have to.
3 The shade trees, I appreciate it. Do you
4 know what center they are being proposed on?
5 THE WITNESS: About thirty feet on center
6 wall.
7 MR. NEIRSTEDT: Thirty feet. Okay. Good.
8 Thank you.
9 I appreciate the street scape design along
10 South Avenue. Lighting. On C9 within the plans that
11 were originally submitted, Mr. Bartels, do you have
12 C9?
13 THE WITNESS: I do.
14 MR. NEIRSTEDT: I'm a little confused by the
15 types of lights.
16 CHAIRMAN GREET: I think you are going to
17 have an expert testify to that.
18 MR. NEIRSTEDT: Oh, your architect is going
19 to do that? Because you brought up lighting. I think
20 I can address probably what your question is. There
21 is a labeling --
22 THE WITNESS: I think I can address what
23 your question is.
24 MR. NEIRSTEDT: Exactly. Should I ask or
25 are you going to explain?

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1 THE WITNESS: I can explain. So fixture
2 type A and A2 are the fixtures on the far left, which
3 are the universal selection fixture with the arched
4 arm coming off the top of the bowl.
5 MR. NEIRSTEDT: So that's A and A2. And
6 they are being proposed in the, quote, shared and
7 municipal parking area.
8 THE WITNESS: Correct. And the one in the
9 middle, which is incorrectly labelled as Fixture C is
10 Fixture D in the chart. That's the one along South
11 Avenue.
12 MR. NEIRSTEDT: Because I look at these and
13 I am saying, Am I reading this right?
14 THE WITNESS: I apologize that.
15 MR. NEIRSTEDT: That's okay because what I
16 had is no detail for Fixture A2, B or D but I think
17 now you have taken care of them.
18 THE WITNESS: Right. And that actually
19 carries then that so the scones that is to the right
20 of that, that is labeled B --
21 MR. NEIRSTEDT: That should be C.
22 THE WITNESS: -- that should be C and then
23 the last one is correct.
24 MR. NEIRSTEDT: Okay. I appreciate that
25 very much.

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1 I do not pretend to be knowledgeable at all
2 in terms of lighting within parking garages.
3 Vic, I don't know if you have background in
4 that.
5 How is this lighting going to be seen from
6 outside? The lighting that I am talking about --
7 MR. MINKS: No. That's what the architect
8 will testify to.
9 MR. NEIRSTEDT: Understood. I appreciate
10 that.
11 MR. VINEGRA: I think what is going on today
12 is the old days of low pressure sodium or high
13 pressure sodium are over. And the LEDS are so much
14 more.
15 THE WITNESS: The LEDS.
16 MR. VINEGRA: Yeah. Thank God the low
17 pressure sodiums are gone. The days of seeing
18 spotlights, where you could see the filament, they are
19 gone, too, so. The LEDs are vast improvements.
20 MR. NEIRSTEDT: A comment was made earlier
21 about wheel stops and I did see Harbor Consultants'
22 comment back in the June letter regarding wheel stops.
23 Vic, I mean, I would really recommend -- we
24 don't have any wheel stops at all.
25 MR. VINEGRA: Well, we --

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1 MR. NEIRSTEDT: Right, you testified only
2 at the firehouse. But I would take it a step further
3 and ask that even those wheel stops be eliminated and
4 instead the parking spaces itself be paved to a
5 16-foot depth, fill in the curb and that way the
6 vehicle is stopped from hitting the building, but you
7 still provide that 16-foot space, plus a 2 foot
8 overhang and you have no need for a wheel stop and --
9 Mr. Minks will appreciate this -- your open space will
10 be increased.
11 THE WITNESS: So put a curbing up instead of
12 a wheel stop?
13 MR. NEIRSTEDT: Pull in your curbing 2 feet
14 in where the wheel stop would be so you have a 16-foot
15 paved 2 foot overhang. We have done it in many other
16 spaces.
17 MR. VINEGRA: I will let Doug answer that.
18 THE WITNESS: I mean the spaces are actually
19 about 19 feet. So if we were to do what you suggest,
20 reduce it to 16 feet, which I agree that is allowed to
21 some municipalities to provide a curb off, with the
22 assumption that there is a 2-foot overhang that could
23 be done.
24 MR. NEIRSTEDT: You are saving in paving
25 cost.

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1 THE WITNESS: More curbing cost.
 2 MR. VINEGRA: Do you agree to that,
 3 applicant?
 4 THE WITNESS: Yes, we agree to that.
 5 MR. NEIRSTEDT: As I indicated earlier, I do
 6 believe there are far excess parking spaces then are
 7 required and I will discuss it later. But there are
 8 two spaces that I want to talk about specifically.
 9 When you come in off of South Avenue, it would be the
 10 western driveway area, the first two spaces on the
 11 right-hand side. I would ask for the board to
 12 consider actually eliminating them in order to provide
 13 a real true entrance into -- and I mean this
 14 seriously, I'm not kidding -- you are going to have a
 15 beautiful structure here. It really does not have
 16 a -- with all due respect to the architect -- a
 17 defined real entry area. It's a paved parking lot
 18 with maybe an 8 foot walkway leading into it.
 19 I would recommend that we actually eliminate
 20 those two spaces and actually make a real landscaped
 21 entryway there, whether it's a landscape feature or
 22 it's benches, something that would approve that's
 23 entry. Since the applicant is providing more than the
 24 18 spaces that are required by the redevelopment plan
 25 and since they are providing more spaces that are

