



1 A P P E A R A N C E S:

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PUBLIC COMMENT:

NAME	ADDRESS	PAGE
None.		

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17 \*Exhibits not retained by stenographer.

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1 (Time noted, 8:42 p.m.)

2 CHAIRMAN GREET: Case PB21-02, 75

3 North Avenue, Garwood Paperboard Redevelopment Area.

4 And Bill will be here momentarily.

5 ATTORNEY FRASER: Here he is.

6 CHAIRMAN GREET: Okay. With that,

7 please proceed.

8 ATTORNEY FLANNERY: Yes. Thank you,

9 Mr. Chairman, members of the board. Good evening.

10 For the record, my name is Peter Flannery with the

11 law firm of Bisgaier Hoff on behalf of the

12 applicant, Garwood Paperboard Urban Renewal

13 Associates, LLC.

14 As the chairman noted, this is a

15 continuation from the August 25th hearing. I

16 believe this is our fourth hearing before the board

17 for the property located at 75 North Avenue, Block

18 211, Lot 6. The applicant is proposing a 124-unit

19 inclusionary multi-family development and

20 self-storage facility with site improvements.

21 Seeking Preliminary and Final Site Plan and minor

22 subdivision and variance approvals.

23 At the last hearing the applicant had

24 presented Mr. Jefferson Moon of TAO Design, the

25 architect for the self-storage facility. He

6

1 presented some revised elevations. There were

2 various comments from the Board members specifically

3 with respect to the rear elevation against the train

4 tracks. There was a comment regarding the need for

5 additional sign and some revisions and materials and

6 colors.

7 We do have revised elevations here this

8 evening which we'll be presenting for the board's

9 consideration. We also presented some follow-up

10 from our architect for the multi-family development,

11 Mr. Avelino Martinez, as well our civil engineer,

12 Mr. Mike Dipple. They are available here tonight

13 for any questions. But their testimony will be

14 minimal, we expect at least, this evening. We also

15 have our traffic engineer this evening,

16 Ms. Elizabeth Dolan, as well as our planner, Paul

17 Ricci, if we get that far.

18 So without further ado I'd like to

19 bring back Mr. Jefferson Moon, the architect for the

20 self-storage facility. He was previously sworn and

21 qualified.

22 CHAIRMAN GREET: Thank you.

23 ATTORNEY FRASER: Mr. Moon, you

24 understand that you're still under oath. Are your

25 licenses still current?

J. Moon, AIA

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1 THE WITNESS: Yes, they are, sir.

2 ATTORNEY FRASER: Your witness.

3 ATTORNEY FLANNERY: Thank you.

4 J E F F E R S O N M O O N, previously

5 sworn, continues testifying as follows:

6

E X A M I N A T I O N

7

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9 CONTINUED BY ATTORNEY FLANNERY:

10 Q. Mr. Moon, I believe you had some new

11 exhibits this evening to present. I think we're

12 starting with Exhibit A-18 based on the exhibit list

13 from the last hearing. Perhaps we go through all

14 four and just mark and identify them now.

15 We're setting up here, I think, on the

16 computer.

17 A. So what you're seeing now is drawing

18 A1.2, I think that will be Exhibit A-19?

19 Q. A-18. Starting with A-18.

20 A. I'm sorry, starting with A-18.

21 (Exhibit A-18, Handout of Drawing A1.2,

22 is marked.)

23 A. The next one would be A-19, obviously.

24 Q. And can you just briefly describe that

25 and identify that for the board?

J. Moon, AIA

8

1 A. Okay. A-18 is the -- is Drawing 2.1,

2 the very cover of your packet. And that is the

3 elevation along North Avenue.

4 ATTORNEY FRASER: Wait a minute. What

5 you have just up on the screen you're saying is

6 A2.1?

7 ATTORNEY FLANNERY: 2.2.

8 THE WITNESS: Let's stay with 2.2.

9 ATTORNEY FRASER: This is A2.2. And

10 what Exhibit Number is this going to be?

11 ATTORNEY FLANNERY: Exhibit A-19.

12 (Exhibit A-19, Drawing A2.2, is

13 marked.)

14 THE WITNESS: Yes. So to continue from

15 our last meeting, the board had requested that we

16 focus on enhancing the south elevation; that's the

17 railroad side. That's drawing A2.2, the second page

18 at the top in your handouts.

19 You had asked us to improve, firstly,

20 the train oriented experience for commuters

21 traveling at sometimes high speeds at the Raritan

22 Valley line. And this is also the same view that

23 would be very visible from South Avenue.

24 Secondly, you have asked us to create

25 some paneling on this side to simulate the window

1 features, like we had done on the other side. It  
2 was kind of plain, flat.

3 Thirdly you asked us to soften the  
4 color palette somewhat. And fourthly adding brick  
5 features on the second, third, and fourth floors on  
6 that side.

7 So in response, on this south  
8 elevation, this is the elevation, again, facing the  
9 railroad, it's now treated as a secondary building  
10 front for the railroad, so to speak. We have added  
11 brick covering on eight column piers. The base is  
12 now brick and has been raised up to four feet across  
13 the length of the building.

14 And the renderings will show that the  
15 plantings on the landscaping plan will block and  
16 provide a lot of greenery along the whole first  
17 floor open area, which is the drive-through area.

18 Also, signage has been added to the  
19 center bay at the fourth floor. And I think the  
20 board itself suggested that we may seek a variance  
21 given the context of the railroad.

22 The rear facade has been articulated  
23 now much differently than what you saw last time.  
24 Using colors and scored stucco like the other  
25 elevations and the colors are subdued. We have used

1 I'm looking at. I'm just looking at what you have  
2 on the screen; you have something that's kind of  
3 very dark on the right, it's on the top. That's not  
4 on the A2.1 I have in front of me.

5 THE WITNESS: Right. Let me explain  
6 that. That darkness was our attempt at first to  
7 shadow, from I think it's Gridline 9 to the right,  
8 and that's where the building actually bends a  
9 little bit in plan. And so we were just trying to  
10 show that it bends a little bit but it didn't come  
11 out right.

12 So what you have on your printouts is  
13 exactly what it will be, but it's not showing you  
14 the shadow of where it would break along North  
15 Avenue. You follow it, so that in plan --

16 ATTORNEY FLANNERY: Let's have the  
17 handout be A-18. We'll make this on the screen here  
18 A-20. They are slightly different.

19 CHAIRMAN GREET: I'm looking at it,  
20 just visually, it looks different.

21 THE WITNESS: Right. We weren't happy  
22 with that either. So that's why I said let's just  
23 show them the whole elevation that you will see.  
24 It's just that Gridline 9 it bends a little bit.  
25 That's all.

1 red bricks and mortar, red stucco, same gray and  
2 some red articulations.

3 So I think you will -- you can agree  
4 that that is quite a bit of a change. You can't see  
5 the top of that there. Yeah, that's it.

6 Other changes, you can see the  
7 first --

8 BY ATTORNEY FLANNERY:

9 Q. Let's go back to A2.1, Exhibit A-18.

10 A. Right. So on the east elevation,  
11 Drawing A2.1, the west elevation, and drawing A2.2  
12 as well, have been revised. Notice that the  
13 vehicular --

14 ATTORNEY FRASER: Excuse me.

15 THE WITNESS: Yes, sir.

16 ATTORNEY FRASER: What you have on the  
17 screen right now is A2.1?

18 THE WITNESS: Yes.

19 ATTORNEY FRASER: The A2.1 that we  
20 were --

21 THE WITNESS: That's the first page.  
22 Should be the first page.

23 CHAIRMAN GREET: That's what we're  
24 looking at.

25 ATTORNEY FRASER: Right, the one that

1 CHAIRMAN GREET: Thank you.  
2 (Exhibit A-20, Drawing A1.2, screen  
3 version, is marked.)

4 THE WITNESS: So if we could see the  
5 other portion of this drawing. So you can see in  
6 that vehicular entryway we have added brick pier  
7 enclosures and stucco in between. So it is more  
8 subdued; it was white before. So, I think that  
9 looks better.

10 Same thing on the other side, the exit,  
11 the first drawing -- rather, second drawing --

12 ZOOM MODERATOR: That is the second.

13 THE WITNESS: Then go back to the  
14 first, sorry, and at the bottom. Right.

15 So on the right side you will see that  
16 that vehicular exit, that is the residential side --  
17 faces the residential. That has been changed as  
18 well so that there are brick enclosures there,  
19 stucco above and subdued colors. So we have taken  
20 everything you have said, I think, and added it in.

