

1 BOROUGH OF GARWOOD  
2 PLANNING BOARD  
3 REGULAR MEETING  
4 403 South Avenue  
5 Garwood, New Jersey  
6 Wednesday, October 24, 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

11 B E F O R E:

- 12 STEVE GREET - Chairman
- 13 CHARLES LOMBARDO, Mayor
- 14 LOUIS PETRUZZELLI
- 15 SARA TODISCO, Councilwomen
- 16 STEVE NAPOLITANO
- 17 JOHN MALCOLM
- 18 DENISE RIDENTE
- 19 WILLIAM NEIRSTEDT
- 20 PAUL TARANTINO
- 21 MICHAEL VENA
- 22 KATHLEEN VILLAGGIO

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

26 TRANSCRIBED BY AND BEFORE:

27 ToniAnn Acquaro, Professional Court Reporter, and Notary  
28 Public of the State of New Jersey.  
29 Job No. NJ3027052

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1 A P P E A R A N C E S:  
2  
3 R U S S O D E V E L O P M E N T  
4 Counsel for Applicant South AVE II Urban Renewal, LLC  
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7  
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11  
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1 GREET CHAIRMAN: We have a continuation of  
2 application PB18-03, Block 403, Lots 1 to 6 and 19 to  
3 22 by the applicant South Avenue II Urban Renewal,  
4 LLC.  
5 Mr. Mintz, I think you have the architect  
6 and you have a traffic study.  
7 MR. MINKS: I have an architect and I have  
8 our traffic/planner who is wrapped up into one  
9 package, hopefully for efficiency purposes. And, in  
10 addition, there will be some discussion because we met  
11 with -- or actually had conversations Mr. Vinegra  
12 concerning some issues that were raised by some  
13 members of the fire department, the chief and others,  
14 with respect to the configuration of the parking we  
15 are providing, partially in satisfaction of our  
16 obligations for the phase one approval, and  
17 secondarily, parking that we are offering to sweeten  
18 that deal for public use.  
19 So there has been a bit of discussion about  
20 that. I think a resolution as to a reconfiguration of  
21 how that lot is going to look. Hopefully, we will  
22 just bring Doug Bartels up very briefly at the  
23 conclusion of my other two witnesses just to talk  
24 about how we are proposing to reorient that. It  
25 actually results in net four more surface parking

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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  
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14 Sheet A.01 dated  
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18 windows  
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20  
21  
22  
23  
24  
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1 spaces. So I think -- even though I know he is  
2 shaking his head because this is a transit-oriented  
3 development --  
4 MR. NIERSTEDT: No, it's not.  
5 MR. MINKS: We will disagree at another  
6 time.  
7 Notwithstanding that, we recognize that  
8 parking is nevertheless a premium in Garwood and we  
9 still think it is a good move.  
10 With that, I would like to call  
11 Stuart Johnson, our architect.  
12 S T U A R T J O H N S O N, after having been  
13 duly sworn, was examined and testified as  
14 follows:  
15 MR. FRASER: Please state and spell your  
16 name and give your address.  
17 THE WITNESS: Sure. Stuart Johnson,  
18 S-t-u-a-r-t, J-o-h-n-s-o-n. My business address is 80  
19 Lambert Lane, Lambertville, New Jersey. I'm a  
20 principal at Minno Wasko Architects and Planners. I  
21 have a bachelor of architecture from Syracuse  
22 University. I am a registered architect in the State  
23 of New Jersey. I have appeared before this board as  
24 well as other boards for over a dozen municipalities  
25 here in the state.

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1 MR. FRASER: Is your license current?  
 2 THE WITNESS: Yeah.  
 3 MR. FRASER: Mr. Chairman, I recommend  
 4 Mr. Johnson be accepted as a civil architect.  
 5 THE WITNESS: Correct.  
 6 CHAIRMAN GREET: Okay. Your witness.  
 7 MR. MINKS: Thank you.  
 8 EXAMINATION  
 9 BY MR. MINKS:  
 10 Q. Mr. Johnson, you have been engaged as an  
 11 architect for the Garwood phase two project, in fact,  
 12 you were also the project architect for phase one.  
 13 A. That's correct.  
 14 Q. And you testified before this board on that.  
 15 A. That's correct.  
 16 Q. As such you are fully familiar with this  
 17 project?  
 18 A. I am. I was actively involved in the  
 19 development of the architectural building plans for  
 20 both phase one as well phase two, which is in front of  
 21 this board this evening and I oversaw the development  
 22 of the architectural plans.  
 23 Q. If you would, as briefly as possible, but  
 24 nevertheless comprehensively, take the board through  
 25 the architectural features of the proposed project

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1 paying specific attention to elements in the  
 2 redevelopment plan that your architectural design  
 3 satisfies.  
 4 I understand you have two boards to mark as  
 5 exhibits, if we can pre-mark those as Exhibits A-3,  
 6 A-4, and then we have a handout. Unfortunately,  
 7 Mr. Johnson only brought a few. He is not as  
 8 sacrificial as we are with respect to trees.  
 9 MR. FRASER: The handout is just about the  
 10 windows, Mr. Mintz.  
 11 MR. MINKS: It's just about the windows so  
 12 that would be A-5 for today's date.  
 13 (Applicant's Exhibit 3, Concept building  
 14 elevations, Sheet A.01 dated  
 15 September 14, 2018, marked for  
 16 identification.)  
 17 (Applicant's Exhibit 4, Architectural display  
 18 board, marked for identification.)  
 19 (Applicant's Exhibit 5, Handout regarding  
 20 Gelwin windows, marked for identification.)  
 21 Q. Would you go through and refer to the  
 22 boards, referring to each as we've marked them and  
 23 then describe what that is for purposes of record?  
 24 A. Great.  
 25 I'm very excited to be here tonight. Just

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1 to summarize from previous testimony, the subject  
 2 property consists of approximately 1.74 acres with  
 3 frontage on South Avenue, Willow Avenue and  
 4 West Street. The project in front of the board this  
 5 evening is a new residential community, which consists  
 6 of 72 residential apartment units and 156 parking  
 7 spaces.  
 8 The project has been designed to be two  
 9 levels of residential, which is wood frame  
 10 construction over one level, a concrete podium level.  
 11 The ground floor is predominantly parking, which could  
 12 be seen on Sheet A1.4, which has been previously  
 13 marked in and I believe you have in front of you. So,  
 14 again, ground floor is parking as well as residential  
 15 lobby and building services. And the upper two floors  
 16 of the building are all residential use.  
 17 The building has been designed to be broken  
 18 up both horizontally and vertically. We feel this is  
 19 an attractive facade that compliments the  
 20 architectural variety that is found in the downtown of  
 21 Garwood. It also compliments the architecture that  
 22 was approved for the Garwood phase one, which fronts  
 23 across the street on South Avenue.  
 24 As you can see from the building elevations  
 25 if I refer to Exhibit A-3, which are the concept

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1 building elevations. These are color rendered  
 2 building elevations of the project in front of the  
 3 board this evening. The first elevation here --  
 4 Q. If I can interrupt for one second. What  
 5 we've marked as Exhibit A-3 is not in any packet  
 6 you've received, correct? You have not handed that  
 7 out to the board?  
 8 A. Correct. It's an updated building elevation  
 9 from the elevations that were in the packet.  
 10 Q. It's Elevation Sheet A.01 and it has a date  
 11 of September 14, 2018.  
 12 A. Correct.  
 13 Q. I'm sorry, continue.  
 14 A. So, again, as shown in the building  
 15 elevations here, we strived to create a base metal top  
 16 breathing with the architecture. We strived to break  
 17 the architectural meaning up and the fenestration to  
 18 create a base metal top. You can see that here in the  
 19 cast stone being used along the base to help unify  
 20 that architecture. You can see the varied  
 21 architecture and building material being used. We  
 22 have two different pallets of masonry brick veneer.  
 23 There is a reddish brick being used here and then a  
 24 darker charcoal brick being used adjacent.  
 25 We are also using quality building materials

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1 consisting of fiber cement siding at the upper level  
 2 of the building. We are also using composite metal  
 3 panel for an accent here at this corner box base. The  
 4 building has been designed to create jogs in the  
 5 building that occur approximately every 40 feet,  
 6 which, again, complies with the redevelopment plan.  
 7 Specifically the building materials being  
 8 used includes cast stone, which I referenced there at  
 9 the base of the building. That occurs on all four  
 10 sides and wraps around to help to anchor the base of  
 11 the building as a water table design. There are two  
 12 different colors of masonry brick veneer. There are  
 13 two different colors of fibrous cement siding being  
 14 used on the upper levels to give it that base metal  
 15 topping I referenced previously. And you can see the  
 16 accent corners here, the box base, with lots of light  
 17 and glass for the residential units.  
 18 The building height for the building is  
 19 three stories and 35-and-a-half feet, which is  
 20 compliant with the building height allowed, which was  
 21 three stories and 40 feet. That is measured from the  
 22 biggest grade immediately adjacent to the building to  
 23 the highest point of the roof deck, complying with the  
 24 definition of building height. Typically each  
 25 residential floor has a minimum ceiling height of 9

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1 feet.  
 2 And the residential windows for each  
 3 respective unit has a minimum window height of 6 feet.  
 4 But as you can see here, for the living room spaces on  
 5 the corners of these units, we have gone to the extent  
 6 to drop that glass close to the floor line to allow  
 7 for a window that is approximately 8 feet high, and  
 8 approximately 9 feet or greater in width. So these  
 9 units are getting lots of light in there, lots of  
 10 natural light to make them attractive and very  
 11 marketable for the downtown living here in Garwood.  
 12 Each residential unit is individually heated  
 13 with a mini split unit, which has a condenser located  
 14 on the roof. All the rooftop mechanical equipment and  
 15 condenser units will be set back from the edge of the  
 16 roof and adequately screened from the pedestrian view  
 17 here along the public right-of-ways.  
 18 To walk you through the building elevations,  
 19 Elevation No. 1 here, the south elevation, is the  
 20 elevation that fronts on Willow Avenue. You can see  
 21 how the building has insets above the second floor  
 22 where we have residential courtyards. If I reference  
 23 Sheet A2.2, which is within your packets, this is a  
 24 typical residential floor plan. You can see the  
 25 massing of the two levels of residential.

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1 The building is an E-shaped building, which  
 2 is open to the south, which allows for southern light  
 3 into these units, which, again, is attractive and  
 4 allows for light and air into the residential units.  
 5 We designed the building as such to allow for those  
 6 jogs in the building there to create shadow and depth  
 7 along that facade. This is also the facade that faces  
 8 the single-family residential neighbors here adjacent.  
 9 So, again, we have gone through the effort of breaking  
 10 up the elevation in creating these jogs and shadow  
 11 lines that will break up the massing of that building.  
 12 Again, if I continue here, Elevation No. 2  
 13 is the east facing elevation that faces the surface  
 14 parking lot that is immediately adjacent to the  
 15 building. That has the primary residential entry here  
 16 at the corner. You can see the elegant storefront  
 17 glazing that is being used on the corner that is going  
 18 to be lit up during business hours as well as early in  
 19 the evening to provide a safe and elegant entrance to  
 20 the residential community. You can see the  
 21 architectural canopy over the entryway there providing  
 22 an attractive architectural detail as well as building  
 23 signage. So you also note here we are using the same  
 24 rich quality building materials on all sides of the  
 25 buildings even within the courtyards. We are not

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1 stripping it down or using vinyl or a lower quality  
 2 material.  
 3 Q. If I may, in case people are curious. The  
 4 Sheet A1.4 from the site plan set was marked as  
 5 Exhibit A-1. It's one of the pages from Exhibit A-1  
 6 from the first hearing, shows a lot of landscaping  
 7 along Willow. The intent there was really to plant  
 8 heavily to further screen the mass of the building to  
 9 preserve the residential character from the opposite  
 10 side of the street, correct?  
 11 A. That's correct.  
 12 Q. And it's not as visible on your elevations  
 13 because the trees, although they may be depicted  
 14 there, they are shaded a little bit so you can see the  
 15 building through them, correct?  
 16 A. Correct.  
 17 The landscaping and street trees as shown on  
 18 the building elevations are illustrative only. And I  
 19 would defer to the landscape architectural details and  
 20 the planting details that were provided and the  
 21 previous testimony that was given regarding the  
 22 species of the trees and the plantings in front of the  
 23 building. What I will say is you have greater than 10  
 24 feet from the sidewalk to the building face. I  
 25 believe that was previous provided in testimony.

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1 You can see you have a typical planting  
 2 strip here along the curb with street trees and then  
 3 beyond that you have a typical 4 foot or 5 foot  
 4 concrete sidewalk, which is similar to the details  
 5 found within the downtown here. And beyond that  
 6 sidewalk you can see this landscape area, which is  
 7 going to be landscaped with little bushes and a little  
 8 berm, which is going to go up to that building and  
 9 provide a green buffer, if you will, to the street  
 10 scape.  
 11 Q. Okay, thank you.  
 12 A. Sure. One point I want to get to when we  
 13 come back to this building, we also uniquely designed  
 14 the ground floor parking level. The security grates  
 15 or window covers, if you will, at the parking level  
 16 have actually been designed to be alluminum window  
 17 enclosures, which mimic the scale and massing of the  
 18 residential windows above. So you can see the frame  
 19 of that grill matches the portion of the sort of  
 20 punched openings at residential levels. Rather than  
 21 having a stark cast iron grate or something that was  
 22 unattractive, we went to great effort there to screen  
 23 that parking, conceal it to make it feel like it is a  
 24 residential community.  
 25 We also met with the fire department and

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1 agreed to providing at certain points along here  
 2 access, a secure key access to those grates so that in  
 3 the event of an emergency first responders would be  
 4 able to get through the garage or get their equipment  
 5 or their hoses into that garage.  
 6 So to continue my testimony, if I refer to  
 7 Exhibit A-4, which was marked in earlier, Drawing  
 8 No. 1 here is the north elevation. This is the  
 9 elevation that fronts on South Avenue. So, again, you  
 10 can see that same architectural detailing that is  
 11 being used with this unique corner details here, with  
 12 the bump-outs on the corners with component metal  
 13 panel. You can see that cast stone, which goes along  
 14 as a water table in certain areas, we are bringing  
 15 that up one story. You can see the horizontal data  
 16 lines that are being created through the fenestration  
 17 of the architecture. And can you see we were breaking  
 18 up the rhythm of the facade.  
 19 Drawing No. 2 on Exhibit A-4 is the west  
 20 elevation. This fronts on West Street. You can see  
 21 the ground floor is predominantly parking as well as  
 22 access to a couple of the mechanical rooms. On the  
 23 left-hand side there is elevation. There is access to  
 24 the electrical room. And on the right-hand side of  
 25 this elevation we have access, the ingress and egress

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1 to the parking garage as well as access to a gas meter  
 2 there on the corner. You can see the residential  
 3 levels above.  
 4 For some of the units we have private  
 5 outdoor living space, so these are recessed balconies  
 6 in the facade, which provide a attractive break in  
 7 rhythm to the facade, but also it's an amenity to the  
 8 building units themselves.  
 9 Q. If you can just confirm that what you've  
 10 identified or referred to what we've earlier marked as  
 11 Exhibit A-4 for today's date, that it, again, is an  
 12 elevation board or board that has elevations Sheet  
 13 A.02?  
 14 A. Sheet A.02 dated 9/14/2018.  
 15 Q. Thank you.  
 16 A. So to summarize, the building facade, the  
 17 architecture that was designed here is compliant with  
 18 the design standards as laid out in the redevelopment  
 19 plan, specifically the horizontal masses of the  
 20 building. The facades have been designed to be broken  
 21 up with colors in colors and materials. Again, I made  
 22 reference earlier that we are creating breaks in the  
 23 plane of the building approximately every 30 to 40  
 24 feet. Again, compliant with the redevelopment plan.  
 25 The vertical massing of the building, we have a

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1 clearly-defined base, middle and top reading to this  
 2 facade.  
 3 The exterior building materials being used  
 4 on this project are rich in quality building  
 5 materials. We are not stripping these elevations down  
 6 on any side.  
 7 And, lastly, sustainable design features.  
 8 Many aspects of the design of this building go to meet  
 9 the intent of the sustainable design features that are  
 10 listed within the redevelopment plan as well as LEED  
 11 credits. Some of those involve access to transit,  
 12 rain water management, heat island reduction compared  
 13 to the existing site that is there, indoor/outdoor  
 14 water reduction use, storage of recyclables within the  
 15 building. There is also low-emitting materials being  
 16 used and thermal control through the windows and the  
 17 exterior building materials, as well as lighting  
 18 controls both internally and exteriorly in the  
 19 building.  
 20 So it is my architectural opinion that we  
 21 are complying with the design standards in the  
 22 redevelopment plan.  
 23 Q. And are you familiar with the review letter  
 24 by Garwood's consultants prepared by Mr. Vinegra dated  
 25 September 21, 2018?

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1 A. I am.  
 2 Q. And is it your understanding that  
 3 specifically with respect to the testimony, the  
 4 architectural testimony you provided and the  
 5 architectural features of the design, that he, too, is  
 6 in agreement that the architectural design is  
 7 compliant with the provisions of the redevelopment  
 8 plan?  
 9 A. That was my understanding and interpretation  
 10 of the letter, yes.  
 11 Q. One thing, however, that he raised that he  
 12 requested that further testimony be provided is with  
 13 respect to the nature and the type of windows that we  
 14 proposed for the project.  
 15 A. That's correct.  
 16 Q. I know I shared the detail that you provided  
 17 of the Gelwin hybrid windows and if you can just  
 18 briefly explain to the board what they are and how  
 19 they comply with the redevelopment plan requirements.  
 20 A. Sure. So this is a --  
 21 MR. VINEGRA: I have one question briefly.  
 22 THE WITNESS: Sure.  
 23 MR. VINEGRA: On the corner units, you are  
 24 not using double hung windows there?  
 25 THE WITNESS: We are not. So we are

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1 actually using awning windows. So these are fixed  
 2 windows down here at the bottom and these are operable  
 3 awning windows that push out. Similarly, when you go  
 4 adjacent here these are operable, they are operable  
 5 awning windows that go out. They are fixed casements  
 6 with motions above.  
 7 MR. VINEGRA: So you are going that way for  
 8 the entire building?  
 9 THE WITNESS: For the entire building. I  
 10 don't believe we have any double-hung windows for this  
 11 project, which offers a contemporary look. It also  
 12 offers the opportunity here with the simulated divided  
 13 lights to create a unique and residential feel. And,  
 14 again, I think a very attractive feature of this  
 15 building are these corner units here because you get a  
 16 lot of glazing there, which really reflects the  
 17 residential use of the building, the facades.  
 18 MR. VINEGRA: What is the window material,  
 19 the frame made out of?  
 20 THE WITNESS: To answer your question and I  
 21 guess to provide the testimony there was a comment in  
 22 the planner's writing that asked us to provide  
 23 testimony for the windows that are planned to be used  
 24 on the project. It's a Gelwin product. This is the  
 25 same window that was approved by this board for

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1 Garwood phase one.  
 2 It's an aluminum clad vinyl window. It's a  
 3 quality window. It gives the look of an alluminum  
 4 window. It's has a dark finish, so it has a mat black  
 5 finish, which gives it a very contemporary and  
 6 residential feel. It's not a stark white vinyl window  
 7 that stands out and doesn't compliment the  
 8 architecture. I think this provides for a very nice  
 9 and attractive window which compliments the  
 10 architecture of the downtown area.  
 11 MR. VINEGRA: So you are going with a  
 12 comment board, like a hardy concrete material on the  
 13 third level?  
 14 THE WITNESS: So the second and third floor  
 15 has this dark gray color that is being used on the  
 16 third floor, as well as this lighter gray color that  
 17 is being used in this elevation here, on the second  
 18 and third floor. It is a fibrous cement. It's a  
 19 vertical fibrous cement siding panel, so similar to a  
 20 James Hardy product. James Hardy is the proprietary.  
 21 MR. VINEGRA: Plank board. But this is more  
 22 of a vertical.  
 23 THE WITNESS: Correct. It's a vertical  
 24 siding panel and it's actually has reveal strip. So  
 25 it has these reveal strips here in between. It

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1 offers, gives the look as a metal panel, which, in my  
 2 opinion, is a higher quality look.  
 3 MR. VINEGRA: Is the brick veneer, is it  
 4 going to be a pre-made panel?  
 5 THE WITNESS: So the brick is a modular  
 6 brick so it's a full bed-depth brick. So it's not a  
 7 thin brick. So it's a full bed-depth brick as well as  
 8 the manufactured cast stone being used there. The  
 9 water table of the building, we are bringing that up  
 10 again on South Avenue. We are bringing it up one  
 11 story in certain sections for accent. We are also  
 12 using those precast seals and trims on some of the  
 13 water levels.  
 14 Q. And the use of brick and stone on the first  
 15 floor and then the siding integrated above that --  
 16 A. Correct. As you go vertically in the  
 17 building we are using the fibrous cement on the upper  
 18 levels, which is a traditional residential design.  
 19 Typically we try to use layer colored materials as you  
 20 go vertically, which helps to minimize the vertical  
 21 affect of the building.  
 22 MR. VENA: On the balconies, are you going  
 23 to have the same lighting as phase one? When we  
 24 talked about the lighting on the balconies it was all  
 25 down lighting. It was integrated into the rails.