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1 required for the units, I would recommend
 2 consideration of that in order to improve the
 3 entryway. You can think about that. I don't know
 4 what the board members think. You are going to have a
 5 nice building. To have just paving in front of it, I
 6 think we can do better than that. We are doing better
 7 across the street and we can do better here.
 8 MR. TARANTINO: Bill, I would actually
 9 support that recommendation because I was waiting for
 10 the discussion with the architect that one of the
 11 downsides that I see is that the front entrance to
 12 this building is very minimal. It turns its face from
 13 the South Avenue side to the east side and you don't
 14 see that from South Avenue. So I think that the
 15 corner of this building in that facade and that plaza
 16 area that you want to create could really be a
 17 dramatic improvement.
 18 MS. VILLAGGIO: It's only 16 feet, right?
 19 MR. NEIRSTEDT: It would be 18-by-18, so
 20 that's 324 square feet, which would increase their
 21 open space and reduce their impervious coverage.
 22 MS. VILLAGGIO: I don't agree with that.
 23 MR. MINKS: The architect can certainly
 24 speak to that a little more and outline how we believe
 25 that within the existing parameters and within the

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1 existing design with the addition of maybe some
 2 additional of maybe additional landscaping and
 3 plantings how it could be made more pronounced.
 4 MR. NEIRSTEDT: That would be appreciated.
 5 And, lastly, I want to get back to the fire division.
 6 They raised a lot of comments and I think this is
 7 going to be one of those situations where it's going
 8 to be difficult for us sitting here at a public
 9 hearing to figure out the answers. They raised some
 10 legitimate questions, obviously, fire safety is
 11 important to all of us.
 12 And I don't want in any way to prevent them
 13 or prohibit them or impair them from being able to
 14 park their vehicles here for those times when, you
 15 know, 15 firefighters do show up and they need to park
 16 someplace. Right now they all -- I think of what was
 17 the -- Belushi and Aykroyd, they pile up on each
 18 other. What was the movie?
 19 SEVERAL BOARD MEMBERS: "The Blues
 20 Brothers."
 21 MR. NEIRSTEDT: "The Blues Brothers." They
 22 just kind of pull in and prevent each other from
 23 getting out, but they are all coming back at the same
 24 time so it all works out.
 25 So I would encourage, again, the council,

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1 fire division to work something out. I don't know
 2 what is in that shed, but that shed seems like it's
 3 very important to the fire fighters. And I don't
 4 think it's, at that point in time, with all due
 5 respect, the most beautiful structure out there, but
 6 we can provide some type of storage for what they
 7 need. I go back on my comment that we have way more
 8 parking spaces than we need. And if we can provide
 9 what the fire division needs, I think that's going to
 10 be more important than a couple of spaces in a parking
 11 lot.
 12 And that's it, Mr. Bartels.
 13 CHAIRMAN GREET: Anyone else from the board?
 14 MS. VILLAGGIO: I have a question about the
 15 sidewalks. Are they all going to be the same on all
 16 three streets, pavers?
 17 THE WITNESS: No. The sidewalk along
 18 South Avenue is proposed to match the sidewalk on the
 19 north side of South Avenue.
 20 MS. VILLAGGIO: Which is the sand cement.
 21 THE WITNESS: The sand color, whatever. And
 22 the pavers along the curb line. And then the sidewalk
 23 along Willow and West would be just the typical
 24 sidewalk that you see along most streets.
 25 MS. VILLAGGIO: Any consideration on Willow

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1 to have Belgium blocks curbs instead of cement.
 2 COUNCILWOMAN TODISCO: If I can add to that?
 3 I agree with you completely. The borough and council
 4 recently has gone to Belgium block curbing instead of
 5 the concrete, so while we are just starting to, it
 6 would probably make that strategy continue throughout.
 7 Sense so if Garwood were to repave that block of
 8 Willow in a few years from now and the rest of it
 9 Belgium block, we would want it to match the
 10 development. The same along West Street. So I just
 11 echo those sentiments. If that could be done, it
 12 would go a long way.
 13 THE WITNESS: Along West and Willow, we
 14 could agree to that. The county curb would be
 15 concrete curb.
 16 COUNCILWOMAN TODISCO: That one I am more
 17 open-minded. Although, frankly, the county doesn't
 18 actually maintain their curbs. They put that on the
 19 towns.
 20 THE WITNESS: It wouldn't matter to us,
 21 quite frankly, we can do either or. So if you were
 22 able to convince, let's say -- or the borough was able
 23 to convince the county, it could be done.
 24 MS. VILLAGGIO: As long as on South Avenue,
 25 like you replaced the curb. I think the entire --

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1 COUNCILWOMAN TODISCO: I have learned more
 2 about curbs in the last few years. The county paves,
 3 but they wouldn't replace the curbing. And so I
 4 believe it's the borough that will decide on and pay
 5 for the curb work that if we wanted to start going
 6 Belgium block on that, we would. I personally would
 7 like to see it on South Avenue as well, with that
 8 being said. And I know that the Russo one plan is
 9 already passed, but if that is at all possibly to be
 10 revised before it is done. I think the Belgium block
 11 is certainly easier to maintain and certainly more
 12 aesthetically pleasing.
 13 MS. VILLAGGIO: And another thing sometimes
 14 with heavy rain, West and South is flooded. I don't
 15 know why it floods there, but it's just a low point.
 16 I don't know. During your investigation with regard
 17 to, you know, the flows and all that.
 18 THE WITNESS: I mean, well, I could say what
 19 we've done. We've done what we certainly can do with
 20 our development by providing the retention and
 21 providing the reductions that we are basically 50
 22 percent of the two-, ten-, and 25-year storms and 60
 23 percent of the 100-year storms in round numbers. So
 24 that the proposed flows will be a percentage at that
 25 system.