21 So now all four of the elevations  
22 feature brick material. And I think the  
23 architectural vocabulary suggested in the Paperboard  
24 redevelopment plan has been achieved by this  
25 articulation.

J. Moon, AIA

13

1           So now we can go to the next one, the  
2 renderings, there are three renderings.  
3 BY ATTORNEY FLANNERY:  
4           Q.    This will be A-21. Describe this  
5 for --  
6           A.    This is what you just saw in Rendering  
7 4 and you'll see -- you can see that's the office  
8 end of the building; the canopy is shown in blue  
9 now. The brick, we now show brick on the piers on  
10 the left side.  
11                   (Exhibit A-21, rendering of building,  
12 is marked.)  
13           THE WITNESS: Go to the next one?  
14           Q.    This will be A-22.  
15           A.    Yeah. So that's the railroad side  
16 with all the changes that you have asked for and  
17 upgraded. You can see that it's much more  
18 articulated with simulated windows. It has a green  
19 buffer along the base that reflects the landscape  
20 plan. The railroad is shown now.  
21                   And the signage is shown in the middle  
22 that we will be seeking a variance for.  
23                   (Exhibit A-22, rendering of building  
24 from railroad side, is marked.)  
25           Q.    And finally, this is A-23, the

J. Moon, AIA

14

1 site-wide perspective.  
2           A.    The overall site. There is not much  
3 change to this. I think we show the canopy in blue  
4 now which is the branding enclosure. I think it  
5 reflects the residential portion. It's  
6 complementary towards it.  
7                   (Exhibit A-23, overall perspective  
8 plan, is marked.)  
9           THE WITNESS: And with that I think --  
10 do you have any questions?  
11           ATTORNEY FLANNERY: Thank you,  
12 Mr. Moon.  
13           CHAIRMAN GREET: Okay, thank you. Any  
14 questions for this witness from the board?  
15           MEMBER VILLAGGIO: I don't have any  
16 questions but I like the back now.  
17           THE WITNESS: Thank you.  
18           MEMBER VILLAGGIO: It looks so much  
19 better than that white that was at the last meeting  
20 and I don't -- and the sign also looks nice, you  
21 know, people will actually see what it is. And  
22 thank you for making those adjustments.  
23           THE WITNESS: Sure. We tried to take  
24 everything.  
25           CHAIRMAN GREET: I would simply agree

J. Moon, AIA

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1 with that. I think you did a nice job in addressing  
2 them.  
3                   Anybody else?  
4                   Seeing none, I will open up the portion  
5 up to the general public for questions of this  
6 witness.  
7                   Seeing none I will close that portion  
8 of the meeting.  
9                   Your next witness.  
10                  ATTORNEY FLANNERY: Thank you, Mr.  
11 Chairman.  
12                  CHAIRMAN GREET: Next I would like to  
13 call Ms. Elizabeth Dolan, our traffic engineer,  
14 Dolan & Dean.  
15                  Can I have Ms. Dolan sworn in?  
16                  ATTORNEY FRASER: Ms. Dolan, do you  
17 solemnly swear or affirm the testimony you are about  
18 to give before this board will be the truth, the  
19 whole truth and nothing but the truth?  
20                  ELIZABETH DOLAN: Yes, I do.  
21                  ATTORNEY FRASER: Please state and  
22 spell your name and give your address.  
23                  ELIZABETH DOLAN: Elizabeth Dolan,  
24 D-O-L-A-N. Dolan & Dean Consulting Engineers, 181  
25 West High Street in Somerville, New Jersey.

E. Dolan, P.E.

16

1                  ATTORNEY FRASER: Your witness.  
2                  ATTORNEY FLANNERY: Thank you.  
3  
4                  E X A M I N A T I O N  
5  
6                  DIRECT BY ATTORNEY FLANNERY:  
7                  Q.    Ms. Dolan, if you could just briefly  
8 for the board, describe your education, experience  
9 and licensure?  
10                  A.    Yes. I have a bachelor of science  
11 degree in civil engineering from Rutgers. I'm a  
12 licensed professional engineer, registered in New  
13 Jersey and neighboring states. A member of the  
14 Institute of Transportation Engineers. And I have  
15 practiced in the field of traffic engineering for  
16 35 years.  
17                           I have testified in over 250  
18 municipalities throughout New Jersey. I know I have  
19 been here, but it has been probably a decade or  
20 more.  
21                           And I have also reviewed  
22 planning -- applications for planning and zoning  
23 boards with the focus on traffic, parking and NJDOT.  
24                  Q.    Thank you.  
25                  ATTORNEY FRASER: And your licenses

E. Dolan, P.E.

17

1 are current?

2 THE WITNESS: It is current, yes.

3 Attorney FRASER: And you're being put

4 forth as an expert in the field of traffic engineer?

5 THE WITNESS: Traffic engineering,

6 yes.

7 ATTORNEY FRASER: Mr. Chairman, I

8 recommend Ms. Dolan be accepted as an expert in the

9 field.

10 BY ATTORNEY FLANNERY:

11 Q. Ms. Dolan, you prepared a traffic

12 statement as part of the application materials.

13 ATTORNEY FLANNERY: All the board

14 members should have this. It's not a new exhibit;

15 it's something that was submitted as part of the

16 application.

17 Q. Just briefly run through your report

18 and touch on summaries, refinements?

19 A. Certainly. The report that you're

20 referring to is dated February 17, 2021. And it was

21 prepared following our initial meeting with NJDOT

22 because, of course, we're on Route 28 and we've got

23 an Access Permit application that will have to be

24 submitted.

25 So this report basically gives an

E. Dolan, P.E.

18

1 overview of the trip generation characteristics of

2 the new development, 124 residential apartments plus

3 109,000-square foot storage facility.

4 The trip generation focuses on the

5 weekday morning, weekday evening and Saturday peak

6 hours when traffic on the adjacent roadway system is

7 busiest and peak activity will be generated by the

8 new development. The most important part of the

9 report is really on Page 3 and 4 where we summarize

10 the trip generation associated with the new uses

11 during these three peak hours, recognizing the

12 traffic generation will be lower during all other

13 hours of the day.

14 And we also compared this with the

15 former manufacturing that it was on-site. Certainly

16 the site is not generating traffic right now, but

17 for the purposes of the DOT application there is

18 consideration of the former activity.

19 So we're looking at a total of about 68

20 morning peak hour trips, and that's a combination of

21 entering and exiting the site; 77 during the evening

22 peak hour; and 89 during the Saturday midday peak

23 hour when people are out shopping and running

24 errands.

25 And if you look at the top of Page 4

E. Dolan, P.E.

19

1 there's an actual decrease in the theoretical trip

2 generation when we compare it with the prior use.

3 Even though this is not considered a significant

4 amount of traffic, our state Highway Access

5 Management Code, as well as the Institute of

6 Transportation Engineers, defines significant as 100

7 or more driveway movements in an hour, 100 or more

8 trips in an hour. And we're maxing out at about 89

9 with the combined residential and storage facility.

10 Regardless of that we have to go

11 through the formal process with DOT and we have been

12 asked by them to provide traffic volume calculations

13 combining these estimates that I just presented with

14 actual street volumes. And we did count before the

15 COVID shutdown and DOT is allowing us to use those

16 volumes because they are representative of what was

17 once considered normal.

18 So formal analysis will be submitted to

19 DOT, but I can share the results which indicate that

20 the driveway movements will operate at acceptable

21 levels of service.

22 While I was not here at the prior

23 hearings, Mr. Dipple took you through the site plan

24 with the western driveway being a right in/right out

25 driveway. The eastern driveway being an

E. Dolan, P.E.

20

1 ingress-only driveway, and then a full-movement

2 driveway in the middle. And that was all discussed

3 with the DOT at the pre-application meeting.

4 So, in terms of the impact I don't

5 believe there is going to be any significant changes

6 to the operating system in the area. And it is not

7 again considered a significant amount of traffic.

8 But the plan will incorporate a couple of

9 improvements, namely the striped parking on North

10 Avenue across the site frontage. And at the last

11 meeting I think -- or maybe even at the past two

12 meetings -- delivery activity was discussed and we

13 will, when we go to DOT, we can include a striped

14 loading area along the site frontage that would

15 accommodate Uber, Uber Eats, FedEx, UPS, the routine

16 delivery and include deliveries that are more

17 commonplace in today's world.

