

1 BOROUGH OF GARWOOD
2 PLANNING BOARD
3 REGULAR MEETING
4 403 South Avenue
5 Garwood, New Jersey
6 Wednesday, November 7, 2018
7 Commencing at 7:32 p.m.

STENOGRAPHIC
TRANSCRIPT OF
PROCEEDINGS

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IN RE: :
CASE NO. PB18-03 :
SOUTH AVE II URBAN RENEWAL, LLC, :
Applicant. :
:
Site Plan for 73 Unit Building :
Block 403, Lots 1-6, 19-22 :
423-453 South Avenue and :
424-440 South Avenue :
-----X

B E F O R E:

- STEVE GREET - Chairman
- CHARLES LOMBARDO, Mayor
- LOUIS PETRUZZELLI
- SARA TODISCO, Councilwomen
- STEVE NAPOLITANO
- JOHN MALCOLM
- GENE JANNOTTI
- DENISE RIDENTE
- PAUL TARANTINO
- MICHAEL VENA
- KATHLEEN VILLAGGIO

- Donald B. Fraser, Esquire, Board Attorney
- Victor Vinegra, PE, Board Engineer
- Adele Lewis, Board Secretary

TRANSCRIBED BY AND BEFORE:

ToniAnn Acquaro, Professional Court Reporter, and Notary
Public of the State of New Jersey.

Job No. 3075935

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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
5 570 Commerce Boulevard
6 Carlstadt, New Jersey 07072
7 BY: CHRISTOPHER MINKS, ESQ.
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21 I N D E X:
22 APPLICANT'S WITNESSES PAGE
23 Douglas Bartels, P.E. 8
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25
E X H I B I T S:

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1
2 APPLICANT'S DESCRIPTION PAGE
3 Exhibit 6 Sheet CSK3, Parking Lot 9
4 Subdivision, November 7, 2018
5 Exhibit 7 November 7, 2018, memorandum by 34
6 Mr. Minks
7 (Exhibits retained.)
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1 MR. FRASER: Mr. Chairman, with respect then
2 to the Russo two application, I think maybe it might
3 be worthwhile if I took a second to set the stage of
4 where we were procedurally and to explain the handouts
5 that I passed around to the board member on the
6 record, if I might.
7 CHAIRMAN GREET: That would be great.
8 MR. FRASER: I understand and I know that
9 Bill had circulated his comments on the application
10 and potential recommending conditions from Bill's
11 perspective. I didn't know whether or not Bill had
12 sent it directly to Chris Minks. I don't think that
13 Bill was withholding it from Mr. Minks, but I don't
14 think that he forwarded it to him. I felt it
15 important that the applicant be given Mr. Nierstedt's
16 comments so that Mr. Minks would have an opportunity
17 comment upon them.
18 So the document that I handed out that says
19 "Recommended Conditions Garwood Station Phase Two,"
20 which is the black and red document, the black are
21 Bill's comments, the red are Mr. Nierstedt's comments
22 on Bill's comments.
23 MR. MINKS: I think you misspoke.
24 MR. FRASER: What did I say?
25 MR. MINKS: Mr. Nierstedt's comments on

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1 Mr. Nierstedt's comments. In this case, the red is
2 mine.
3 MR. FRASER: Thank you, Mr. Minks.
4 And the second document I passed out which
5 says "Resolution Outline" and "Garwood Planning Board
6 Application on top," and it's a four-page document.
7 This is something that Mr. Minks forwarded over to me
8 late this afternoon. I briefly read it. I didn't
9 have a chance to get into it with excruciating detail,
10 but I'm sure Mr. Minks will have some comments on it.
11 But as I understand it, this is from the applicant's
12 perspective, what the applicant believes the testimony
13 before the board supports. And the applicant's
14 version of what was, in fact, discussed. I won't say
15 decided because nothing has been decided yet.
16 So given that we have this and given that we
17 have Mr. Minks' comments on Mr. Nierstedt's comments,
18 I would suggest that an appropriate way to proceed
19 would be to allow Mr. Minks to reopen his summation,
20 to allow Mr. Minks to briefly tie up these comments,
21 and then it would be appropriate for the board to
22 discuss and potentially move.
23 CHAIRMAN GREET: I would agree. The only
24 couple of things I would add to that is that I just
25 spoke to Mr. Minks and he mentioned that the

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1 resolution outline also incorporates the changes that
 2 were recommended by me in the document that he is
 3 making comments on with Bill Nierstedt as well.
 4 MR. FRASER: That would make sense. I
 5 wouldn't expect that Mr. Minks would contradict
 6 himself. But at the end of the day, this long
 7 four-page document is the document that the applicant
 8 is requesting that this board essentially adopt. I'm
 9 obviously going to write the resolution, but I think
 10 that for right now it operates as an outline or cheat
 11 sheet that we can go over as we are moving on or
 12 voting on conditions that would attach to this
 13 application. We are certainly not bound by
 14 Mr. Mintz's recollection, review or version of what
 15 happened, although I know that Mr. Minks is
 16 comprehensive.
 17 CHAIRMAN GREET: And maybe you can tell us
 18 how you are planning on fitting the parking
 19 overview --
 20 MR. MINKS: Absolutely. Doug is here and we
 21 will provide.
 22 CHAIRMAN GREET: We will allow you an
 23 additional commentary after we review all your
 24 comments.
 25 MR. FRASER: Well, it's really additional

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1 testimony.
 2 MR. MINKS: Just so that in order for us to
 3 be most appropriate. Just as an overall, what I then
 4 intend to do, I will review what I prepared. And this
 5 is kind of the cart before the horse. Ordinarily this
 6 is part of my practice and procedure. After I have a
 7 vote, if I have an affirmative vote in the
 8 application, I typically go back, do this for my own
 9 edification, and for that of the board and the board
 10 attorney as to what I believe to be the full
 11 recitation of conditions of approval, the waivers
 12 and/or deviations or variances that were granted and
 13 that way there is no disconnect and it usually makes
 14 it for a more seamless preparation and adoption of the
 15 resolution.
 16 In this case, like I said, it's a little
 17 cart before the horse, but like I said, nevertheless,
 18 hopefully it's a helpful outline. And I will also
 19 touch on some of the items in Mr. Nierstedt's memo
 20 that I did not incorporate because I don't believe
 21 them to be appropriate conditions of approval.
 22 Nevertheless, I don't think there is a lot
 23 of disagreement from the applicant's point of view,
 24 but I think the board will acknowledge that they are
 25 things that the board may want to address with the

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1 mayor and council and other things, that Mr. Nierstedt
 2 correctly identified as having been discussed during
 3 the proceedings, but nevertheless are not appropriate
 4 conditions imposed upon an applicant because, quite
 5 frankly, we can't comply with them, we can't do
 6 anything to satisfy them. So I will just leave it at
 7 that.
 8 MR. FRASER: I will just make one point.
 9 First of all, I agree wholeheartedly with what
 10 Mr. Minks said, as to the procedure and as to the
 11 appropriateness of the applicant doing that. I would
 12 also note that with Russo One I did receive a similar
 13 outline from Mr. Minks and I used some, in fact, most
 14 of what Mr. Minks wrote, but not entirely. There
 15 certainly were some changes that had to be made.
 16 Mr. Minks and I didn't agree on everything and that
 17 was kind of the way it works.
 18 MR. MINKS: And you were gracious in
 19 pointing that out at the resolution adoption for Russo
 20 one. I think you even mentioned that. I do it
 21 because it gets me and the board attorney on the same
 22 page and like you said, it kind of makes it a much
 23 more efficient process of adoption of the resolution.
 24 D O U G L A S B A R T E L S, having been
 25 reminded he was previous sworn, testified as

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1 follows:
 2 EXAMINATION
 3 BY MR. MINKS:
 4 Q. So, Doug, you have been already sworn and
 5 you testified before as a professional engineer so you
 6 remain under oath.
 7 In giving your engineering testimony and as
 8 you recall from the last hearing, from the last two
 9 hearings, there has been discussion with regard to the
 10 exact orientation of the surface parking, both on our
 11 site and the parking that we intend to add to the fire
 12 department site to both comply with our obligation to
 13 provide public parking or fire department parking as
 14 part of our phase one approval as well as our desire
 15 to provide additional surface parking for use by both
 16 the fire department, and then as shaded here in green,
 17 also for the general public as well as our tenants,
 18 correct?
 19 A. Correct.
 20 Q. This plan has not been circulated to the
 21 board before, it has not been utilized so we are going
 22 to mark this A-6, which, obviously, is not reflected
 23 in my memo, but this will be A-6 with your indulgence
 24 with today's date.
 25 (Defendant's Exhibit 6, Sheet CSK3, Parking