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1 MR. MINKS: And, Doug, that doesn't include
 2 what is for the north side, which obviously hasn't
 3 been implemented yet. But one phase one and phase two
 4 are both implemented. It's our position there would
 5 be a significantly reduction in the flow of storm
 6 water.
 7 THE WITNESS: Off of the property,
 8 certainly, yes. The larger issue honestly is the
 9 storm main going all the way down South Avenue.
 10 MS. VILLAGGIO: Okay. Thank you.
 11 MR. PETRUZZELLI: I actually have a
 12 question. It goes back to the parking for the fire
 13 department. During the actual construction is there
 14 any way to demo the existing parking lot for the fire
 15 department last so that this way they have a place to
 16 park while that is being built. Is that possible to
 17 work out?
 18 MR. MINKS: Yeah, I mean, the final
 19 course -- and, Doug, correct me if I'm wrong, but the
 20 final course of pavement would happen last anyway or
 21 would be among the last things that happen anyway. So
 22 I would imagine that other than areas that are needed
 23 for construction staging on our property we can
 24 certainly maintain the existing fire department.
 25 THE WITNESS: Yeah. And the existing paving

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1 there could be saw cut along whatever line is the
 2 appropriate line to do. It would likely all be
 3 removed this way and maybe just filled and resurfaced.
 4 MR. PETRUZZELLI: Just as long as there is a
 5 place to park when the guys pull in.
 6 MR. MINKS: We will coordinate that as best
 7 we can. I mean, obviously, we can't remove the
 8 parking from your side anyway if you tell us you don't
 9 want us to until the end. So that, I think is a
 10 giving. And with regard to any more room we can leave
 11 for your use during construction, we would certainly
 12 endeavor to do that.
 13 THE WITNESS: And I would anticipate that we
 14 would leave this intact until this building was well,
 15 well, well on its way anyway. And at that point, we
 16 can possibly stage, you know, getting this paved and
 17 then getting it over there.
 18 MR. PETRUZZELLI: And only because on
 19 Sheet 10 it talks about putting in, I guess, your silt
 20 fence and anything so I don't know if that would go up
 21 in those areas as well, you know, when you start your
 22 construction.
 23 THE WITNESS: It will go up as necessary to
 24 control sediment runoff, but with these areas paved,
 25 you know, we can work -- that can progress to that

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1 point. If we know we are only going to disturb the
 2 asphalt up to this area initially, saw cut it, put the
 3 silt fence there. In that way --
 4 MR. MINKS: And I will speak to our
 5 construction department and the job foreman for phase
 6 one who is also going to be doing phase two, because
 7 he and I came up with where we are going to put the
 8 fence now, the extended fence to create the additional
 9 parking spaces. So I will speak to him as to where
 10 that construction fence could be that would allow us
 11 to do the job, the majority of the construction work
 12 on site and leave some parking outside of the
 13 construction envelop.
 14 So I will get that information from him and
 15 then maybe we will be able to share with you exactly
 16 how many spaces approximately we will be able to give
 17 you in addition to your lot during construction.
 18 COUNCILWOMAN TODISCO: Another question. On
 19 Page C7, the stop that is painted on the ground at the
 20 bottom left there, is that located within the garage
 21 or the parking facility or is that on the street?
 22 THE WITNESS: That would be near the exit at
 23 West Street.
 24 COUNCILWOMAN TODISCO: So leaving the
 25 garage, so to speak or the parking area?

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1 THE WITNESS: So you would technically
 2 already be out of the garage, let's say, beyond the
 3 side of building and onto the little short strip of
 4 driveway here. That would come right behind the
 5 sidewalk here.
 6 COUNCILWOMAN TODISCO: Okay. Right behind
 7 the sidewalk.
 8 Would it be possible to have you guys
 9 improve the crosswalk painting and even possibly put a
 10 stop indication on the roadway at Willow, Willow
 11 approaching West?
 12 THE WITNESS: Right here?
 13 COUNCILWOMAN TODISCO: Uh-huh.
 14 That intersection is challenging as it is
 15 now, so I believe any markings or signage that we can
 16 do to emphasize that point.
 17 MR. MINKS: Well, I think that speaks to
 18 what was mentioned earlier about petitioning the
 19 county to put a four-way stop. So we, obviously,
 20 would support that idea. And to the extent that we
 21 needed to pretty up the painting and striping of the
 22 crosswalks, we certainly would be will to do that.
 23 COUNCILWOMAN TODISCO: And will we discuss
 24 the island idea at the end of those two seven and
 25 seven parking spaces to see what the whole board says.