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1 MR. MINKS: It will certainly be the same in  
 2 that regard in that it wouldn't be blaring light or  
 3 spilling light out onto adjacent properties or onto  
 4 the roadway. And, if you will, with respect to the  
 5 part of the design features and the direction you took  
 6 this building in, it's not going to be the mirror  
 7 image of phase one, but, but are there architectural  
 8 elements here that carry the industrial feel of phase  
 9 one or the more modern feel of phase one into phase  
 10 two and buffer the residential area by softening the  
 11 phase one design.  
 12 A. Correct. I would say that that's a correct  
 13 statement. We are using the same percentage or  
 14 similar building materials on this project. We are  
 15 using two slightly different colored bricks but we are  
 16 using the same window design, so there is a continuity  
 17 between the two projects across South Avenue. And it  
 18 is highlighted.  
 19 As this project abuts a single-family or  
 20 more residential-oriented neighborhood on the Willow  
 21 Avenue side of the block as opposed to South Avenue,  
 22 we transitioned to more of that fibrous siding panel,  
 23 which is a lighter color. So, again, if we reference  
 24 the elevation on the front of Willow Avenue, we  
 25 designed the building to create larger jogs and more

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1 shadow lines on the cap. And you can see more of that  
 2 use of the fibrous cement siding panel to make it feel  
 3 like the building is being set back. And really, in  
 4 my architectural opinion, this building has a  
 5 two-story read to it even though it's a three-story  
 6 building and it's complying with the building height  
 7 and is in line with the building height of the  
 8 single-family residential neighborhood adjacent to it.  
 9 MR. MINKS: I have no further questions for  
 10 Mr. Johnson.  
 11 CHAIRMAN GREET: I have just a further  
 12 question. You handed out a layout of what the windows  
 13 would be. I am assuming that is what they are going  
 14 to be made of. Is that the identical window itself  
 15 that is going to be incorporated into that phase?  
 16 THE WITNESS: So the window being shown on  
 17 the cover there is a marketing image, it's not the  
 18 exact --  
 19 CHAIRMAN GREET: That was my question.  
 20 THE WITNESS: So that window is the  
 21 fabricated with the exact same finish. The same  
 22 pallet finish. It may not be the same color, but  
 23 that's the specifications for the window that we  
 24 designed and plan to install on the project. So same  
 25 specifications, but the actual window shown on the

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1 market image could be a different color in terms of  
 2 design and height, operability of the window itself  
 3 could be a little bit different.  
 4 CHAIRMAN GREET: Thank you.  
 5 MR. VENA: You are saying you are put awning  
 6 windows in, correct?  
 7 THE WITNESS: Correct.  
 8 MR. VENA: What is their projection? How  
 9 far do they open up?  
 10 THE WITNESS: So I believe they open up 4 to  
 11 6 inches, but they have a limiter on them, which  
 12 prevents them from fully opening up and that's a  
 13 safety feature.  
 14 MS. VILLAGGIO: Screens on them, too?  
 15 THE WITNESS: There will be screens on some  
 16 of the windows.  
 17 MS. VILLAGGIO: So they can get fresh air.  
 18 THE WITNESS: Correct.  
 19 MS. VILLAGGIO: The portion that faces  
 20 Willow, my understanding is you have it set back so it  
 21 does look like one big wall, which I like. Is there  
 22 any way architectural-wise, like I know you have  
 23 softened the colors to make it fit better being next  
 24 to residential, is there any additional softening or  
 25 architectural stuff that you could do to make it more

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1 residential in your opinion?  
 2 THE WITNESS: My architectural opinion is  
 3 that the Willow Avenue elevation, which is Elevation  
 4 No. 1, the south facing elevation here, has a very  
 5 residential reading to it. Again, the building was  
 6 designed here to be two levels of residential over  
 7 ground floor parking. So this is residential. It's  
 8 100 percent residential use on the levels two and  
 9 three. We have a lot of light in there, so a lot of  
 10 exterior glazing being used on the residential units.  
 11 I think it's an attractive facade. It's a handsome  
 12 elevation.  
 13 If you reference the typical second floor of  
 14 the building here, you'll see that the building is 70  
 15 feet in length, then you have over 100 feet in  
 16 setback. And then it's 70 feet in length and over 100  
 17 feet in setback and 70 feet in length. So that's the  
 18 area I was referencing here, if you trace the profile  
 19 of that building there. So these elevations here are  
 20 actually set back from the facade. So I think with  
 21 that combined with the landscape that we were  
 22 referencing earlier, the buffer from Willow Avenue, my  
 23 architectural opinion, this has a residential reading  
 24 to it.  
 25 MS. VILLAGGIO: Can the setbacks, the two

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1 setbacks -- that's on top of parking, correct?  
 2 THE WITNESS: Above the ground floor  
 3 parking, correct.  
 4 MS. VILLAGGIO: Is that going to be  
 5 artificial turf or?  
 6 THE WITNESS: So that level is going to be a  
 7 combination of hardscape paver areas for outdoor  
 8 passive recreation. There is also going to be an  
 9 combination of some artificial turf areas for some  
 10 active --  
 11 MS. VILLAGGIO: Anything green or whatever?  
 12 THE WITNESS: There is going to be greenery.  
 13 There is going to be shrubs. There is going to be  
 14 planted trees and tree balls, raised planters on that  
 15 level. Again, we are not showing that. That would be  
 16 on the landscape drawing and detail. But you would  
 17 have some greenery within here, raised planters on  
 18 these two plaza levels, which are meant for outdoor  
 19 recreation.  
 20 Q. And you said there is access to those areas?  
 21 A. There is access to these areas. So if you  
 22 reference the second floor plan here, you'll see the  
 23 common corridor has access at two points in each  
 24 courtyard as well as the ground floor units that front  
 25 on that courtyard without access, direct access to the

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1 exterior. So we expect that these two courtyards will  
 2 be used for passive recreation for the building.  
 3 MS. RIDENTE: You mentioned some screening,  
 4 can you clarify what you meant by that with windows?  
 5 THE WITNESS: I think there was question  
 6 asking if there was screens on the residential  
 7 windows. The answer is yes, there are screens on the  
 8 residential windows. It's typical. These are the  
 9 same windows we are designing on a multitude of  
 10 projects across the state. Residentials open their  
 11 windows and use them all the time for fresh air  
 12 because the natural light.  
 13 MS. RIDENTE: Okay. The windows will have  
 14 screens.  
 15 THE WITNESS: Yeah.  
 16 MR. NIERSTEDT: You said some. Is the  
 17 answer all?  
 18 THE WITNESS: The operable windows will have  
 19 screens.  
 20 MR. NIERSTEDT: There you go.  
 21 MR. VINEGRA: And the screens will be on the  
 22 inside. You won't be able to see it from the outside?  
 23 THE WITNESS: Correct. The Gilwin windows  
 24 that we are referencing here in front of you is a  
 25 significant upgrade from a standard vinyl window, from

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1 an Anderson Silverline or an MI vinyl window that is  
 2 used in a multiple projects across the region. This  
 3 is a high quality. It has the look of a -- I mean,  
 4 it's clad in aluminum. It's a black finish. It's a  
 5 quality project.  
 6 MR. PETRUZZELLI: I have a question with the  
 7 windows. On your rendering here, what actually opens  
 8 up? Is it the bottom part or the middle part?  
 9 THE WITNESS: It varies depending on the  
 10 window. If you take a typical window that is shown  
 11 here. This is a typical triple window that might be  
 12 in a living room. This is approximately 9 feet wide  
 13 so it's 3-O windows. You have operable awning windows  
 14 down below here that swing out and the fixed casement  
 15 windows up above that have simulated divided lights in  
 16 them to make them have the residential feel.  
 17 When we were referencing the windows on the  
 18 corner here, we were bringing that glazing down to the  
 19 floor line. For the first two feet, those windows are  
 20 required to be tempered. So those windows are not  
 21 operable. So in this instance, this is approximately  
 22 a 4-foot wide picture window that is fixed. And then  
 23 you have vertical, vertical awning windows here. You  
 24 would have two of them for that corner living room  
 25 within the unit that swing out.

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1 MR. PETRUZZELLI: And they only go out about  
 2 six inches, you said?  
 3 THE WITNESS: Correct. But, again, keep in  
 4 mind that the building code requires a certain amount  
 5 of fresh air and ventilation. So these units have all  
 6 been designed to meet and surpass what is required in  
 7 the building code in terms of fresh air and  
 8 ventilation.  
 9 MR. PETRUZZELLI: So if the fire department  
 10 had to get somebody out of those upper windows, how do  
 11 you get somebody out? So it's a window that doesn't  
 12 actually open to pull somebody out, I guess. The  
 13 windows would have to be broken from the outside?  
 14 THE WITNESS: So this building can be  
 15 accessed near the exterior, but this is an elevator  
 16 served building with egress stairs. So typically --  
 17 I'm not going to get into lifesaving tonight, I'm not  
 18 a fire expert -- but this is an elevator-served  
 19 building and typically these buildings, in the event  
 20 of an emergency, they have access via the emergency  
 21 stairs which are located at the corners of the project  
 22 or the corners of the residential corridors.  
 23 There is an elevator with battery backup in  
 24 case of the event that the power goes out. And first  
 25 responders has access to the building via a Knox-Box



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1 at the residential lobby on the ground floor. These  
2 windows could also be opened or broken no different  
3 than any other window via ladder access no different  
4 if they needed to.

5 Q. The design, however, complies -- you can  
6 state, as an architect you can state that the building  
7 has been designed compliant with the requisite egress  
8 requirements in accordance with the fire code?

9 A. Correct. I specialize in multifamily  
10 residential design. This building has been designed  
11 to comply with the International Building Code  
12 Version 2015, which was adopted here in the State of  
13 New Jersey. We've actually surpassed what is required  
14 in the building code. We are providing an NFPA 13  
15 sprinkler system throughout the building. 13R is what  
16 is required by the building code. We are actually  
17 going above and beyond what is required. So there are  
18 sprinklers inside each unit. Each residential unit  
19 has a one-hour rated box. You have a one-hour rated  
20 separation between your neighborhood adjacent as well  
21 as vertically and the floor below you.

22 CHAIRMAN GREET: Bill.

23 MR. NIERSTEDT: Sure. Thanks. First the  
24 positives. I do like the architectural features of  
25 it. I know some people don't like all the breakup and

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1 different materials. I like that and I am very glad  
2 to see that.

3 Questions. If we ask look at A2.2, you  
4 mentioned the open space and I believe I know what you  
5 meant, but you made a comment about the ground floor  
6 residents having access, you mean the second-floor  
7 residents?

8 THE WITNESS: First level residential, yeah,  
9 second floor residential units. Sorry.

10 MR. NIERSTEDT: I figured that's what you  
11 meant. I just wanted to make sure. There are no  
12 hatches from the parking garage to get access to that.

13 In terms of access, I understand the  
14 corridors. The squares, I will say, that are adjacent  
15 to some of those units that are adjacent to the green  
16 space, are they access from those units? What is  
17 that? Where are they?

18 THE WITNESS: So you are referring to the  
19 gray squares?

20 MR. NIERSTEDT: Sure.

21 THE WITNESS: So the gray squares are inset  
22 balconies or, obviously, there it's flush. It's flush  
23 of the footprint. This is an inset area for secure,  
24 private access. But the ground floor units --

25 MR. NIERSTEDT: I'm sorry, when you say

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1 secure?

2 THE WITNESS: So there is a railing in front  
3 of it that separates this private terrace from this  
4 outdoor community space.

5 MR. NIERSTEDT: So does the person living  
6 there have direct access or do they have to go out to  
7 the common entryway?

8 THE WITNESS: The building has been designed  
9 that the ground floor units --

10 MR. NIERSTEDT: Stop saying ground floor.  
11 Okay. I'm with you. Ground floor units, I'm okay.

12 THE WITNESS: So the courtyard units that  
13 front on the courtyard each have direct access to that  
14 space.

15 MR. NIERSTEDT: They do. Every one of them?

16 THE WITNESS: Correct.

17 MR. NIERSTEDT: Okay. I was very glad to  
18 hear you -- well, let me stick with that for a second.  
19 We do have three-bedroom units in here so,  
20 obviously, we do expect to have children in this  
21 development. Are there any facilities within that  
22 open area for children play?

23 THE WITNESS: So we have eight three-bedroom  
24 units and all eight of those three-bedroom units are  
25 affordable units which comply with the requirement.

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1 These are passive recreation areas, so there is open  
2 space, if you will, so there are areas that --

3 MR. NIERSTEDT: All right. But there is  
4 nothing designed for children?

5 THE WITNESS: Correct. There is no top gym  
6 design on these courtyards.

7 MR. MINKS: Nor is there intended to be.

8 MR. NIERSTEDT: When you say "nor is there  
9 intended to be," I take exception to that. Let's talk  
10 for a second. You brought up COAH, I didn't.

11 MR. MINKS: Well, you brought up the  
12 three-bedrooms units and we complied pursuant to the  
13 settlement agreement with Fair Share Housing and the  
14 Township of Garwood, which the Borough of Garwood  
15 participated in. We are required to build those eight  
16 three-bedrooms units. Alternatively, we probably  
17 would not have. So by bringing up the three-bedroom  
18 units, you cannot not bring up COAH, because the two  
19 are --

20 MR. NIERSTEDT: I didn't. That's okay.

21 My question revolves again going back to  
22 children's play. Where are the children who are going  
23 to live here play? In my opinion there is no area  
24 within this green space for children to play. You  
25 have residents living there, right next door. You

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1 have indicated they have direct access to it.  
2 Obviously, you can't throw a baseball. You can't  
3 throw a soccer ball. You can't play tennis. You  
4 can't do anything out here active. And I understand  
5 you keep saying passive, and I understand that. Where  
6 are the children to play?  
7 THE WITNESS: So we are not --  
8 MR. MINKS: If I may --  
9 MR. FRASER: No. He asked a question of the  
10 witness, Mr. Mintz.  
11 MR. MINKS: But he is asking a question  
12 based on his conclusion that this is going to be a  
13 development that attracts children.  
14 MR. FRASER: He is entitled to ask the  
15 question.  
16 MR. MINKS: Okay. I have no problem with  
17 the question.  
18 MR. FRASER: Well, apparently you do. Let  
19 him answer.  
20 MR. MINKS: I have a problem with the  
21 premises that he stated that is a predicate to his  
22 question, which I think is an inaccurate statement  
23 that he raised as a conclusion.  
24 MR. FRASER: I have no doubt you will  
25 effectively redirect, Mr. Mintz. Let Mr. Nierstedt

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1 ask his question.  
2 MR. MINKS: Please answer the question if  
3 you are able.  
4 THE WITNESS: So I would say there is an  
5 elevator-served building that is located in a downtown  
6 area. From my experience and also by my client's  
7 experience, we do not expect this building to generate  
8 a large number of school children. We are providing  
9 two small outdoor passive recreation areas that will  
10 provide common access for all the residential units  
11 and the tenants who live within this community to  
12 access.  
13 I have a two-year-old myself, as well as a  
14 two-week old. There is access for them to come out  
15 and use this space for passive recreation. We are  
16 going to have some artificial turf up in that area.  
17 You can currently kick around a soccer ball. I don't  
18 expect there to be baseball play or football play, per  
19 se. This is a residential community. When you have  
20 residential units that face onto one another, it's  
21 typical you don't throw baseballs around glass windows  
22 within this area. It's no different than a different  
23 residential community. This is just on an elevated  
24 surface.  
25 MR. NIERSTEDT: In terms of the design of

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1 the surface, from plain view it looks real nice. I  
2 don't see it really being designed for use. It's more  
3 of a plain view formal design. Has there been given  
4 any thought of actual use areas within your green  
5 area? Because it's basically just formal sitting  
6 areas, formal -- I can't even say garden areas, I'm  
7 not sure. I've toned back and contrary to what  
8 Mr. Mintz was saying, my question solely relies on  
9 solely is based on the fact that whether it's designed  
10 for children or not designed for children, we  
11 anticipate children here. So I am just asking.  
12 Across the street we have plenty of things  
13 for adults. I am asking a simple question. Have the  
14 needs of the children who may be living here been  
15 considered in the design of this green space or in the  
16 provision of open space? You do have a variance of  
17 open space and that's what all this is relating to.  
18 THE WITNESS: I would say two things. One,  
19 is you referenced the project across the street, which  
20 was phase one. I believe previous testimony was given  
21 that all the residents who live within phase two of  
22 this building would have access to all the residential  
23 amenities in phase one. So if there are the amenities  
24 and a playroom area and a clubroom area within phase  
25 one, these residents and tenants have access to that

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1 area. They have outdoor active recreation. I believe  
2 there is a pool terrace on that building, so that  
3 provides for seasonal outside recreation, right?  
4 Again, keep in mind that this is an outdoor  
5 recreation area that is being designed on top of a  
6 parking garage. So it's a roof structure. This is a  
7 raised pedestal floor system so it's going to be a  
8 combination of wood pavers, and concrete pavers as  
9 well as some artificial grass surface. I think I made  
10 mention to there will be some raised planters being  
11 used in the space. But this is a much more passive  
12 recreation compared to the active recreation, which is  
13 in phase one across the street.  
14 MR. NIERSTEDT: I won't harp on it because I  
15 think I made my point, okay, that neither across the  
16 street nor here are the play needs of children who  
17 could potentially live here addressed. And I will  
18 simply say there is more -- this is going to sound  
19 like a double negative here, but there is more lack of  
20 addressing it on this side where we do anticipate  
21 there to be additional children. And that's all I  
22 will say about that.  
23 MR. MINKS: If I may -- are you done with  
24 your questions?  
25 MR. NIERSTEDT: No.

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1 MR. MINKS: I'm sorry.

2 MR. NIERSTEDT: I was very glad to hear you

3 say elevator tonight because it's the first time we

4 have elevators. Can you show me is it just one

5 elevator; is that correct?

6 THE WITNESS: So there is just one elevator

7 planned for the building and it's located directly

8 adjacent to the residential lobby, which was shown on

9 sheet A1.4. That's typical for a 72-unit building

10 that's three stories where there are only two levels

11 of residential, one elevator is adequate for wait

12 times.

13 MR. NIERSTEDT: In terms of residents moving

14 in and out, what size elevator is this? And I

15 recognize you are not going to have all 72 moving in

16 at the same time. But in terms of the people using

17 the elevator and in terms of people moving in with

18 bedroom furniture, has this been designed for that

19 use?

20 THE WITNESS: It has. The elevator being

21 shown here is a 3,500 pound Otis elevator or at least

22 Otis was the basis of the design for the 3,500

23 elevator. It complies -- you can fit a stretcher in

24 there, which complies with the building code. The cab

25 height within that elevator is 7 and a half feet. I

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1 think it's approximately 8 feet in height. So you can

2 fit most, if not all residential furniture, couches,

3 and beds, et cetera through there.

4 It may have been previously provided in

5 testimony, but typically move-ins are a scheduled

6 service. It's coordinated through leasing and

7 building management. It occurs for an hour or a two

8 at a time at certain hours of the day. So typically

9 it's off-peak periods. So it might be on 9:30 to

10 11:30 in the morning or and, again, there might be an

11 afternoon slot from 1:30 to 4:00. So it's not

12 occurring at peak periods in the day when people are

13 going to work.

14 MR. NIERSTEDT: All right. Do you have A1.3

15 up there?

16 THE WITNESS: I don't, but I can pull it up.

17 MR. NIERSTEDT: It's the conceptual site

18 plan. So the elevator then is closest to the lobby

19 area, which is closest to the center right, I will

20 say, right below the number two. Yes. And so

21 everyone loading and moving in and moving out of their

22 spaces will be using that door for access to that

23 lobby?

24 THE WITNESS: Correct.

25 MR. NIERSTEDT: Do you see the need for any

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1 type of area dedicated to people moving in and out?

2 THE WITNESS: From my experience, no.

3 Again, this is going to be a scheduled service. You

4 will have a U-Haul truck or small-sized moving truck

5 that is going to be out their for all of one or two

6 hours at the scheduled period. It's going should be

7 coordinated with building management. So building

8 management is going to put signs out there. It's

9 going to comply with any ordinance the Borough of

10 Garwood has with respect to its zoning. I don't

11 architectural see an opinion -- or any reason that it

12 couldn't adequately occur here. And it's typical with

13 most multifamily residential communities I see being

14 designed.

15 MR. NIERSTEDT: The garage area is not

16 designed to allow for a U-Haul truck to pull in,

17 correct?

18 THE WITNESS: Correct. There is not

19 adequate clearance height in the garage to pull in a

20 moving truck or a garbage truck into garage.

21 MR. NIERSTEDT: I'm curious about, you've

22 indicated a number of items done to satisfy

23 sustainability. I kind of see a little contradiction

24 and hopefully you can help me through it. You talk

25 about natural light and air, which I understand is

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1 southern facing and I understand what you are doing

2 there. But then the windows kind of grab my

3 attention because I don't really see a lot of fresh

4 air coming in from the amount of windows being

5 proposed here. When you say fresh air -- I am going

6 to use the word, quote, manufactured through ductwork

7 coming in the building or from outside?

8 THE WITNESS: No. I'm talking about outside

9 air. So there is a minimum amount of outside air that

10 each unit is required to have to comply with the

11 international building code. And our project is

12 meeting that or surpassing that.

13 MR. NIERSTEDT: You mentioned before LEED

14 credits for rainwater management. I smiled at that.

15 What exactly do you mean by rainwater management?

16 What are you doing as far as LEED -- I am not asking

17 for LEED certification in terms of qualifying for LEED

18 credits. What are you doing for rainwater management?

19 THE WITNESS: I'm going to defer that to our

20 civil engineer, who I believe has already provided

21 extensive testimony on water reduction on the site.