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1 Lot Subdivision, November 7, 2018, marked for
 2 identification.)
 3 Q. So, Doug, if you can explain to the board
 4 what this plan is that we just marked as A-6.
 5 A. So this plan is Sheet CSK3 and it's entitled
 6 Parking Lot Subdivision Exhibit with a date of
 7 11/07/2018.
 8 So this is very similar to the site plan
 9 sheet, C3, that was part of the original package. And
 10 taking into account the comments and discussions we
 11 have had at prior hearings and additional comments
 12 that I received from the fire department, what we are
 13 showing here is in red highlight, we have the
 14 dedication of 2700 square feet to the borough that
 15 could either be a separate lot or could be merged into
 16 Lot 7, which is the fire department lot.
 17 There is a red line right down the middle
 18 here that is the lot line. So the red would be a
 19 dedication and that allows for -- I had it labeled
 20 here as 17 parking spaces, there is actually space
 21 here for 18 parking spaces. Based on the conversation
 22 I was having with the fire chief after the last
 23 hearing, I am slowing the relocation of their existing
 24 shed to the last stall. So that's why I have it
 25 labeled 17, although there is room here for 18 parking

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1 spaces on that lot.
 2 Again, based on prior feedback regarding
 3 spaces along the fire department building, these
 4 spaces were reduced to 16 feet with room for overhang
 5 on the sidewalk along side the building. That was a
 6 revision that was previously discussed. I used that
 7 same format on the west side of the lot. So these
 8 spaces, as well, are 16 feet wide.
 9 What I've also done is I've trimmed two and
 10 a half feet approximately between the building and the
 11 sidewalk on the west side, which has allowed me to
 12 provide a 5-and-a-half foot wide island between the
 13 parking lot alongside the fire department building and
 14 the parking lot associated with this project.
 15 Down the middle of that 5-and-a-half foot
 16 wide island is a fence proposed that would be a
 17 board-on-board fence that would provide some screening
 18 between the two.
 19 And then the lot alongside the building now
 20 proposes 28 spaces. Without the connection lane, I
 21 was able to add, at this point now, three more spaces
 22 within that middle lane. There used to be seven in
 23 the original application now there is ten. So all
 24 together that is 28 spaces that are public/shared
 25 spaces for residential, residents across the street or

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1 borough use. And that area highlighted in green is an
 2 access easement through the property.
 3 Q. And we have shared this with Mr. Vinegra's
 4 office, we've shared it with the fire department. And
 5 we actually did get some positive feedback from
 6 Chief Tweedle, correct?
 7 A. Yes. The chief e-mailed me this morning
 8 saying that he liked what we had here. He did ask one
 9 question with regard to out in front of the fire
 10 department, which was something that I actually
 11 overlooked. What the creation of this proposed
 12 parking lot does is it actually cuts off a portion of
 13 what is currently paved as asphalt in front of the
 14 firehouse.
 15 So what we've added here is to remove the
 16 curb line that sort of runs right into the face of the
 17 fire department building. That will be removed. And
 18 between the curb and that existing to-be-removed curb
 19 line will be planted with grass and a sidewalk
 20 provided from the parking lot to the existing entrance
 21 of the fire department.
 22 Q. And those are proposed in addition to the
 23 parking lot improvements that the applicant is willing
 24 to perform for the fire department, correct?
 25 A. Yes.

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1 Q. The plan also shows, and this is something
 2 that I've addressed in my outline and I believe is
 3 accurate that we will continue to work with the board
 4 engineer to finalize or for the final plan to be
 5 submitted, but, nevertheless, you do show an enlarged
 6 hardscape with some detail. It's not completed. But
 7 it least shows some enlarged hardscape that wraps the
 8 corner of the building that was discussed. And I
 9 believe Mr. Tarantino and Mr. Nierstedt were really
 10 the main proponents of that idea. But, nevertheless,
 11 the applicant is continuing to work on that and will
 12 be implementing that to create a greater sense of
 13 entrance to the building, correct?
 14 A. Correct. So to show the intent of what we
 15 discussed at the last hearing, we have shown that. I
 16 showed it with sort of a hatched pattern to represent
 17 that it will be stamped concrete or a paver plaza area
 18 out in front of the building. And then, in totality,
 19 the parking changes, the addition of this does have a
 20 small impact on the impervious coverage and open space
 21 numbers that we've discussed previously.
 22 So I had originally testified that there was
 23 approximately 84 percent impervious coverage where 80
 24 is allowed. That increases slightly to 85.1 percent,
 25 as well as the open space, again dropping slightly

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1 from 16 percent to 14.9 percent. Not factored into
 2 those numbers is an approximately 0.6 percent or 450
 3 square feet that is currently paved that will become
 4 pervious space out in front of the fire department.
 5 Q. So we had to remove some grass here in order
 6 to create this hardscape.
 7 A. Correct.
 8 Q. We had to lose a little bit because we snuck
 9 the parking closer to the building in order to
 10 accommodate what the fire department wanted, which was
 11 more of a segregated fence demarcation line between
 12 the two parking lots, but we are gaining some of that
 13 back by creating a new grass space off site, correct?
 14 A. Correct. It is about a 1 percent increase
 15 from what was previously testified, net.
 16 Q. That also deviates from what I have in my
 17 memo because I was not aware of that until this
 18 evening. So the requested relief that we would be
 19 seeking with regard to the open space and the
 20 impervious coverage would be modified slightly by a
 21 net of 1 percent greater.
 22 A. So it comes out to about 84.8 equivalent.
 23 Net.
 24 Q. Yeah. If the board considers the fact that
 25 we are adding green space to the fire department.

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1 Nothing changes with regard to the intended
 2 use and purpose of the surface parking on offsite. We
 3 fully intend that the area shaded in green here will
 4 still be usable by the general public as well as our
 5 residents as a shared type of parking; is that
 6 correct?
 7 A. That's correct.
 8 Q. And that we will not have shared use,
 9 however, of the fire department lot. That is intended
 10 for that to be a separate dedicated parking lot for
 11 the fire department?
 12 A. That's correct.
 13 Q. There is no connection between the two lots
 14 any further?
 15 A. No connection.
 16 Q. And it doesn't change any of the other
 17 provisions that we agreed to with respect to working
 18 with the county and the borough in terms of
 19 implementing a flashing stop signal or other traffic
 20 control?
 21 A. Correct. It wouldn't impact on any of
 22 those.
 23 One thing that was previously a comment that
 24 was in the fire chief's letter and we had conceded to
 25 do when it was one connected parking lot was to apply

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1 a no-left-turn prohibition out of that driveway.
 2 That's essentially an existing driveway of the fire
 3 department's now.
 4 MR. FRASER: And it's unrestricted now.
 5 A. It's unrestricted now from that movement so
 6 I'm not sure whether that would be a movement that the
 7 borough would want to prohibit.
 8 Q. And, again, that would only be fire
 9 department or other borough personnel use. That would
 10 be not be a public lot that people would be making a
 11 left or right turn?
 12 A. Correct.
 13 Q. So for that reason, I wouldn't seek to
 14 restrict that.
 15 MR. FRASER: Given that it's not going to be
 16 your parking lot, what do you care?
 17 MR. MINKS: We are not seeking to restrict
 18 it. If the borough chooses to, we certainly have no
 19 objection. What I'm saying is it was discussed as a
 20 potential condition of approval. We are no longer
 21 seeking nor do we think it necessarily appropriate now
 22 to make a condition of our approval that the fire
 23 department lot that currently enjoys full movement be
 24 restricted.
 25 MR. VINEGRA: I didn't bring up that

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1 condition. I think that was a condition from
 2 Bill Nierstedt. And, again, Bill is not the board
 3 engineer. He can bring it up, but I don't agree with
 4 it.
 5 BY MR. MINKS:
 6 Q. We believe this could very well be the final
 7 plan, again, subject to further work with the board
 8 engineer with regard to whether we are able to get
 9 benches, the planters that we've discussed and that's
 10 this hardscape. Those are not depicted on this plan.
 11 A. Correct.
 12 Q. The intent is to continue to work further,
 13 but we will be discussing those as conditions of
 14 approval as recited during testimony.
 15 A. Primarily I wanted to account for the impact
 16 in impervious coverage by adding what I felt was a
 17 reasonable depiction of what I felt we were going to
 18 have there.
 19 MS. VILLAGGIO: Can I ask a question? On
 20 the -- on the left side of the fence or the west side
 21 of the fence, is there still requesting to be -- you
 22 said you increased that parking to ten spaces?
 23 THE WITNESS: Correct. The spaces on this
 24 side here went from 7 to 10.
 25 MS. VILLAGGIO: All right. So that's ten.