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1 THE WITNESS: Yeah, we can do that.
 2 MR. NEIRSTEDT: Um --
 3 COUNCILWOMAN TODISCO: I'm almost done.
 4 Thanks.
 5 MR. NEIRSTEDT: The councilwoman just said
 6 something that I missed earlier.
 7 COUNCILWOMAN TODISCO: That's impossible.
 8 MR. NEIRSTEDT: If you look at the ground
 9 site plan, A1.4, I realize that is just a graphic
 10 depiction. But if you look at the site traffic and
 11 circulation plan, I just want to make certain. You do
 12 have new sidewalks proposed going across the garage
 13 exit onto west, right, that is a new sidewalk? And I
 14 assume that the --
 15 THE WITNESS: This is not.
 16 MR. NEIRSTEDT: Pardon?
 17 THE WITNESS: This does not match that.
 18 MR. NEIRSTEDT: And you don't step from the
 19 sidewalk into the driveway, you continue on the same
 20 grade, the sidewalk continues on the same grade?
 21 THE WITNESS: Right.
 22 MS. RIDENTE: I have a question about the
 23 security. You mentioned security in the parking
 24 garage. Are they in the stairwells, as well.
 25 THE WITNESS: They are in the stairwells,

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1 yes.
 2 CHAIRMAN GREET: Anybody else?
 3 John, I have a question and just to find
 4 out. Do you know if Allan is coming back Allan
 5 Tweedle?
 6 MR. MALCOM: No.
 7 CHAIRMAN GREET: He is not? In that case if
 8 there are no other questions of this particular
 9 witness, I will open it up TO questions of this
 10 witness from the general public at this time.
 11 MR. FRASER: Yes, please state and spell
 12 your name.
 13 MR. PRIETO: Good evening. Anthony Prieto,
 14 I'm counsel for James Surgent and Surgent Elite School
 15 of Gymnastics. He is present in court as well.
 16 We came here initially with some questions
 17 about the consideration for the overflow parking that
 18 is going to take place, in our opinion, on West Street
 19 and Willow Avenue, which is now currently reserved for
 20 two-hour parking and then residential parking permits.
 21 Has that been a consideration in terms of
 22 the impact it's going to have on the parking on West
 23 and Willow Avenue because specifically my client
 24 relies upon the two-hour parking and turnover in terms
 25 of the parents picking up their children. And it's

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1 going to impact that in our estimation. You are going
 2 to have people that are going to be parking now that
 3 have a residential permit that are going to be parking
 4 for an extensive period of time on Willow Avenue and
 5 West Street.

6 THE WITNESS: We don't anticipate that being
 7 the case. As I mentioned the parking requirements is
 8 a ratio overall of 1.2 spaces per unit. We are at 1.6
 9 spaces per unit. We have more than adequate parking
 10 for the units proposed. Just speaking in numbers
 11 rather than percentages and ratios, 92 parking spaces
 12 is what is required to serve the residential units and
 13 we have 116 exclusively for the residents under the
 14 building.

15 MR. PRIETO: I'm not really questioning
 16 whether you meet that criteria. We have a question --

17 THE WITNESS: I am saying we have adequate
 18 parking. They would be parked here. There wouldn't
 19 be parked on the street. We don't anticipate what you
 20 are anticipating.

21 MR. PRIETO: So when visitors come, there is
 22 not going to be an overflow problem?

23 THE WITNESS: There is parking in the east
 24 lot.

25 MR. PRIETO: I understand that. I'm going

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1 to bring it up again during the public comment. But
 2 this is where I am going in terms of questioning that
 3 I would have for this project, number one.

4 Number two, I thank you for the plans and,
 5 again, I listened. We weren't anticipating that the
 6 ingress and egress to this project was being to be on
 7 West Street and I heard you say you considered Willow
 8 and I would just suggest it and I heard what
 9 Mr. Vinegra said. I understand the concerns about
 10 that, but perhaps from my client's perspective, with
 11 little children that are going in constantly all day,
 12 in and out of that facility on West Street, I don't
 13 think this is the most appropriate means of ingress
 14 and egress.

15 And I'd ask you to consider, Willow Avenue
 16 has been discussed but maybe consider it again. I'm
 17 not familiar enough with why South Avenue could not be
 18 used as an ingress/egress. Maybe it's not possible
 19 because it's a county road or if you closed off the
 20 opening, you know, ingress/egress on West Street and
 21 flopped it over to where the east side parking is, you
 22 can have the ingress and egress there. In my opinion,
 23 it would be a much safer way of getting in and out of
 24 that lot without exposing the children and we have a
 25 substantial amount of children that go in and out of

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1 that facility on a daily basis all hours of the day.
 2 Now you are talking about another 116, to use your
 3 number. I think it's going to be more than 116
 4 because we know that people are going to be visiting
 5 and staying overnight, et cetera.

6 So I would ask that, A, have you considered
 7 any of those alternatives and, B, would you consider
 8 those.

9 THE WITNESS: We considered the Willow
 10 Avenue, as we discussed. And relocating to the drive
 11 aisle would result in loss of additional parking
 12 spaces within that lot.

13 MR. PRIETO: But you would gain the spots
 14 when you close up the ingress and egress on West.

15 THE WITNESS: You would gain spaces there,
 16 yes.

17 MR. PRIETO: You'd have the same opening.

18 THE WITNESS: However then that would also
 19 bring all that traffic down through the parking lot
 20 rather than having them be able to turn off of
 21 South Avenue and enter off the side street.

22 MR. PRIETO: Right. I understand. But I
 23 don't know if you are familiar, the entrance to my
 24 client's gymnasium is right here. So you are going to
 25 have people coming in and out all day to get into the

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1 opening that you've constructed. And I am just
 2 suggesting that it might not be the most appropriate
 3 manner to enter and exit that facility. Did you
 4 consider South Avenue or is that not an impossibility?