22 MR. NIERSTEDT: Storm water, that's correct.

23 But this is the building.

24 THE WITNESS: Well, for the LEED credits,

25 that refers to the site as well as a building. So

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1 internally, the building, I think I mentioned that all  
 2 the new appliances will be low supply fixtures, so in  
 3 the showers, in the bathrooms, et cetera. And then --  
 4 MR. NIERSTEDT: Rainwater.  
 5 THE WITNESS: So keep in mind the rainwater,  
 6 the LEED credit is associated with, previously the  
 7 site was almost 100 percent impervious, but, again, I  
 8 am going to refer back to the testimony that was  
 9 already given by the civil engineer, but believe that  
 10 we are actually improving the site from the current  
 11 condition and based on the design, the site design and  
 12 the building design, we would meet the credits that  
 13 are required for LEED.  
 14 MR. NIERSTEDT: Are there any collection  
 15 points or reuse points?  
 16 THE WITNESS: Reuse, I'm sorry?  
 17 MR. NIERSTEDT: To reuse the rainwater for  
 18 watering outside or anything like that?  
 19 THE WITNESS: There are various levels of  
 20 points that you can achieve --  
 21 MR. NIERSTEDT: Right. On this design?  
 22 THE WITNESS: Well, for rainwater design  
 23 there are various aspects of LEED credits. There are  
 24 levels of points that you could achieve. So through  
 25 additional mechanical systems, rainwater systems, you

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1 can obviously achieve more points.  
 2 BY MR. MINKS:  
 3 Q. We have not designed this project with  
 4 rainwater harvesting and reuse systems?  
 5 A. Correct. We have not designed our project  
 6 to do that nor are we required. We are not required  
 7 to seek a LEED rating for the building.  
 8 MR. NIERSTEDT: Understood.  
 9 THE WITNESS: The testimony I was providing  
 10 is the building as designed comes very close to  
 11 meeting the 40-point minimum of a LEED rating. So  
 12 while this is not a LEED-certified building, it's  
 13 pretty darn close.  
 14 MR. NIERSTEDT: This has not been designed  
 15 for solar, correct?  
 16 THE WITNESS: It has not been designed for  
 17 solar.  
 18 MR. NIERSTEDT: Can it, down the road, could  
 19 it be, could solar actually be placed on the roof if  
 20 you were to find that that would be a positive for the  
 21 utility costs or anything down the road?  
 22 THE WITNESS: Solar needs to be structurally  
 23 planned for. Because you are mounting that to the  
 24 building. There is vibration. So that needs to be  
 25 structurally planned for. That has not been

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1 considered for the project to date.  
 2 MR. NIERSTEDT: So solar cannot be installed  
 3 at a later date? I agree with everything you said.  
 4 THE WITNESS: Not efficiently. It's no  
 5 different than if you were to add solar to your  
 6 single-family residential house. It's ideal if you  
 7 were to do it when you were constructing your house so  
 8 you can plan for it. So you can retrofit this  
 9 building to provide for it at a later date. There is  
 10 no plan to do that nor are we required to.  
 11 MR. NIERSTEDT: My key question -- I will go  
 12 back to this, one of the things we talked about is, is  
 13 it structurally sound to put a second floor on?  
 14 MR. MINKS: That's every school in  
 15 New Jersey.  
 16 MR. NIERSTEDT: Yeah, there you go.  
 17 MR. MINKS: If I may, though, I think I can  
 18 shortcut this.  
 19 BY MR. MINKS:  
 20 Q. Mr. Johnson, this is just the design phase,  
 21 correct?  
 22 A. Correct.  
 23 Q. We have not done the structural design yet  
 24 for this building?  
 25 A. Correct.

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1 Q. Subject to it being approved, that would be  
 2 a subsequent phase.  
 3 A. Correct. We move it out of design to design  
 4 development and we could look into that. The building  
 5 could be designed to accommodate a solar system or a  
 6 solar array system of some sort at a later date. It  
 7 could be designed, yes.  
 8 Q. And what we are talking about, though, is  
 9 also solar as it is current constituted. And is it  
 10 your experience as an architect of these types of  
 11 facilities, that it's a great unknown as to what the  
 12 next phase of solar or photovoltaic energy generation  
 13 systems are. So to that, it may not be wise to design  
 14 the building for what is on the market today and not  
 15 know what is on the market tomorrow.  
 16 A. The renewable energy market is an actively  
 17 evolving market. There are certainly new products  
 18 coming on line every day. Yes, to plan for tomorrow  
 19 for today right now, structurally is a difficult  
 20 solution. But I believe I answered your question is  
 21 we could accommodate the installation of solar panels  
 22 but at a later date.  
 23 MR. NIERSTEDT: First, I want to thank  
 24 Mr. Mintz for saying photovoltaic. It took me years  
 25 to be able to say that word. So I appreciate it.

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1 MR. MINKS: I practiced all night.  
 2 MR. NIERSTEDT: I'm not quoting this  
 3 chairman, but another chairman I worked with has said  
 4 to me, drilled it into me, don't ever let an applicant  
 5 expert get away with "could be designed." What I mean  
 6 by that is I'm going to go back to the same analogy  
 7 and I apologize if I am harping, but I don't want to  
 8 have this building go up and then find out, oh, golly  
 9 gee, we could have designed it to take whatever  
 10 structural necessities there are or are needed for  
 11 solar, but it wasn't a requirement of LEED. It wasn't  
 12 a requirement -- I understand what you are saying.  
 13 And I'm not trying to beat a dead horse.  
 14 I just want to make sure when this building  
 15 is done -- my house, okay, retrofitted for solar. It  
 16 really didn't take a lot. It took a new roof and that  
 17 was it. Will this building be designed so that it  
 18 could take solar at a future date, even if as  
 19 Mr. Mintz has indicated the system changes?  
 20 THE WITNESS: So the short answer to go back  
 21 is I am not a structural engineer. You would have to  
 22 know where you are mounting those, the size of it, the  
 23 weight of it. So the answer to your question is, yes,  
 24 this building could be retrofitted to accommodate a  
 25 photovoltaic panel of some sort and some design at a

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1 later date.  
 2 MR. VINEGRA: Is there a parapet wall?  
 3 THE WITNESS: There is a parapet wall.  
 4 MR. VINEGRA: How high is the parapet wall?  
 5 THE WITNESS: There is a parapet wall that  
 6 varies. It is approximately 42 inches high at its  
 7 highest peak.  
 8 MR. VINEGRA: So to answer your question,  
 9 because I have done the design. As long as there is a  
 10 parapet wall, the biggest load from a solar panel is  
 11 uplift from wind load, a 100 mile-an-hour wind load.  
 12 If there is a parapet wall, they can put a rack system  
 13 on the roof. The roof does not have to be  
 14 substantially reenforced for the rack system as long  
 15 as you can sustain the wind load and it doesn't get  
 16 underneath the panel.  
 17 MR. MINKS: I just confirmed with my  
 18 engineer that it is likely our intent to do so. We  
 19 can design the building. So it will support a solar  
 20 system. The problem and the thought that we have to  
 21 keep in mind is for building of this size and for the  
 22 roof surface that we are talking about, especially  
 23 since we are trying to preserve those courtyard areas,  
 24 it may not be financially viable or beneficial enough  
 25 to get to that point because commercial solar differs

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1 very vastly from residential solar. You and I spoke  
 2 about this. I have solar in my home as well.  
 3 But the building will be capable and  
 4 hopefully the systems continued to evolve and become  
 5 more efficient where it will be financially feasible  
 6 to do so, to put it on, to actually install it.  
 7 MR. NIERSTEDT: Last question, I'm asking  
 8 it. I'm not opposed to antennas and, obviously, the  
 9 antenna communication towers market changing  
 10 tremendously also. And they are getting smaller and  
 11 smaller. Do you plan on allowing or do you have any  
 12 kind of prohibition against antennas for communication  
 13 on top here?  
 14 MR. MINKS: Don't do it.  
 15 THE WITNESS: I have to defer that. But we  
 16 don't have any objection to it, but there is no plan  
 17 to install one.  
 18 MR. MINKS: Are you talking about commercial  
 19 excel antennas?  
 20 MR. NIERSTEDT: Yes.  
 21 MR. MINKS: We don't have a building that  
 22 has them.  
 23 MR. NIERSTEDT: Because the tallest building  
 24 is probably going to be your building across the  
 25 street. And somebody is going to knock on the door.

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1 MR. MINKS: We have not put them on our  
 2 buildings. We are very proud of keeping our buildings  
 3 attractive and we think that detracts from the  
 4 appearance. Similarly just to anticipate your  
 5 question for phase one, we typically have prohibition  
 6 in our leases so that tenants with terraces cannot put  
 7 dishes on their terraces.  
 8 MR. NIERSTEDT: And obviously the type of  
 9 windows where you can't have AC units in the windows  
 10 either?  
 11 MR. MINKS: Correct.  
 12 THE WITNESS: Correct. Each unit is a  
 13 ducted unit within the unit, fully air-conditioned.  
 14 MR. NIERSTEDT: Thank you very much.  
 15 MR. TARANTINO: Mr. Johnson, I brought this  
 16 up at our last meeting, Mr. Nierstedt also started to  
 17 discuss it. Could you discuss why a conscious  
 18 decision was made to put the entrance of this building  
 19 not on South Avenue but facing the parking lot?  
 20 THE WITNESS: Sure. So I believe the  
 21 question was asked why the primary residential  
 22 entrance was located here on the east elevation at the  
 23 corner rather than being located on the South Avenue  
 24 elevation. South Avenue is a faster paced -- it's a  
 25 more heavily-used vehicular traveled street. The

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1 residential lobby as shown here actually turns the  
2 corner so that storefront glazing that we were showing  
3 here, turns the corner onto the north elevation  
4 running on South Avenue so the residential entrance  
5 has a presence there.  
6       Again, this is going to be lit in the early  
7 evening hours. Folks are going to know where the  
8 primary residential entrance to this community is. If  
9 I reference the site plan A1.3 that we were previously  
10 referencing, you can see that the primarily  
11 residential entrance and canopy there as direct access  
12 here as well as surface parking. There would be -- we  
13 have our assessable parking, which was located here.  
14 We are required have accessible parking as close as  
15 possible to the primary residential entrance.  
16       You would also have prospective tenant  
17 parking for kiss-and-ride drop off, you know, mail  
18 deliveries, Fresh Direct, UPS, et cetera, is all going  
19 to occur here, through the primary residential lobby.  
20 If the residential lobby were going to be on  
21 South Avenue, you are going to have cars pulling off  
22 and stopping on South Avenue, sitting there which is  
23 going to cause -- our traffic engineer is here this  
24 evening, but that is going to caused a queue effect,  
25 which I believe would be not desired by the borough.

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1       MR. TARANTINO: Well, my question is: You  
2 have a very short window of doors on the east  
3 elevation. You could continue that facade and wrap  
4 the corner to put a presence on South Avenue, continue  
5 the awning or the canopy around the corner. You know,  
6 a building to me says here's my entrance and I think  
7 we are hiding it here.  
8       THE WITNESS: So keep in mind, too, that  
9 this entrance will be visible if you were traveling  
10 west along South Avenue, you are going to see this  
11 entry here. I believe I did show you the elevation  
12 there where we are turning the corner with the  
13 storefront glazing and bringing that glass down to the  
14 floor line so you have a 9-foot wide by 8-foot high  
15 section of glass here with another comparable section  
16 of glass adjacent, which goes into that residential  
17 lobby. At the primary entrance here, you have a  
18 6-foot wide door with two 5-foot wide panels directly  
19 adjacent as well as a 9-foot wide panel there.  
20       So I think you have a presence, a strong  
21 presence on that corner. I think with the  
22 architectural canopy with the raised letters. And  
23 visibility as you are coming west along South Avenue,  
24 architecturally, I think we do have a presence there.  
25 We wouldn't design it that way if we didn't feel it

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1 wasn't marketable. If we thought the entrance on  
2 South Avenue would have been more marketable or  
3 provide a stronger entrance, we likely would have  
4 suggested that.  
5       MR. TARANTINO: I think it just ties into  
6 phase one with a direct link. And just to take it one  
7 comment further, Bill, you brought up the comment that  
8 there should be more hardscape in front of that  
9 entrance with a small plaza, considering even  
10 eliminating those two parking positions.  
11       MR. NIERSTEDT: And particularly since it  
12 sounds like we have four more parking. I think it's a  
13 really well-designed building, but the entryway is  
14 not -- to be very frank with you, and I apologize,  
15 Paul, for jumping in. Mr. Chairman.  
16       That entryway is not in scale with the size  
17 of this building. It's really too small. And I agree  
18 with Mr. Tarantino 100 percent. And I'm not an  
19 architect so I am going to ask you, and piggy on what  
20 Paul is saying, can you do something? I don't think  
21 the glazing is enough.  
22       THE WITNESS: I think with a 72-unit  
23 building, for a three-story structure, two levels of  
24 residential over ground floor parking is adequate. I  
25 think there is a presence here. What I would suggest

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1 is possibly, I think that the walkway here, the width  
2 of this, this is greater than six feet in width is  
3 adequate for coming into the facade. I actually like  
4 that green buffer that comes up to the glass and comes  
5 up to the building to provide a softer edge as it  
6 abuts the masonry brick veneer and the cast stone of  
7 the building.  
8       What maybe I would see as a possibility is  
9 that rather than a stamped concrete here and this  
10 section of landscape, perhaps this is a decorative  
11 paver that is being used here on the ground floor in  
12 front of that entry. That at least offers, I believe,  
13 goes to meet your question or what you are describing  
14 there. And I think that goes to compliment that  
15 corner and the presence of it because as you see this,  
16 as you visually see this, now you are seeing this  
17 perhaps it's a red or pink brick paver that is used  
18 here as an accent that compliments the architecture of  
19 the building.  
20       CHAIRMAN GREET: And I will just throw in  
21 something. I will throw in a contrary opinion to the  
22 two of you. And I'm not an architect. But I just  
23 think visually, I think this is more appealing this  
24 way than it would be having a direct access to  
25 South Avenue.

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1 MR. NIERSTEDT: I'm not advocating a direct  
 2 access on South, what I am saying is --  
 3 MR. TARANTINO: Agreed. I'm not advocating  
 4 that either, but there is nothing on South Avenue that  
 5 says here's my building, here's my entrance.  
 6 MR. MINKS: If I may? Could there be  
 7 differentiation, like you said maybe the use of a  
 8 different kind of hardscape or a hybrid of that, not  
 9 only in the area that you pointed out with the laser  
 10 pointer, but also wrapping the corner beneath the  
 11 glazing that wraps onto south. So that it kind of,  
 12 again, it frames from the exterior, from the ground  
 13 level, meeting the building surface and meeting the  
 14 glazing of the corner that corresponds to the  
 15 entryway.  
 16 Could there be something done there, again,  
 17 to differentiate that corner even though the doorway  
 18 would stay on the parking lot side, we would use  
 19 greater hardscape and/or differentiate the landscape,  
 20 maybe instead of planted trees we have potted trees on  
 21 a hardscape around that corner.  
 22 THE WITNESS: I think that is a very good  
 23 suggestion.  
 24 And what I would recommend is that at that  
 25 corner, at the entrance there, rather than the having

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1 the planted area and the landscaping about that area,  
 2 we would have hardscaped there and decorative pavers  
 3 with potted planters adjacent to the building, that  
 4 would wrap and turn the corner here fronting along  
 5 South Avenue. So that if you were a resident here and  
 6 you were going out for a jog or you were going out to  
 7 access the residential building adjacent or heading to  
 8 the train station, as you were walking east along  
 9 South Avenue, this would dip in around the corner here  
 10 and you would have this decorative hardscape that  
 11 wraps that corner there.  
 12 And, again, I am making reference to if you  
 13 were traveling westbound or even traveling eastbound  
 14 you would see that transition here.  
 15 MR. TARANTINO: I think if you look at  
 16 Sheet A1.4 where you show the actual floor plan and  
 17 the lobby size, that if you were to have the same  
 18 consistent glazing that runs the lobby and hardscape  
 19 would make an impact that says this is the entrance to  
 20 this building.  
 21 THE WITNESS: We are not opposed to doing  
 22 that.  
 23 MR. MINKS: It's fine. Thank you.  
 24 THE WITNESS: To do a continuation of that  
 25 storefront glazing that's here, wrapping the corner

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1 there at the mail room and at this section of the  
 2 lobby, we are not opposed to it.  
 3 MR. MINKS: I think it's an improvement.  
 4 MR. NIERSTEDT: Thank you.  
 5 COUNCILWOMAN TODISCO: To piggyback on that  
 6 idea, the building materials, I know you have the two  
 7 different color bricks. When I look at the east  
 8 elevation, there is that reddish-color brick and when  
 9 I look at the north elevation facing South Avenue, is  
 10 that red color brick, particularly when I am looking  
 11 at the north elevation, it then blends into two  
 12 stories of the red. Would it be helpful if that was  
 13 all that darker brick so that it really popped as the  
 14 corner?  
 15 THE WITNESS: Specifically in the center of  
 16 the elevation?  
 17 MS. VILLAGGIO: No, the corner.  
 18 COUNCILWOMAN TODISCO: The corner where the  
 19 glazing is off the left-hand side of the north  
 20 elevation.  
 21 MR. MINKS: Again, to differentiate the  
 22 entry corner.  
 23 COUNCILWOMAN TODISCO: Again, what Mr. Mintz  
 24 said. It's just an idea. Again, I'm no architect.  
 25 But just a thought.

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1 THE WITNESS: So architectural what we did  
 2 here, so we have the storefront glazing being used at  
 3 the entrance. There is storefront glazing that is in  
 4 a punch doping. This is a power element. So we  
 5 really wanted to pronounce and accentuate that brick  
 6 corner there. So when that brick tower turns the  
 7 corner, you have symmetry to that brick tower that is  
 8 right here. So that key area comes down and anchors  
 9 that architecture there. Again, you have  
 10 floor-to-ceiling storefront glazing here in the lobby.  
 11 There is a mailroom in the lobby.  
 12 Because of the architectural massing here,  
 13 we tried to get this to fit in with the residential  
 14 scale of the windows. That's why we didn't chose to  
 15 take this storefront glazing and wrap it around here,  
 16 causing an asymmetry. But also keep in mind that this  
 17 tower projects slightly from the surface adjacent. So  
 18 there is jog in the plane so it's didn't lend itself  
 19 to wrapping that continuous glazing.  
 20 COUNCILWOMAN TODISCO: Just to be clear, so  
 21 if you look at that corner where the glazing is that  
 22 you were pointing out on the north elevation, so that  
 23 first floor brick, I was just saying if that were to  
 24 be the darker color would that be too much contrast to  
 25 the red brick to the right-hand side of it where you

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1 are saying the mailroom is or would it help it?  
 2 THE WITNESS: I think actually that would be  
 3 too much contrast. So what you want to do is you want  
 4 to turn the corner. So we have designed this here.  
 5 We have this element which repeats itself here on the  
 6 center portion of South Avenue. There is sort of a  
 7 rhythm being used here. It's sort of an alternating  
 8 rhythm between the two different brick palates. And  
 9 we wanted to turn that corner there with that red  
 10 brick. I think that is actually the stronger move  
 11 architectural.  
 12 COUNCILWOMAN TODISCO: Okay. I appreciate  
 13 that.  
 14 As far as pavers there, I love the idea of  
 15 having those at the entrance. What about if pavers  
 16 were on the sidewalk instead of stamped concrete the  
 17 entire way from South Avenue to Willow Avenue within  
 18 the property there?  
 19 THE WITNESS: So you are referencing this  
 20 sidewalk that is here?  
 21 COUNCILWOMAN TODISCO: Yes.  
 22 THE WITNESS: I am going to defer to our  
 23 civil engineer, but I would say that the stamped  
 24 concrete is more appropriate in terms of maintenance,  
 25 you know, maintenance all year around. Especially

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1 during the winter months when you are snowplowing and  
 2 you are maintaining that.  
 3 Typically you reserve the brick pavers for  
 4 the entry area, where I think it is a safer way to go  
 5 personally. But, architecturally and aesthetically, I  
 6 feel that the stamped concrete in front of the parking  
 7 there with a typical curb is the more appropriate  
 8 detail.  
 9 MR. MINKS: And, Mr. Johnson, that is a  
 10 decorative stamped concrete, meaning it's not just  
 11 stamped to have expansion joints. It will be some  
 12 decorative pattern.  
 13 CHAIRMAN GREET: And multi-colored.  
 14 MR. MINKS: That can be colored.  
 15 THE WITNESS: The pigment could be -- it  
 16 doesn't have to be stark gray. You could pick a  
 17 warmer, you know, a warmer cream color that  
 18 compliments the cast stone being used in the building.  
 19 MR. MINKS: And we will do that somewhat  
 20 consistent with what we agreed to do with phase one.  
 21 MS. VILLAGGIO: I have one question. You  
 22 mentioned before that it's going to be sprinklered,  
 23 the rooms, the apartments.  
 24 THE WITNESS: The building is a  
 25 fully-sprinklered building it's NAPF 13 sprinklered

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1 system throughout the buildings.  
 2 MS. VILLAGGIO: What is in between the  
 3 apartments? Is it cement? Is it Sheetrock?  
 4 THE WITNESS: So a demising wall between  
 5 apartment units, a side-by-side wall between I believe  
 6 was your questions.  
 7 MS. VILLAGGIO: What is in between the  
 8 apartments, one apartment to the next apartment? Not  
 9 one bedroom to the other bedroom.  
 10 THE WITNESS: So between apartments this is  
 11 a unit demising wall. This is a one-hour rated wall.  
 12 So typically this is a double-stud wall construction.  
 13 It has insulation. It also has liner panels that  
 14 gives it a UL rating. There is a one-hour fire  
 15 separation between the walls. It is fully insulated  
 16 so it has to meet a base sound.  
 17 MS. VILLAGGIO: So it's not like a typical  
 18 apartment today where you can hear sound?  
 19 THE WITNESS: I don't know what apartment  
 20 you are referencing, but there are building codes here  
 21 and sound attenuation between the units, we go through  
 22 great lengths here. My client constructs many  
 23 buildings. We have designed a multitude of buildings  
 24 throughout the state. We pride ourselves that we  
 25 don't have a whole lot of complaints. If so, we

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1 rectify it.  
 2 But we will be insulated between the units.  
 3 We typically hire an acoustical consultant that comes  
 4 out once the building is fully erected. And they  
 5 actually do studies and look at every unit and point  
 6 out if where there might be an issue.  
 7 MS. VILLAGGIO: All right. Thank you very  
 8 much.  
 9 MS. RIDENTE: The entrance, will there be  
 10 any benches or seating anywhere along South or the  
 11 side where people in the building may be coming out  
 12 where people will want to sit and talk to each other?  
 13 Things like that?  
 14 MS. VILLAGGIO: Waiting for Uber.  
 15 THE WITNESS: I don't believe any movable  
 16 and/or mounted benches are being proposed exterior to  
 17 the building. What I would say is that interior to  
 18 the lobby here, this is going to be sort of a lounge  
 19 area. There will be a small Starbucks vending  
 20 machine.  
 21 MS. RIDENTE: But outside people tend to  
 22 gather outside if they are waiting for a ride, Uber,  
 23 drop off. There are no seats, there is nothing, just  
 24 standing.  
 25 THE WITNESS: That's typical for a 72-unit



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1 apartment building that's located in a downtown  
 2 setting, that is typical. Again, there is a lobby  
 3 lounge here for the residents of the building. This  
 4 is not an area necessary, this is not a public  
 5 parklet. This is not an area where we are  
 6 unnecessarily trying to encourage that. There are  
 7 other areas within the downtown that are more  
 8 appropriate.  
 9 MR. MINKS: Including the plaza on phase one  
 10 across the street.  
 11 THE WITNESS: So across the street in phase  
 12 one, there is a sizable amount of retail with outdoor  
 13 cafe seasonable dining. It's more appropriate there  
 14 from an urban planning or from a downtown planning  
 15 standpoint with the use of the building being prosed  
 16 on the ground floor across the street.  
 17 MR. NIERSTEDT: I'm sorry. You have at  
 18 least 140 adults living here. You can put a couple of  
 19 benches out in front of your lobby area so people can  
 20 sit? Is that what you are saying? I mean, seriously,  
 21 you can't put a couple of benches in?  
 22 THE WITNESS: So what I would say is what we  
 23 talked about doing here is increasing the hardscape in  
 24 front of the building and we are talking about some  
 25 raised planters. So I think we can design a raised

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1 planter that has a seating area so it can double as a  
 2 area for short-term seating if that would satisfy the  
 3 nature of your questions.  
 4 MR. NIERSTEDT: It really doesn't. I go  
 5 back to the design of the children space. Or I  
 6 shouldn't say it that way, the green space. If you  
 7 look at William White, if you look at any of the open  
 8 space design experts, you design a space. You don't  
 9 put a couple of planters in and have people sit on the  
 10 edge of the planters and talk to each other. I really  
 11 can't believe I'm sitting here for ten minutes  
 12 listening to -- this is a great project. We have gone  
 13 through redevelopment studies, redevelopment plans,  
 14 architectural, a couple of benches? Really?  
 15 MR. MINKS: We will look and see if there is  
 16 adequate space, because we are not talking about a  
 17 large area.  
 18 MR. NIERSTEDT: Nor am I.  
 19 MR. MINKS: And if we need to decrease  
 20 impervious coverage in order to create additional  
 21 space for benches and you would prefer that, I'm sure  
 22 the applicant would certainly accommodate that  
 23 request.  
 24 MR. NIERSTEDT: We are not decreasing  
 25 impervious. We already said tonight, Mr. Mintz, that

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1 we going to remove the landscape and put in a  
 2 hardscape. You can't put in a couple of benches there  
 3 for people to come out and sit.  
 4 MR. MINKS: I just said if there is adequate  
 5 space, the applicant will certainly do that. We will  
 6 work with your engineer and your planner to see if  
 7 those can be accommodated. Alternatively, however, we  
 8 have already provided, consistent with the  
 9 redevelopment plan, extensive seating areas, extensive  
 10 outdoor space, extensive public assembly areas across  
 11 the street, but we will absolutely look at the  
 12 increase to the impervious area to create that grander  
 13 sense of entrance and if the space permits, we will  
 14 put a bench.  
 15 CHAIRMAN GREET: And, Bill, we can make that  
 16 as a condition.  
 17 MR. MINKS: I already wrote it as a  
 18 condition in my notes that I will certainly reconcile  
 19 with Mr. Fraser.  
 20 MR. NIERSTEDT: Thank you. I'm not trying  
 21 to be hard, I just couldn't believe that.  
 22 CHAIRMAN GREET: Anyone else from the board?  
 23 Seeing none, I will open it up to the  
 24 general public for any questions specific of this  
 25 witness.