18 So that improvement that I believe has

19 been requested by the board can be effectuated

20 through our DOT application process.

21 Q. Thank you, Ms. Dolan.

22 A. I think that's the overview. And I'm

23 certainly available to answer questions.

24 CHAIRMAN GREET: I just have a

25 question and, you're the expert, so that's fine. So



1 this actual -- there's an actual -- what you would  
2 perceive or what you documented as a reduction in  
3 the amount of traffic from the Paperboard versus  
4 this development?

5 THE WITNESS: Yes. And that's based on  
6 industry standards published by the Institute of  
7 Transportation Engineers and they adopted DOT trip  
8 rates. So it's a theoretical calculation.

9 We, obviously, did not count the  
10 historical activity entering and exiting the site.

11 CHAIRMAN GREET: And what is that  
12 theoretical calculation based on; the type of  
13 business that was there prior?

14 THE WITNESS: That's right. We ran it  
15 as manufacturing whereas the residential land use is  
16 called multi-family residential and there is a mini  
17 warehouse that is used to calculate self-storage and  
18 so we use manufacturing for the prior Paperboard  
19 use.

20 CHAIRMAN GREET: Thank you.

21 THE WITNESS: You're welcome.

22 MEMBER NIERSTEDT: Mr. Chairman, I  
23 want to take off right where you began.

24 Ms. Dolan, there are two comments that  
25 really hit me and they were on Page 2. And it's

1 what the Chairman just said. Table 5 summarized the  
2 peak hour trip generation for, my quotes, "former  
3 and proposed uses." And Page 4 states as shown in  
4 the reduction of peak hour traffic comparing the  
5 former and proposed trip generations.

6 Did anyone actually look at when this  
7 facility was utilized as you indicated the ITE  
8 standards regarding the manufacturing?

9 THE WITNESS: Not from my office.

10 MEMBER NIERSTEDT: When you're  
11 comparing previous or former you're just grabbing a  
12 standard not knowing how this particular use has  
13 been used in the past 30 years?

14 THE WITNESS: Definitely. That would  
15 be correct, yes.

16 MEMBER NIERSTEDT: So you don't find  
17 anything perhaps not realistic about the statement?  
18 I didn't say inaccurate, but unrealistic?

19 THE WITNESS: That is a very good  
20 question because I don't know the specifics of the  
21 historic activity.

22 What I can tell you, though, is that  
23 the study that we performed to date and will be  
24 submitted to DOT doesn't in any way take a credit  
25 for the former Paperboard use. So that it has been

1 done for purposes of comparison for the permitting  
2 process. But regardless DOT is still making us  
3 perform the calculations as if the property is not  
4 operating and functioning.

5 So it's here for the purposes of the  
6 comparison that we did for DOT, but these numbers  
7 don't certainly -- don't come into the analysis and  
8 we would never credit this high of trip generation  
9 not knowing the actual historic operation. And, of  
10 course, since the site is not functioning now  
11 there's no credit to take, there's no trip  
12 generations at the site.

13 MEMBER NIERSTEDT: And I understand  
14 what you are saying and I find it interesting not  
15 taking credit for the prior use. But I guess my  
16 question really comes down to real life. You know,  
17 we sit up here on the board and, you know, any  
18 member that sits on the board, you know, we're  
19 subject to the slings and arrows of the public.  
20 And, you know, the public is going to say: Well,  
21 they're comparing the proposed project with a  
22 facility that hasn't been used in -- too bad the  
23 mayor left -- but in 20 years?

24 CHAIRMAN GREET: Maybe not 20.

25 MEMBER NIERSTEDT: Maybe to the

1 degree.

2 CHAIRMAN GREET: Yeah.

3 MEMBER NIERSTEDT: And they're going  
4 to say of course it's a reduction, it hasn't been  
5 used. So how do we explain to people that we  
6 understand that but what you're presenting to us is  
7 accurate?

8 THE WITNESS: Well I can certainly  
9 revise the report --

10 BOARD ENGINEER: Real quick, Bill,  
11 it's zoned industrial.

12 MEMBER NIERSTEDT: I know that.

13 BOARD ENGINEER: By being zoned  
14 industrial she has to use the credits for  
15 industrial.

16 MEMBER NIERSTEDT: I understand that.  
17 But I'm asking the real life question of being asked  
18 that. I can say to a member of the public, "Oh,  
19 it's zoned industrial," but, you know, we're still  
20 going to get, "Well, it hasn't been used."

21 BOARD ENGINEER: Has nothing to do  
22 with it not being used.

23 MEMBER NIERSTEDT: I understand that.  
24 But I'm asking, you know -- if you can help me  
25 answer that question.

1 THE WITNESS: I think I can, I think I  
2 can. So we won't talk about the industrial use that  
3 potentially could have been there. We're going to  
4 look at this as a vacant piece of property and the  
5 trip generation summarized at the bottom of Page 3,  
6 which is the apartment trip generation plus the  
7 self-storage trip generation. And as I said that  
8 goes from 68 to 77 to 89 peak hour trips.

9 And while that number may seem high in  
10 a lot of people's minds, traffic engineering is very  
11 specific and our NJDOT is very specific that 100 or  
12 more trips is significant. At that level the  
13 Institute of Transportation Engineers recommends a  
14 traffic study. But below that, even up at 89, it's  
15 generally considered to be less than a significant  
16 increase in traffic, as defined in our access code  
17 and, therefore, not necessarily requiring a formal  
18 analysis.

19 That said the formal analysis has been  
20 prepared. The level of service calculations  
21 indicate that the driveways will function  
22 acceptably. And we still have the permitting to go  
23 through at the state level. So you get another  
24 layer of review.

25 But if we consider the property to be

1 vacant as it really is, the trip generation with  
2 this new development is not considered significant.  
3 It's not likely to change the operating  
4 characteristics of the roadway.

5 MEMBER NIERSTEDT: I don't know if  
6 that would help me, but I understand what you are  
7 saying.

8 All right, let me take it a step  
9 further in two other areas of transportation. Other  
10 board members have heard me saying this over the  
11 years. I quote a former zoning board chairman that  
12 said: I listen to all the traffic engineers, I  
13 listen to all their testimony, they say there's no  
14 significant impact; yet it seems to take me just a  
15 little bit longer to get from Point A to Point B.

16 Do you think it's going to take people  
17 a little bit longer to get from, let's say, Center  
18 Street to Lincoln Avenue from this -- because of  
19 this development?

20 THE WITNESS: I don't see the total  
21 traffic entering and exiting to be a negative impact  
22 on the corridor. DOT specifically requested that  
23 there only be left turns at the center driveway to  
24 minimize the impacts, the thru-moving traffic on  
25 their highway. So we have had a lot of changes in

1 traffic lately, in the past few years. From what  
2 we're seeing in our counts, peak hour traffic seems  
3 to be back up where it had been. I don't know that  
4 anyone is going to have that much longer of a trip  
5 along North Avenue when the site is redeveloped.

6 And again, the numbers that we  
7 calculated are pre-COVID, plus background growth.  
8 So I don't think that it is going to measurably or  
9 perceptively change the trip along the corridor.

10 MEMBER NIERSTEDT: Okay. I don't know  
11 if you are the right person, but I'm sure I will be  
12 corrected. The redevelopment plan I believe, and  
13 your proposal here, has two proposed crosswalks?

14 THE WITNESS: Yes.

15 MEMBER NIERSTEDT: I don't know if you  
16 were here for prior testimony at the previous  
17 application.

18 Victor, are these crosswalks being  
19 proposed with the same pedestrian safety measures as  
20 the one on South Avenue we just finished?

21 BOARD ENGINEER: No, because this is  
22 not mid block. If you look at the crosswalk it is  
23 in line with --

24 MEMBER NIERSTEDT: Yeah.

25 BOARD ENGINEER: So it is not a mid

1 block.

2 MEMBER NIERSTEDT: So is there  
3 anything -- is there anything being proposed in  
4 terms of -- I want to go back to what Ken's comment  
5 was earlier, and I see that as more of an issue here  
6 than I do on South Avenue. You have a bend in the  
7 road. You have people coming off of the light on  
8 Lincoln. And they're anticipating 35 miles an hour.  
9 There's going to be two crosswalks.

10 Is anything being proposed by the  
11 applicant -- should anything be proposed by the  
12 applicant to make sure that those pedestrians who  
13 are now crossing at brand new crosswalks, unknown to  
14 the driving public, are protected?