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1 And against the building, 16 was it?
 2 THE WITNESS: Eighteen.
 3 MS. VILLAGGIO: So 28.
 4 MR. MINKS: We enlarged the hard space and
 5 the entryway without eliminating parking.
 6 Mr. Nierstedt suggested eliminating two parking spaces
 7 on the other side. We didn't want to. We resisted
 8 that and I think we wanted to study it, enlarging that
 9 hardscape without losing the parking. And I think we
 10 will be able to satisfy the engineer that that's been
 11 accomplished.
 12 MS. VILLAGGIO: Very good. Because I
 13 wouldn't want to lose those two parking spaces. Okay.
 14 Thank you.
 15 CHAIRMAN GREET: Anyone else?
 16 MR. TARANTINO: Mr. Minks, Item W, just
 17 clarify why are the metal grates only allocated for
 18 the Willow Street facade? Isn't that going to be all
 19 four sides of the building?
 20 MR. MINKS: That's my mistake. Are you
 21 correct. It should just be for the garage. To the
 22 extent that there are those vented grates, those
 23 vented panels along the first level, the garage level,
 24 those are going to be decorative grates.
 25 MR. TARANTINO: Thank you.

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1 MR. FRASER: I'm going to make a procedural
 2 suggestion. I think what we should do -- excellent
 3 question, Paul, and good catch, but I am going to
 4 suggest that we conclude the testimony.
 5 MR. TARANTINO: Oh, I'm sorry.
 6 MR. FRASER: There is nothing to be sorry
 7 about, it's a great point. But I would suggest that
 8 we conclude the testimony and let Mr. Minks make his
 9 final, final pitch, briefly and then --
 10 MR. MINKS: He doesn't know me.
 11 MR. FRASER: And then the board can go
 12 through the conditions that the board wants to attach
 13 to this. And we can use certainly this as an outline,
 14 but we are not bound or limited by it.
 15 MR. MINKS: Of course.
 16 I have no further questions of Mr. Bartels
 17 if the board has any, or any other questions of the
 18 board.
 19 CHAIRMAN GREET: I'm just going to open it
 20 up briefly to the general public for any questions of
 21 this particular witness.
 22 MR. FRASER: Or additional commentary based
 23 on his testimony.
 24 CHAIRMAN GREET: Seeing none, I close the
 25 public portion.

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1 MR. MINKS: And we actually are going to be
 2 leaving here this evening and going to the fire
 3 department to share this a little further as well as
 4 share with them a copy of our plans for phase one that
 5 they requested they have.
 6 CHAIRMAN GREET: Okay, good.
 7 MR. MINKS: With respect to the memorandum
 8 that I prepared, I'm sure you've all read it and are
 9 fully familiar with its content. I know I provided it
 10 late. I was looking forward to the benefit of
 11 Mr. Nierstedt's memo before I finalized mine. So I
 12 apologize for the late hour.
 13 The first page, again, will be amended
 14 slightly because it will reflect the revised numbers
 15 that Mr. Barcel's just testified to in terms of the
 16 variances that we are seeking. That said, they remain
 17 the same relief that we are looking for, it's just the
 18 mathematics that will change.
 19 MR. FRASER: Chris, why don't you give me
 20 the exact number of changes so on my master copy I
 21 have that in the right place?
 22 MR. MINKS: I was going to send you a
 23 revised copy after this, which I will do in any event,
 24 but I will ask Doug to do that.
 25 BY MR. MINKS:

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1 Q. Do you have those numbers?
 2 A. I do.
 3 Q. Why don't you take this?
 4 MR. FRASER: Why don't we do it like this,
 5 Mr. Bartels, I'm on the first bullet point under
 6 deviations. Do any of those three numbers change?
 7 THE WITNESS: Yes. So the 83.8 percent,
 8 again, this is not taking credit for that area out in
 9 front of the fire department. So it's 81.1 percent.
 10 MR. FRASER: Good.
 11 THE WITNESS: And the 16.25 percent in the
 12 next bullet point becomes 14.9 percent.
 13 MR. FRASER: Got it.
 14 THE WITNESS: And then under the de minimus
 15 exception bullet point --
 16 MR. FRASER: Hold on. So that doesn't
 17 change the 27.5 number at all?
 18 THE WITNESS: Oh, yeah. I didn't get to
 19 that one.
 20 MR. FRASER: We will come back to that. Go
 21 ahead.
 22 THE WITNESS: In the de minimus exception
 23 bullet point --
 24 MR. FRASER: Right.
 25 THE WITNESS: The last number quoted, a

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1 total of 138 will become 144.
 2 MR. FRASER: Got it.
 3 THE WITNESS: And that's it for those.
 4 MR. FRASER: And you will come back to tell
 5 me what the 27.5 number is.
 6 THE WITNESS: Sure.
 7 MR. MINKS: The balance of Page 1, just
 8 recite the exhibits that were marked with the
 9 exception of Exhibit A-6 of today's date, which we are
 10 calling site plan CKS 3 of tonight's date.
 11 MS. VILLAGGIO: Question, since the parking
 12 is now 144, they don't need an exception.
 13 MR. FRASER: Exception to what?
 14 MS. VILLAGGIO: The de minimus exception.
 15 Since it's at 144, they meet the parking requirements.
 16 It's just a matter of...
 17 MR. MINKS: Technically that de minimus
 18 exception will be released.
 19 MR. FRASER: At 138. They are exceeding it
 20 by more than they previously were.
 21 MR. MINKS: If we take out the -- we still
 22 need the relief.
 23 MS. VILLAGGIO: Do you need the relief?
 24 MR. MINKS: We still need the requested RSIS
 25 exception.

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1 Oh, you didn't take credit for this? Then
 2 we don't need it.
 3 MR. FRASER: Just explain to me in two
 4 sentences why, if you need 137, and you have either
 5 138 or 144 you need relief.
 6 THE WITNESS: The reason was that the 144 or
 7 the 138 before accounted for using these shared
 8 spaces.
 9 MR. FRASER: Got it. Thank you.
 10 THE WITNESS: And that other number 28.5
 11 percent becomes 26.2 percent.
 12 MR. FRASER: Got it. Thank you.
 13 THE WITNESS: You're welcome.
 14 MR. MINKS: As I stated, the balance of
 15 Page 1 just recites the exhibits that were marked
 16 during the course of the hearing, with the exception
 17 of A-6, which we marked this evening.
 18 The conditions that I've outlined in this,
 19 as I did for the phase one memo that I shared with
 20 Mr. Fraser do not account for all of what I would call
 21 the standard conditions of approval that Mr. Fraser
 22 will incorporate in his resolution that he does pretty
 23 much as a matter of course because they are applicable
 24 and in compliance with applicable law, things that we
 25 will absolutely adhere to and are ordinary drafted

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1 within the four corners of condition approval.
 2 The conditions that I am reciting here are
 3 those that were discussed and/or came up during the
 4 course of testimony and that were agreed to by the
 5 applicant and/or made compulsory by the board, but
 6 nevertheless should be recited that were in excess of
 7 or in addition to those standards conditions of
 8 approval.
 9 Initially --
 10 MR. FRASER: You don't have to read it all
 11 of that. Why don't you go through the ones where you
 12 disagree with Mr. Nierstedt. That may be more
 13 relevant.
 14 MR. MINKS: I don't believe that we agreed
 15 with Mr. Nierstedt's request to provide multiple bike
 16 racks or additional bikes racks beyond those that
 17 we've shown. However, it is our intent to have at
 18 least the relocation of the bike rack that may be
 19 interfered with within the garage area where we
 20 testified the refuse containers would be staged for
 21 removal. To the extent that we need to, that will
 22 certainly be relocated and we will provide
 23 Mr. Nierstedt with bike racks.
 24 We do not, however, necessary agree that we
 25 were to provide one in the newly created hardscape in

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1 the front of the building. I can tell you right now
 2 my client will not be putting a bike rack on what we
 3 are now creating to be a more beautified entrance.
 4 It's not going to happen. However, we certainly agree
 5 we will relocate any bike racks that we proposed that
 6 are interfered with by the refuse collection. We will
 7 comply with that condition.
 8 I did not agree, he asked that we comply
 9 with all comments of Harbor Consultant's review
 10 letters. We absolutely will, to the extent it's
 11 consistent with testimony. And that's the
 12 qualification I always put in because during the
 13 course of the testimony we identified things that were
 14 either resolved or satisfied in those letters or those
 15 terms and conditions that Mr. Vinegra may have
 16 addressed in his review letters.
 17 Again, as long as it's consistent with
 18 testimony, we absolutely will be complying with
 19 Mr. Vinegra's letter.
 20 MR. FRASER: And resolved to the
 21 satisfaction of Mr. Vinegra?
 22 MR. MINKS: Absolutely.
 23 Again, Item 5, my client says that is not an
 24 appropriate condition of approval. With that said, we
 25 have absolutely no objection to what this board