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1 Seeing none, I will close that as well.  
 2 Thank you, Mr. Johnson.  
 3 MR. MINKS: I would like to call Charles  
 4 Olivo unless the board needs a break.  
 5 (Brief recess.)  
 6 MR. FRASER: You have another witness?  
 7 MR. MINKS: I would like to call Chuck  
 8 Olivo, traffic expert and planner.  
 9 MR. FRASER: Mr. Olivo, was it?  
 10 MR. OLIVO: Yes.  
 11 C H A R L E S O L I V O, after having been duly  
 12 sworn, was examined and testified as follows:  
 13 MR. FRASER: Please state and spell your  
 14 name and give your address.  
 15 THE WITNESS: Good evening, Mr. Chairman and  
 16 members of the board, my name is Charles Olivo,  
 17 O-l-i-v- as in Victor -o. 92 Park Avenue, Rutherford,  
 18 New Jersey.  
 19 MR. FRASER: Your witness, Mr. Mintz.  
 20 EXAMINATION  
 21 BY MR. MINKS:  
 22 Q. Mr. Olivo, you have been engaged as a  
 23 traffic expert and also you are engaged here to  
 24 provide planning testimony; is that correct?  
 25 A. That's correct.

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1 Q. If you can provide the board the benefit of  
 2 both your education and your experience both as a  
 3 traffic expert as well as a planner including your  
 4 experience testifying in those capacities? And I  
 5 would like to remind the board that you actually did  
 6 testify in the capacity as a professional traffic  
 7 engineer for the phase one application before this  
 8 board, correct?  
 9 A. That's correct. I have a Bachelor of  
 10 Science in Engineering from the University of Notre  
 11 Dame. I am a licensed professional engineer in the  
 12 State of New Jersey. I hold licensure throughout the  
 13 east coast from Maine to Florida, where I have worked  
 14 on over a hundred traffic impact studies for various  
 15 plan development projects.  
 16 I'm also a certified professional traffic  
 17 operations engineer, certificated by the Institute of  
 18 Transportation Engineers. And I have been qualified  
 19 by, I believe, over a hundred municipalities in the  
 20 State of New Jersey in the field of traffic  
 21 engineering. I have served as a consultant for the  
 22 New Jersey Department of Transportation as a traffic  
 23 engineer as well.  
 24 With regard to professional planning, I have  
 25 provided professional planning testimony before

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1 numerous boards in the State of New Jersey. I am a  
 2 licensed professional planner in the State of New  
 3 Jersey as well. That license is in good standing.  
 4 MR. FRASER: Mr. Chairman, I recommend that  
 5 Mr. Olivo be accepted as an expert in the field of  
 6 traffic engineering and planning.  
 7 CHAIRMAN GREET: So be it.  
 8 EXAMINATION BY  
 9 MR. MINKS:  
 10 Q. Mr. Olivo, you are obviously very familiar  
 11 with this project. You were engaged by the property  
 12 owner and developer; is that correct?  
 13 A. That is correct.  
 14 Q. You are obviously familiar with the roadway  
 15 network in this area given your studies and testimony  
 16 relative to the phase one project?  
 17 A. Yes.  
 18 Q. Have you expanded on those studies and  
 19 prepared a report with regard to phase two, the  
 20 project we are here for tonight?  
 21 A. We have, yes.  
 22 Q. If you can take the board through your  
 23 conclusions and methodologies that you utilized in the  
 24 report. By the report, I'm referring to the  
 25 Stonefield Engineering Traffic Impact Study dated

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1 May 18, 2018, correct?  
 2 A. Yes.  
 3 Q. If you would take the board through your  
 4 methodologies and conclusions with regard to the  
 5 traffic impact for the proposed project, paying  
 6 attention to any comments relative to traffic and the  
 7 project design that may impact traffic from the  
 8 engineer review letter from Harper Consultants?  
 9 A. Yes. The board may recall that as part of  
 10 the phase one development project there was  
 11 significant traffic testimony with regard to both  
 12 associated traffic impacts or the trip generation of  
 13 the site as it related to phase one, which included  
 14 both residential leasing office as well as retail  
 15 space and also the parking associated with the  
 16 project.  
 17 There was much back and forth about the  
 18 parking. And the board may recall that I believe we  
 19 were at approximately 1.23 stalls per unit when we  
 20 looked at the residential parking supply and the  
 21 actual parking that was being provided as part of  
 22 phase one.  
 23 In terms of phase two, what we've done and  
 24 it's been about three years that we have been studying  
 25 this roadway network starting in about March of 2015

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1 is when we first began taking an inventory of the  
 2 roadway conditions, the approximate intersections, the  
 3 access point and just in general the community that we  
 4 have here in Garwood and the proximity to public  
 5 transit and walkability and all these things that we  
 6 speak about in the context of transit-oriented  
 7 development, which I know we will get into the details  
 8 of as part of this testimony.  
 9 Phase two of the development project in  
 10 terms of the traffic impact analysis, our office  
 11 continued with that inventory of the roadway  
 12 conditions and then we provided a traffic impact study  
 13 that was related to this project on this side of  
 14 South Avenue, essentially on the side of the street  
 15 network. With regard to the exhibit that I will be  
 16 pointed to, presenting to, I know that the previous  
 17 experts have spoken to Sheet A1.4 and, generally  
 18 speaking, located on the page you have South Avenue  
 19 running across the top of the page, with North being  
 20 located towards the top as well.  
 21 We are located on the south side of  
 22 South Avenue and we have frontage along both  
 23 South Avenue, West Street and Willow Avenue. All  
 24 three of those being public roadways and we share an  
 25 adjacent adjoining property line to the east.

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1 We have looked at those proximate  
 2 intersection including the intersection that is just  
 3 off to the right-hand side on the east of the exhibit  
 4 of South Avenue and Center. We recognize that this is  
 5 the principal signalized intersection in close  
 6 proximity to the area. And we've taken the base  
 7 traffic volumes that we've previously studied and  
 8 we've grown then to 2018, considering ambient traffic  
 9 growth, traffic growth throughout the area in terms of  
 10 motor vehicle volume and we created an existing  
 11 condition analysis.  
 12 And from that existing condition analysis  
 13 understanding the peak hour flows, the morning during  
 14 the week, the evening during the week, generally  
 15 speaking, from 7:00 a.m. to 9:00 a.m. and 4 p.m. to  
 16 7:00 p.m. And then also Saturday midday, which you  
 17 experience a peak as well, which generally occurs from  
 18 11:00 a.m. to 2:00 p.m., right in the heart of the  
 19 middle of the day. We have created a baseline  
 20 condition of the peak hours. Those are the busiest  
 21 hours of traffic. And I would argue motor vehicle  
 22 traffic particularly. That creates the existing base  
 23 condition.  
 24 We then looked at a no-build condition,  
 25 which is a future condition which includes development

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1 within the area with the exception of this project.  
 2 So if the board is inclined to approve the project, at  
 3 some point there would be traffic generation.  
 4 And the expectation here is that traffic  
 5 generation would be different modes of transportation.  
 6 If this were what we would call a typical urban  
 7 development located far from a train station or  
 8 nowhere near a train station or walkability or  
 9 community with retail in close proximity walking  
 10 distance or public transit, the large majority, if not  
 11 all of the traffic would be motor vehicle based. But  
 12 because we are located where we are and this project  
 13 is sited where it is, we are in close proximity to a  
 14 number of amenities which encourage walkability and  
 15 connectivity between the community at large. So if  
 16 you turned off the property lines and you zoomed out,  
 17 are there places that are designations that are not  
 18 just simply other residential projects? Are there  
 19 other projects within the area that would work with  
 20 this project.  
 21 And that no-build condition, although it may  
 22 not include the construction of this project, we would  
 23 consider phase once across the street. So we seeded  
 24 the network with that volume. That is a densely built  
 25 project, retail, small office, residential component.

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1 And we've looked at the no-build condition analysis,  
 2 the future condition analysis of traffic volume within  
 3 this area. And then we consider the trip generation  
 4 and the driveways associated with this project to  
 5 create the future build condition. That is the  
 6 condition with everything built in the area that we  
 7 are aware of, ambient population and traffic growth  
 8 and also consideration of this project, which brings  
 9 us to the traffic impact. Is there a traffic impact  
 10 associated with the project?  
 11 Now, in terms of access points, the 40 stall  
 12 lot, which is located on the easterly side of the  
 13 subject property would be accessed through two  
 14 driveways proposed to be full-movement located along  
 15 South Avenue and one driveway located on Willow. Now,  
 16 Willow is one-way in a westerly direction so that  
 17 becomes a right-in/right-out access point, just by  
 18 virtue of the orientation and the directionality of  
 19 that roadway. In addition to that, the access point  
 20 to the 116 stall lot below the residential units, this  
 21 is an at-grade parking level, would be provided along  
 22 West Street.  
 23 So you do have these various access points,  
 24 but as you can imagine, the parking field that is  
 25 serviced by the driveways that we are speaking about,

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1 which would be shared the public, shared with visitor  
 2 traffic, shared with the fire department as well,  
 3 those access points would be associated with minimal  
 4 traffic generation, 40 parking spaces. That would  
 5 turn over relatively slowly throughout the course of a  
 6 typical day, whereas the 116-stall lot would accessed  
 7 through West Street.  
 8 And so we've conducted the build condition  
 9 traffic and then the traffic analysis with the  
 10 expectation that traffic would move in and out of  
 11 those lots, motor vehicle traffic would travel in and  
 12 out of those lots via those access points.  
 13 Now, when we review the trip generation of a  
 14 72-unit residential development project, we've  
 15 included the expected motor vehicle traffic associated  
 16 with that. And at no peak hour, no peak 60-minute  
 17 window of time would we expect more than 45 motor  
 18 vehicle trips in and out.  
 19 Now, in the morning, the majority of your  
 20 residential traffic is leaving. Very minimal, there  
 21 is a trickle of traffic coming in at that time. In  
 22 the afternoon or the evenings, you essentially reverse  
 23 that. The large majority of your traffic is coming  
 24 back in from work, back into the residential project.  
 25 And on a Saturday midday you have a little bit of

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1 both. The in and the out is more evenly split, closer  
 2 to a 50/50 distribution.  
 3 The trips themselves, 45 motor vehicle  
 4 trips, just to give you some context, the department  
 5 of transportation, most of your counties,  
 6 municipalities, as well as the Institute of  
 7 Transportation Engineers states that 100 or more  
 8 peak-hour trips is what we would classify as a high  
 9 generator of traffic. That may have an impact on your  
 10 levels of service, which is a performance indicator of  
 11 how your intersection works.  
 12 So when you are above that 100-trip  
 13 threshold, there is the potential for impact to the  
 14 driver experience. And when you are below that, that  
 15 threshold, typically you do not see impacts to the way  
 16 that motor vehicles process through a traffic signal  
 17 or through a stop-controlled intersection for that  
 18 matter. We are less than half of that threshold.  
 19 And I would argue using all of those  
 20 contexts we are a low generator of traffic. How many  
 21 times I hear the question 72 units, two cars a unit,  
 22 140 cars. How do you end up at 45? Well, due to the  
 23 nature of the journey to work and the fact that peak  
 24 periods are longer than simply a 60-minute window, not  
 25 everyone leaves like at a sporting event, where there

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1 is a strong spike or surge in traffic. That traffic  
 2 leaves and enters more gradually. And the data we  
 3 provided is actually based on real studies residential  
 4 projects. So that 45 trip count is what we would  
 5 generally expect to see here.  
 6 However, there are credits that are  
 7 typically taken when you are close or in close  
 8 proximity to public transport or walkable  
 9 destinations. You are have the 59 and the 113 Bus,  
 10 which are located within close walking distance and  
 11 you have the rail line, which provides connectivity  
 12 throughout this entire corridor and into your main  
 13 population hubs or urban areas such as New York City.  
 14 And there is a strong commuter rail  
 15 population about 21 percent within the community based  
 16 on the latest census data that utilizes means of  
 17 transportation other than the single occupancy  
 18 vehicle. The single-occupancy vehicle is essentially  
 19 the enemy of all urban planners. That is what creates  
 20 traffic congestion, people who don't car pool or car  
 21 share or don't utilize public transit is when you are  
 22 faced with congestion on your roadway system.  
 23 So we provided the trip generation data as  
 24 well as the public transit utilization that is  
 25 expected here within the report and we've weaved that

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1 through the roadway network through the intersection  
 2 we've studied and there would be no significant change  
 3 to the level of service at your nearby intersections.  
 4 In other words, as you drive through the  
 5 roadway, yes, you will travel and I'm sure the board  
 6 is familiar. If you travel through the intersection  
 7 of South and Center or North and Center during the  
 8 peak hours, it's busy, congested, traffic queuing,  
 9 stacking, et cetera. And that's a condition that you  
 10 would expect to find within a developed area such as  
 11 this during the peak conditions. After this hearing  
 12 is over, very few vehicles in that intersections. But  
 13 during those peak hours during the day is when you  
 14 experience more congestion and flow or lack of flow.  
 15 Now, this type of project just by virtue of  
 16 where it is located in addition to a number of other  
 17 criteria why I would classify it as a transit-oriented  
 18 development. And there are a number of different  
 19 criteria for that. The New Jersey Department of  
 20 Transportation lists them on their website. There are  
 21 best management practices for considering projects as  
 22 transit-oriented development, but a lot of it has to  
 23 do with connecting human beings to mobility without  
 24 the motor vehicle; walkability, bicycle traffic,  
 25 public transit, rail, bus. And then also connecting

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1 them to designations without needing to utilize a  
 2 motor vehicle; fitness centers, grocery, pubs,  
 3 restaurants; all within walking distance. And by  
 4 creating density in communities and neighborhoods and  
 5 downtown areas that are well-served by all of these  
 6 different transit uses, in my opinion, you create a  
 7 transit-oriented development project.  
 8 This was previously a bank with drivethrough  
 9 lanes, not a transit-oriented development project. A  
 10 surface parking lot that covered about 95 percent of  
 11 the lot, about 95 percent impervious coverage, not  
 12 what I would call a transit oriented development  
 13 project. But what is being proposed, 72 residential  
 14 units, parking at ground level and a surface parking  
 15 lot of 40 parking stalls, that I think has excellent  
 16 intent and design and use for the purposes of shared  
 17 parking, which was the --  
 18 Q. If I can just interrupt you for one second,  
 19 when you mentioned the 40 parking stalls for shared  
 20 parking, testimony was given by Mr. Bartels as to some  
 21 parking for the leasing office for the building, some  
 22 parking for use of the building, other spaces that are  
 23 going to be flexible and shared, and then the original  
 24 18 parking space area, which is an expanded version,  
 25 if you will, of the fire department parking lot, as

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1 well.

2 A. Yes.

3 Q. So there is an excess of that parking, but I

4 want to make sure your testimony is consistent with

5 what Mr. Bartels had testified to at the initial

6 hearing.

7 A. Yes, absolutely consistent. I was being a

8 little bit more generally, but I think it's all right

9 to parse it down slightly. The 18 parking stalls that

10 are located just to the east of the residential

11 building would be part and parcel of the anticipated

12 parking supply for the residential. So the 116 plus

13 the 18 brings you to the 134 total for the residential

14 property. The remaining of those parking stalls

15 within that service lot have a commonality of use

16 shared parking element that can be determined as

17 essentially the borough seed fit.

18 Q. Well, and isn't that something that the

19 applicant discussed with Mr. Vinegra as well as

20 members of the fire department as I alluded to

21 earlier? And we will address that subsequent to

22 Mr. Olivo's testimony.

23 MR. TARANTINO: Just going forward for

24 apples-to-apples comparison, how many parking spots

25 does the parking lot contain today before the bank was

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1 demolished and the surface lot?

2 MR. MINKS: I don't think if we know that.

3

4 MAYOR LOMBARDO: For the snowstorms we were

5 putting 60 cars.

6 MR. MINKS: That's makes sense. We can

7 estimate on the basis of land area, but practical

8 reality is probably more accurate.

9 THE WITNESS: From a traffic engineering

10 perspective, traffic impact perspective, we would not

11 expect that the redevelopment of this site would have

12 a significant impact on roadway conditions or the

13 parking conditions in the area. The site is well

14 served by the parking supply that is being provided.

15 And in addition to that I believe that, in general,

16 the bigger picture of the project is, again, to create

17 this connectivity within the area to public transit

18 and nearby destinations that would create a site that

19 would encourage and foster walkability, pedestrian

20 activity, bicycle traffic connection to your public

21 parks in the area as well.

22 And based on sidewalks, hardscape, as well

23 as the street wall of the building that the architect

24 has spoken about, in my opinion, going through the

25 checklist of what is necessary to create a

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1 transit-oriented development project, I believe all of

2 the intent is met as part of this project. Not

3 perfect. Could there be a lesser parking supply?

4 Perhaps. The idealist traffic engineer planner within

5 me would say build no parking, build 0.5 per unit.

6 But this is a discussion we had as far as phase one.

7 We may not be ready for that right now.

8 But I believe the intent of the project

9 right now in concert with phase one, and certainly

10 being built out in a phased development program is

11 that we are speaking to the train station and public

12 transit and the connectivity of other uses in the area

13 by building what we are building here, which is not a

14 strip retail center in the general business district.

15 It is not a single-family subdivision with a

16 cul-de-sac design. That is not what is being

17 proposed. And those are things that are not

18 transit-oriented development projects, in my opinion.

19 But based on the sidewalk connectivity, your

20 crosswalks as well as the facilities that are provided

21 to get to and from where public transit is located, I

22 believe very strongly that this is a transit-oriented

23 development project.

24 So from a traffic perspective, again, we

25 would expect that the project's development would have

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1 a significant impact on the ambient traffic in the

2 area.

3 Q. Chuck, anticipating -- I'm not trying to

4 steel Mr. Nierstedt's thunder, but anticipating his

5 objection to the notion this is a transit-oriented

6 development --

7 MR. NIERSTEDT: You sensed it?

8 MR. MINKS: Yeah. I heard it several times,

9 which I disagree and I believe you disagree as well,

10 but that's not what I am getting at. What I am

11 getting at is what has been discussed with

12 Mr. Vinegra, Mr. Bartels, myself, and the members of

13 the fire department regarding the configuration of the

14 parking, potentially involved with the consensus of

15 the board and the agreement of the fire department,

16 taking either 17 or 18 parking spaces and basically

17 deeding or dedicating a portion of the applicant's

18 property to the existing fire department lot to expand

19 it to the 17 or 18 parking spaces and have that be a

20 standalone fire department or municipal lot.