5 THE WITNESS: South Avenue is not
 6 appropriate giving its distance from the road. And
 7 the propensity for cars to be slowly entering into the
 8 facility. You would not want to do that.

9 MR. PRIETO: So what about coming down
 10 Center Street and then down to Willow? I heard you
 11 said you are not in favor of all the traffic on
 12 Center Street, but I think it would be a more
 13 appropriate means than on West Street.

14 THE WITNESS: I addressed why we considered
 15 that and why we feel that this is the better location.
 16 Our traffic engineer perhaps could have more to say.

17 MR. MINKS: I will follow up with some
 18 questioning for you when Mr. Prieto is finished.

19 MR. PRIETO: Okay. Thank you.

20 I just ask the board to consider that.

21 With respect to the transformer on the
 22 corner there. Is that going to be making some noises?
 23 Is it a quiet transformer?

24 THE WITNESS: It's a transformer that you
 25 would have outside of any business. There would be a

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1 hum to the transformer, sure.

2 MR. PRIETO: Could you consider relocating

3 that? Because, again, that is right opposite the

4 doorway that my client's patrons use on a daily basis.

5 Is there somewhere else you can locate that?

6 THE WITNESS: The only other location that

7 would be feasible, which I don't think would be

8 desirable, would be along South Avenue.

9 MR. PRIETO: And that is a business heavily

10 traversed area. Why would that make more sense?

11 THE WITNESS: That is the main facade of the

12 building and to have the transformer out in front of

13 the main facade of the building, as opposed to the

14 side street is not --

15 MR. PRIETO: Well, couldn't you put it on

16 the facade side of the South Avenue and camouflage it

17 as you have depicted somewhere here in this drawing.

18 I don't see the difference.

19 THE WITNESS: It's not particularly

20 camouflaged I wouldn't say and PSE&G is very difficult

21 with regard to landscaping around the transformers in

22 terms of they don't want it basically.

23 MR. PRIETO: All right. So we are going to

24 have a transformer that hums right opposite the

25 entranceway to my client's facility where he has been

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1 since 1984? And you can't relocate that?

2 THE WITNESS: I explained where we could

3 locate it and that I didn't think that was a better

4 location.

5 MR. PRIETO: So other than South Avenue

6 there is nowhere else it could be relocated?

7 THE WITNESS: The electrical room is on the

8 northwest side of the building.

9 MR. PRIETO: Well, could you, for example,

10 locate the electric room where the water and gas is

11 and flop those and then have the transformer down

12 there?

13 THE WITNESS: The electrical room is

14 considerably larger than the water and gas room. We

15 would have to completely look at that room to see if

16 it could be sized in a different way, but in that

17 location it would cut into the driveway location.

18 MR. PRIETO: Okay. But you are the expert,

19 I am not. For example, the maintenance room, could it

20 be flopped where the maintenance room is?

21 THE WITNESS: It's a different size room.

22 It would have to be studied. I would have to study

23 that.

24 MR. PRIETO: Okay. Well, I would ask you to

25 consider that and I'd ask the board to consider that.

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1 And I will speak more at length during the public

2 portion. Thank you.

3 BY MR. MINKS:

4 Q. If I may, Mr. Bartels, the parking that was

5 mentioned on West Street, to the extent -- I'm not

6 sure if it's resident-only parking, but there is

7 public parking, on-street parking, correct?

8 A. Yes.

9 Q. And that's public parking, correct?

10 A. Yes.

11 Q. So members of the public are allowed to

12 utilize that parking, correct?

13 A. Yes.

14 Q. There is no reserved parking for Surgent's

15 or any other business that you are aware of?

16 A. No, not to my knowledge.

17 Q. Does Surgent's have its own private parking

18 that you are aware of?

19 A. No, not to my knowledge.

20 Q. So it relies on and utilizes public parking?

21 A. It seems that way, yes.

22 Q. But so, too, could a visitor to our

23 facility?

24 A. Yes.

25 Q. Absent a change by the borough counsel, I

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1 think, chose to limit the use of that parking.

2 However, we are not relying on nor are we including

3 any public parking on street or otherwise in our

4 parking calculations, correct?

5 A. That's correct.

6 Q. And yet our parking calculations far exceeds

7 the redevelopment requirements that were passed, not

8 only approved by this board and recognized by

9 Mr. Vinegra, but then adopted by the mayor and

10 council, correct?

11 A. Yes. There are 24 additional spaces for

12 residents.

13 Q. With regard to the location of the entryway,

14 again, that is a public street, correct, West Street?

15 A. Yes.

16 Q. And you provided extensive testimony as to

17 why we would not want to overwhelm a residential

18 street with single-family homes that is a one-way

19 street, which is Willow Avenue, with two driveway

20 entrances and the main entrance to our parking garage,

21 correct?