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1 chooses to recommend to its governing body.
 2 Similarly number six, that was beyond our
 3 purview and control. It's not an appropriate
 4 condition of approval, although we certainly have no
 5 objection to what the board may choose to recommend to
 6 the mayor and council.
 7 We did not agree to screen with fencing and
 8 evergreens the transformer that is to be located on
 9 the corner. If you recall that was a comment raised
 10 or an issue raised by Mr. Prieto on behalf of Surgent.
 11 We certainly talked with him and said we would do what
 12 we could to screen it. We will use plantings,
 13 evergreen plantings and we will agree to work with
 14 Mr. Vinegra --
 15 MR. VINEGRA: Sorry to interrupt. Normally
 16 public service does not want fencing around
 17 transformers all the way around. So Bill put a
 18 condition that we normally don't do.
 19 CHAIRMAN GREET: So you agree with them.
 20 MR. VINEGRA: Yes. You can screen with
 21 landscaping but you can't -- you are not supposed to
 22 fence in a transformer.
 23 MR. MINKS: And even then, you are supposed
 24 to limit the landscaping around the transformer as
 25 well. That's why my condition in my memo is to

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1 provide evergreen screening to the extent permitted by
 2 PSE&G.
 3 CHAIRMAN GREET: From a visual effect on the
 4 street or sidewalk, is that going to be hidden or
 5 camouflaged?
 6 MR. MINKS: We will certainly endeavor to.
 7 It's our intent to make sure it's attractive as well
 8 to the extent we may be limited by the utility. You
 9 can't put things too close, you can't make it
 10 difficult for them to gain access.
 11 MR. FRASER: It will be obscured.
 12 MR. MINKS: Yes. Good word.
 13 Relocation of hedges along Willow Avenue so
 14 they do not block corner visibility. My comment,
 15 takes this and the subsequent comment, the next
 16 comment nine, and combines them into an agreement by
 17 the applicant to work with the board engineer to
 18 confirm sight lines, adjustments to landscaping and
 19 identification of alternate species of landscaping to
 20 the agreement of Mr. Vinegra. That addresses that.
 21 That also addresses number ten.
 22 We agree that we are not using concrete
 23 wheel stops within the parking garage or parking
 24 areas. Again, I think that really is something that
 25 is obviated by the new design anyway.

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1 MR. FRASER: What about in the green parking
 2 lot?
 3 MR. MINKS: I think we agreed during the
 4 course of testimony that we would concede to that
 5 being a condition of approval. So that I have no
 6 objection to.
 7 Obviously, providing -- remove two proposed
 8 parking spaces. Number 12, again, we are not removing
 9 parking spaces. However, we are in agreement with
 10 Mr. Tarantino and Mr. Nierstedt's suggestion that we
 11 create a more grand entrance to the building. And,
 12 again, we will agree, as I cited in my memo to work
 13 with the engineer toward developing a final site
 14 hardscape plan design for that or the entry corner, I
 15 call it. That will include, to the extent feasible,
 16 a bench or some type of seating area, but it will also
 17 include what I had suggested at the hearing, planter
 18 boxes. Since we are removing green space we want to
 19 have at least some decorative landscape there. So we
 20 will do them in boxes.
 21 The number 13, obviously, we will provide
 22 key access, a Knox box, as well as building plans to
 23 the fire department. Similarly in my memo, which
 24 Mr. Nierstedt didn't put it, we will provide security
 25 camera locations, layout and relevant information to

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1 the police department as we agreed in phase one.
 2 The building shall be structurally designed
 3 so it's solar capable. My only caveat here, my
 4 comment in red is actually not accurate. When I wrote
 5 my memo, I refined it a little further after I
 6 reviewed the transcripts again. I think what we
 7 ultimately said is our building will be built to a
 8 standard that is likely solar capable, but we cannot
 9 be compelled to necessarily install solar. So that's
 10 my only caveat. The actual use of solar or
 11 installation of a photovoltaic system has to remain at
 12 the discretion of the developer. Nevertheless, the
 13 building will be structurally capable of supporting a
 14 solar system.
 15 Paint all crosswalks on Walnut and West
 16 Street intersections.
 17 MS. VILLAGGIO: Not Walnut, it's Willow.
 18 MR. MINKS: Willow. I wrote Walnut. And I
 19 continued with it, but Willow. This, and number 16 we
 20 will agree to do so, but we can't obviously go out
 21 there and do it. We need the cooperation and guidance
 22 of the mayor and council. So, to the extent -- I
 23 think I qualified this in my memo already -- we agree
 24 to these conditions in two ways. Number one, with
 25 respect to the painting of crosswalks, to the extent

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1 we are directed that it's accepted by the borough, we
2 will do so or pay for it because I don't know if the
3 borough would rather have their DPW or their crew do
4 it or we do it.

5 With regard to the four-way stop, the
6 condition of approval and the agreement that we put in
7 there was, again, if it's approved by the borough, I
8 don't believe county approval is necessary for that
9 intersection, but if it's approved by the borough, we
10 will pay the cost of the signage. That was what the
11 testimony was and that is how that issue was concluded
12 in the transcript as I read it.

13 MR. FRASER: That's what you mean by share,
14 that you will pay for it?

15 MR. MINKS: Correct. And again, my comment
16 here was my knee jerk, when I was reading those
17 comments, the memo that I drafted is refined and it
18 says that we will pay for the signage associated with
19 the addition of a four way stop at that intersection.
20 However, I was just as ignorant and said Willow -- not
21 Willow, I said Walnut. I used his reference.

22 MR. FRASER: No, I'm talking about the share
23 part.

24 MR. MINKS: No, the share part is only in my
25 memo. It's only in my outline. It's only in my

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1 response to Bill's outline; it's not in my outline.
2 My outline says we will pay the cost of the signage
3 because at that point I had read the transcript.

4 Provide signage designated right-turn only
5 at the eastern most -- we had discussed number 17. We
6 don't believe that it's now appropriate to limit the
7 fire department's movements out of its driveway. That
8 I'm not accepting as a condition.

9 Advanced land sale, that is not an
10 appropriate condition of approval. I had mentioned
11 that we may want to explore and mayor-elect may want
12 to bring to council the notion of swapping Lot 3 for
13 the portion of Lot 6 that we are willing to dedicate
14 to the community. It may work out. It may be
15 something that works from an accounting point of view
16 for both parties and that would be an elegant
17 solution. But, again, that's something to explore;
18 that's not a condition of approval.

19 The condition of approval, however, is that
20 we will agree, the applicant will agree to work with
21 the borough with respect to the dedication of a
22 portion of Lot 6 for purposes of creating an enlarged
23 fire department parking lot and explore the notion of
24 a potential land swap with respect to borough-owned
25 property Lot 3. That's how I drafted this in my memo.

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1 MR. FRASER: In other words, you are going
2 to give the red spot --

3 MR. MINKS: We going to give the borough the
4 red and the borough may give us the little artifact up
5 along the rail.

6 MR. FRASER: All right.

7 MR. MINKS: The redesign of the parking by
8 the firehouse, this we just addressed, number
9 nineteen.

10 Number twenty, work with the borough for
11 more train stops in Garwood. I repeated the condition
12 verbatim from the phase one approval with regard to
13 our willingness to endeavor to set a meeting and to
14 work with the borough to get to Transit. We are
15 working with them on two other things and we actually
16 had to go to the governor's office to try to get some
17 relief. They are even more of a challenge to deal
18 with these days.

19 MR. FRASER: Twenty-one, is
20 self-explanatory.

21 MR. MINKS: I do not understand what 21 is.
22 And the answer is, yes, if we are legally compelled to
23 do so, I would like nothing more than to appear before
24 you again, but I don't anticipate that being
25 necessary.

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1 There are additional conditions that I've
2 outlined in here. They are not to benefit my client.
3 They are conditions that I believe the board -- both
4 we discussed, and/or that the board would want to have
5 included.

6 Let me quickly go through them when I find
7 them for you -- let me just change this Walnut to
8 Willow so I don't forget that. So now I'm referring
9 to mine.

10 MR. FRASER: Mr. Minks, do you think it
11 would be a good idea for the record to mark your
12 proposed letter?

13 MR. MINKS: Yeah.

14 MR. FRASER: I'm sure in the transcript this
15 is now going to be referred to ad infinitum so maybe
16 it should be part of the record.