15 I am asking that of both -- both of you  
16 really.

17 THE WITNESS: To date the conversation  
18 with NJDOT has been striped crosswalk, a relocation  
19 of the bus stop and the striping of the parallel  
20 parking along much of the frontage. But the  
21 specifics in terms of any other signage has not been  
22 designed yet. That's all things that have been  
23 talked to DOT about. But certainly if the board and  
24 professionals have a specific request we can include  
25 it on our plan and submit it with our application.

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1 MEMBER NIERSTEDT: Mr. Chairman, I  
 2 don't know how the rest of the board feels but I  
 3 think if we just, you know, paint crosswalks on  
 4 North Avenue we're going to end up with some deaths  
 5 out there. So I would really suggest recommend --  
 6 BOARD ENGINEER: Similar to the hunter  
 7 signaling --  
 8 MEMBER NIERSTEDT: Something.  
 9 BOARD ENGINEER: -- that the last  
 10 project just agreed, approved?  
 11 MEMBER NIERSTEDT: That is correct.  
 12 We need those crosswalks. The redevelopment plan  
 13 calls for those crosswalks. The applicant is  
 14 proposing them. But we need --  
 15 BOARD ENGINEER: I'll ask a question  
 16 directly to the traffic engineer; do you feel that  
 17 this site, a hunter signal for pedestrian crossing  
 18 only, would improve the pedestrian experience across  
 19 the roadway?  
 20 THE WITNESS: I like the flashing  
 21 ped-actuated signals. And I would think that that  
 22 would be appropriate here, if DOT will approve it,  
 23 yes.  
 24 MEMBER CAPOBIANCO: Which ones are we  
 25 talking about; the one that turns red to stop the

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1 traffic or just the yellow LEDs?  
 2 THE WITNESS: The yellow LEDs.  
 3 MEMBER CAPOBIANCO: I like those things  
 4 too. I don't like the red, red signals.  
 5 THE WITNESS: Yeah, that's for a little  
 6 more high-volume activity. Like what was over at  
 7 Lord & Taylor.  
 8 MEMBER CAPOBIANCO: Because I'm  
 9 concerned there's a bend in the road --  
 10 THE WITNESS: Yes.  
 11 MEMBER CAPOBIANCO: -- so there is a  
 12 sight -- there might be a sight issue, sight  
 13 distance issue.  
 14 THE WITNESS: Right. And that came  
 15 into discussion with DOT regarding the driveway  
 16 design so I would agree with you. But yeah, the  
 17 flashers with the solar panel.  
 18 MEMBER NIERSTEDT: That was a good  
 19 discussion and I appreciate that. Thank you. And I  
 20 thank you for your honest expert testimony and  
 21 response.  
 22 CHAIRMAN GREET: Yes, thank you.  
 23 MEMBER NIERSTEDT: Last question, the  
 24 applicant and the attorney knows that I'm not real  
 25 fond of this proposal as proposed because I don't

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1 feel it's really advancing any transit-oriented  
 2 development design, which the redevelopment plan is  
 3 based on.  
 4 So I'm going to ask you a question, you  
 5 indicated earlier in your testimony -- you know, the  
 6 expected, the anticipated traffic volume from the  
 7 site. My question to you is, and I know this is a  
 8 tough one because of the position you're in, but is  
 9 the applicant proposing any measures to reduce the  
 10 amount of potential traffic from this site?  
 11 THE WITNESS: That I don't know. I  
 12 haven't had any specific discussions regarding that.  
 13 The trip generation that we have shown in the  
 14 reports does not take any credits for mass transit  
 15 or shuttle or anything like that. So that would be  
 16 a question I have to check with the applicant on.  
 17 At this point I don't believe there's any plans but  
 18 I don't know that for certain.  
 19 MEMBER NIERSTEDT: Very good response  
 20 on your part. Because I'm sure the applicant is  
 21 expecting me to further advance that thought and I'm  
 22 not happy that you're not taking any credit. I wish  
 23 you could take some credit. I guess I will leave it  
 24 at that.  
 25 Thank you.

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1 THE WITNESS: You're welcome.  
 2 CHAIRMAN GREET: Anyone else have  
 3 questions of this witness?  
 4 At this time I will open it up to the  
 5 general public for questions of this particular  
 6 witness.  
 7 Seeing none, I will close that.  
 8 Thank you.  
 9 THE WITNESS: You're welcome.  
 10 MEMBER NIERSTEDT: Mr. Chairman, I  
 11 have the police report in front of me. I just  
 12 realized Ms. Dolan, you -- did she look at the  
 13 police report or someone else? They have comments  
 14 about the bus stop and I apologize.  
 15 I'm not going to put you on the spot;  
 16 I'm just going to ask. On the second, page right  
 17 below the picture they talk about the westbound  
 18 buses. Has your conversations with DOT included  
 19 discussion of both eastbound and westbound bus  
 20 stops, and have they given you any thoughts?  
 21 THE WITNESS: The pre-application  
 22 meeting was a good two years ago, but I know we  
 23 specifically discussed the eastbound bus stop  
 24 because that's right on our frontage. But I  
 25 certainly would agree that we should be considering

1 both. So to date I have not looked at the  
2 westbound. Mr. Dipple may have, but that's  
3 certainly something that we can take a look at and  
4 include on our DOT plans.

5 MEMBER NIERSTEDT: That would be  
6 appreciated. Thank you.

7 THE WITNESS: You're welcome.

8 CHAIRMAN GREET: Thank you.

9 ATTORNEY FLANNERY: I know there are  
10 still some outstanding issues, but I would like to  
11 bring up our planner regarding the variances. I  
12 think there has been sufficient testimony in support  
13 of the variances that the applicant is requesting.

14 And then after the planner is done with  
15 his testimony and answers questions from the Board,  
16 the professionals and the public, then we can  
17 address some of those remaining issues regarding the  
18 site plan.

19 CHAIRMAN GREET: Okay. Thank you.

20 ATTORNEY FLANNERY: Thank you.

21 Mr. Paul Ricci sworn in.

22 ATTORNEY FRASER: Mr. Ricci, do you  
23 solemnly swear or affirm the testimony you are about  
24 to give will be the truth, the whole truth, and  
25 nothing but the truth?

1 THE WITNESS: It is.

2 ATTORNEY FRASER: Mr. Chairman, I  
3 recommend Mr. Ricci be accepted as an expert  
4 planner.

5 CHAIRMAN GREET: So be it. Thank you.

6 ATTORNEY FLANNERY: Thank you.

7 BY ATTORNEY FLANNERY:

8 Q. Mr. Ricci, we have a few variances that  
9 we're requesting as part of this application. If  
10 you could just briefly go through that requested  
11 variance relief and the proofs?

12 A. Sure. I have the -- I refer to them  
13 as deviations from the redevelopment plan or  
14 variances. Maximum gross floor area 101,000 square  
15 feet is permitted where 109,239 is proposed. The  
16 maximum building footprint, 28,000 square feet is  
17 permitted, where 28,861 is proposed.

18 It's my understanding also that we may  
19 be required a sign variance, as testified by the  
20 architect. My understanding that's for the number  
21 of signs and not for the area of the signs there.

22 Q. Correct.

23 A. But it's something that my  
24 understanding is that the board has requested in  
25 that regard. As with other applications,

1 PAUL RICCI: I do.

2 ATTORNEY FRASER: Please state and  
3 spell your name, give your address.

4 PAUL RICCI: Paul Ricci, R-I-C-C-I.  
5 177 Monmouth Avenue, Atlantic Highlands, New Jersey.

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

9 BY ATTORNEY FLANNERY:

10 Q. Mr. Ricci, you will be testifying as a  
11 professional planner this evening. If you could  
12 just briefly, for qualification, state your  
13 education, experience, and licensure for the board?

14 A. Yes. I've been a licensed  
15 professional planner since the year 2000. I am also  
16 a member of the American Institute of Certified  
17 Planners. I have a master's degree in city and  
18 regional planning which I received from Rutgers  
19 University in 1997.

20 I'm currently a planning consultant in  
21 five municipalities. I testify regularly in front  
22 of boards. I have been qualified in over 200  
23 communities.