21 The parking immediately adjacent to that

22 then heading to the west would be a row of parking, or

23 would be the first row of parking on the remainder of

24 the applicant's property -- correct me if I'm wrong,

25 that would roughly be here if the property were

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1 divided along this line so that this becomes one lot  
 2 expanding the fire department, so this row of parking  
 3 then would be public shared parking available for the  
 4 public use. And then these spaces subject to maybe a  
 5 few that were reserved for maybe here for office use  
 6 or whatever would also be shared public and  
 7 first-come-first-serve type of public. So that to  
 8 address the fire department's concern, this would not  
 9 be visibly appear to be a public lot, but really a  
 10 more dedicated use by municipal purposes and the fire  
 11 department.  
 12 A. Yes. So just to be clear for the record, if  
 13 you were to enter the easterly access point on  
 14 South Avenue, what project counsel was speaking about,  
 15 the parking field that is directly served by that  
 16 circulation that comes into and out of the easterly  
 17 access point on South Avenue.  
 18 If you were then to move over to the  
 19 westerly access point on South Avenue, there is a bank  
 20 of parking as you travel into the site, which would be  
 21 located to the east. And that could be expanded from  
 22 seven denoted on the plan to potentially nine is my  
 23 understanding. And as you are entering the site,  
 24 again, on the westerly driveway, the balance of  
 25 parking within that area served by the circulation of

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1 18 parking stalls, which would be utilized as we have  
 2 spoken about for the purposes of the leasing office  
 3 and the residential building.  
 4 Q. So with a conceptual reconfiguration in  
 5 mind, again, speaking to Mr. Nierstedt's concern about  
 6 too much parking really knocking us out of the box of  
 7 truly being a pure transit-oriented development, would  
 8 the creation of that expanded municipal lot and having  
 9 that parking really identifiable as an expanded fire  
 10 department lot, put us more in line with a  
 11 transit-oriented development because it would actually  
 12 lessen the public parking that we are providing as  
 13 part of phase two of this project. It's no longer  
 14 public parking?  
 15 MR. NIERSTEDT: What a stretch.  
 16 MR. MINKS: I disagree.  
 17 CHAIRMAN GREET: I have a question. So that  
 18 still doesn't change any of the flow into and out of  
 19 that area?  
 20 THE WITNESS: Correct.  
 21 MR. NIERSTEDT: But it has to, if you are  
 22 putting nine.  
 23 THE WITNESS: Let me just explain.  
 24 CHAIRMAN GREET: Let him explain to me. I  
 25 am asking a question.

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1 MR. MINKS: If you can explain how -- if we  
 2 reconfigured it that way, how there would not be  
 3 connectivity from what I am calling the fire  
 4 department expanded lot and the phase two surface lot?  
 5 THE WITNESS: I apologize. I thought you  
 6 meant the flow along South.  
 7 CHAIRMAN GREET: No, No. I'm talking about  
 8 the flow in and out.  
 9 THE WITNESS: Effectively, what would happen  
 10 is the easterly driveway would serve a 17 parking  
 11 stalls within a small dead-end parking lot. So what  
 12 would happen then as a result is you would limit the  
 13 amount of traffic in and out of the easterly driveway  
 14 to only those stalls. There is no interconnectivity  
 15 or flow to your point between the two parking lots.  
 16 MS. VILLAGGIO: Can I ask a question?  
 17 MR. MINKS: Sure.  
 18 MS. VILLAGGIO: Will there be a fence in  
 19 between those spaces now where you indicate seven and  
 20 seven, where it can be increased to nine and nine?  
 21 THE WITNESS: That wasn't the intent.  
 22 MR. VINEGRA: We talked about this. We  
 23 talked to the engineer. There is no room for a fence.  
 24 It would get banged up the first week because of the  
 25 overhang, the front overhang of the car and the rear

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1 overhang of a van or pickup truck, so I would not  
 2 recommend it.  
 3 CHAIRMAN GREET: I agree.  
 4 MR. VINEGRA: If anything, it would have to  
 5 be a guardrail and there is not room for a guardrail.  
 6 MS. VILLAGGIO: Okay. Thank you.  
 7 MR. TARANTINO: So you would still have the  
 8 cross circulation between aisles assuming the forward  
 9 parking spaces is empty?  
 10 MR. MINKS: Oh, if no one was there?  
 11 MR. TARANTINO: You could have cross  
 12 circulation.  
 13 MR. MINKS: Yes. And the applicant would  
 14 make sure that there was whatever effective easement  
 15 agreement, a record that would allow that public use  
 16 on that portion of our property.  
 17 MR. VINEGRA: It's a good recommendation if  
 18 the town would accept the land and they would possibly  
 19 dedicate the land to the municipality, that way they  
 20 are not liable for things that happen now to municipal  
 21 employees nor should they be. Nor should they be  
 22 maintaining property for the municipality. If it  
 23 becomes a problem, the municipality now owns that  
 24 land. They can put up curb stops. If the  
 25 municipality owns it, it becomes a problem, the

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1 municipality addresses it.  
 2 (Chairman Greet stepped out of the meeting  
 3 room at this time.)  
 4 MR. VINEGRA: Chuck, I have one question on  
 5 your traffic report. You do have, at the  
 6 intersection, you have 2018 existing studies at the  
 7 North Avenue --  
 8 MR. FRASER: Let the record reflect that  
 9 we've lost the chairman for a moment as he had to step  
 10 out. For the purposes of the record so that we don't  
 11 have a procedural problem, I'm going to suggest, Kathy  
 12 is the vice chair, why don't we take a recess pending  
 13 the return of the chair?  
 14 (Brief recess.)  
 15 CHAIRMAN GREET: Please continue.  
 16 MR. VINEGRA: Mr. Olivo, I was asking a  
 17 question about Center Street and South Avenue.  
 18 THE WITNESS: Yes.  
 19 MR. VINEGRA: In your study, the levels of  
 20 service, the p.m. peak hour was C and the eastern  
 21 approach E, D and C. In your built-out with built-out  
 22 mitigation, we only have a slight increase, we have  
 23 one going to F and the rest staying the same. What is  
 24 the mitigation?  
 25 THE WITNESS: The mitigation we are

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1 proposing is to take the background cycle, essentially  
 2 how the cycle moves from green, yellow, red, and  
 3 provides timing to other phases, our proposal would be  
 4 take it from a 75 second background cycle to a 90  
 5 second.  
 6 MR. VINEGRA: Have you discussed this with  
 7 the County of Union?  
 8 THE WITNESS: We have not.  
 9 Again, the traffic associated with the  
 10 project is small. The degradation in delay is, in my  
 11 opinion, di minimus, also very small. However, we  
 12 offer that as a means to mitigate what we've seen in  
 13 terms of the performance indicator in delay and level  
 14 of service to the motor car.  
 15 The county, we can certainly offer that to  
 16 the county. We have not done that at this point. But  
 17 as part of the application if the borough is inclined  
 18 to approve the project we can certainly work with your  
 19 office to coordinate with the county.  
 20 I will just say that I don't think it's  
 21 necessary to mitigate the traffic signal in that way  
 22 to not impact the roadway network. This project does  
 23 not have a significant impact by virtue of being a  
 24 small generator and being a transit-oriented  
 25 development project. Should you have slight

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1 degradations in the peak hour that amount to level  
 2 service F, the decision to mitigate or not, up to the  
 3 borough, up to the county. It's an option for  
 4 mitigation that we can certainly offer to the county.  
 5 MR. MINKS: And the applicant would agree to  
 6 work with the borough engineer as well as at the  
 7 county to seek that adjustment in signal timing in  
 8 order to mitigate to whatever extent possible the  
 9 slight degradations that you noted in had your report.  
 10 MR. VINEGRA: And just for the public and  
 11 for the board members, what we are talking about is  
 12 the approach on South Avenue from Kings towards the  
 13 intersection. Right now the queuing there is quite  
 14 long, the delay is quite long. This project will add  
 15 to that queuing. So it's already at a level  
 16 service E. It goes to F on the future build out of  
 17 this project. It's already at that level of  
 18 service E.  
 19 What the expert is testifying to is that the  
 20 degradation is not that much more dramatic than it is  
 21 today.  
 22 THE WITNESS: That's correct. We are seeing  
 23 in the existing and then when we look at the no-build,  
 24 without this project being built in the future, we  
 25 have an F in the westbound approach.

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1 MR. VINEGRA: Even as a no-built?  
 2 THE WITNESS: A no-built.  
 3 And if you drive through it, you know during  
 4 the peak hours, based on where that queue goes back  
 5 to, basically the exiting point, the signalized  
 6 exiting point out of the Kings area. It's right where  
 7 it goes back to it and then it generally clears.  
 8 However, I will say this, what really helps  
 9 transit-oriented development projects, and what helps  
 10 you decide to use transit is when you know that there  
 11 is a queue that backs up through signals like that  
 12 during peak hours, because it starts to shift the  
 13 choice of how you are mobile. Because if you are  
 14 sitting in traffic all day you might start to think  
 15 about do I really need this car if I can walk to a bus  
 16 or train that is literally across the street.  
 17 If there was no traffic at 5:00 in the  
 18 afternoon and you saw a tumbleweed roll down  
 19 South Avenue, you would buy and drive a car. And you  
 20 might buy two. And you park them in a big parking lot  
 21 because there is capacity. When the capacity begins  
 22 to shrink or you start to see congestion that's when  
 23 you start to make decisions about mobility. And  
 24 because you are so close to public transit and because  
 25 you are so close to other designations, you may decide

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1 to not own a car or own so many cars or drive a car.  
 2 And that's what drives transit development.  
 3 CHAIRMAN GREET: Thank you.  
 4 Bill?  
 5 MR. NIERSTEDT: First off, I want to thank  
 6 you. Your little philosophical statement that you  
 7 just made, I agree with you 1000 percent. That is  
 8 what drives --  
 9 THE WITNESS: That's the only way it works.  
 10 MR. NIERSTEDT: That's the only way it  
 11 works. When gas goes up to \$4.50, I really don't  
 12 mind.  
 13 CHAIRMAN GREET: I was going to ask you if  
 14 you guys want to get together.  
 15 MR. NIERSTEDT: We might do that. Chris,  
 16 too.  
 17 MR. VINEGRA: No, Chris and I hang out.  
 18 MR. MINKS: No, we are going to do something  
 19 different. We like gas guzzlers.  
 20 MR. NIERSTEDT: I understand. Mr. Mintz and  
 21 I have had this discussion before. We are not going  
 22 to agree. I understand that. I don't see this as a  
 23 transit branded design. What I see this as is a site  
 24 that is fortunate enough, fortunate enough to be  
 25 located within a true transit village area. I don't

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1 really honestly see -- maybe I should rephrase it this  
 2 way: Is there anything that this development is  
 3 proposing on this site to advance any -- and I know  
 4 you are going to come up with some but, you know -- I  
 5 do not believe that this site in and of itself  
 6 advancing a single transit-oriented goal or objective.  
 7 This is an apartment complex on a site that happens to  
 8 be in a true transit area.  
 9 That being said, I am not concerned about  
 10 the increase of traffic. What concerns me is the  
 11 parking. I recognize and I've read the report and you  
 12 have not taken -- what is the right word I should use  
 13 here? -- the allowances in terms of the vehicle trip  
 14 reductions due to transit and I understand that. But  
 15 you could have, correct?  
 16 THE WITNESS: We could.  
 17 MR. NIERSTEDT: And if you could -- and if  
 18 you did, you could reduce the number of parking spaces  
 19 that are provided on this site and as a professional  
 20 you would still be able to testify if this was a tight  
 21 situation that you were providing the necessary  
 22 required parking spaces; is that correct?  
 23 THE WITNESS: Let me just make sure I  
 24 understand.  
 25 MR. NIERSTEDT: Sure.

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1 THE WITNESS: If we took credits,  
 2 understanding where we are located, and we provided  
 3 lesser parking stalls, would we have adequate parking  
 4 spacing supply to a certain level, right?  
 5 MR. NIERSTEDT: Let me rephrase it. You are  
 6 absolutely right what you said. Would you be able to  
 7 still testify as an expert that adequate parking was  
 8 provided?  
 9 THE WITNESS: If we lessened it slightly,  
 10 yes.  
 11 MR. NIERSTEDT: Okay. You are short of open  
 12 space. You are short of -- you are providing too much  
 13 impervious coverage. You have far more parking spaces  
 14 than the project requires. You are across the street  
 15 from the train. You are within a stone's throw,  
 16 perhaps not a baseball, but a stone's throw of  
 17 transit. Why are you proposing so many parking  
 18 spaces?  
 19 THE WITNESS: I don't think it's that  
 20 simple. And I don't think it's so many parking spaces  
 21 and not to parse words we understand phase one was  
 22 approved with a lesser parking requirement or a lesser  
 23 parking supply than this project. But as I mentioned  
 24 earlier on in testimony, I think when you are looking  
 25 at development projects, it's important to turn off

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1 the property lines to some extent and think about the  
 2 parking demands in a larger sense. And we are in this  
 3 project. We are thinking about the parking demand as  
 4 it relates to the fire department, the community at  
 5 large's parking demands, which we are willing to share  
 6 within property's control by this applicant in  
 7 addition to the parking generation associated with  
 8 this site.  
 9 MR. NIERSTEDT: And I agree with you 100  
 10 percent. Let's take it a step further, because I  
 11 agree. Get rid of property lines. Let's take it in  
 12 Cranford. Cranford, huge project South Avenue,  
 13 fantastic project. It generates great excitement,  
 14 demand, people are out there Thursday, Friday,  
 15 Saturday night. You avoid that area. As you said,  
 16 traffic is bad you are going to go around it.  
 17 Additional traffic. There is an additional mixed use  
 18 proposed in Cranford. Coming into Garwood, we have  
 19 the paperboard, there is going to be something  
 20 happening there. We've got across the street here,  
 21 going into Westwood. The whole Raritan Valley line  
 22 there is additional traffic, additional residential  
 23 living being proposed. It's going to generate  
 24 additional traffic. All of those are going to work  
 25 together to create the situation that you and I want,



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1 which is forcing people out of cars, walking, bikes,  
 2 mass transit, what have you.  
 3 I'm going to repeat the question: Why so  
 4 many parking spaces? You can get rid of them. You  
 5 are going to be satisfying the plan.  
 6 THE WITNESS: Yes.  
 7 MR. NIERSTEDT: You can get rid of those  
 8 variances very easily. Get rid of excess parking.  
 9 Why are you not doing that?  
 10 THE WITNESS: Because there is --  
 11 MR. VINEGRA: Well, let me get into this.  
 12 Do you know why? Because this municipality does not  
 13 have enough parking for it's downtown. You talk about  
 14 Cranford, Cranford provides hundreds --  
 15 MR. NIERSTEDT: This is not downtown  
 16 parking.  
 17 MR. VINEGRA: -- and hundreds of spaces for  
 18 it's downtown. What does Garwood supply for its  
 19 downtown businesses with residential on the second  
 20 floor? How many parking spaces? There is no parking  
 21 for businesses on Center Street. I would agree with  
 22 you --  
 23 MR. NIERSTEDT: That's not providing more.  
 24 MR. VINEGRA: I would agree with you that  
 25 what is going to happen hopefully is that all the

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1 residents will park within the lot. What will that  
 2 make available? What have they stated they would not  
 3 mind if people who shop in Garwood who are across the  
 4 street would want to park there? If this was on the  
 5 outskirts of town next to Unami Park, sure, that  
 6 should be green space. But it's not. It's downtown  
 7 from a town that does not have any parking available  
 8 for its small businesses.  
 9 So to add a small amount of green space to  
 10 lose four or five spaces I think is a mistake. I  
 11 think you are wrong, Bill, because the town does not  
 12 have adequate -- we don't have enough spaces for the  
 13 firemen. We don't have enough spaces for the  
 14 policeman. They are taking up spaces -- they are  
 15 fighting with people who are trying to do business  
 16 downtown. We finally have an applicant willing to  
 17 build excess parking and look the other way when the  
 18 general public uses the parking. That's why we are  
 19 here.  
 20 MR. NIERSTEDT: And that is 100 percent  
 21 contradictory -- and we are not going to resolve this  
 22 tonight, and we will still talk tomorrow -- but that  
 23 is 100 percent contradictory to the desire of transit  
 24 village.  
 25 MR. VINEGRA: In your opinion.

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1 MR. NIERSTEDT: You are going to start  
 2 testifying?  
 3 MR. VINEGRA: In your opinion, I believe  
 4 that placing people, residents, next to mass transit  
 5 is a transit-oriented village. What are you going to  
 6 put, another Shop-Rite next to transit? No. What is  
 7 better than residential next to a train station? What  
 8 is Harrison? The rebirth of one of the worst areas in  
 9 the state, in my opinion, is Harrison. And they did  
 10 the Harrison project. What is it? Residential next  
 11 to a PATH station. There is not great commercial in  
 12 Harrison. It's a lot of residential.  
 13 MR. MINKS: Tell me about it. We are  
 14 struggling with the commercial.  
 15 MR. NIERSTEDT: This is philosophical. So  
 16 let me get off of that.  
 17 MR. FRASER: Can you get back to the  
 18 witness?  
 19 MR. NIERSTEDT: I just said that. Are there  
 20 other incentives that the applicant is proposing? Are  
 21 you providing any incentives to residents to come here  
 22 and utilize mass transit? I know Mr. Mintz has  
 23 indicated Russo will work with the borough in terms of  
 24 trying to get more train stops. So my question is,  
 25 convince me, what is the applicant doing to

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1 incentivize people to move here and utilize mass  
 2 transit and not their cars?  
 3 THE WITNESS: Having worked with this  
 4 applicant for I would say over five years now, they  
 5 have allowed us to do things with built development  
 6 projects that no other builder in the State of  
 7 New Jersey has and they also incentivize the use of  
 8 public transit in ways that I think is exemplary as it  
 9 relates to development.  
 10 So I will speak about the first. We can  
 11 never get into a parking garbage. No parking manager  
 12 would ever let us count the amount of parking stalls  
 13 in the garage at the time of building occupancy. They  
 14 wouldn't do it.  
 15 MR. NIERSTEDT: I don't understand.  
 16 THE WITNESS: We want to understand the true  
 17 demands. To your point, right, as a planner and  
 18 engineer, we want to know the metrics. And so this  
 19 developer as projects became built and close to 100  
 20 percent occupied, they said go in and count the number  
 21 of parking stalls to see what the real demand is.  
 22 There were no studies in New Jersey. We counted five  
 23 or six sites. And we saw that there were plates of  
 24 parking that were empty driving the demand down.  
 25 RSIS, which governs the State of New Jersey,

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1 says you need to provide 1.8 stalls per studio  
 2 apartment, one-bedroom, 1.8, two-bedroom 2.1. That is  
 3 what the requirement in the state is. The only way to  
 4 gain flexibility and actual parking is to study the  
 5 actual lots themselves, the garages, the build  
 6 product. They allow us to do that.  
 7 They have projects that are not located this  
 8 close to public transit. They provide private  
 9 shuttles. They incentivize the use of public transit.  
 10 Again, we have worked with some of the top multifamily  
 11 developers in the State of New Jersey, great in their  
 12 own right, but not like this. Not giving us the  
 13 access to be able to put forth data to the industry  
 14 and make it public record about what these sites  
 15 actually draw in terms of demand. Because that's what  
 16 lets us drive the supply down, the actual numbers.  
 17 So as part of a phase development, we will  
 18 likely be in these parking garages when they are built  
 19 to see how they operate and how much parking they  
 20 actually utilize on a daily basis. You have a  
 21 smart-parking system going in on the north side of the  
 22 roadway as part of phase one. Again, great data,  
 23 great metrics, imperial that you and I can't debate.  
 24 We just look at it on paper and see where it ends up.  
 25 But as Mr. Vinegra spoke about, there is more than

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1 just this project that we are considering in terms of  
 2 the overall parking demand here, but this project is  
 3 willing to try to help accommodate that. And I think  
 4 that is an important part of the parking context.  
 5 The open space we will get into with  
 6 planning. Four percent difference, the courtyards  
 7 that we are providing, I don't know if it's going to  
 8 get you to the perfect or the evolution of the  
 9 transit-oriented development project that maybe you or  
 10 I want in an idealistic setting, but it helps us get  
 11 closer to it. And I think that is important. And I  
 12 think that this project is getting us there.  
 13 MR. NIERSTEDT: I don't agree, but thank  
 14 you.  
 15 THE WITNESS: Thank you very much.  
 16 CHAIRMAN GREET: You know what, I appreciate  
 17 the fact that, Bill, you brought up some really great  
 18 points, valid points.  
 19 Victor, thank you for jumping in a little  
 20 bit.  
 21 And you've done an outstanding job.  
 22 At this point in time and that being said as  
 23 well, I think our board has enough information to be  
 24 able to weigh in and make a determination whether or  
 25 not we want to take away some parking or whether or

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1 not we want to leave it as is, understanding a little  
 2 bit better the premises on how Russo is attempting to  
 3 help our parking situation in our town. Thank you.  
 4 THE WITNESS: You're welcome.  
 5 CHAIRMAN GREET: Anyone else?  
 6 MS. VILLAGGIO: Are you finished testifying?  
 7 THE WITNESS: For traffic.  
 8 MR. MINKS: For traffic but he still has  
 9 planning testimony.  
 10 MS. VILLAGGIO: But he is finished on  
 11 traffic testifying, right? Because I want to ask a  
 12 question about traffic.  
 13 MR. VINEGRA: Well, I just want to remind on  
 14 phase one, we did do studies.  
 15 CHAIRMAN GREET: Speak up a little bit.  
 16 MR. VINEGRA: The board hired a traffic  
 17 expert in conjunction and the chairman was at the  
 18 meetings to address transit-oriented downtown such as  
 19 Fanwood, Cranford, Bloomfield. We looked at their  
 20 parking ratios. Cranford was well above 1.6, the  
 21 demand.  
 22 Now, we know eventually that demand is going  
 23 to go down because we have actually done studies where  
 24 it's 1.75 in urban areas for areas next to the  
 25 Northeast Corridor train station. A Northeast

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1 Corridor train station is a lot different than a  
 2 Raritan Valley Line. The Raritan Valley Line shuts  
 3 down at night, not the Northeast Corridor.  
 4 So we have done studies in Rahway, Metuchen,  
 5 Elizabeth. We are coming up with 0.8, 0.75 per unit.  
 6 The suburban towns are still 1.6. So my office is  
 7 willing to let the developer go down from there,  
 8 knowing the ratio demands are going to go down, it's  
 9 at its peak now, the demand is going to go down, ratio  
 10 per apartment.  
 11 But this project, I agree is 100 percent  
 12 different. We are trying to make up for lost time for  
 13 downtown Garwood. And that's why I didn't go heavily  
 14 in my review letter. I am looking for open space.  
 15 And the easiest thing to do ten years from now is to  
 16 convert that parking lot from asphalt to open space.  
 17 If you want, rip out the asphalt and put a garden.  
 18 It's not a hard thing to do.  
 19 But right now the big push, Kathy was  
 20 involved with it, the fire department was involved  
 21 with it, the council was involved with it, is the  
 22 parking for downtown that we have the lack of. That's  
 23 why we did the studies in phase one to find out what  
 24 was the ratios. And if there are two-bedroom units,  
 25 they might be empty nesters. And empty nesters, and

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1 Don Fraser was -- I interviewed Don Fraser who lived  
 2 in downtown Cranford and talked about their parking  
 3 ratios and their problems. So that was an interview  
 4 more or less asking for someone who lived in that  
 5 complex. We did those studies. That's why the  
 6 ratios -- the 1.78 is a little high, but that includes  
 7 the surface parking spaces.