17 MR. MINKS: I would agree. I drafted this
18 memo candidly and in my haste I did not date it. But
19 I drafted this memo and it should be dated today.

20 This is a four-page memorandum prepared by myself
21 based on my review of my notes from the testimony as
22 well as my review of the transcript of the hearings
23 that occurred on September 26 and October 24 in this
24 matter.

25 MR. FRASER: So that's going to be what,

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1 seven?
 2 (Defendant's Exhibit 7, November 7, 2018,
 3 memorandum by Mr. Minks, marked for
 4 identification.)
 5 MR. FRASER: And you are going to give Adele
 6 a clean one even though we now --
 7 MR. MINKS: I can certainly look.
 8 MR. FRASER: No. No. I mean as opposed to
 9 the one with the numbers that Mr. Bartels testified to
 10 briefly. The exhibit is the one without the changes.
 11 MR. MINKS: Correct.
 12 And I will revise this based on this evening
 13 and I will recirculate it to Mr. Fraser.
 14 MR. FRASER: But, for the record, that is
 15 the exhibit.
 16 MR. MINKS: One thing that I think was very
 17 important and really it started at O. In M, I
 18 reference the decorative pavers, concrete staining of
 19 the cement that we used. So that is something that
 20 was ironically very important to Mr. Nierstedt. O,
 21 however, I think is just important overall and it
 22 includes some that he mentions and some that he does.
 23 One that is very specific is the addition of a
 24 flashing beacon or other emergency sign that is
 25 controllable by the fire department. We had some

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1 discussion with the fire department about that. We
 2 agreed that we would work with the borough and agree
 3 to pay a reasonable shared cost toward the
 4 implementation of that type of traffic calming
 5 emergency measure.
 6 MS. VILLAGGIO: Yeah. That was in your
 7 testimony, too.
 8 MR. MINKS: That was in our testimony. So
 9 we will certainly honor that obligation.
 10 Again, that is really going to be at the
 11 discretion of the county, equally if not more so than
 12 even the borough. But I think if the borough really
 13 urges that be done, the county will follow suit.
 14 MAYOR LOMBARDO: I discussed that with the
 15 engineering department already.
 16 MR. MINKS: Again, we talked about
 17 potentially amending the striping for
 18 do-not-block-the-box. It may just be repainting it to
 19 freshen it up to make it more bold. But that is
 20 something that we would work with the borough, the
 21 fire department and the engineer toward doing that and
 22 we would be willing to do that striping.
 23 We also agreed and discussed that we would
 24 adjust signal timing or at least endeavor to work with
 25 the county toward potential adjustment of signal

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1 timing at the signal at South and Center.
 2 We also agreed that we would work with the
 3 fire department toward location of hydrants and
 4 standpipes at the building. That was a condition that
 5 we discussed.
 6 P is what we just discussed about continuing
 7 to work and refine to finalize the dedicated fire
 8 department lot and the public shared lot.
 9 Schedule a meeting with New Jersey Transit,
 10 that we discussed.
 11 We agreed that we will provide the police
 12 department an outline of the security cameras and
 13 building plan.
 14 We agreed that we will build the project to
 15 NFPA 13 standards for sprinklers, not the code which
 16 requires the lesser, NFPA 13R. That is an important
 17 distinction, I think.
 18 As we agreed for phase one and because of
 19 sensitivities that we experienced in the community, I
 20 want to add and I suspect the board will indulge me on
 21 this, just as a confirmation that we will continue to
 22 use construction methods that will minimize dust and
 23 take air quality and public health into account.
 24 Again, that was part of our standard practice and
 25 procedure and if anyone was watching what was a very

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1 detailed demo, this is a much easier lift. We are
 2 just talking about construction, but nevertheless we
 3 are going to be breaking up pavement and there is
 4 going to be some destruction. So we will highlight
 5 our intent.
 6 We have agreed to and we will agree to grant
 7 39 jurisdiction to the Garwood police department.
 8 Again, because this is going to be a public/private
 9 shared lot so that's very important that they will
 10 have access and the ability to police that surface
 11 parking area.
 12 We discussed lighting. There was some
 13 sensitivity as to what the lighting was in the parking
 14 garage. I think it's appropriate that we acknowledged
 15 that we had agreed that we would comply with the
 16 provisions of the redevelopment plan with regard to
 17 site lighting and that we would be minimizing, to the
 18 extent feasible, spillage from outside the garage,
 19 particularly onto Willow.
 20 We agreed that we will use installed
 21 decorative metal grates at the garage openings, again,
 22 as Mr. Tarantino correctly pointed out, it's not just
 23 along Willow. It is along the facade of the garage
 24 level. So wherever there are garage openings, other
 25 than the actual drive aisles, they will have

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1 decorative metal grates, not just haphazard openings.
2 Bike racks, as per testimony.
3 We will comply with the affordable housing
4 settlement, which I think is material enough that it
5 should be recited within the resolution.
6 I believe we discussed this because it was a
7 quick reference to phase one, but we will continue to
8 restrict in our leases satellite dishes, storage of
9 materials on any balconies, that type of impact that
10 would be adverse and undesirable.
11 MR. JANNOTTI: Excuse me, just one question.
12 Does that include barbecue grills?
13 MR. MINKS: Yes, we typically do not allow
14 barbecue grills.
15 MR. JANNOTTI: They are not allowed.
16 MR. MINKS: And, frankly, I am not familiar
17 off the top of my head, but I suspect you have a
18 building code that prohibits them as well. Most
19 communities prohibit barbecue grills on --
20 MR. JANNOTTI: I agree. I just thought
21 maybe it should be here also.
22 MR. MINKS: I have no objection to that. As
23 a matter of course, we prohibit them just because it's
24 a safety issue that we wouldn't want to have happen
25 and, frankly, we don't want to see them in our

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1 buildings either.
2 MR. JANNOTTI: I assumed that, but I just
3 thought it ought to be in here as well.
4 MR. MINKS: We would have no objection to
5 adding barbecue as being restricted from any
6 balconies.
7 And, lastly, I think it's appropriate
8 because this also involves the timing for garbage
9 collection that Ms. Villaggio was keen on. We will
10 comply with the borough noise ordinances and minimize
11 destruction with the operation of municipal services
12 that are adjacent to us as well. I believe earlier on
13 in B is where I specifically talk about garbage
14 collection, which is your hot button issue there.
15 We will be not staging garbage at the
16 exterior of the building. It will be staged inside
17 the garage until such time as the private hauler
18 arrives to collect it. And we will endeavor to keep
19 that later than 7 a.m., however, we will comply with
20 the noise ordinance and we will endeavor to minimize
21 so as to not unreasonably disturb the neighboring
22 residents, is how I drafted it. And I hope that
23 satisfies you in that regard.
24 I think everything is consistent with what I
25 outlined that we both accepted and/or refined or

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1 objected to in Mr. Nierstedt's letter.
2 MR. FRASER: Mr. Chairman, here's how I
3 suggest we proceed. I would suggest, if Mr. Minks is
4 done --
5 MR. MINKS: I am done.
6 MR. FRASER: That we just go through the
7 board in alphabetical order, that we just go through
8 each point. Go A, does anybody have any question or
9 comment, whatever. If we roll through the letters
10 like that, we can perhaps do this in an expeditious
11 manner. We will be able to identify anything that is
12 problematic or as to which there might be a dispute.
13 And then somebody might be in a position to make a
14 motion.
15 MS. VILLAGGIO: And if we have anything
16 additional we can do it at the end.
17 MR. FRASER: Oh, yeah. Absolutely.
18 MS. VILLAGGIO: Okay. Thank you.
19 CHAIRMAN GREET: And just for clarification,
20 once we do complete that, that is going to be our
21 basis for the vote and that is going to be the
22 future...
23 MR. FRASER: The outline for the resolution.
24 CHAIRMAN GREET: For the resolution. Okay.
25 Good.

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1 MR. FRASER: Yeah, because I am going to
2 take this and I am going to probably tell Mr. Minks if
3 you would be so kind to send it to me in Word. And I
4 am going to be editing it through what we are going to
5 do through the letters right now. And then I will
6 have to review all the testimony, which will take
7 hours.
8 MS. VILLAGGIO: It wasn't that much.
9 CHAIRMAN GREET: I will start. Variances
10 and deviations. We just went through the deviations.
11 Do we have any questions on the first or second bullet
12 items?
13 MS. VILLAGGIO: No.
14 CHAIRMAN GREET: Third bullet item? The de
15 minimus exception?
16 MR. FRASER: No. No. No. Wait a minute.
17 This is what they are requesting. What we really have
18 to go through are the conditions.
19 CHAIRMAN GREET: Item number, one any
20 questions? Any comments?
21 MS. VILLAGGIO: Agreed.
22 CHAIRMAN GREET: Item No. 2?
23 MS. VILLAGGIO: 2A.
24 MR. MINKS: Item number two is a pretty big
25 number.