24 ATTORNEY FRASER: Your license is  
25 current?

1 traditionally when I testify for the bulk-type  
2 variance relief, I relate the positive and negative  
3 criteria to your Master Plan. In this context I'm  
4 going to relate it to your redevelopment plan.  
5 Otherwise the proofs are pretty much consistent.  
6 I'm going to show how this application advances  
7 several goals of the redevelopment plan, essentially  
8 all of them in this context. And that the  
9 deviations or variances that we're requesting are  
10 somewhat minor in nature and do not detract from the  
11 overall goals and objectives of the plan. And that  
12 overall the benefits of this project outweigh the  
13 detriments. So that is what I'm going to discuss  
14 through my testimony.

15 As a planner, as I said, this is a  
16 project that largely adheres to all of your core  
17 plan requirements, and one that repurposes -- just  
18 so you know, I lived in Clark for 20 years --  
19 repurposes the building, former industrial building  
20 that's laid vacant for many years into a nice,  
21 attractive, vibrant use -- which I saw the  
22 architectural elevations -- which nice, attractive  
23 use for the community.

24 Also provides affordable housing  
25 consistent with the Borough's affordable housing

1 settlement agreement. The granting of the plan  
2 deviations from Lot B would not detract from these  
3 overall objectives of the plan, as I stated.

4 In this context, the applicant probably  
5 discussed this at some length, but in terms of the  
6 required lot area for the self-storage facility  
7 which is one acre, all these changes that are being  
8 proposed are commensurate with the increase in lot  
9 area over that one acre, per se. Lot B is 10  
10 percent larger in this context than anticipated in  
11 the redevelopment plan.

12 And I think one of the important thing  
13 is sometimes when boards hear about variances, I  
14 think it's clear that this is not an issue of  
15 overdevelopment as part of this application. All  
16 setbacks are adhered to. There's slightly less than  
17 6 percent more open space on the site than required  
18 by the plan. And the maximum building height is  
19 adhered to.

20 Your redevelopment plan has several  
21 goals. I'll try to paraphrase them. But in terms  
22 of this project it essentially advances all of them:

23 Provide for 124-unit inclusionary  
24 multi-family housing development with 18-unit  
25 set-aside. That is met;

1 Incorporate amenities, such as open  
2 space and courtyard areas. Here there's the  
3 community center, three amenity decks, a clubhouse.  
4 And the supportive amenities, the fitness center or  
5 that common lounge area. So it's also an  
6 amenity-rich project;

7 Provide a community space for the  
8 Borough of Garwood which consists of an interior  
9 space as well as contiguous outdoor amenity area.  
10 That is met with the community center;

11 Encourage development of vacant and  
12 underutilized properties. That's clearly advanced;

13 Provide for an increased resident  
14 consumer base and pedestrian access to commercial  
15 areas in the north side of North Avenue, across from  
16 the redevelopment area through the incorporation of  
17 a crosswalk as long as proper permits are acquired.  
18 And that has just been discussed by the previous  
19 witness;

20 Provide and obtain safe and on-site --  
21 off-site pedestrian connecting to surrounding  
22 properties. To incorporate the new development of  
23 the existing community and to increase connectivity  
24 to commercial uses in North Avenue, again through  
25 that crosswalk is met;

1 And finally, it says the elimination of  
2 the conditions which are detrimental to the growth,  
3 health, safety and the surrounding community --  
4 largely the reasons that you've determined this area  
5 to be in need of redevelopment -- and this project  
6 would eliminate that criteria as part of this new  
7 development.

8 Regarding the negative criteria, that  
9 the deviations and variances can be granted without  
10 substantial detriment to your zone plan or the  
11 public good; when I speak of the public good I speak  
12 largely of the surrounding property owners in this  
13 context.

14 This is an application that there's  
15 really no known substantial negative impacts that  
16 aren't being handled operationally as part of the  
17 testimony provided by the witnesses. From a  
18 planning standpoint this is clearly a positive  
19 project and one that advances all of the goals of  
20 your plan.

21 The form of the project integrates well  
22 into the site. The appearance on the corridor on  
23 North Avenue, again significant improvements  
24 consistent with the other improvements that have  
25 been occurring in the town in recent years that I

1 have witnessed. Things that I have seen and heard  
2 from the Board in terms of the changes to the  
3 architecture and making sure all these operational  
4 issues are advanced, and my testimony is relying  
5 upon, the applicant addressing all of the  
6 operational issues through this process to the  
7 board, it just makes a good project better. That's  
8 clearly what is occurring here.

9 And while we have these departures from  
10 your zone plan for the self-storage facility it's  
11 important to recognize that this is an extremely low  
12 traffic generator. So when I wear my municipal hat  
13 any time that you can have an attractive, and we're  
14 talking this is through a redevelopment process not  
15 Municipal Land Use Law, when you can have an  
16 attractive ratable and one that creates very little  
17 negative impacts in terms of traffic and the like,  
18 that's clearly a very positive project in built-out  
19 communities that tend to sometimes struggle in that  
20 regard. I can't really discuss it -- I'm on a  
21 project in Clark similar -- in a similar situation  
22 right now.

23 There's really no true overnight use  
24 associated with it. It's clearly less intense than  
25 permitted uses in the light industrial district.

1 Under the underlying zoning I notice that this plan  
2 supercedes the local zoning but it is an overlay  
3 district. You have no additional impacts to the  
4 community facilities or schools. It's a low noise  
5 generator. And I think it's, maybe it's just overly  
6 obvious to me, but it creates a symbiotic  
7 relationship of having the storage next to the  
8 apartments right next to each other as well.

9 So everything that I have seen as part  
10 of this project it results in sound land use  
11 planning. The benefits clearly outweigh the  
12 detriments and one that I think the applicant has  
13 worked very hard to advance the purposes of your  
14 redevelopment plan.

15 Q. Thank you, Mr. Ricci.

16 ATTORNEY FLANNERY: Mr. Ricci has  
17 concluded his direct testimony and is open to any  
18 questions from the Board.

19 CHAIRMAN GREET: Thank you. I do have  
20 a question to start it off, and I am sure there will  
21 be other questions as well.

22 But let's talk a little bit about  
23 access to the rail system and to the train station  
24 itself in Garwood. Are there any thoughts to either  
25 providing a routine transportation bus of some type

1 or mode to take your -- the people who work from or  
2 have to travel by rail to the station from this  
3 site, or is there going to be maybe a pathway  
4 somewhere along the line?

5 ATTORNEY FLANNERY: We can have -- Mr.  
6 Chairman, I'm sorry, we can have another witness  
7 address that question.

8 CHAIRMAN GREET: Okay. Thank you.

9 ATTORNEY FLANNERY: Thank you. Bill?

10 MEMBER NIERSTEDT: Mr. Chairman, that  
11 is where I was beginning my questioning too. So I  
12 don't know if you want to, shall we continue with  
13 Mr. Ricci or how do you want to go?

14 ATTORNEY FLANNERY: We'll continue  
15 with questioning Mr. Ricci, then we can come back  
16 again.

17 MEMBER NIERSTEDT: Okay. Are you  
18 familiar with the transit-friendly concept plan that  
19 was developed back in November of 2010 by Borough of  
20 Garwood and New Jersey Transit? This is what it  
21 looks like.

22 THE WITNESS: If I saw it, it was years  
23 ago.

24 MEMBER NIERSTEDT: That's fine.  
25 That's fine. The reason I bring it up is I'm being

1 very up front, I mentioned earlier to Ms. Dolan  
2 that, you know, I'm not a fan of this particular  
3 project at this point. And the reason I'm not a fan  
4 is because I question this whole TOD approach. If I  
5 had my druthers I'd rather the site be commercial,  
6 100 percent commercial, not housing at all. That is  
7 not what the redevelopment plan says so I can't do  
8 that, but that's where I would be.

9 And I understand why this  
10 project -- why this site was brought into the  
11 transit-friendly concept. I understand the need for  
12 affordable housing. But if you look at this plan,  
13 there are two pages -- and just so everyone knows, I  
14 indicated the title, I'm looking at Page 25 first --  
15 and this really isn't you; I guess it's actually the  
16 engineer. It talks about the streetscape. The  
17 second part does actually refer to planning. And  
18 I'm looking at Page 40. It's Opportunity Site,  
19 Paperboard Site: "The Garwood of Paperboard site  
20 offers another redevelopment opportunity" --

21 (Stenographer interruption.)

22 MEMBER NIERSTEDT: I apologize. I  
23 apologize. Okay, Page 40, Opportunity Site,  
24 Paperboard site.

25 "The Garwood Paperboard site offers

1 another redevelopment opportunity to bring a mix of  
2 uses to the core areas of Garwood."