8 THE WITNESS: Yes. And I couldn't agree --  
 9 the part about conversion is a really important point.  
 10 You are seeing universities do it. You are seeing  
 11 large developers looking at levels of parking in  
 12 garages now and putting utilities in them and  
 13 understanding that if the game changes dramatically  
 14 with regard to a lack of need of parking, they can  
 15 convert the land and the volume of space into  
 16 something different.

17 So as Mr. Vinegra talked about if this goes  
 18 empty for a year, you'll likely come down, have a plan  
 19 in front of you with trace paper at Mr. Vinegra's  
 20 direction and say let's put a building here. And  
 21 nothing about this project precludes you from being  
 22 able to do that at some later time.

23 MR. VINEGRA: And we have actually done  
 24 downtown projects with plazas. You can take an area  
 25 and you can convert this to a plaza. You can take

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1 that out, you can put some bollards around it or some  
 2 elevated planters and convert them. We are doing that  
 3 now, restaurants are doing those.

4 THE WITNESS: And we are just talking  
 5 hypothetical. But that is really what happens in the  
 6 evolution of a downtown.

7 MR. VINEGRA: And these spaces out here, if  
 8 this ever becomes lack of parking, it becomes storage.  
 9 So all of a sudden the units don't have enough storage  
 10 space. They can then fence in, cage in an area and  
 11 now give additional storage and they can charge for  
 12 that storage. So it's a way for the developer to  
 13 recoup and say if you want additional storage, it's  
 14 going to cost you. But that's how we have been doing  
 15 conversions.

16 MS. VILLAGGIO: What impact with regard to  
 17 West Street and South? Because the entrance and exit  
 18 is on West Street --

19 THE WITNESS: Yes.

20 MS. VILLAGGIO: You know, I'm not too  
 21 concerned with the entrance coming off of Willow  
 22 because you are not talking about a lot of spaces  
 23 there and that's something that should be there, but  
 24 I'm concerned about West and South, the impact because  
 25 there are a lot of cars that, you know, that take up

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1 West Street.

2 THE WITNESS: Yes. The large majority of  
 3 traffic, we counted the intersection on those three  
 4 different periods that I mentioned, very strong flow,  
 5 we will call it a northbound right. The left turn is  
 6 challenging and the left turn doesn't necessarily feed  
 7 the rest of the roadway network as much as the right  
 8 turn does in terms of getting into the arterial  
 9 roadway system. So you see a heavy flow making a  
 10 right turn, which happens without a problem even  
 11 during peak conditions.

12 The traffic associated with this project,  
 13 again, I know we are all looking at the 116 stall lot  
 14 and we think it's all going to outlet. But it won't.  
 15 It gradually distributes throughout the course of the  
 16 day, stop controlled, good sight lines in either  
 17 direction, minimal traffic conflicts on West Street.  
 18 So we've analyzed it and there is no significant  
 19 impact.

20 MS. VILLAGGIO: Is that street wide enough  
 21 to have a second lane?

22 THE WITNESS: Going north?

23 MS. VILLAGGIO: Yes.

24 THE WITNESS: Right now you have parking on  
 25 the west side of West Street and you have no stopping

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1 on the east side of West Street. So you don't have a  
 2 parking lane. It is wide enough, but I wouldn't  
 3 encourage more lanes of traffic there. I don't think  
 4 you need it to accommodate the flow.

5 MR. VINEGRA: I agree with the engineer.

6 THE WITNESS: It's a more conflict point.  
 7 Now you are facing two lanes of traffic coming at you.

8 MR. VINEGRA: Kathy, if you have a queuing  
 9 problem here --

10 MS. VILLAGGIO: Yeah.

11 MR. VINEGRA: People would then continue  
 12 further down Willow if you are making a left. So it's  
 13 not like a driveway like we did with Home Depot where  
 14 we forced them to have two lanes. So if I drove down  
 15 West and I see a queuing problem, I just move around.  
 16 I would not recommend making a right or left there  
 17 because that would make this intersection even  
 18 tougher, too many conflicts.

19 I think a solution could be, it has to be  
 20 enforced, the no-parking here because this building is  
 21 in the sight triangle and the possibility as mentioned  
 22 in my letter of the municipality making this a  
 23 four-way stop.

24 MS. VILLAGGIO: Because there is parking  
 25 along South Avenue that is not allowed, but there are

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1 vehicles there. So many...

2 MR. VINEGRA: Sometimes Morano parks his

3 vehicles on the street and at times the police have to

4 address the situation.

5 MS. VILLAGGIO: It's very difficult to see.

6 MR. VINEGRA: Correct.

7 THE WITNESS: This is the 59 Bus stop here

8 at the northeast corner.

9 MS. VILLAGGIO: Is there one there?

10 THE WITNESS: Yes.

11 MS. VILLAGGIO: I thought that was on the

12 other side of South, okay -- I mean Center Street.

13 MR. NIERSTEDT: Both.

14 MS. VILLAGGIO: At the first meeting that we

15 had on this, I think it was proposed, Victor suggested

16 that on Willow and West that a four-way stop sign be

17 put on Willow, West and I am also suggesting it on

18 Myrtle and West so it stops traffic.

19 MR. VINEGRA: That's really a recommendation

20 that we can make to council. And the cost -- I mean

21 the developer would chip in for the cost of two signs.

22 MS. VILLAGGIO: Would it stop them from

23 making a left out of that development, if they have a

24 stop line?

25 THE WITNESS: Would it stop them from making

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1 a left out of the development if they have a stop?

2 MS. VILLAGGIO: Yes.

3 THE WITNESS: No, I don't think so.

4 MR. VINEGRA: The only reason we brought

5 that up really as a concern, Kathy, was proceeding on

6 West Street is to slow down the vehicle speed so when

7 they are exiting here, you have a nice gap time and in

8 the case that someone parks here to drop children off

9 for the gym, we want to slow vehicle speeds down

10 approaching this section of West Street.

11 MS. VILLAGGIO: I'm in total agreement with

12 the four-way stop signs, but I would like to see it

13 not only on Willow and West, but Myrtle and West

14 because everybody knows, you know, Spruce and West is

15 a very dangerous intersection.

16 MR. VINEGRA: And we have two people from

17 council here, the mayor and council.

18 MS. VILLAGGIO: I'm just saying.

19 MR. MINKS: And the applicant will certainly

20 cooperate as Mr. Vinegra suggested.

21 CHAIRMAN GREET: If there are no other

22 questions or if there is?

23 MR. VENA: I have just one other question

24 for you. On South Avenue, South and West.

25 THE WITNESS: Yes.

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1 MR. VENA: Going west on South Avenue, is

2 there any thought to putting a left turn, a lane in

3 there, turning onto West so the flow of traffic can

4 continue?

5 THE WITNESS: Well, generally speaking, what

6 happens today is a car will wait for a gap in that

7 area of the intersection. And you do have the width

8 to bypass around it. Do you have the width to

9 formally stripe it? I don't know if the road is wide

10 enough there, but I believe there is parking lanes on

11 either side of the street, which will likely neck down

12 that area, but functionally, it is doing what you are

13 suggesting, which is what I believe we want. We want

14 the ability to bypass a vehicle wait.

15 MR. VENA: I'm thinking that the flow of

16 traffic coming back into the apartment will be from

17 South Avenue to West and if you are making that left

18 that will slow that traffic back up.

19 THE WITNESS: Yes. You have the ability to

20 either make the direct left and come back in or you

21 can come down center and make the right onto Willow

22 and then come around that way. And knowing drivers,

23 they will figure it out the first week which is the

24 quicker of the two and figure that out.

25 MR. VENA: I would like to see if that is

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1 wide enough to put a left lane.

2 CHAIRMAN GREET: I think he is correct. I

3 don't think it's wide enough to stripe it.

4 THE WITNESS: I don't think it's wide enough

5 to stripe it. And it would have to be a county

6 improvement. If you look along this corridor, it's

7 not something that you see and I think the county may

8 likely not like the idea of it. Typically, you'll see

9 a left lane of that size when you are talking about

10 that one-trip rule that applies to the turn bay,

11 right-turn bay, left-turn bay, one hundred trips in an

12 hour. We won't exceed that limit with this project

13 specifically.

14 MR. PETRUZZELLI: I have a question in that

15 regard. Is there any thought for adding a traffic

16 light that works with the one up on Center prior to

17 the firehouse? Because that tends to get bottled up.

18 THE WITNESS: On West Street, a signal?

19 MR. PETRUZZELLI: No, on South.

20 THE WITNESS: On south, mid-block?

21 MR. PETRUZZELLI: Yeah, back up. Probably

22 where the start of your building is.

23 THE WITNESS: Not a conventional traffic

24 signal. It would be atypical to have a mid-block

25 signal in that location. There is queuing back in

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1 that area. And I know that it does extend past the  
 2 fire department. Many times what you will see in  
 3 municipalities is a flashing beacon, that if a truck  
 4 is entering or exiting that hatched area, it will go  
 5 to a stopped red rater than a flashing red. And it  
 6 will hold up vehicles so that the truck can get in and  
 7 out of the site. But, no, we don't typically look at  
 8 mid-block signals. I don't know that we would be able  
 9 to meet the warrants here for that location.  
 10 CHAIRMAN GREET: Yes, I have a commentary  
 11 for that. From the standpoint of having, if I had a  
 12 unit that was facing that flashing red light, I  
 13 wouldn't be to happy.  
 14 MR. MINKS: No, typically what you would  
 15 have -- and you've seen them and probably haven't even  
 16 noticed it. It's not flashing at all times. It  
 17 typically would be flashing when there is a fire call  
 18 or whatever and it would go from flashing to red when  
 19 the vehicle was approaching it. It would not be  
 20 flashing at 3:00 in the morning unless there was a  
 21 fire call or another emergency services call that  
 22 needed to keep that driveway open. So it would be  
 23 only in those events.  
 24 MR. PETRUZZELLI: So do you mean like a  
 25 button in the firehouse that someone would hit that

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1 would start the flashing light and it would turn red;  
 2 is that what you are saying?  
 3 MR. VINEGRA: Yeah.  
 4 MR. MINKS: And I believe there can also be  
 5 vehicularly activated so as the truck comes back to  
 6 the department, it might trigger on the basis -- from  
 7 the vehicle. I'm sure the fire department can speak  
 8 to it in more detail. If that is something that the  
 9 fire department and the board thinks is an important  
 10 improvement to have greater access and ability to  
 11 access the fire lot, I think it would be something my  
 12 client would be willing to contribute to.  
 13 MR. PETRUZZELLI: Well, in my opinion, I  
 14 think it would be because it bottlenecks right in  
 15 front of the fire department. I think that if there  
 16 was a light there --  
 17 MR. VINEGRA: But that light would not be  
 18 functional during regular operating periods so that  
 19 bottlenecking would still occur. You would better off  
 20 striping the intersection and put do not block the  
 21 box, you know, like we do now, because it really  
 22 wouldn't be a functioning traffic light so close to  
 23 another traffic light.  
 24 MS. VILLAGGIO: But it would stop, if there  
 25 was a call and it would --

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1 MR. VINEGRA: Yeah, just if there was an  
 2 emergency.  
 3 MS. VILLAGGIO: Just in case of an  
 4 emergency, to be activated, I think, you know, if the  
 5 fire department, you know, doesn't need to take out  
 6 their truck, it wouldn't flash. If they need to make  
 7 people stop, because that's the problem. People just  
 8 stop.  
 9 MR. VINEGRA: The applicant says he is  
 10 willing to look into it, so.  
 11 MS. VILLAGGIO: Thank you. If the applicant  
 12 is willing to assist us in that matter.  
 13 MR. NIERSTEDT: Mr. Chairman, I want to  
 14 thank Mr. Mintz for saying that because we talked  
 15 about that at the last meeting and we actually talked  
 16 about having one of the recommendations being that  
 17 council actually use some of the PILOT dollars to  
 18 actually, you know, put a fire signal out there. So  
 19 if the applicant and the council can agree to that and  
 20 as Mr. Mintz indicated actually help us out  
 21 financially, that would be better than what we talked  
 22 about last month.  
 23 MS. VILLAGGIO: What we specifically talked  
 24 about last month was using a portion of the PILOT to  
 25 purchase a fire truck.

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1 MR. NIERSTEDT: That was separate. We'll  
 2 still have that.  
 3 And, Mr. Olivo, I just want to make sure  
 4 with all the changes relative to the parking on the  
 5 eastern edge of the property, I have a note and I am  
 6 looking at my comments from the police. They had  
 7 recommended designated the westerly portion of parking  
 8 lot as an exit and entrance, but I noted underneath  
 9 it -- and, Mr. Mintz, correct me if this is not  
 10 accurate -- the proposal you made last time was that  
 11 the eastern driveway of the eastern parking area be a  
 12 right-turn only exit. That still remains, right?  
 13 THE WITNESS: Right-turn exit only, correct.  
 14 MR. NIERSTEDT: Thank you.  
 15 THE WITNESS: You would be able to make a  
 16 left into the site --  
 17 MR. NIERSTEDT: Correct.  
 18 THE WITNESS: -- and make a right into the  
 19 site.  
 20 CHAIRMAN GREET: Anyone else from the board?  
 21 I'll open it up to the general public  
 22 concerning the traffic.  
 23 MR. TWEEDLE: Al Tweedle, 321 Willow Avenue.  
 24 I'm also the fire chief.  
 25 Just be advised I put up a sign, on the sign

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1 out in front, "Do Not Block the Box." I said it's a  
 2 law. But I was informed by the police chief that  
 3 there is no law in the State of New Jersey that  
 4 prohibits anybody from blocking a firehouse. The  
 5 lines on the street is a courtesy. They are not  
 6 there. Just to bring it to your attention.  
 7 A fire signal would be very drastically an  
 8 improvement. There are times we can't even get into  
 9 the firehouse to get out. People look at you like you  
 10 are bothering them because you are going on a call.  
 11 So anything that we can do, whether there is a fire  
 12 signal, a button, something we can hit, to improve  
 13 traffic flow in front of the firehouse, stop it  
 14 before. I don't care how we do it. I will go to  
 15 council and express my concerns there, too. So that's  
 16 the basic problem. Okay.  
 17 Getting to the firehouse and getting out of  
 18 the firehouse is a major issue on South Avenue.  
 19 People don't care. You are interrupting their day.  
 20 Okay.  
 21 I have a question for you. You are talking  
 22 to Jersey Transit about more stops or are you not  
 23 doing that?  
 24 THE WITNESS: I have not.  
 25 MR. MINKS: I can speak to that.

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1 We agreed in the approval for phase one and  
 2 we will agree to the same condition here because  
 3 technically this is a different developer, same  
 4 parties, but different entity, we have agreed to work  
 5 with the borough. Because the borough has contacts  
 6 and experience with Transit. We have independent  
 7 contacts and experience working with Transit so we  
 8 have agreed to combine efforts to approach Transit  
 9 together to try to encourage additional stops.  
 10 With that in mind we all acknowledge that  
 11 absent a gateway project actually happening, the  
 12 likelihood of material increase in stops is,  
 13 unfortunately, not very likely, but we are  
 14 nevertheless going to have a very concerted voice to  
 15 try to encourage that.  
 16 MR. TWEEDLE: Because I have talked to  
 17 transit when they go out and do their surveys and  
 18 stuff like that. Their number one concern for stops  
 19 is consumer parking. If you don't have parking spots  
 20 designated for commuters, they don't care. Even  
 21 though everyone in Garwood walks to the train station  
 22 or rides their bike, they don't take that into  
 23 consideration. It's always parking spots. Look at  
 24 Westfield, look at Cranford. They always have a lot  
 25 of commuter parking lots. That's why they get more

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1 stops. As a matter of fact, the last time we went  
 2 through this process we lost a stop, and that's  
 3 mid-rush hour. I only know that because I take the  
 4 train.  
 5 Thank you. Thank you very much.  
 6 CHAIRMAN GREET: Thank you.  
 7 MR. MINKS: Chuck, I don't know if you can  
 8 speak to this, but I think Chief Tweedle is correct,  
 9 that that really was a big driving force with Transit  
 10 but that is kind of evolving and now it's just  
 11 ridership.  
 12 THE WITNESS: It was because it translated  
 13 directly to ridership use. But now with  
 14 transit-oriented development initiates and having  
 15 density near the stations themselves, the projects and  
 16 the density being walkable creates that ridership  
 17 increase. And you need ridership for more stops.  
 18 It's a tricky situation with Transit, they want you to  
 19 show them the riders first and they will acquiesce.  
 20 MR. MINKS: But, unfortunately, here we can  
 21 show them a million riders and they will say, sorry,  
 22 we don't have tunnel access. So they are only going  
 23 to give us so much, but we, nevertheless, agree.  
 24 Frankly, we should start working on that, but that's  
 25 an aside.

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1 COUNCILWOMAN TODISCO: Mr. Chairman, if I  
 2 can speak to that?  
 3 CHAIRMAN GREET: Sure.  
 4 COUNCILWOMAN TODISCO: I know that the  
 5 Gateway tunnel project with the can kicked down the  
 6 road is becoming a real problem. But now the push on  
 7 the Raritan Valley Line has really been to have a  
 8 reallocation of the stops and the direct line. And I  
 9 know the new Westfield mayor and others have really  
 10 been pushing on that and going to Trenton. So I  
 11 believe Garwood too needs to get on that boat. I know  
 12 I have written letters and spoken with Assemblymen and  
 13 so forth, but we should definitely get on that because  
 14 it's less about Gateway now and more so about equity  
 15 along our rail line.  
 16 MR. MINKS: And we look forward to getting  
 17 through the entitlement process so we can really then  
 18 more freely be a partner in that effort, whereas right  
 19 now, while we have a pending application we can't  
 20 necessarily. But we are eager to do so because I  
 21 think it will benefit Garwood. It will benefit the  
 22 entire line. It will benefit all the surrounding  
 23 communities.  
 24 COUNCILWOMAN TODISCO: I definitely  
 25 appreciate it.

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1 CHAIRMAN GREET: Bill, hang on because right  
 2 now I'm still having general public commentary.  
 3 MR. FRASER: Questions.  
 4 CHAIRMAN GREET: Questions of this witness?  
 5 I'm sorry.  
 6 MR. SCALZADONNA: John Scalzadonna,  
 7 assistant chief of the fire department.  
 8 Just to reiterate what the chief said, there  
 9 have been many times that a firefighter has gotten out  
 10 of a rig on North Avenue, because we have to get out  
 11 of the rig to stop traffic. We do try to put the rig  
 12 on an angle. We have had cars drive up onto the apron  
 13 of the firehouse around the fire truck. I have  
 14 actually had to pull a firefighter back into the fire  
 15 truck because I saw the car go around.  
 16 You just can't underestimate or whatever how  
 17 important this signal would be to us.  
 18 Also, we have seven spots for a fifty man  
 19 department. We have a developer who is willing to  
 20 work with us. Please, before you go taking spots  
 21 away, consider what the developer is offering.  
 22 CHAIRMAN GREET: I think we are. Thank you,  
 23 John.  
 24 MR. SCALZADONNA: Thank you.  
 25 CHAIRMAN GREET: Anyone else from the public

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1 of this witness?  
 2 Seeing none, I will close that.  
 3 MR. NIERSTEDT: Can we ask the chief a  
 4 question?  
 5 CHAIRMAN GREET: Yeah, go ahead.  
 6 MR. NIERSTEDT: Chief, with what is being  
 7 proposed, I think the last testimony, you indicated  
 8 the fire division had a shed, an aluminum can trailer,  
 9 a boat trailer and it might have a SUV or at least  
 10 four vehicles?  
 11 MR. TWEEDLE: Right now I have a shed, a can  
 12 trailer, and a Suburban that occupies the spots in the  
 13 existing parking lot. I'm trying to get a trailer for  
 14 the boat for water rescue. All right. And if we do  
 15 get another fire truck, I am going to have a pick-up  
 16 truck that is going to have to go outside also.  
 17 MR. NIERSTEDT: So then my question is: How  
 18 does this new plan work in terms of your needs?  
 19 MR. TWEEDLE: It's better than what it was.  
 20 And if they are willing to sit down and talk with us  
 21 and work through it, I have no problem with that.  
 22 MR. SCALZADONNA: Correct me if I'm wrong,  
 23 that plan would more than double our parking.  
 24 MR. NIERSTEDT: I don't know what you mean  
 25 by existing parking, you mean double from what they

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1 had last time?  
 2 MR. SCALZADONNA: Double from what we have  
 3 now.  
 4  
 5 MR. NIERSTEDT: Today?  
 6 MR. SCALZADONNA: Yeah.  
 7 MR. NIERSTEDT: To date.  
 8 CHAIRMAN GREET: Anything else, Bill?  
 9 MR. NIERSTEDT: That's it.  
 10 CHAIRMAN GREET: Anyone else with questions  
 11 for this witness before we move on to the planning  
 12 portion of his testimony?  
 13 Hearing none. You may proceed.  
 14 EXAMINATION  
 15 BY MR. MINKS:  
 16 Q. So changing hats, you've been engaged, you  
 17 are a licensed professional planner, as you testified.  
 18 You have been qualified in that capacity. And in that  
 19 capacity, you are familiar with that plan and you have  
 20 studied it, and have formulated opinions with respect  
 21 to it being a smart development and a transit-oriented  
 22 development and have considered the planning aspects  
 23 to both its impact to the site and the surrounding  
 24 community, correct?  
 25 A. That's correct.