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1 CHAIRMAN GREET: 2A, questions?
 2 MS. VILLAGGIO: I agree with that, just the
 3 one and not the additional bike rack.
 4 MR. FRASER: The way I would phrase the
 5 question is: Is there anybody who objects or
 6 disagrees with Mr. Mintz's recitation under paragraph
 7 A respecting the bike racks?
 8 CHAIRMAN GREET: Any objections to item
 9 number B, recycling containers?
 10 MS. VILLAGGIO: No.
 11 CHAIRMAN GREET: And I'm just going with no
 12 from one person based on the fact that nobody else is
 13 speaking.
 14 Item number C, applicant has tenants of this
 15 development phase will have access to all amenities.
 16 MS. VILLAGGIO: Good.
 17 MR. FRASER: So, in other words, that's a
 18 condition of approval that will be in the resolution.
 19 CHAIRMAN GREET: Correct.
 20 And item number D?
 21 MR. VENA: Agreed.
 22 MR. FRASER: My only point about item D
 23 would be that when we talk about consistent with
 24 hearing testimony and agreements, I would be adding
 25 the phrase "subject to the approval of the board

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1 engineer." Because when you start saying "subject to
 2 the testimony," and then later if anybody has to
 3 interpret something and you have to refer to the
 4 testimony, I think it's more affective if we have
 5 final words subject to the approval of the board
 6 engineer.
 7 MR. JANNOTTI: Agreed.
 8 CHAIRMAN GREET: Item number E, evergreen
 9 landscaping?
 10 MR. FRASER: Same comment, subject to
 11 approval.
 12 CHAIRMAN GREET: Right.
 13 Item number F?
 14 MS. VILLAGGIO: Same comment?
 15 CHAIRMAN GREET: Yes.
 16 Item number G?
 17 MS. VILLAGGIO: Agreed.
 18 CHAIRMAN GREET: Item H, decorative
 19 landscape or decorative hardscape around the northeast
 20 corner?
 21 MR. FRASER: Subject to.
 22 MS. VILLAGGIO: Subject to.
 23 CHAIRMAN GREET: Item I, knock box?
 24 MR. VENA: Agreed.
 25 CHAIRMAN GREET: Item J, solar system as

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1 specified?
 2 MR. FRASER: That's fine. I do not have a
 3 problem with the way that Mr. Minks wrote it, but
 4 understand what that means. It will be capable of
 5 doing it, but that doesn't mean it's happening.
 6 MS. VILLAGGIO: Correct.
 7 CHAIRMAN GREET: Item K? Well, it's Willow.
 8 MR. FRASER: You have to change that.
 9 MR. VENA: Add alongside board engineer,
 10 mayor and council. It's got to go with them.
 11 COUNCILWOMAN TODISCO: I agree with that.
 12 MS. VILLAGGIO: But the mayor and council
 13 just has to okay it.
 14 MR. FRASER: And why don't we just make it
 15 be "and shall pay for the paving of" and then you are
 16 done?
 17 MR. MINKS: As long as it's a reasonable
 18 cost, we're fine.
 19 MR. FRASER: Union prevailing wages.
 20 MR. JANNOTTI: Do it on overtime.
 21 MR. FRASER: All right.
 22 CHAIRMAN GREET: Item M?
 23 MR. FRASER: I agree with.
 24 MR. JANNOTTI: I agree with that.
 25 MS. VILLAGGIO: Can I interject something?

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1 CHAIRMAN GREET: Yep.
 2 MS. VILLAGGIO: Add something to the affect
 3 that would reference Russo One.
 4 MR. FRASER: Actually, I think the testimony
 5 was it was not going to be identical to Russo One.
 6 MR. MINKS: It may not be. The intent is to
 7 not necessary make it identical.
 8 MS. VILLAGGIO: With regard to the
 9 sidewalks.
 10 MR. FRASER: I do specifically remember that
 11 because I perked up my ears when I heard the
 12 testimony.
 13 MR. MINKS: Mr. Bartels clarified to me that
 14 the intent of the street scape probably would be. The
 15 area within the site may not be. I would be hesitant
 16 to make it compulsory. But if it's not identical, it
 17 will be complimentary to.
 18 MR. FRASER: Good luck enforcing
 19 complimentary.
 20 MS. VILLAGGIO: You don't mention anything
 21 about the lights, decorative lights. Was there
 22 testimony -- I can't recall -- with regard to the
 23 decorative lights?
 24 MR. MINKS: On the street scape?
 25 MS. VILLAGGIO: Yes, on the street scape.

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1 MR. MINKS: That would be consistent with
2 phase one. We would be willing to add that as a
3 condition or to --
4 MS. VILLAGGIO: Can we add decorative lights
5 along?
6 MR. MINKS: It's already depicted on the
7 plan.
8 MR. FRASER: I would say stamped concrete,
9 decorative lights --
10 MS. VILLAGGIO: Street lights.
11 MR. FRASER: Decorative street lights. Got
12 it.
13 CHAIRMAN GREET: Item -- we are on N.
14 MR. FRASER: N as in Nancy.
15 MR. TARANTINO: Isn't that redundant with H?
16 MR. MINKS: It very well may be. Pick which
17 one you prefer.
18 It is redundant.
19 MR. FRASER: Let's just take N out, because
20 H we already went through.
21 CHAIRMAN GREET: Okay. Item O?
22 MS. VILLAGGIO: That was the testimony.
23 COUNCILWOMAN TODISCO: I have a comment.
24 CHAIRMAN GREET: Yep.
25 COUNCILWOMAN TODISCO: On O1, reasonable

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1 contribution, reasonable. I would like to be able to
2 assume that say 5, 10, 15 percent would not be
3 reasonable, but can we define reasonable as the
4 majority of the cost or 50/50? Is there any...
5 MR. MINKS: My only hesitation is I don't
6 know what the cost really is that could be contributed
7 to this. The county could come back and say, yes, we
8 want you to put in the automated system that alerts
9 your shared service with the other department. And
10 that is a \$100,000 system. The intent is a flashing
11 red light. If it's a flashing red light, I can tell
12 you now, we would probably pay the whole thing, but if
13 it's a much more comprehensive sytem that the
14 department and the borough chooses to implement
15 because we are paying half of it --
16 CHAIRMAN GREET: Can we make a note of maybe
17 it's a standalone item, associated with a standalone
18 system?
19 MR. JANNOTTI: What is a standalone light?
20 MR. MINKS: We would be responsible for the
21 cost of a flashing light or a standalone emergency
22 signal. I think that is fair.
23 COUNCILWOMAN TODISCO: Would that be fair to
24 compare that to that light that Westfield has on North
25 Avenue by its fire department?

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1 MR. MINKS: That's actually pretty much what
2 I'm envisioning. I believe, I don't know the inner
3 workings of that, but I suspect that is a standalone
4 light. But, again, I don't know if there is a
5 retrofit with the truck so that when the trucks
6 approach, it's automated. That's stuff that we are
7 getting further afield of it, which is why I said we
8 would share in the ultimate cost. But, yes, I think
9 if we say an emergency beacon or light or signage to
10 create a traffic calming measure, we would be willing
11 to pay that cost.
12 COUNCILWOMAN TODISCO: I appreciate the
13 elaboration.
14 MR. FRASER: Okay. I have to write that.
15 What the heck does that mean?
16 MR. MINKS: I already have flashing
17 emergency light or other reasonably agreeable signal
18 alerting vehicular traffic along South Avenue of fire
19 truck emergency vehicular movements to and from the
20 fire department.
21 MR. FRASER: Right. But the last part, what
22 is the applicant going to do?
23 MR. MINKS: Applicant shall pay the cost of
24 such emergency light or signal, such standalone
25 emergency light or signal.