3 And without driving our stenographer  
4 crazy, the plan at that point in time, "The plan for  
5 the existing building shall be converted into  
6 loft-style apartments, with the former front office  
7 serving as the main entrance and amenity area. A  
8 new mixed-use building would be located to the west  
9 of the reserve buildings and could be connected to  
10 upper floors of additional residential. The ground  
11 floor would be available for retail or office."

12 Obviously things change. This was a  
13 study in 2010, so ten years ago. But I keep going  
14 back to the transit-oriented development and I guess  
15 I compliment you because you didn't go to the  
16 Municipal Land Use Law and try to match how this  
17 plan advances the idealistic goals and objectives of  
18 the MLUL; you went straight to our Master Plan. But  
19 how does this project advance the goals of a TOD  
20 development?

21 THE WITNESS: Well first of all, Mr.  
22 Nierstedt, your question is very interesting. And  
23 the premise of the question is based upon how the  
24 governing body acted in this regard towards  
25 establishing regulations for this project. So,

1 first of all, when I reviewed -- I have to be clear  
2 about this when I answer -- when I review this  
3 project, I review it in accordance with what the  
4 governing body said is appropriate for this tract of  
5 land.

6 So as a planner anything I add  
7 otherwise is really maybe net opinion as to  
8 practices that I may or may not make sense in some  
9 realm for context. I am a supporter of  
10 transit-oriented development. While this -- while  
11 this development is not -- I didn't walk, I don't  
12 have the exact distance, the ped distance. I know  
13 the area. I know where the train station is. I  
14 grew up in -- I live in the area.

15 MEMBER NIERSTEDT: It's within a half  
16 a mile.

17 THE WITNESS: So it's a half a mile.  
18 When we look at TOD inner and outer rings my  
19 understanding is that inner ring is a quarter mile  
20 and the outer ring is a half mile.

21 So anything within a half mile is  
22 traditionally considered walkable to transit and  
23 within the realm that a rider on a train is willing  
24 to take to use that transit. So is it, are you  
25 right across from the train station, TOD? No. But

1 I think people are going to use the train from here.  
2 The stop, you know, has less frequency than some of  
3 the adjoining stations, is my understanding. So  
4 that may discourage a certain type of patron from  
5 living in this building. But that's nothing that  
6 the applicant has done as part of -- as part of  
7 their design.

8 And the fact that they are within that  
9 half mile I don't think it's ideal as being the  
10 closest location, but it is transit-friendly for  
11 sure. And it is at a distance known to be  
12 appropriate for being walkable to the train.

13 MEMBER NIERSTEDT: Is it  
14 transit-friendly just because of its location or is  
15 the applicant proposing anything to make it  
16 transit-friendly?

17 THE WITNESS: It's mostly the  
18 location. In terms of your saying should they have  
19 a shuttle or something else to the train, I mean  
20 that's something that is a question for the  
21 applicant, but this -- this, itself, isn't ideal.  
22 Could it be made better? Potentially. I don't know  
23 what else to say in that regard.

24 BY ATTORNEY FLANNERY:

25 Q. Just a follow-up question or two, Mr.

1 Ricci.

2 In terms of the current redevelopment  
3 plan, the primary objective -- I mean Mr. Nierstedt  
4 referenced a plan that is over ten years old. The  
5 current plan that is before this board, the main  
6 objectives are really provision of affordable  
7 housing and the redevelopment at this site, correct?

8 A. Yes.

9 Q. And not so much transit-oriented  
10 development, even though, as you testified to, you  
11 may have patrons utilizing the train station, but it  
12 really wasn't first and foremost as the goal of the  
13 current redevelopment plan?

14 A. That is correct. And I read those  
15 standards into the record and how this plan  
16 potentially advances all the standards almost to a  
17 T.

18 So I understand Mr. Nierstedt's  
19 position. But again, I don't think this plan is as  
20 far removed from being transit oriented potentially  
21 because of its location and the type of person that  
22 probably would want to live here due to its  
23 location. Sometimes, you know, being right across  
24 from the train station also has benefits and cons  
25 from a physical standpoint as well.

1 MEMBER NIERSTEDT: And I appreciate  
2 that. Do you believe that the provision of as much  
3 parking as is being proposed here actually makes it  
4 more conducive to auto movements rather than  
5 somebody using mass transit?

6 THE WITNESS: The parking ratios, I  
7 would agree, are higher than you traditionally would  
8 see in a TOD plan, but that was something that was  
9 required of the applicant. I'm not sure how the  
10 applicant responds to that when they were required  
11 to meet RSIS standards.

12 MEMBER NIERSTEDT: I believe the total  
13 parking is beyond RSIS. I think they're about ten  
14 spaces beyond what's required.

15 THE WITNESS: About 10 spaces,  
16 marginally.

17 MEMBER NIERSTEDT: Right. And I know  
18 when you look at the redevelopment plan it talks  
19 about streetscape, it talks about public spaces.  
20 We're going to get into that more, I assume, with  
21 another witness.

22 ATTORNEY FLANNERY: That is correct.

23 MEMBER NIERSTEDT: But I would like to  
24 lose those ten spaces. Any thoughts on that?

25 THE WITNESS: Well, it's a difficult

1 question because in a community in Union County that  
2 I represent, we lowered the standards. It started  
3 out at a standard well below RSIS. That standard  
4 wasn't found to be sufficient. There were issues  
5 associated with the parking not being bundled with  
6 the unit. So if it's not bundled with the unit then  
7 people tend to use the street parking. And there's  
8 philosophical issues associated with that, but if  
9 someone has to pay extra to park they may use  
10 on-street parking.

11           So we're not, you know, we're not  
12 Hoboken. We're not Jersey City here. I think that  
13 parking standards for a TOD in this general area,  
14 where I know this area, it can be lower than RSIS,  
15 but we're not talking, you know, urban parking  
16 standards per se.

17           So I'm not sure how to fully answer the  
18 question. I think they could be lower, yes.

19           MEMBER NIERSTEDT: Thank you.

20           ATTORNEY FLANNERY: I think the  
21 applicant testified at the previous hearing  
22 regarding the need for the proposed parking.

23           MEMBER NIERSTEDT: Right. And I --

24           THE WITNESS: From a TOD perspective.

25           MEMBER NIERSTEDT: Right. And I

1 appreciate, I truly do appreciate what you just  
2 said.

3           We just finished an application before  
4 you, correct me if I'm wrong, I think we were  
5 looking at -- Victor, was it one parking space, 1.4?  
6 What was it at Russo? I know it's less than this.

7           Do you remember the ratio?

8           BOARD ENGINEER: We normally request  
9 1.5 in total.

10           MEMBER NIERSTEDT: And, you know, I'm  
11 being up front with everybody; you know where I  
12 stand. To me, we're not doing anything to promote  
13 TOD on this site. I would like to see a major  
14 reduction in parking. The only way we are all going  
15 to get out of our cars is if we can't park  
16 somewhere.

17           And I don't want to put you on the  
18 spot. I'll just make that statement and leave it at  
19 that.

20           THE WITNESS: Understood.

21           CHAIRMAN GREET: Anyone else from the  
22 board have questions of this applicant -- this  
23 witness? I'm sorry.

24           MEMBER VILLAGGIO: I don't have any  
25 questions for the witness. But I don't think

1 reducing the spaces, the parking spaces, I guess as  
2 much as Bill is indicating, would serve any purpose.

3           That's all. Just a comment.

4           CHAIRMAN GREET: Thank you. Anyone  
5 else from the Board?

6           Seeing none I will open it to the  
7 public. Anybody have a question of this particular  
8 witness?

9           Seeing none I will close that portion.  
10 Your next witness.

11           ATTORNEY FLANNERY: Thank you. Thank  
12 you, Mr. Ricci.

13           I'll just bring back Mr. Dipple, the  
14 site civil engineer, who will address some of these  
15 questions that were posed earlier this evening as  
16 well as last hearing that were more site plan in  
17 nature.

18           Mr. Dipple, you were at the last  
19 hearing.

20           ATTORNEY FRASER: Hold on. Mr.  
21 Dipple, you're still under oath. Your licenses are  
22 still current, right?

23           MICHAEL DIPPLE: That's correct, yes.

24           ATTORNEY FLANNERY: Thank you.

25           M I C H A E L D I P P L E, previously

1           sworn, continues testifying as follows:

2

3           E X A M I N A T I O N

4           BY ATTORNEY FLANNERY:

5           Q.    Mr. Dipple, at the last hearing there  
6 were issues raised specifically with respect to the  
7 Harbor Consultants review memo of August 23rd.