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1 Q. And so, in doing your study, you have  
 2 considered the deviations that the applicant is  
 3 requesting as part of this application and have  
 4 formulated conclusions as to the satisfaction of the  
 5 positive and negative criteria sufficient to empower  
 6 this board to grant those deviations within the  
 7 context of the redevelopment plan and the applicable  
 8 zoning here in Garwood, correct?  
 9 A. That is correct.  
 10 Q. If you would take the board through your  
 11 analysis and conclusions?  
 12 A. Certainly. We are within the South Avenue  
 13 Area Two Redevelopment Plan. That plan was passed in  
 14 December of '17. The underlying zoning here prior to  
 15 the passing of the redevelopment plan was your GB,  
 16 your general business district, as well as the  
 17 two-family residential zone. That has now been  
 18 changed to the redevelopment plan, which we are a  
 19 permitted use.  
 20 We essential meet all of your bulk and yard  
 21 criteria. Height, in terms of setbacks, parking, a  
 22 number of the item that we've spoken about, we are all  
 23 in compliance. And most importantly, we are a  
 24 permitted use now as part of the contemplation of this  
 25 redevelopment plan.

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1 When you look at the existing site,  
 2 95 percent impervious coverage, about 5 percent open  
 3 space, essentially no street wall. I would call it a  
 4 somewhat suburban design with regard to a bank with  
 5 drivethrough, accommodating motor vehicles in terms of  
 6 having drivethrough lanes.  
 7 In terms of what is being proposed as it  
 8 relates to being in compliance with those bulk and  
 9 yard and the height and all those criteria, we are  
 10 seeking what I will call waivers or deviations from  
 11 the redevelopment plan. And those waivers, generally  
 12 speaking, are all hovering in the same category, which  
 13 with specificity your board planer goes through with  
 14 excellent detail in his review letter, the deviations,  
 15 the waivers that we are seeking.  
 16 Open space, 20 percent is required, 16.25  
 17 percent is being proposed. And you've heard as part  
 18 of the site engineering, the architecture testimony,  
 19 as well as the traffic engineering testimony why we  
 20 are slightly less than what is required with regard to  
 21 open space. However, if you consider the second-floor  
 22 courtyard areas, we are above that 20 percent  
 23 requirement in terms of open space.  
 24 You have access to open space areas.  
 25 Garwood Park is located about a quarter mile to the

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1 east and south of this site where your have  
 2 recreational fields, public parks.  
 3 In addition to that, we talked about the  
 4 need for parking and the accommodation for parking and  
 5 the sharing of parking for the fire department,  
 6 commuters, residential users, et cetera. And so that  
 7 is one of the deviations that we are seeking. And I  
 8 think we are within our rights to seek that.  
 9 In addition to that, we are seeking a waiver  
 10 from the continuous facade that is located along  
 11 South Avenue. We are above just about 280 feet. The  
 12 requirement is about 75 feet, you begin to move the  
 13 building, creating a rhythm of the building. And  
 14 Mr. Johnson did an excellent job speaking about how  
 15 the building on the second level along South Avenue  
 16 achieves that goal.  
 17 To accommodate the parking that we are  
 18 seeking for the use of the site itself in concert with  
 19 the 40 parking stalls in the service lot provided to  
 20 the east, we have that area of street wall that is  
 21 uninterpreted for over 280 feet --  
 22 Q. I'm sorry, Mr. Olivo, if I can interrupt,  
 23 you misspoke. You said that the waiver is for the  
 24 frontage along South. You meant the waiver is for the  
 25 frontage along Willow.

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1 A. I apologize. Yes, correct. Along Willow.  
 2 That is where we have, again, the continuous street  
 3 wall. What we are providing there is a continuous row  
 4 of parking. And you'll see that's why the building at  
 5 the ground floor is not moving.  
 6 In terms of impervious coverage, 80 percent  
 7 is the requirement within the redevelopment plan. We  
 8 are just above that at 83 percent. Again, being  
 9 driven by some of the additional parking stalls that  
 10 we've now agreed to comply with to serve what I will  
 11 call the greater public good in this area, in addition  
 12 to the parking associated with the site itself.  
 13 The RSIS requirement for parking on the site  
 14 would be based on the unit count and the mix of units;  
 15 137 parking stalls, where we are proposing to have 116  
 16 but the 18 being proposed just to the east of the  
 17 building proper that is being built. You can make the  
 18 argument that we are being conservative here asking  
 19 for that di minimus exception from RSIS and citing  
 20 Section 4.14C, which talks about alternative parking  
 21 standards within areas that are well served by public  
 22 transit, which is exactly where we are.  
 23 Again, when we look at the positive and the  
 24 negative criteria, the positive criteria, and what I  
 25 would use is the flexible C-2 variance test here. We

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1 look to see how we are promoting the Municipal Land  
 2 Use Law, advancing the purposes of the Municipal Land  
 3 Use Law by virtue of these deviations and do the  
 4 benefits significantly outweigh the detriments  
 5 associated with the granting of these variances. So  
 6 we look to the purposes of the Municipal Land Use Law.  
 7 And looking at Purpose M, the efficient use  
 8 of land, and paraphrasing that, I think that is  
 9 exactly what we are doing with the development of this  
 10 site in the way that we've conceived of it is that we  
 11 are efficiently creating street scape, street wall  
 12 density that is connected to public transit as well as  
 13 downtown areas.  
 14 In addition to that, looking at Purpose G,  
 15 which essentially says we want to site or locate  
 16 appropriate projects in appropriate locations. And  
 17 that exactly, again, when we speak to transit-oriented  
 18 development, the connectivity of living here and the  
 19 sustainability of walking, you are promoting and  
 20 furthering that goal as well.  
 21 And Purpose I, it relates to a desirable  
 22 visual environment. Mr. Bartels, Mr. Johnson have  
 23 spent a significant amount of time to create a  
 24 streetscape that is to be something to be proud of  
 25 within the borough, the elevations, the architectural



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1 facades, and all of those elements are purposeful as  
 2 it results to planning. For those reasons we are  
 3 furthering the Municipal Land Use Law.  
 4 As it relates to the negative criteria, and  
 5 the potential impacts of the site, as we have spoken  
 6 about this evening at length, by allowing these  
 7 deviations or these waivers from the requirements for  
 8 impervious, for the facade, for the open space, you  
 9 are allowing this project to serve the greater good in  
 10 sense of the public by provided needing parking supply  
 11 within this area, but also, in my opinion, not  
 12 providing excessive amounts that would take away from  
 13 the transit-oriented nature of the site.  
 14 And in that way I believe that the granting  
 15 of the variances and the benefits that would be  
 16 associated -- I'm sorry -- with the waiver and the  
 17 deviations would significantly outweigh any  
 18 detriments.  
 19 Q. And you are familiar, obviously, you  
 20 testified about it, but you are familiar with the  
 21 redevelopment plan and the redevelopment plan has been  
 22 drafted in a manner that has empowered this body with  
 23 the authority to grant waivers from matters such as  
 24 the deviations that we are seeking, correct?  
 25 A. That's correct.

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1 Q. And that is consistent with the  
 2 redevelopment law in the State of New Jersey in your  
 3 experience as a professional planner, correct?  
 4 A. Yes, it is.  
 5 MR. MINKS: I have nothing further for  
 6 Mr. Olivo.  
 7 CHAIRMAN GREET: Questions from the board?  
 8 Bill?  
 9 MR. NIERSTEDT: Basically, just one,  
 10 Mr. Chairman.  
 11 I'm going to go back to what I talked about  
 12 earlier. And I know the number is the number. You  
 13 said 20 percent versus 16. You mentioned the closest  
 14 swing, the closest playground, the closest area for a  
 15 child to recreate is a quarter mile away. And you are  
 16 correct that I was going to ask that question.  
 17 I apologize, when I walked over here  
 18 tonight -- and I will discuss this later when we talk  
 19 about how we are going to vote -- I was very inclined  
 20 to vote against this proposal for three reasons. And  
 21 the children is one of them, not number of children  
 22 because that's not a concern of mine but how they are  
 23 going to, where they were going to recreate.  
 24 You are short of open space. I still  
 25 believe that there are too many parking spaces here.

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1 I'm just going to ask you. Is there a way to provide  
 2 the usable open space that is required?  
 3 THE WITNESS: Not in the spirit of  
 4 transit-oriented development and what this project  
 5 stands for, no. From an overall planning perspective,  
 6 I don't think so. And I do believe you have Unami  
 7 Park -- and I apologize if I mispronounce it -- to the  
 8 south, you have Garwood Park to the east.  
 9 And I think that is in keeping with downtown  
 10 communities and neighborhoods, the spirit of  
 11 interaction and recreation is not meant to be isolated  
 12 to a single site. And that is the beauty of the park  
 13 system. I walk my children to the park. I don't have  
 14 it within my residential community. There may be some  
 15 small patches where we can pass the soccer ball, but  
 16 where we have the greatest recreation and competition  
 17 and fun is within the public park system. And I think  
 18 that was in the spirit of the transit-oriented  
 19 development project and a 3.75 percent deviation from  
 20 open space, I don't think necessarily changes it.  
 21 MR. NIERSTEDT: Last comment. I will let  
 22 you go, I am not going to harp on it. I'm not  
 23 concerned about the 3.75 percent. I mean, you and I  
 24 could discuss whether the 10 foot spaces between the  
 25 right-of-way and the building is usable green space.

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1 You and I both know it is not. It's a number.  
 2 When I prepared the borough master plan back  
 3 in 1985, we talked about the southwest side of town,  
 4 which is where this is at, has zero, zero public open  
 5 space. It still remains. There is zero public open  
 6 space. So I am disappointed that this project does  
 7 not propose any for the children who will be here. I  
 8 do not believe anybody is going to walk a quarter mile  
 9 to go to Unami or to use the athletic complex. I wish  
 10 this board does request some type of area be provided  
 11 for the children who are going to be living here.  
 12 CHAIRMAN GREET: Anyone else from the board?  
 13 MR. VENA: I just have to have to say  
 14 something.  
 15 CHAIRMAN GREET: Well, this is comments.  
 16 MR. VENA: I know.  
 17 MR. FRASER: We are on questions of the  
 18 witness.  
 19 MR. VENA: I have a comment.  
 20 CHAIRMAN GREET: We'll all have comments.  
 21 Any other questions of this witness?  
 22 Hearing none, I will close this portion of  
 23 the meeting.  
 24 I open it up to the general public, any  
 25 questions of this witness?

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1 Seeing none, I will close this portion.  
2 Okay. Now, we will go into comments.  
3 MR. VENA: I have a comment. We talked  
4 about Unami Park and the sports complex. Nobody ever  
5 mentions Hartman Park.  
6 MR. NIERSTEDT: People aren't going to cross  
7 the tracks over there.  
8 MR. VENA: They cross the tracks. They are  
9 going to walk to school, so.  
10 MR. NIERSTEDT: I know where Hartman is.  
11 People don't do it.  
12 MR. VENA: I'm just saying, for a project  
13 this size, I don't think you need a swing set. I  
14 really don't. And the way we have been looking at  
15 this for the past ten years, it's not going to attract  
16 a lot of kids. And if it does attract two or three  
17 kids, it's the parents' responsibility to get them to  
18 the park. And not have them walk out of their  
19 apartment and jump on a swing set. I think it's  
20 ridiculous. I did not have a swing set in the  
21 backyard for my daughter. I had to walk her to the  
22 park.  
23 MR. NIERSTEDT: Where do you live, Mike?  
24 MR. VENA: It doesn't matter if I live four  
25 blocks away from there, it's still what you are

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1 proposing here.  
2 CHAIRMAN GREET: I'm along the same lines.  
3 I mean, quite honestly, you are on the side of town  
4 where you have Unami, which is a huge park and you  
5 have the baseball field and that whole complex. You  
6 have basketball and the swing sets. And I agree, I  
7 think there is -- I think, generally speaking, when  
8 you have young children, you can take them there. Or  
9 if they are old enough to go in a small group, they  
10 can go there and set up a game on their own, or they  
11 go to some structured form of sports, which means we  
12 provide as a town to our town folk.  
13 So, personally, I think I don't see the  
14 point in making a little small area so that kids can  
15 go out there and swing on a swing for five minutes or  
16 ten minutes. I mean, that's about all the  
17 entertainment that is going to entail for that age of  
18 a child. So that's just my comment and my opinion.  
19 MAYOR LOMBARDO: Let's take it from the  
20 other side of the coin about the parking. I have been  
21 sitting on this dais for 25 years. It's always been a  
22 problem. I think, Victor, brings up a good point. I  
23 think this project is making up for a lot of lost time  
24 that we needed.  
25 CHAIRMAN GREET: Anybody else from the

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1 board, final comments before we vote?  
2 Just a clarification, do you have any other  
3 witnesses?  
4 MR. MINKS: I don't have any other  
5 witnesses, but if the board has any further questions  
6 about the proposed reorientation of the parking,  
7 Doug Bartels is here and he can explain or answer any  
8 questions if you are uncertain as to what I tried to  
9 discuss with Mr. Olivo. But what I would propose to  
10 the board is that you leave it to the applicant,  
11 Mr. Vinegra, and the chief, and assistant chief of the  
12 fire department to meet and make sure that what we've  
13 proposed, which is essentially -- and I have a laser,  
14 too -- which is essentially, you know, having this  
15 easterly driveway --  
16 No, no. Don't point at my eye. You point  
17 it at airplanes, too, don't you?  
18 -- is essentially a dividing line between  
19 the two parcels, being here. I don't know if you can  
20 see it from where you are but there is a faint red  
21 line here. That is that existing lot line of Lot 6,  
22 which is our lot which abuts Lot 7, which is the fire  
23 department lot.  
24 So we would essentially appear before this  
25 board or we can amend the application if the board

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1 indulges us tonight to subdivide or redivide that line  
2 so it's part of our minor subdivision application,  
3 which consolidates all the lots, which is before you  
4 as part of our instant application, we would propose  
5 to move that line such that this then creates a  
6 standalone parking area for the fire department for  
7 municipal use. It would not be a shared lot. There  
8 would be 17 parking spacing in that lot.  
9 I believe there is 17.  
10 MR. BARTELS: Seventeen.  
11 MR. MINKS: We can't fit 18?  
12 MR. BARTELS: It's possible.  
13 MR. MINKS: If we can fit 18, we will and I  
14 can tell you why. There would be 17 parking spaces  
15 guaranteed hopefully 18 within that lot. And then the  
16 new lot line for Lot C would be moved essentially one  
17 parking lane to the west. That next western parking  
18 lane or line of parking would actually have a couple,  
19 two or three or four, I thought, additional spaces  
20 because this circulation aisle would go away. That  
21 parking along with the majority of the 18 parking  
22 spaces here, would be public use, shared parking. Not  
23 metered, but available, first come, first serve.  
24 The only thing Mr. Bartels testified to at  
25 the first hearing was that we would want to have maybe

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1 four spaces signed as parking for the leasing office,  
 2 you know, really designated for the use of the  
 3 development. But the vast -- the remainder of those  
 4 parking spots of our property, on the newly  
 5 constituted Lot 6, if you will, on this lot back here  
 6 but on the project property would be borough-shared  
 7 parking, public-shared parking.

8 So that still would make a very significant  
 9 impact to the parking issue because it would be in  
 10 this area. It would be one of the only public lots  
 11 other than if you are parking in the Kings parking  
 12 lot.

13 That's the proposal that we have discussed  
 14 to date. I don't know if the fire department has  
 15 studied it and is gung-ho about it and if it serves  
 16 their purposes. I don't know if there is additional  
 17 modeling. We certainly would have to draw it up for  
 18 Mr. Vinegra. I know Mr. Bartels has already shared  
 19 with him a small conceptual plan showing alternative  
 20 options.

21 But what the applicant is proposing this  
 22 evening is to agree that as we have proposed it, we  
 23 have already gone through the number of parking spaces  
 24 that we are providing for public shared use as well as  
 25 for our designated residents within the building. And

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1 we would, obviously, comply with that number as the  
 2 number of parking spaces we are providing, subject to  
 3 the retention of additional spots based on this  
 4 reconfiguration. And then we would just agree to work  
 5 out that final reconfiguration with your engineer.

6 So that would shortcut and not require us to  
 7 have a consensus tonight, but it would leave the  
 8 borough adequately protected so that you are getting  
 9 exactly what we've applied for, but potentially more  
 10 with a mutually agreeable reorientation of the lots.

11 So that's how I propose that we proceed.  
 12 If, in the alternative, you would rather have  
 13 Doug Bartels provide testimony or just be available  
 14 for questions so that you -- that we achieve a  
 15 consensus on what exactly the final design is this  
 16 evening, we will proceed that way as well.

17 CHAIRMAN GREET: Kathy?

18 MS. VILLAGGIO: I think just a summary of  
 19 the parking spots, the additional four that is being  
 20 proposed with the -- you know, like would suffice.  
 21 That the borough is going to get nine and eight which  
 22 is 17, you know, maybe -- you know, maybe if you that  
 23 the 9 spots, if they can be shorted or thinner or  
 24 whatever the word.

25 MR. NIERSTEDT: Narrower in width.

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1 MR. MINKS: Well, we certainly don't want to  
 2 make them too small because I suspect that the  
 3 vehicles would be more likely to be parked in that lot  
 4 would be larger in dimension.

5 MS. VILLAGGIO: But that's an engineering  
 6 thing. But I'm more than happy, if the fire  
 7 department is agreeable to the new concept, I think  
 8 everybody wins.

9 MR. MINKS: I would agree. And similarly,  
 10 the applicant -- I think there is a preference that is  
 11 involved because I think it does make more sense and  
 12 there is obviously the need for the council and the  
 13 applicant to later sit down and figure out exactly  
 14 what the mechanics are going to be about the  
 15 operation. It creates a municipal lot and then a  
 16 shared public lot.

17 The shared public lot is going to be  
 18 maintained, plowed, kept cleared by the applicant  
 19 because it's essentially the applicant's property.  
 20 Dedicating this sliver of Lot 6 to the borough and  
 21 having that be a standalone lot that is maintained,  
 22 insured, et cetera, plowed by the borough, I think  
 23 makes more sense from a logistics and operational  
 24 point of view.

25 It's not so much the liability, I mean,

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1 where there is parking, there is liability. That's  
 2 just the way it is. And, frankly, if there was not a  
 3 fence and someone, God forbid, slipped and fell on the  
 4 borough's side of the lot, they are still going to sue  
 5 my client and vice versa.

6 So I don't think the liability issue is the  
 7 dividing light -- or the divining light that is  
 8 leading us in one way or the other. I think it just  
 9 makes logistically and operationally more sense to go  
 10 with the alternative proposal that we are providing  
 11 now.

12 So if you would like me to ask Mr. Bartels  
 13 to provide that summary if you are not comfortable  
 14 with it, but otherwise, there has been testimony.

15 CHAIRMAN GREET: Bill?

16 MR. NIERSTEDT: Mr. Chairman, I understand  
 17 and have no problem with the proposal. It's just more  
 18 of a legal question. In terms of the land dedication,  
 19 are we talking about a subdivision or easement or how  
 20 are we going to do this?

21 MR. MINKS: We are proposing a  
 22 subdivision --

23 MR. NIERSTEDT: Or a formal subdivision.

24 MR. MINKS: Well, I am proposing to amend  
 25 our application this evening to approve -- and we

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1 don't have the descriptions that would actually  
2 follow, but to propose the subdivision of Lot 6 to  
3 provide this long rectangular section to Lot 7.  
4 MR. NIERSTEDT: Right. And it merges.  
5 MR. MINKS: That would be merged. Our  
6 property line here would just move over.  
7 MR. NIERSTEDT: I understand no one has  
8 actually used the word "subdivision" yet. I just want  
9 to make sure.  
10 MR. MINKS: I actually did.  
11 MR. FRASER: He actually did because it  
12 perked up my ears when I heard it.  
13 MR. NIERSTEDT: I apologize.  
14 MR. FRASER: So essentially and I will end  
15 up -- and perhaps I may send this part to you,  
16 Mr. Mintz, to take a look at it as the final part of  
17 the resolution is approved -- or drafted and presented  
18 for approval, I should say. But what we are really  
19 talking about here is we are talking about a  
20 subdivision off a piece of this property. We have a  
21 subdivided strip, which would have to be, obviously,  
22 defined by metes and bounds and then be dedicated over  
23 to the borough to be consolidated with the lot, which  
24 the fire department lot is presently situated.  
25 MR. MINKS: Correct. And I mean if the one

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1 thing that came up that was not considered with my  
2 client was whether or not there was any consideration  
3 paid, but I can tell you that we were going to be  
4 allowing those spaces to be used solely for municipal  
5 spaces in any event, so I don't believe that's an  
6 issue.  
7 MR. FRASER: I don't think the borough is  
8 going make your client pay.  
9 MR. MINKS: Thank you. That is so generous.  
10 However, what does come to mind and I have not  
11 discussed this candidly with my client, but I am  
12 thinking of it as we are discussing it today that  
13 there may be an opportunity for the borough to simply  
14 do a land swap with Lot 3, which is the triangular  
15 piece, which would allow us to square off our  
16 property. It's not going to change our building  
17 footprint or development. It just makes sense.  
18 MR. VENA: You mean from phase one?  
19 MR. MINKS: Yeah, from phase one.  
20 MR. FRASER: That's actually a creative  
21 solution.  
22 MR. VENA: I have a question. Nobody has  
23 discussed the fact that you are actually improving  
24 that area. Are you still going to improve that area  
25 even though it's ours, though?

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1 MR. MINKS: Yeah, that's was already  
2 testified to as part of phase one's application --  
3 MR. VENA: No, this.  
4 MR. MINKS: This area and the creation of  
5 those additional parking was part of the phase one  
6 approval. We have to improve the apron, the sidewalk.  
7 All of this is part of the phase one application.  
8 MS. VILLAGGIO: Paver it.  
9 MR. MINKS: Now, the one issue that comes to  
10 mind is if we are not able to -- we are not going to  
11 squeeze 18 spaces on that lot if it's not going to  
12 work for the fire department and the borough. Phase  
13 one application's condition required us to provide 18  
14 parking spaces, roughly in that area. So what I would  
15 like the acknowledgement in the resolution to be that  
16 even if this area -- if we are reconfiguring it to  
17 make that a standalone lot for the fire department,  
18 even though it may only have to have 17, the provision  
19 that all of these parking spaces are for public shared  
20 use satisfied our 18 space obligation under the phase  
21 one.  
22 MR. FRASER: Wait a minute. How are you  
23 getting tonight -- and I'm not saying it's a bad idea,  
24 but how are you getting tonight to amend your approval  
25 on phase one.