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1 MR. FRASER: Got it. So applicant shall pay
2 the cost of a standalone emergency light or signal.
3 Fair?
4 MR. MINKS: Yes.
5 COUNCILWOMAN TODISCO: Agreed. Thank you.
6 CHAIRMAN GREET: Any comments on that?
7 MAYOR LOMBARDO: No.
8 CHAIRMAN GREET: Item T, any comment? Are
9 we good?
10 COUNCILWOMAN TODISCO: Agree. I like the
11 terminology "work with."
12 CHAIRMAN GREET: Okay.
13 Item Q?
14 MS. VILLAGGIO: Good.
15 CHAIRMAN GREET: Item R?
16 MAYOR LOMBARDO: Good.
17 MS. VILLAGGIO: We are good. Is that
18 another repetitious one?
19 MR. FRASER: That's all right if it's in
20 twice. When I write the resolution I will write it
21 once.
22 MR. MINKS: In my effort to not miss what I
23 thought was important, I apologize.
24 CHAIRMAN GREET: Item R?
25 Item S?

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1 Item T?
2 MS. VILLAGGIO: Good.
3 CHAIRMAN GREET: Item U?
4 MR. VENA: Good.
5 CHAIRMAN GREET: V, site plan of project and
6 parking garage.
7 MS. VILLAGGIO: Good.
8 CHAIRMAN GREET: Item W --
9 MR. FRASER: Do you want to make V subject
10 to Victor's confirmation and approval?
11 MS. VILLAGGIO: Yes.
12 MR. VENA: W, just change the wording to at
13 garage opening for the entire facade of the building.
14 MR. FRASER: Look, I am going to rewrite the
15 wording probably anyway. This is the resolution we
16 are going to call it.
17 CHAIRMAN GREET: Item X?
18 MR. FRASER: Subject to Mr. Nierstedt.
19 CHAIRMAN GREET: Don't do it, Don.
20 MS. VILLAGGIO: My one question is, it seems
21 that there's multiple bicycle racks. There is one or
22 there is two?
23 MR. BARTELS: There are two bicycle racks.
24 MR. FRASER: Let's put in the number two
25 then.

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1 MS. VILLAGGIO: Put in the number two.
2 MR. MINKS: Thank you.
3 CHAIRMAN GREET: Item Y, I think that is.
4 MR. FRASER: Y speaks for itself.
5 CHAIRMAN GREET: Item Z?
6 MR. FRASER: We added in barbecue grills
7 under Z, small letter I.
8 CHAIRMAN GREET: Item double A.
9 Okay. Are we good?
10 COUNCILWOMAN TODISCO: I have additional.
11 MR. FRASER: There is going to be some
12 additional. Maybe for the record for a second, so
13 there is going to at some point be a vote on this. We
14 had some discussion as to all these points. Does any
15 board member take exception to any of the conditions
16 as we went through them, because I have a feeling when
17 we do the resolution or when somebody makes a motion
18 it's going to be kind of a summary, everything we just
19 said. So I think right now, does anybody have any
20 objection or problem to anything we have gone through
21 so far?
22 MS. VILLAGGIO: No.
23 CHAIRMAN GREET: No.
24 MR. FRASER: So I think now Mayor or
25 Mayor-elect, I should say, or Kathy or anybody if you

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1 have more, now is the time.
2 MS. VILLAGGIO: I would like to recommend as
3 I recommended in Russo One that the -- that Russo
4 Development maintain all of the shrubbery and
5 landscaping within the right-of-way, which is
6 basically what was stipulated in Russo one.
7 MR. FRASER: The developer to maintain...
8 MR. MINKS: To maintain the street trees
9 that we plant.
10 CHAIRMAN GREET: Correct. That you plant.
11 MR. FRASER: Anything that you plant you are
12 doing to maintain.
13 MS. VILLAGGIO: Even though it's in our
14 right-of-way.
15 MR. MINKS: Got it.
16 MR. FRASER: Anybody take exception to that
17 one?
18 MR. VENA: No.
19 MS. VILLAGGIO: That is the only additional
20 one that I recall.
21 COUNCILWOMAN TODISCO: My additional one, I
22 brought up during the testimony portion was the
23 Belgium block curbs for Willow Avenue and West Street
24 instead of the concrete.
25 MR. BARTELS: Already included on the plan.

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1 COUNCILWOMAN TODISCO: Fantastic.
2 MR. MINKS: I didn't recall that you agreed
3 or you are making it one.
4 COUNCILWOMAN. TODISCO: We are making it
5 one.
6 MR. MINKS: You are absolutely right. Do
7 you know what is funny, I was reading through it, and
8 I saw that and I said, yeah, I have to check with that
9 to make sure we are doing that but I didn't follow up.
10 MR. BARTELS: I think the only stipulation I
11 had mentioned was about the county, but I did go back
12 and look and the county does actually have a Belgium
13 block curbs in their standards.
14 MS. VILLAGGIO: For South Avenue.
15 MR. MINKS: If we could, however, condition
16 it on the approval of the county, because ultimately
17 if the county says no, I don't want there to be, we
18 will have to come back.
19 MR. FRASER: The condition will be Belgium
20 block everywhere unless prohibited by the county.
21 COUNCILWOMAN TODISCO: If I may follow up on
22 that. If we are only having Belgium block curbing
23 on this -- granted it would be a process, but on this
24 particular property on South Avenue, that might look
25 very awkward. And then it would be up to the borough,

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1 because the county does not pay for curbs, for the
 2 borough to change the concrete curb that exists on
 3 South Avenue going forward, which the mayor and
 4 council may want to do going forward, but it hasn't
 5 been decided yet, so.
 6 MR. FRASER: So what do you want to tell
 7 them just on Willow and West?
 8 COUNCILWOMAN TODISCO: Definitely Willow and
 9 West. And then maybe with the approval of the
 10 mayor and council on South Avenue.
 11 MR. FRASER: All right. So there would be
 12 Belgium block on Willow and West and on South if
 13 directed by mayor and council.
 14 COUNCILWOMAN TODISCO: And appropriate by
 15 the county.
 16 MR. FRASER: Well, the mayor and council
 17 aren't going to do it if the county says no.
 18 COUNCILWOMAN TODISCO: All right. Works for
 19 me. That's why you are the language master, right?
 20 MR. FRASER: These are hard to write.
 21 MR. MINKS: One thing I can point out, to
 22 your point, Mayor-elect, is that the South Avenue one
 23 approval, we didn't have the benefit of your insight
 24 or your comment so it does not stipulate Belgium block
 25 curb. So in discussion with your office and the

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1 council, if it is the council's decision to have
 2 Belgium block on phase two, we may very well request
 3 that we have the opportunity to put it on phase one.
 4 We would not want to do it on one and not the other
 5 and the cost is really not a material issue.
 6 COUNCILWOMAN TODISCO: That's what our
 7 engineer found. That would be helpful, I believe. If
 8 it's going to go in one place and not in the other.
 9 And moving forward the council can make a decision if
 10 and when --
 11 MR. MINKS: We will try to keep the curbing
 12 the same. So we would want the street scape at least
 13 in our little section of Garwood to be cohesive.
 14 COUNCILWOMAN TODISCO: Exactly. I
 15 appreciate that.
 16 CHAIRMAN GREET: Anyone else?
 17 MR. JANNOTTI: I have one, Mr. Chairman.
 18 And I apologize because I wasn't here for the last two
 19 meetings, although I did read the transcript
 20 thoroughly. I have a question about charging
 21 stations. Did you plan on putting any of them in the
 22 parking lot?
 23 MR. MINKS: Yeah, we will agree to include a
 24 charging station within the interior lot of this
 25 phase.

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1 MR. FRASER: Anybody on the board have a
 2 position as to whether or not that should or should
 3 not be a condition?
 4 CHAIRMAN GREET: As a matter of fact, I
 5 thought that was in the specs.
 6 MR. JANNOTTI: There was nothing in the
 7 transcript that I read.
 8 CHAIRMAN GREET: No, in the plans.
 9 MR. JANNOTTI: That's why I asked.
 10 MR. MINKS: Oh, maybe it wasn't -- no. We
 11 do have that in phase one, but that was Gene's, that
 12 was Mr. Jannotti's comment encouraging us to add it
 13 there. The only caveat I had was that it's not going
 14 to be Testla specific.
 15 COUNCILWOMAN TODISCO: I agree with that
 16 condition, but I would also like to piggyback on that.
 17 Just yesterday we got the best practices form that we
 18 are sending down to Trenton. And in it one of the
 19 answers we had to put no for was whether or not the
 20 municipality has any electrical charging stations. So
 21 given the improvements to the fire department lot,
 22 might that be something we would ask the applicant?
 23 CHAIRMAN GREET: To put one in the fire
 24 department lot?
 25 COUNCILWOMAN TODISCO: Or in the shared lot.