22 A. Yes.

23 Q. And given the traffic concerns, the speed at

24 which cars travel, the proximity to the signal on

25 Center Street, and the location of the driveways

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1 adjacent to or across South Avenue for phase one, was
 2 it your engineering determination, not Mr. Prieto's
 3 legal opinion, but your engineering determination that
 4 the location of the entrance to the garage is best
 5 suited on West Street and not on South Avenue or
 6 Willow?
 7 A. That is correct.
 8 Q. Was there any review by the borough
 9 engineer, the board engineer that would indicate that
 10 the a location on South Avenue would be a more
 11 desirable location?
 12 A. No, there was not.
 13 Q. With regard to the location of the
 14 transformer, is there anything in the borough code
 15 that prohibits or restricts or limits our ability to
 16 place the transformer where you've located it?
 17 A. Not to my knowledge.
 18 Q. And short of studying and re-engineering the
 19 utility rooms and essentially of the building in some
 20 respects, is sit your professional engineering
 21 opinion, again, not Mr. Prieto's legal opinion, but
 22 your professional engineering opinion that that is the
 23 most logical suitable and appropriate location for the
 24 transformer?
 25 A. Absent a complete re-study, yes.

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1 Q. That's it. We want to be a good neighbor.
 2 Are we prepared to screen it a little more or perhaps
 3 enhance the camouflaging of that transformer so as to
 4 mitigate certain requests and concerns?
 5 A. We could look at how we could establish
 6 that, yes. There are certain clearances required
 7 around transformers, which is, again, part of
 8 challenge to do screening around the transformer, but
 9 we would have to look at that to see how we could
 10 accomplish it.
 11 Q. And would it be preferable or wise or a good
 12 plan in your engineering point of view to locate the
 13 transformer anywhere along Willow, if it were possible
 14 with a redesign of the plans?
 15 A. Well, if the rooms worked internally, I
 16 mean, it could work there as well. It would be more
 17 of an eyesore for the residents on Willow versus a
 18 business on West.
 19 Q. And on South Avenue, would it be a wise
 20 location to put a transformer adjacent to a road that
 21 has busier traffic, higher speed travel?
 22 A. No. It's better on the side road. And it's
 23 more favorable for the overall aesthetic that is being
 24 created along South Avenue with the redevelopment
 25 plan.

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1 MR. MINKS: Thank you. I have nothing
 2 further.
 3 MR. PRIETO: Can I rebuttal or ask some more
 4 questions? I apologize. I am not familiar with all
 5 this.
 6 CHAIRMAN GREET: What I would like you to do
 7 is I would like you to ask specific questions, keep it
 8 brief because there may be other people in the
 9 audience that wish to ask some questions.
 10 MR. PRIETO: I understand that. I have been
 11 here since 7:15 and I am ready to ask some questions.
 12 I will keep them as short as I can. I listened very
 13 quietly to everything.
 14 RE-CROSS EXAMINATION
 15 BY MR. PRIETO:
 16 Q. So as I understand then it's okay to impact
 17 a business as opposed to the residents on Willow? And
 18 from what I understand we are talking about putting
 19 the transformer on the corner of Willow and West,
 20 right? Is that what Mr. Minks just asked you?
 21 A. He was referring to the frontage of Willow.
 22 He didn't specifically mean --
 23 Q. Where did you understand it to mean? Right
 24 over here?
 25 A. Yeah. He didn't specify. I was actually

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1 looking farther the other way because I know that room
 2 location doesn't work.
 3 Q. Is there anywhere else that you can relocate
 4 the transformer; yes or no?
 5 MR. MINKS: He answered that question, but
 6 you can answer it again.
 7 A. Without studying how the rooms work inside
 8 the building, the location that has been selected is
 9 the best location for that transformer.
 10 Q. I got that. Thank you very much.
 11 MR. PRIETO: And I am not giving my legal
 12 opinion, Mr. Minks, I'm just asking questions. I'm
 13 not the legal professional asking my witness
 14 questions, but would you agree that you could locate
 15 the ingress and egress other than on West Street, you
 16 could put it on Willow, you could put it in the
 17 parking lot, you could put it on South Avenue.
 18 A. Theoretically it could be relocated, but I
 19 think it's the best location where it is now, yes, it
 20 is.
 21 Q. I understand that Mr. Minks is not familiar
 22 or doesn't know the parking regulations on
 23 West Street, but I want you to assume that it's
 24 two-hour parking except for residents who have a
 25 residential permit there, okay? Did you factor that

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1 into your analysis in terms of the impact that this
2 would have -- and I'm not talking about parking
3 spaces -- the impact that it would have?
4 A. I didn't neglect that in the question.
5 There is adequate parking.
6 Q. I know, but Mr. Minks asked you whether or
7 not there are any restrictions on the parking. You
8 don't know if there are restrictions on the parking?
9 MR. MINKS: He is not the parking expert,
10 Mr. Prieto.
11 MR. PRIETO: Okay. Can I ask him the
12 question? You asked him.
13 MR. FRASER: Gentleman.
14 Q. Are you familiar with whether or not there
15 are any parking restrictions on West Street?
16 A. I am not fully aware of the restrictions on
17 the parking lot.
18 Q. Thank you. Are you familiar with the
19 parking restrictions on Willow?
20 A. No, I am not.
21 Q. So you would agree that the fact that you
22 don't know that information that it could not have
23 factored into your decision-making process.
24 A. The fact that there is adequate parking
25 under the building? No, that has nothing to do with