8           Could you just briefly detail the  
9 efforts that we have made since that last hearing in  
10 addressing some of those concerns?

11           A.    I think the primary issue here remains  
12 the drainage and the stormwater management that  
13 we've resubmitted plans. We have addressed  
14 landscaping; we have addressed lighting. I think we  
15 made a lighting resubmission.

16           I think stormwater management still  
17 remains one issue that we are still working with Mr.  
18 Vinegra. We did resubmit a preliminary design  
19 concept, you know, for his review.

20           I think we're still -- I think we still  
21 have a little way to go but I think the applicant's  
22 position on this is still that there's a significant  
23 decrease in impervious coverage here. We have a  
24 37,000, roughly 37,000 square foot decrease in  
25 impervious coverage. By our interpretation of the



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1 rules and in general practice really stormwater  
 2 management is handled by the reduction of the  
 3 impervious coverage.  
 4           It's a difficult situation on this site  
 5 because we border the transit railroad tracks and  
 6 water flows towards transit railroad tracks. It's  
 7 downhill from everything. We also have the DOT  
 8 right-of-way in the front. The DOT is only going to  
 9 allow so much flow to the go to the DOT  
 10 right-of-way. We're in a bit of a difficult  
 11 situation.  
 12           We've offered a 20 percent reduction in  
 13 stormwater runoff coming off of the site, when we  
 14 feel that by the rule we don't have to do it, but,  
 15 you know, this development -- this applicant wants  
 16 to be the good neighbor also, you know, within  
 17 reason. So we've offered the 20 percent reduction.  
 18           That's where we are right now. This is  
 19 where the applicant is, going above what he feels  
 20 that we're required to do. Listening to the board.  
 21 I think that's where we are.  
 22           I don't really have any affirmative  
 23 testimony prepared. I just want to reiterate where  
 24 we are on the stormwater management.  
 25           CHAIRMAN GREET: Okay. I would like

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1 Victor to weigh in on some of these items because I  
 2 know you had some concerns, Victor. Don't you?  
 3           BOARD ENGINEER: Yeah, I've walked the  
 4 site numerous times and I still feel that we have  
 5 trapped water at the rear of the building. It has  
 6 no overland or piped --  
 7           CHAIRMAN GREET: Speak up a little  
 8 bit, Victor.  
 9           BOARD ENGINEER: -- it has no overland  
 10 or piped relief. And until they can show that that  
 11 area drains within 72 hours, you know, I don't agree  
 12 with this design. It's trapped water.  
 13           CHAIRMAN GREET: Do you have any  
 14 thoughts on what could be done to improve it?  
 15           BOARD ENGINEER: Based on the  
 16 elevations it looks like they can build structures  
 17 or a pond back there and drain it to the road, have  
 18 it overflow to the road.  
 19           MEMBER VILLAGGIO: Is it in the back,  
 20 Victor?  
 21           BOARD ENGINEER: In the back. The  
 22 problem is in the back because the railroad tracks  
 23 are higher than the sides.  
 24           So right now, the water -- a number of  
 25 the water is draining onto the warehouses next door

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1 and there is water seeping through the walls of the  
 2 warehouses to the west. I walked and I witnessed  
 3 it. And the water is ponding there. It's ponding  
 4 there now. It's going to probably get worse in the  
 5 future.  
 6           MEMBER NIERSTEDT: And then you're  
 7 saying drain it to North Avenue?  
 8           BOARD ENGINEER: Some type of overland  
 9 relief or if they can do permeable -- they have to  
 10 test the soil to see if it can leach through the  
 11 soil, that we don't have a ponding situation in the  
 12 rear of the property.  
 13           CHAIRMAN GREET: If, in fact, it  
 14 drains to North Avenue would that be a concern with  
 15 the county?  
 16           BOARD ENGINEER: No, all you would  
 17 have to do is show the DOT that the peaks do not  
 18 exceed the requirements.  
 19           You can add drainage areas to the NJDOT  
 20 property, but you can't increase the -- you can  
 21 decrease your peaks. We've done it before. It's  
 22 not an impossible permit. It's not an illegal thing  
 23 to do.  
 24           CHAIRMAN GREET: Can you address that  
 25 at all?

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1           THE WITNESS: Well, I think it's a  
 2 little bit easier said than done. Because I don't  
 3 really think that that's the response that you get  
 4 from the DOT where you just reduce the peaks.  
 5           They changed the stormwater management  
 6 rule last year. We have been getting very extensive  
 7 reviews on stormwater management and what happens is  
 8 this site becomes full of detention basins. In  
 9 other words, every square inch of this thing is  
 10 going to be a detention basin, trying to reduce  
 11 the --  
 12           BOARD ENGINEER: Wouldn't you qualify  
 13 for the previous regulations because you submitted  
 14 to this town?  
 15           THE WITNESS: Not with the DOT. I  
 16 mean with the DOT they won't consider that we  
 17 haven't made -- we didn't make the application with  
 18 the DOT before the rule changed in March.  
 19           So no, I don't believe so. That's what  
 20 the state is essentially doing, right or wrong,  
 21 they're saying you submitted to the planning board,  
 22 that's one thing, you submitted to us on this date,  
 23 the DEP on this date. So they're not rolling it  
 24 back to the old requirement. But still even under  
 25 the old rules which were expired in March of 2021,

1 there was very, very extensive reductions in  
 2 stormwater management. So essentially what happens  
 3 is the site gets full of underground detention, all  
 4 this underground detention. It becomes -- we try to  
 5 put it everywhere, around columns, underneath the  
 6 building, underneath the parking lots, everywhere.  
 7 And that's the reality of it because you're chasing  
 8 your tail with the DOT trying to achieve all these  
 9 reductions, all these factors of safety, all these  
 10 other things.

11 I should say that the ponding is  
 12 occurring on the transit right-of-way. That is  
 13 where the ponding is occurring. This site -- other  
 14 sites contribute to the side of the transit  
 15 right-of-way on the tracks. On the south side  
 16 there's a ditch that's very deep. I've seen it.  
 17 It's difficult to see. I went in the back of The  
 18 Home Depot, you know, you can see it, 6, 8 feet  
 19 high, deep.

20 This side it's a little swale. Our  
 21 office walked it also. We walked up and down. It  
 22 was after a storm event. We saw, you know,  
 23 puddling, ponding in the back of that right-of-way  
 24 but, to be honest with you, every transit  
 25 right-of-way, that's exactly what happens because

1 the transit tracks are nearly dead level and you get  
 2 these swales.

3 There's no relief. Mr. Vinegra is  
 4 absolutely correct; it swales, it ponds, it sits  
 5 there. It eventually evaporates, soaks in, does  
 6 whatever it does. This site doesn't exacerbate  
 7 that, it makes it better. Just by the development  
 8 of the site it makes it better. Then we're offering  
 9 the 20 percent.

10 I'm afraid if we go to the DOT we're  
 11 just chasing our tail, chasing our tail and building  
 12 a site of stormwater management and that's the  
 13 reality. I think that's where we're going because  
 14 when we go to Trenton, as soon as they see that  
 15 connection out into the DOT right-of-way, it becomes  
 16 a major ordeal.

17 BOARD ENGINEER: But aren't you  
 18 connecting into the NJDOT right-of-way now?

19 THE WITNESS: Yes, we are. And we  
 20 are -- I should also say that where we have come so  
 21 far is to put in multiple detention basins to bring  
 22 more to the DOT right-of-way.

23 So we went from just connecting to the  
 24 DOT right-of-way and trying to match our flows, to  
 25 reductions based upon comments from Mr. Vinegra and

1 comments of the board. So we have done that. We  
 2 have now three detention basins. I think the last  
 3 time I testified we showed three detention basins.

4 BOARD ENGINEER: Well don't we have to  
 5 -- don't you have to get approval from the DOT to  
 6 tie into the system?

7 THE WITNESS: Yes.

8 BOARD ENGINEER: So why would  
 9 increasing some of these areas to the rear force you  
 10 to do anything different than what you're doing now?

11 If you're already getting a DOT permit,  
 12 okay, if you already have to get a DOT permit and  
 13 you still haven't gotten a permit for this design,  
 14 to add a few other connections from the back to the  
 15 front, why would that change it so much?