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1 I think Mr. Jannotti was talking about within the
 2 parking garage or the parking structure. What about
 3 one in the shared?
 4 MR. MINKS: Putting on in the exterior in
 5 the surface lot is a much more costly proposition
 6 because then we have to account for the power to go
 7 there. It's a little bit more involved. We don't
 8 have any in any surface lots currently. And candidly,
 9 in our developments, unfortunately, we don't have a
 10 lot of use of or demand for electrical cars, but we
 11 have implemented in, I think in Harrison, a Zip car.
 12 MR. BARTELS: I believe so.
 13 MR. MINKS: And we would agree to implement
 14 a Zip Car program, if there was adequate demand from
 15 the community. If our residents would like to utilize
 16 a Zip Car service, that's easily implemented and we do
 17 would do that. Frankly, whether there was a condition
 18 or not we will do that, if there is a demand for more
 19 tenants. But I think adding an electrical station to
 20 an exterior space, certainly on the fire department
 21 lot would be a maintenance issue, would be a more
 22 costly proposition.
 23 MR. FRASER: The other thing it does is
 24 effectually eliminates a parking space.
 25 COUNCILWOMAN TODISCO: I'm just bringing it

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1 up. It's basically where the state is going with
 2 that. They are looking for municipalities to have at
 3 least one spot, seemingly so. Just bringing it up. I
 4 am okay that we don't go in that direction.
 5 MR. PETRUZZELLI: Also, if you did that on
 6 the fire department side should the power come from
 7 your building?
 8 COUNCILWOMAN TODISCO: It would even be too
 9 challenging or costly at the shared lot in green on
 10 your board there?
 11 MR. MINKS: So running it close to the
 12 building.
 13 COUNCILWOMAN TODISCO: For example, then
 14 somebody is coming to the retail across the street,
 15 they have an electric car.
 16 MR. MINKS: The reality is, and just to give
 17 you a little more insight and you can do your own
 18 research, you don't have to take my word as gospel,
 19 but the prevalence, and I am sure Mr. Jannotti could
 20 speak to this, the frequency of available
 21 superchargers is becoming more and more in communities
 22 so people are less and less reliant on parking lots
 23 having charging stations. They rely on their home
 24 stations. And then I think that Tesla will even
 25 point them out on a map as to where superchargers are.

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1 And the superchargers charge the battery very, very
 2 rapidly.
 3 MR. JANNOTTI: But they are still, if I
 4 could, the charging stations are typically against the
 5 wall. They are wall-mounted. So in an open area it's
 6 more difficult to construct something that would hold
 7 a charging station. Typically they are all
 8 wall-mounted. I have never seen one that was just
 9 standing alone.
 10 MR. MINKS: They have them, but it's a much
 11 more costly proposition.
 12 MR. JANNOTTI: I think all towns, and going
 13 on to what Sara was saying, I have been a big
 14 proponent of this in all the towns that I represent in
 15 the Chamber to every time they do something to please
 16 think about charging stations in the parking lot.
 17 Unfortunately, I could not get Westfield to put one
 18 in, in their brand new parking lot. It has to happen
 19 at some point in time.
 20 The parking garage in Rahway has two
 21 stations in that garage and every time I'm there I
 22 can't use one because they are all being used. They
 23 are here and it's not going to get any different.
 24 It's going to get more and more usage of charging
 25 stations.

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1 COUNCILWOMAN TODISCO: And there are not any
 2 at Russo one, right?
 3 MR. JANNOTTI: Yes.
 4 COUNCILWOMAN TODISCO: You feel that is
 5 sufficient for both properties?
 6 MR. MINKS: We are going to add one here and
 7 we have two already.
 8 MR. JANNOTTI: And the agreement was that
 9 they would, based on their rentals, people going on
 10 and renting them, if they need to put in more, that's
 11 their business so they will do whatever they need to
 12 satisfy their tenant.
 13 MR. PETRUZZELLI: Although with the best
 14 practices you can just add them to the wall in the
 15 fire department, if that helps.
 16 MR. JANNOTTI: Or the parking lot right out
 17 here.
 18 MR. PETRUZZELLI: We are trying to make it
 19 so they are right on the building, it's not hard to
 20 do.
 21 CHAIRMAN GREET: Okay. Anyone else?
 22 Okay. Hearing none. Let's see if we have a
 23 vote.
 24 MR. FRASER: Let first identify who is
 25 voting. Okay. We had now essentially three hearings.

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1 We had the September 26 hearing, we've got the
 2 October 24 hearing and we have tonight. So let's take
 3 it from the top. This is --
 4 Mr. Minks, seven member vote or nine, what
 5 is your opinion?
 6 MR. MINKS: Nine.
 7 MR. FRASER: Okay. I agree. Just checking.
 8 It's a nine-member vote. So let's take it from the
 9 top and let's see if everybody was here or has read
 10 the transcripts.
 11 MS. LEWIS: So Mayor Lombardo has been
 12 present at all three meetings, as Lou Petruzzelli,
 13 Sara Todisco, Steven Greet, Kathy Villaggio.
 14 Mr. Nierstedt is not here this evening. Paul
 15 Tarantino was present at all three.
 16 So Mr. Jannotti.
 17 MR. JANNOTTI: I have read the transcript
 18 thoroughly.
 19 MS. LEWIS: Both of them?
 20 MR. JANNOTTI: Yes, I have read them all. I
 21 think the butler did it.
 22 I swear to that.
 23 MR. FRASER: So that's seven.
 24 MS. LEWIS: So then Mr. Venno was present.
 25 MR. FRASER: That's eight.

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1 MS. LEWIS: And Steve Napolitano.
 2 MR. NAPOLITANO: I read the transcript.
 3 MR. FRASER: For both of them?
 4 MR. NAPOLITANO: I was only absent once.
 5 MS. LEWIS: He was only absent for one.
 6 So there are nine.
 7 MR. FRASER: That's the board who will be
 8 voting.
 9 CHAIRMAN GREET: Okay. Very good. Do I
 10 hear a motion to take a vote on this application based
 11 on the testimony that was given tonight and on the
 12 items that we have listed and were in agreement on
 13 unanimously from a board standpoint tonight. And
 14 those will be the specific items that will be
 15 memorialized at our next meeting on December 3, I
 16 believe, right?
 17 MS. LEWIS: No, December 12.
 18 MS. VILLAGGIO: I will make that motion.
 19 MR. FRASER: So that's a motion to approve
 20 the application --
 21 MS. VILLAGGIO: As per Exhibit A-7 that we
 22 went over. And agree to with the additional
 23 amendments that were mentioned. One being the
 24 maintenance of the street scape the fire department
 25 signal lights. That was the clarification.

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1 MR. FRASER: All the ones that were
 2 testified to as well as the standard board conditions.
 3 MR. VENA: I will second that motion,
 4 Mr. Chairman.
 5 CHAIRMAN GREET: Okay. Roll call, please.
 6 MS. LEWIS: Mayor Lombardo?
 7 MAYOR LOMBARDO: Aye.
 8 MS. LEWIS: Lou Petruzzelli?
 9 MR. PETRUZZELLI: Yes.
 10 MS. LEWIS: Councilwoman Todisco?
 11 COUNCILWOMAN TODISCO: Aye.
 12 MS. LEWIS: Steven Greet?
 13 CHAIRMAN GREET: Yes.
 14 MS. LEWIS: Kathy Villaggio?
 15 MS. VILLAGGIO: Yes.
 16 MS. LEWIS: Paul Tarantino?
 17 MR. TARANTINO: Yes.
 18 MS. LEWIS: Gene Jannotti?
 19 MR. JANNOTTI: Yes.
 20 MS. LEWIS: Mike Vena?
 21 MR. VENA: Yes.
 22 MS. LEWIS: And Steve Napolitano?
 23 MR. NAPOLITANO: Yes.
 24 MS. LEWIS: Motion carries.
 25 CHAIRMAN GREET: Great.

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1 MR. MINKS: Thank you very much, as always.
 2 CHAIRMAN GREET: Congratulations. We are
 3 looking forward to seeing some development.
 4 (Hearing concluded 8:46 p.m.)
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1 C E R T I F I C A T I O N .
 2
 3 STATE OF NEW JERSEY)
 4 : ss:
 5 COUNTY OF UNION)
 6
 7 I, TONIANN ACQUARO, a shorthand reporter and
 8 notary public for and within the State of New Jersey, do
 9 hereby certify that the foregoing proceedings, taken at
 10 the time and place aforesaid, is a true and correct
 11 transcription of said proceedings.
 12 I further certify that I am neither
 13 counsel for nor related to any part to said action, nor
 14 in any wise interested in the result or outcome thereof.
 15 IN WITNESS WHEREOF, I have hereunto set
 16 my hand this 7th day of November, 2018.
 17
 18
 19 *ToniAnn Acquaro*
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 23 apply to any reproduction of the same by any means,
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