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1 it.
2 Q. Or the impact that it would have on the
3 parking from West Street and Willow, which was
4 directly in back of my client's business?
5 A. Analyze from that perspective? No, because
6 there is adequate parking under the building for the
7 residents of the building.
8 MR. PRIETO: That's not a legal opinion. I
9 have nothing else.
10 CHAIRMAN GREET: Okay. Anyone else from the
11 general public?
12 MR. STANLEY: My name is Kevin Stanley. I
13 live at 414 Willow. It's the lot that kind of cuts in
14 here. As was said, there is the 8-foot chain-link
15 fence along the side, which is fine I could see
16 through that. Then put this fabric up. Now I can't
17 see. There is a sidewalk here. You know, I have to
18 be really careful coming out. Now they are proposing
19 to put up another fence that has slots in it along
20 with this hedge. I'm not going to be able to see
21 that. And you have another entrance here. It's going
22 to make things worse. That should be taken care of.
23 THE WITNESS: The hedges can certainly be
24 pulled back from the front.
25 MR. STANLEY: Another thing, there is a fire

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1 hydrant right at the end there, too, right over here.
2 THE WITNESS: Yes.
3 MR. STANLEY: Are you going to move that?
4 THE WITNESS: We are not impacting that.
5 MR. STANLEY: It's going to be tough getting
6 in and out of that place.
7 THE WITNESS: The driveway was drawn out so
8 it does not impact the fire hydrant.
9 MR. STANLEY: Even with that curb here?
10 THE WITNESS: As Mr. Nierstedt said there
11 are a couple of not-quite accuracies on that. This is
12 the driveway as laid out on the engineering plan and
13 it does not impact the fire hydrant.
14 MR. STANLEY: It's going to be tough getting
15 in and out of my driveway if you put another entrance
16 here.
17 THE WITNESS: Our driveway is further off
18 the property line and the fire hydrant than your
19 driveway is.
20 MR. STANLEY: I doubt it.
21 THE WITNESS: Your driveway is right here,
22 correct?
23 MR. STANLEY: Yeah.
24 THE WITNESS: So that's the property line
25 and your driveway touches it.

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1 MR. STANLEY: Yeah.
2 THE WITNESS: And our driveway does not.
3 MR. STANLEY: It's right here.
4 THE WITNESS: It's right here on the survey,
5 outside of our driveway. It is not impacted by our
6 driveway. It's the survey location.
7 MR. STANLEY: Okay. When they knock it out
8 you can come fix it. Thank you.
9 CHAIRMAN GREET: You're welcome.
10 Anyone else?
11 MR. SCALZADONNA: John Scalzadonna,
12 assistant chief of the Garwood Fire Department.
13 Obviously the fire department has some very
14 serious concerns about you impacting our response
15 times by taking our parking lot away. I understand
16 that is not for you. You said that you have more than
17 enough parking in the parking garbage; is that
18 correct?
19 THE WITNESS: For the residences, for the
20 residential demand, there is more than enough parking.
21 MR. SCALZADONNA: Just from the plan I'm
22 looking at, from what I'm hearing here, if you took
23 that first row up against the fire department and
24 designate that as fire department parking, you are
25 talking about the fire department getting seven --

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1 THE WITNESS: Eight spots.
2 MR. SCALZADONNA: -- you, yourself, said
3 that we could relocate the shed to one of those spots.
4 THE WITNESS: Yes.
5 MR. SCALZADONNA: Also, I don't know if you
6 are aware but our generator is --
7 THE WITNESS: Tucked behind the building.
8 MR. SCALZADONNA: Is tucked behind the
9 plant that you have there. So how would that get
10 serviced?
11 THE WITNESS: In the landscaping plan.
12 MR. SCALZADONNA: It's just one thing. But
13 what I'm getting at is it possible for those seven
14 spots to get relocated into the parking garage and
15 leave the parking for the fire department along?
16 MR. MINKS: I think you are
17 misinterpreting --
18 THE WITNESS: You get a much better
19 circulating parking lot than what is shown here.
20 MR. MINKS: If he could repeat what parking
21 and show on the plan, he will show you exactly what
22 parking is going to be public parking, which is going
23 to be available for you guys.
24 THE WITNESS: The parking is in here.
25 MR. SCALZADONNA: Correct me if I'm wrong,

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1 you, yourself, testified that this is going to be
2 shared parking.
3 MR. MINKS: No. No.
4 MR. NEIRSTEDT: No. No.
5 THE WITNESS: These 18 spaces closest to our
6 building are shared parking spaces. These 22 spaces
7 are the borough spaces.
8 MR. SCALZADONNA: Right. Not the fire
9 department's parking and when there is a snow
10 emergency the townspeople are told to get their cars
11 off the streets and bring them into the public parking
12 lots. When we have a fire, where are we supposed to
13 go? I know that is not for you, but that's where the
14 conversation is going, so.
15 MR. MINKS: Well, Mr. Scalzadonna, the
16 parking lots that are utilized for snow events are not
17 public parking lots. They are our parking. We have
18 allowed the town to utilize those parking lots because
19 we are not developing them and we want to be a good
20 neighbor and allow them to use them for their
21 purposes. We have also allowed your department to
22 train there.
23 MR. SCALZADONNA: Absolutely.
24 MR. MINKS: And we've extended that and that
25 will continue until such time that we start