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1 MR. MINKS: I don't believe it's an  
2 amendment of our approval. And if you need me to seek  
3 an amendment of the approval, I certainly will.  
4 MR. FRASER: I am not looking to create a  
5 procedural --  
6 MR. MINKS: No. No. And I don't believe  
7 it's an amendment.  
8 THE COURT REPORTER: One at a time, please.  
9 MR. MINKS: I'm sorry.  
10 I think that is a very good question. I  
11 don't believe it's an amendment to the approval.  
12 Admittedly I don't have the approval with me. I would  
13 give you a more definitive response. But I don't  
14 believe it is an amendment because the phase one  
15 approval did not constitute that being a standalone  
16 lot. It said that we have to provide 18 public  
17 parking spaces.  
18 So I'm putting it out for the record that by  
19 segregating the fire department lot, that does not  
20 eliminate the contribution of the other public parking  
21 spaces as counting toward that 18. That's all my  
22 suggestion is.  
23 If when we have the resolution in front of  
24 us, we disagree and there is a question, I will more  
25 than happily come back and ask the board for an

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1 amendment of that approval.

2 MR. FRASER: Again, I'm not looking to put

3 in a procedural hurdle that does not have to be there,

4 but I'm not sure about that.

5 MR. MINKS: I live nearby. So it's not a

6 big deal. I would be more than happy to appear again

7 in that regard.

8 MR. NIERSTEDT: Mr. Chairman, one potential

9 solution and I don't know if the applicant has thought

10 of this, if we actually were able to relocate the

11 proposed handicap, the parking space for the handicap

12 to the eastern bay, flip it to the western bay, the

13 parking aisle that is proposed right now is 24 feet.

14 We only have two spaces there. We pick up six. So

15 you would be able to provide the handicapped space on

16 the western edge of the new lot and provide nine next

17 to the firehouse. So you could provide the 19.

18 CHAIRMAN GREET: He is already looking at

19 it.

20 MR. MINKS: All the more reason why I think

21 it's appropriate that we commit as a condition of

22 approval of the board, if so disposed, to work with

23 Mr. Vinegra to come up with the final design.

24 Moreover, I think because as it was

25 mentioned earlier, I'm not thinking of it, there isn't

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1 going to be a parking curb or parking island between

2 the two spots, so, again, even though we are

3 conceptually distinguishing between the 17 that we

4 know we can fit and the rest, because they pass

5 through, who is to say what is seven, what is theirs

6 and what isn't and we can sign one of the alternative

7 spots as fire department only on the other side and

8 we've got the 18. So I think there are multiple ways

9 to skin that cat.

10 CHAIRMAN GREET: So long in this decision

11 tonight that, if it's appropriate, we will incorporate

12 the fact that you will provide the as-mentioned

13 parking and we reconfigure with the input of the

14 planner.

15 MR. MINKS: Absolutely. That we have no

16 problem.

17 CHAIRMAN GREET: All right. Anybody else

18 from the board?

19 Seeing none, we going to open it up to the

20 public for general comments.

21 Any general comments from the public?

22 Seeing none I will close that portion of the

23 meeting.

24 Discussion.

25 MR. FRASER: Mr. Mintz gets to sum up.

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1 MR. MINKS: My summation is that it's been a

2 great pleasure working with this board. I am only

3 remiss that don't have a lot of vacant land area that

4 it's likely that I will be back. And because I don't

5 take private clients, it's even less likely that I

6 will necessarily be back. And we are certainly

7 hopefully that I am not back because of need with any

8 of our projects. But notwithstanding that, I truly

9 have enjoyed appearing here. And I can say with all

10 sincerity that my client's excitement and enthusiasm

11 about not only this project, but phase one has not

12 waned even in the slightest. And we are truly very

13 pleased and happy that we have had the opportunity to

14 work with you folks and that we will soon be your

15 neighbors.

16 MR. FRASER: So smooth.

17 CHAIRMAN GREET: And I have to say, it's

18 been a pleasure working with you as well and with the

19 Russo Corporation or company. And I really think

20 these two developments are really going to be pretty

21 special for Garwood. And I think it's going to be

22 something that we can be very, very proud of. And

23 it's going to be in conjunction with your development

24 agency. You guys have done very well. And we have

25 done very well by you. So I can only say thank you

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1 for that. And I appreciate it.

2 And I just have a question that doesn't

3 pertain to tonight, but it does have to pertain to

4 something I've seen in some mailing about phase one

5 and about the changeover in complex's units from

6 single.

7 MR. MINKS: We have -- I sent a detailed

8 e-mail to Mr. Vinegra after he and I spoke. And I

9 asked him to opine as to whether or not he thought it

10 appropriate or necessary for me to file an application

11 to request the board's acknowledgement that we are

12 reallocating, we are proposing to reallocate the

13 number of units and the character of some of the units

14 within phase one.

15 It's a reallocation of the bedroom

16 distribution and it's driven almost purely by two

17 factors. And one is now that we are in the building

18 drawing phase and in doing our building plans and

19 building sets, planning sets, our architects are now

20 digging in and telling us that this is stupid. This

21 doesn't work. This is wrong. Our initial floor plans

22 were really just kind of taking what was available in

23 kind of two dimensional space and laying out a logical

24 flow and disbursement of unit types within the

25 development. Given the nature of certain construction

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1 elements and also the location of the terraces on that  
 2 fourth floor and certain bedrooms were winding up with  
 3 little slivers of -- and it didn't make sense.  
 4       So what we are proposing and what I outlined  
 5 to Mr. Vinegra is an actual reduction in the 298 units  
 6 down to 287, which is a very significant reduction in  
 7 the amount of overall units. With that, however, we  
 8 are not proposing or entertaining the notion of  
 9 requesting Fair Share to reduce our affordable  
 10 housing. It would be a loss of one unit. We are not  
 11 requesting that. We are still complying with our  
 12 settlement and providing the 30 units in that  
 13 development as agreed and as approved by the court.  
 14       We are also not seeking a change in parking  
 15 or a reduction in parking or anything. There is no  
 16 change in the mass or the footprint of the building,  
 17 or the design of the building, the location or size of  
 18 the plaza. None of that changes. It's merely  
 19 internal demising walls that changed. So there is no  
 20 outward appearance difference that anyone would be  
 21 able to distinguish.  
 22       The only difference that occurs that is  
 23 relevant to this board's consideration -- and we  
 24 certainly want to be upfront and let you know -- is  
 25 there is a net increase of five bedrooms as a result

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1 of this relocation of space because there are fewer  
 2 studios. Frankly, they are not leasing in this  
 3 demographic. They are, but not with the vigor that  
 4 you might expect. They are leasing in Harrison, in a  
 5 more urban district. They are not leasing in this  
 6 area.  
 7       And you are seeing that the demand for empty  
 8 nesters and more mature couples has really been  
 9 underestimated. And they all want two-bedrooms units.  
 10 It is not because they have children -- that's not  
 11 right. It is because they have children; it's not  
 12 because they have school-aged children. It's because  
 13 they have children in the Carolinas who want to visit  
 14 periodically or they want a home office or they simply  
 15 want to have another room because he or she snores.  
 16       It's the reality of what we are seeing.  
 17 That, and you are actually seeing more young couples  
 18 that are doing well that want to have a home office  
 19 because they are working from home. That's actually a  
 20 very real experience, that there is more telecommuting  
 21 going on than we really anticipated. And we are  
 22 seeing more second bedrooms being utilized as artistic  
 23 space and office space, combined spaces. And they  
 24 eventually become nurseries. And they eventually when  
 25 they have those children, nine times out of ten those

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1 couples are your new housing persons.  
 2       So that's really what has been driving this  
 3 architectural element but it's also a recognition from  
 4 a marketing perspective, it just makes better sense to  
 5 reduce the number of studios, a slight reduction in  
 6 the number of ones, an increase in the number of twos.  
 7 There is no increase in the number of threes. And  
 8 there is no change to either the building structure,  
 9 its appearance or the COAH obligation.  
 10       So we are asking that the board, cognisant  
 11 of that five bedroom net increase allow this is to be  
 12 done administratively as opposed to me having to file  
 13 a separate application to amend that approval. And  
 14 that's why I approached Mr. Vinegra.  
 15       MR. VINEGRA: Yeah. And I stated to him  
 16 that normally I have signed off on at least 40  
 17 requests like this. And if you look at the Municipal  
 18 Land Use Law, I do have the authority to sign off on a  
 19 di minimus change within the intent of the approval.  
 20 The only reason we are bringing it up to this board at  
 21 all is the increase in bedrooms. Normally, a  
 22 reduction in bedroom count, there is no increase in  
 23 variances, because if there was an increase in  
 24 variance, it would have to come before this board.  
 25 But there is going to be no increase in variance, no

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1 change in the approval, except for five additional  
 2 bedrooms. But a decrease in the amount of units. So  
 3 it still meets the redevelopment plan.  
 4       Normally I'd sign off on these without it  
 5 going before that board, but we were here tonight  
 6 anyway. I talked to Don Fraser, the board attorney.  
 7 He said we should discuss it because of the increase  
 8 in bedrooms.  
 9       MR. MINKS: And I didn't go to Mr. Fraser  
 10 because I first wanted Mr. Vinegra vie in as to  
 11 whether he would support it or not. And based on his  
 12 opinion, which I didn't hear until this evening, I  
 13 would have certainly approached Mr. Fraser.  
 14       MR. FRASER: I'm going to suggest something.  
 15 Because, first of all, I'm inclined to agree with what  
 16 you are saying. I also think that right now at  
 17 10:45 p.m., everything else that we have done we are  
 18 losing momentum on that which we were just about to  
 19 possibly do. So what I am going to suggest is that we  
 20 perhaps refocus on the question that we are here on  
 21 tonight, which is this application. And Mr. Mintz is  
 22 here and after that gets concluded one way or the  
 23 other, let's conclude this discussion.  
 24       MR. MINKS: That's sober advice.  
 25       MR. FRASER: This can take on a life of its

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1 own.

2 CHAIRMAN GREET: Okay. Discussion of

3 tonight's events?

4 MS. VILLAGGIO: I am in favor of this. I

5 first met Mr. Mintz and Mr. Russo five years ago. Six

6 years ago? Chris?

7 MR. MINKS: I think it's just over five.

8 MS. VILLAGGIO: Mayor, when you first came.

9 MR. MINKS: Correct.

10 MS. VILLAGGIO: I am very happy with the

11 parking on the site, the extra parking and I am in

12 favor of it.

13 CHAIRMAN GREET: Thank you.

14 Anyone else?

15 MAYOR LOMBARDO: I would just like to say I

16 am in favor of the project.

17 Mr. Mintz, you have been a great member of

18 the community since you came on board with us. I hope

19 that continues.

20 MR. MINKS: Thank you.

21 COUNCILWOMAN TODISCO: Mr. Chairman, I will

22 say just a few words.

23 As a new member of the planning board it's

24 been quite an experience. And I appreciate the

25 professionalism and the thoroughness that has been

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1 shown to the site plan. It's been for a couple of

2 years now and it's really evolved over time. And

3 Russo Development has been very willing to work with

4 the borough. First, when we came looking for for-sale

5 options and then taking it back to the public and

6 saying well, what do we think about this for real.

7 And the public overwhelming saying, you know what,

8 when you factor in all the pros and cons, rentals

9 really makes more sense in that area.

10 And it really will be an improvement to that

11 area in a number of ways with the increase in number

12 of parking spots, as Kathy has just spoken about, the

13 increase in open space, the decrease in impervious

14 coverage, the improvements to the area whether it's

15 sidewalks or curbs ultimately comes down to a private

16 owner and law. And also what you can do within those

17 negotiations. And I think at the end of the day

18 overall it's a very good product.

19 We see that we have high-grade building

20 materials on all four sides. A lot of the questions

21 that the board members brought up were answered very

22 thoroughly and you have been very accommodating

23 whenever you could be. And I, for one, greatly

24 appreciate that.

25 CHAIRMAN GREET: Thank you.

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1 Anyone else? Bill?

2 MR. NIERSTEDT: I will be quick. When I

3 left the house tonight I said to my wife, I may be

4 voting against something that I have supported from

5 day one. And the concerns I had were the ones I

6 mentioned tonight. I know everyone disagrees with me,

7 but far too much parking. I don't consider this a

8 TOD.

9 I'm still concerned about the lack of usable

10 open space -- and, obviously, we all have different

11 opinions -- for the children who will be here. I was

12 concerned that I did not see last week -- last month

13 that the fire department's concerns were addressed.

14 And I have been upset from day one when counsel

15 basically increased the number of units on this side

16 and reduced the number of units on the other side. I

17 had concerns coming in here.

18 And I will second what has been said about

19 the -- and Mr. Mintz and I also have disagreed a lot

20 of times. But I think he knows that I have worked

21 with a lot of developers. I know Vic has worked with

22 a lot of developers. Russo has been a very positive,

23 A very good developer. He has indicated on paper what

24 we've asked them to do. They have worked with us for

25 five years. We will discuss the TOD over drinks one

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1 night.

2 I would at this point support it, but there

3 are a lot of conditions that I would like to see

4 before we actually vote. And I will be very up front

5 with you. If the next meeting is November 7, I will

6 not be here. I have to attend another zoning board

7 meeting.

8 I would ask that if the board does vote

9 tonight, that we can -- I know that Mr. Mintz has a

10 list of conditions.

11 Don, I am sure you have one. Victor

12 probably has one. I have one. If somehow we can get

13 them all submitted.

14 MR. MINKS: Well, I will certainly commit

15 to do what I did for phase one, which is something I

16 typically do for longer hearing processes, but I have

17 no problem doing my form of memo for the board's

18 consideration.

19 CHAIRMAN GREET: Which is exactly what we

20 did the last time.

21 MR. FRASER: Here's the thing, okay. I have

22 concern that this be done correctly and that we dot

23 all the I's and cross all the T's on the conditions.

24 I have concern if we try to do this on the fly right

25 now we are going to say all these conditions, that

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1 that is not going to end up being the best process for  
 2 this having been done for a highly significant project  
 3 that seems to have a lot of support.  
 4       So I will throw it out for consideration.  
 5 Should that list of conditions be circulated and kind  
 6 of put into writing before the board votes on it? I  
 7 throw it out there as a consideration because the way  
 8 I kind of see this right now, if this is stated  
 9 orally: Oh, Vic, what do you have? Bill, what do you  
 10 have? I don't like that process right now for  
 11 something of this significance. And the last time  
 12 this board voted on something at 11:00 at night, how  
 13 many years of litigation did we have? It was  
 14 something that was less significant than this project.  
 15       So I throw that out, Mr. Chairman, as a  
 16 suggestion. Not to delay this project in any way, but  
 17 I don't think that it's good practice, something that  
 18 has had so much work that's been done, so much good  
 19 work has been done to get to the two yard line and  
 20 slap it through at the last second.  
 21       CHAIRMAN GREET: Well, I have a lot of  
 22 respect for you as our board attorney so if you have  
 23 that thought, I'm inclined to go and abide by that.  
 24 And there is a large list of conditions that have been  
 25 presented tonight. And not necessarily that anyone is

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1 going to dispute them or not dispute them. I think we  
 2 can all come to an agreement on what they would be.  
 3 But I think it's a valid point.  
 4       I think this is very important that we get  
 5 everything set up in order and we have it listed so  
 6 that everyone can view it and take a look at it and  
 7 digest it. Again, not because it's going to make any  
 8 change, it's going to change any opinions on whether  
 9 this should go forward or not. I think, as a general  
 10 consensus, I think we have a feel for how this will  
 11 go. But I just think, as Don said, it's important to  
 12 have the I's dotted and T's crossed.  
 13       MR. MINKS: I absolutely agree. And,  
 14 frankly, I assumed we were headed down that road.  
 15 What I meant was I would provide my memo of conditions  
 16 following this meeting -- not that I was going to  
 17 dictate it off the top of my head, but I know what you  
 18 are saying.  
 19       I fully agree with you. I think that I will  
 20 provide -- I was trying to keep my copious notes with  
 21 the intent of drafting that type of memo. I will  
 22 share it with the entire board, not just Mr. Fraser.  
 23       What I would request, if the next meeting is  
 24 the 7th, I don't know what the meeting's agenda looks  
 25 like, but hearing you are not going to be present, I

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1 would at least try to get your list of conditions and  
 2 if there is consensus between now and that date,  
 3 notwithstanding Mr. Nierstedt's anticipated absence,  
 4 that we be considered for a vote at that time. And  
 5 then maybe I present unanimity.  
 6       MR. FRASER: Chris, the other thing, I think  
 7 I saw one of the transcripts came into my inbox -- I  
 8 didn't read it -- for the last meeting. But at the  
 9 same time, if you'd ask the court reporter to provide  
 10 to us at the same time we get your outline. If then I  
 11 have the transcript so I can cross reference, that  
 12 would be productive.  
 13       MR. MINKS: Sure.  
 14       CHAIRMAN GREET: I think that is an  
 15 appropriate way to proceed.  
 16       MR. MINKS: I am on board with that.  
 17       MR. TARANTINO: Would it be too much to ask  
 18 that at the November meeting we see a revised sketch  
 19 of the parking lot design with the plaza art scape?  
 20       MR. FRASER: I think that's key good point.  
 21       MR. MINKS: We can certainly do that. And  
 22 we will work on both.  
 23       MR. TARANTINO: Not that I want to discuss  
 24 it for hours.  
 25       CHAIRMAN GREET: That sounds good. And I am

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1 glad that we brought up and we only touched base on  
 2 it, we don't have to go into it again. But I am glad  
 3 that you brought up the fact about phase one and the  
 4 change that you proposed from the 298 down to the  
 5 297 --  
 6       MR. MINKS: Two hundred eighty-seven.  
 7       CHAIRMAN GREET: Two eighty-seven and the  
 8 change in that complex.  
 9       MR. FRASER: Let me address that for a  
 10 moment. I'm inclined to agree with Mr. Mintz and  
 11 Mr. Vinegra that that does not require further  
 12 amendment or submission to the board. And that's the  
 13 position I would be inclined to take. I'm saying it  
 14 to the public now and so all the board hears that so  
 15 if somebody has some problem with that, say it.  
 16       CHAIRMAN GREET: Let's bring that up. If  
 17 anyone has an issue --  
 18       MS. VILLAGGIO: I don't have any issue with  
 19 that.  
 20       COUNCILWOMAN TODISCO: I just have a  
 21 question. I think it would be good for the record  
 22 what the new counts are for the studio, one-bedroom,  
 23 two-bedrooms, three-bedroom you have.  
 24       MR. MINKS: Do you have that? Otherwise I  
 25 have the e-mail.



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1 MR. VINEGRA: I have the e-mail.  
 2 MR. MINKS: Great. I have it outlined in  
 3 the e-mail that I have.  
 4 MR. FRASER: Let me guess, zero studios.  
 5 MR. MINKS: No, it's not. It's two units --  
 6 two studios units, 130 -- actually, I have multiples  
 7 now.  
 8 So the overall unit count is 2 studios, 136  
 9 one-bedroom units, 286 two-bedroom units --  
 10 MR. VINEGRA: No. It can't be 286.  
 11 MR. MINKS: Oh, I am reading the bedroom  
 12 count. I am sorry.  
 13 Two units, studio; 136 one-bedroom; 143  
 14 two-bedroom; 6 three-bedroom. The same six  
 15 three-bedrooms that were always there.  
 16 CHAIRMAN GREET: For a total change in a  
 17 positive of five bedrooms.  
 18 MR. MINKS: Correct. There is five added  
 19 bedrooms to the units.  
 20 MS. VILLAGGIO: And the total reduction from  
 21 298 to...  
 22 MR. MINKS: Of eleven overall units. Of  
 23 eleven dwelling units less, five bedrooms more.  
 24 COUNCILWOMAN TODISCO: And I assume the COAH  
 25 makeup didn't change?

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1 MR. MINKS: Not at all. We are not changing  
 2 the COAH makeup. We did not change the building  
 3 layout, its design or the parking. None of that  
 4 changes.  
 5 CHAIRMAN GREET: If everyone, if there is no  
 6 disagreement, and I assume that there is not by no one  
 7 saying anything, then I would agree that it can be  
 8 done administratively and we don't have to be voting,  
 9 you know, have to come before the board.  
 10 MR. FRASER: It doesn't have to, but I  
 11 didn't want to make that ruling without the board  
 12 having knowledge of that change. I felt it was a  
 13 matter of sufficient public interest and it should be  
 14 discussed.  
 15 MR. MINKS: I agree.  
 16 CHAIRMAN GREET: With that, thank you,  
 17 Mr. Mintz, we will have you back on November 7 for the  
 18 final vote on the redevelopment plan phase two.  
 19 MR. MINKS: Thank you so much.  
 20 (Off the record.)  
 21 (Hearing adjourns 10:58 p.m.)  
 22  
 23  
 24 CERTIFICATION.  
 25

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1 STATE OF NEW JERSEY )  
 : ss:  
 2 COUNTY OF UNION )  
 3  
 4  
 5 I, TONIANN ACQUARO, a shorthand reporter and  
 6 notary public for and within the State of New Jersey, do  
 7 hereby certify that the foregoing proceedings, taken at  
 8 the time and place aforesaid, is a true and correct  
 9 transcription of said proceedings.  
 10 I further certify that I am neither  
 11 counsel for nor related to any part to said action, nor  
 12 in any wise interested in the result or outcome thereof.  
 13 IN WITNESS WHEREOF, I have hereunto set  
 14 my hand this 24th day of October, 2018.  
 15  
 16  
 17 *ToniAnn Acquaro*  
 18 \_\_\_\_\_  
 19 ToniAnn Acquaro,  
 20 Professional Court Reporter  
 21 (The foregoing certification of this transcript does not  
 22 apply to any reproduction of the same by any means,  
 23 unless under the direct control and/or supervision of  
 24 the certifying reporter.)  
 25

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