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1 construction. The public parking lot that you have
2 now which is fenced off is only what is located on
3 Lot 7. That is the only parking that you actually
4 have and that's roughly eight spaces.
5 MR. SCALZADONNA: As Mr. Nierstedt said,
6 when we get a call we double and triple park.
7 MR. MINKS: I understand. No, you park on
8 the south lot.
9 MR. SCALZADONNA: We double and triple park
10 in our parking lot.
11 MR. MINKS: What we are providing you, and
12 you'll have use of, and whether the borough wants to
13 designate them all as fire department spaces or some
14 other purposes, you have 22 spaces that you are going
15 to be able to do with as the borough determines.
16 Those are not shared.
17 MR. SCALZADONNA: More of our questions is
18 for the board, but I only have one other question
19 really. If you left our parking lot alone, how many
20 parking spots would you be sacrificing for the public
21 portion of it?
22 MR. NEIRSTEDT: Eight.
23 THE WITNESS: Seven. Because these seven
24 spaces would become unusable.
25 MR. SCALZADONNA: So seven spaces is what we

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1 are talking about to leave the fire department's
2 parking alone?
3 THE WITNESS: Yes.
4 MR. SCALZADONNA: And just so everybody is
5 aware, we have more than just a shed out there. We
6 have a vehicle out there. We have another trailer out
7 there. It's more than just a shed. But, again,
8 that's not for you. I will address that to the board
9 later.
10 Thanks.
11 MR. MINKS: Doug, I guess an alternative is
12 to cordon off the area, the parking area that we are
13 giving for the use of public spaces and fence our
14 property, the remainder of our property if that is a
15 preferable solution. Is that a viable solution? Then
16 you wouldn't have the site circulation, you would have
17 the dead-end lot you have now. You wouldn't be able
18 to circulate around it.
19 THE WITNESS: There is myriad of solutions,
20 you know, options. You can lose these center spaces
21 and keep these and have this just a one-way in and
22 out.
23 MR. SCALZADONNA: Well, that was my other
24 question to you.
25 THE WITNESS: You could close off -- I mean,

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1 it's borough spaces. So it's not for me to say how to
2 use them.
3 MR. SCALZADONNA: These are
4 right-turn-only's when you exit?
5 THE WITNESS: This is the right-turn-only
6 and this is only a left.
7 MR. SCALZADONNA: So conceivably you are
8 having more traffic come down in front of the
9 firehouse?
10 THE WITNESS: Well, more traffic because
11 there is actually people living there and parking
12 there. That would be reasonable to guess. But I
13 don't think the fact that this is a right-out-only
14 driveway is going to do that because you have a whole
15 other driveway. So if you want to go this way you are
16 going to come this way.
17 MR. SCALZADONNA: And, again, I don't know
18 if this is a question for you. Is there any
19 consideration for a traffic light at the fire
20 department for when we are trying to exit with our
21 fire trucks?
22 MR. MINKS: I would imagine you ask the
23 county to perhaps put in a fire signal.
24 THE WITNESS: Because that would stop
25 traffic. You can't put a traffic light there.

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1 MR. SCALZADONNA: Yeah, a fire signal.
2 MR. MINKS: I think that is something that
3 would have to be studied with the council or perhaps
4 Mr. Vinegra's office.
5 MR. SCALZADONNA: Thank you.
6 CHAIRMAN GREET: Anyone else from the
7 public?
8 Seeing none, I close the public portion of
9 the meeting.
10 Chris, Do you want to continue tonight or do
11 you want to -- how many more witnesses do you have?
12 MR. MINKS: I have two more. I'm not going
13 to presume to put traffic on tonight. We were overly
14 optimistic by bringing Chuck with us. But I think, if
15 the board will indulge me, I think we can deal with
16 architecture pretty quickly.
17 MR. FRASER: You think?
18 MR. NEIRSTEDT: Do we get a break anyway?
19 CHAIRMAN GREET: You will get a break.
20 MR. MINKS: I can deal with it quickly. I
21 will take fifteen minutes of the architecture
22 testimony and the rest is up to you.
23 MR. FRASER: I think you used the plural
24 pronoun "we."
25 MR. MINKS: I did and it was the royal we.

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1 That is another way in saying I was mistaken in
2 saying. I would like take Mr. Johnson's testimony
3 tonight in the hopes that we can address it, ever the
4 optimist.
5 CHAIRMAN GREET: I will speak royally as the
6 UK does lovely. So we are going to have to take a
7 break then and we will come back in five minutes.
8 (Brief recess.)
9 CHAIRMAN GREET: Okay, folks. We are back
10 in action here.
11 MR. MINKS: Upon further consideration and
12 discussing with my witnesses, I believe we will all be
13 available at the next meeting, which I believe is the
14 24th.
15 CHAIRMAN GREET: October 24.
16 MR. MINKS: And, accordingly, we will be
17 adjourning for the evening. I will request that the
18 matter be carried to the 24th without the need for
19 further notice.
20 MR. FRASER: This will be just a continued
21 hearing. There is no further notice for public
22 required. For anybody here for the application, the
23 application will be continued on the evening of
24 October 24, 2018 at 7:30 p.m. There will be no
25 further notice. This is your notice.

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1 Thank you.
2 MR. MINKS: Thank you very much. I
3 appreciate it.
4 (Hearing adjourned 10:21 p.m.)
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1 CERTIFICATION

2

3 STATE OF NEW JERSEY)

: ss:

4 COUNTY OF UNION)

5

6

7 I, TONIANN ACQUARO, a shorthand reporter and
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12 I further certify that I am neither
13 counsel for nor related to any part to said action, nor
14 in any wise interested in the result or outcome thereof.

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand this 26th day of September, 2018.

17

18

19

ToniAnn Acquaro

20

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