16 THE WITNESS: Because we think it's  
 17 going to be difficult. We think that what we have  
 18 right now is going to be difficult enough. If we  
 19 keep taking more of the site --

20 BOARD ENGINEER: It's not that much  
 21 more of the site.

22 THE WITNESS: No, I think it is. I  
 23 think it is --

24 BOARD ENGINEER: The problem is also  
 25 your drainage under your parking lot you said "to be

1 handled by others."

2 THE WITNESS: No, no. That's between,  
 3 that's just the pipe actually going on the  
 4 architectural plans or on the civil plans. That is  
 5 not -- someone else is going to drain it, that's  
 6 what that means. They connect into a pipe.

7 So what we did is, the back half of the  
 8 site which goes to the transit right-of-way, we  
 9 grabbed it, we put it underground, we stored a  
 10 little bit of it and we let it -- if we get a  
 11 significant storm it's going to fill up and then  
 12 flow out to the transit right-of-way, the way it  
 13 does now, but it's going to be less.

14 After our last meeting and speaking  
 15 with Mr. Vinegra, identifying some of the additional  
 16 problems we saw with the ponding, us walking the  
 17 site, him walking the site, we increased that. We  
 18 increased the amount of storage that we provide so  
 19 that when this rainfall comes it can go underground,  
 20 it could be stored. It's only a very significant  
 21 storm which then flows out of that pipe and goes  
 22 into the transit right-of-way.

23 So my point is, you know, let's -- I  
 24 hate to sound like a broken record, but let's talk  
 25 about the initial. We are already decreasing the

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1 impervious. We have already gone down to  
 2 20 percent. We even went further and we put the  
 3 pipe in the back. And we put three detention basins  
 4 in the front in order to stop or to decrease the  
 5 flow going to the DOT right-of-way.  
 6           So I think this applicant is doing a  
 7 significant amount of work but, keep in mind, if we  
 8 didn't do any of that we would make the problem  
 9 better than exists on the transit right-of-way. By  
 10 all hydrologic studies we would make it better.  
 11           BOARD ENGINEER: But the existing  
 12 condition has ponding on-site.  
 13           THE WITNESS: No, not on site.  
 14           BOARD ENGINEER: I have photographs  
 15 and I have a photograph of the site and the property  
 16 marker underwater so -- and I'm a surveyor.  
 17           THE WITNESS: Okay.  
 18           ANTHONY DiGIOVANNI: Prior to  
 19 development or post development?  
 20           BOARD ENGINEER: I'm not being  
 21 cross-examined.  
 22           ANTHONY DiGIOVANNI: It's just a  
 23 question.  
 24           THE WITNESS: There's been significant  
 25 disturbance on the site.

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1           BOARD ENGINEER: There's ponding in  
 2 the rear of the property on the site creating hydro  
 3 conditions to the soils. If it isn't addressed  
 4 you're going to have a wetlands back there.  
 5           So I'm telling you I have a picture of  
 6 the fence -- I'll give you the date of the  
 7 photograph -- August 25th, it's before 9 --  
 8 11:19 a.m. of ponding conditions on-site with  
 9 water -- standing water which becomes a mosquito  
 10 pit.  
 11           THE WITNESS: We're aware. Can I just  
 12 interject?  
 13           BOARD ENGINEER: So all I'm going  
 14 about this is, it's not about, well, we're  
 15 improving -- well, there's a bad condition on-site  
 16 now. And the idea when we develop things, we're  
 17 supposed to get rid of problematic situations.  
 18           THE WITNESS: To an extent I agree,  
 19 Mr. Vinegra. I think we have come to sites -- we  
 20 come upon sites and we have a big site draining into  
 21 a 15-inch pipe, and it goes through a 15-inch pipe  
 22 and a 15-inch pipe, and it goes a mile down the  
 23 road. And what we do is we say, okay, we're going  
 24 to redevelop that site. And if I'm sending, let's  
 25 say, 100 cubic feet per second, 100 CFS going at

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1 that site, I'm now going to send less to  
 2 that -- sorry, to that 15-inch pipe, okay. Because  
 3 I know that that exists and that's going to be a  
 4 problem down the road but I can't fix a mile worth  
 5 of pipe that I don't own that goes through people's  
 6 backyards. I've got to do all this stuff, so I'm  
 7 just going to make it better.  
 8           And that's exactly what we're doing  
 9 here. But we did make it better with the grass. We  
 10 made it better with the 20 percent. And we upped  
 11 our game with detention basins to the front and an  
 12 increased detention basin to the back. That's all  
 13 I'm saying.  
 14           We know there's ponding. I believe  
 15 it's on the transit right-of-way. I have pictures,  
 16 too. We went after -- we went to the site not after  
 17 Ida but the one before that. There was a major  
 18 storm that came up.  
 19           BOARD ENGINEER: My comments may go  
 20 away if you send the soils company out there, do a  
 21 permeability test of the soils, and the soil may  
 22 drain perfectly and we have no ponding. If we do,  
 23 you know, do you think we can do a vertical drain or  
 24 something in here?  
 25           THE WITNESS: So we agree to do that.

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1 I don't --  
 2           BOARD ENGINEER: The problem I have,  
 3 agreeing to it is one thing, you know, and seeing it  
 4 in paper is another.  
 5           So if they agree to it and we say,  
 6 yeah, we'll give them a vote, and then, agree to  
 7 what? I want to see this area drain within 72 hours  
 8 which is the norm, not to create a mosquito problem.  
 9           What are we agreeing to? I don't know  
 10 yet. I have to see evidence that this site can  
 11 drain, the area to the rear can drain. To agree to  
 12 meet something but I don't know what it is yet; is  
 13 it going out front?  
 14           I'll go to DOT with them and work with  
 15 them. But there's a ponding problem now. I've  
 16 witnessed it now. And I would like to see this  
 17 ponding problem go away.  
 18           It's going to be their problem, but the  
 19 problem is it's also the problem of the person who  
 20 owns the warehouse next door which water comes into  
 21 that warehouse. I saw it. I walked the warehouse.  
 22 So it's an existing problem that should be  
 23 alleviated.  
 24           COUNCILPERSON GRAHAM: Mr. Chairman, I  
 25 have a question. Is it right to assume that all the

1 water that lands on the roof of these buildings is  
2 channelled to the street?

3 THE WITNESS: I don't think it's  
4 100 percent. We divide -- we divide it up. I don't  
5 have my map in front of me but it's roughly 50/50,  
6 one way or another.

7 What we do is roof runoff is great  
8 because it's clean by everybody's standards, so  
9 that's the one that typically goes underground  
10 because it doesn't bring a lot of debris and junk  
11 and everything to clog it up under the ground. So I  
12 think we -- I think we took that more towards the  
13 back because that goes into that underground pipe  
14 which is, you know, for lack of a better term kind  
15 of a dead-end system.

16 That's what Mr. Vinegra is talking  
17 about. I know exactly what standards he's referring  
18 to, with the 72 hours and all that. But we take  
19 that water from the rooftop and we go into the pipe  
20 underground and it's supposed to seep into the soil.  
21 If you take dirty water there what happens,  
22 theoretically, is it clogs everything up and then  
23 you've got yourself a problem with all the runoff.

24 BOARD ENGINEER: I'm looking at the  
25 revised drainage plans, it's over two acres of

1 THE WITNESS: Well, I don't think we  
2 have been arguing the numbers, Mr. Vinegra. I think  
3 we have talked about the stormwater. I didn't hear  
4 any comment that the way we're drawing our lines was  
5 incorrect. I think we are -- I think we are making  
6 an honest effort and an honest study. This would be  
7 news to me if you feel that our analysis is  
8 incorrect.

9 BOARD ENGINEER: Again, I'm not  
10 saying -- I'm saying you have over two acres of  
11 drainage area going to an area that's dead, that we  
12 don't have a positive outlet.

13 THE WITNESS: Understood. Which is  
14 less than is going there today.

15 BOARD ENGINEER: Today, at a site  
16 that's -- what is on the site now?

17 THE WITNESS: We analyzed the site as  
18 it was given to us in a survey. Since then the  
19 building has come down; there's been disturbance on  
20 the site. Our drainage report does not consider  
21 that because the site was surveyed.

22 BOARD ENGINEER: It should have been.  
23 It should have --

24 THE WITNESS: Well, it's a temporary  
25 construction situation, until it's cleaned up.

1 rooftop water going to a dead-end system. I've  
2 never done it to a system that I don't know that  
3 drains. I never designed something nor have I ever  
4 approved something of this magnitude of a dead-end  
5 system, over two acres.

6 THE WITNESS: Understand that two  
7 acres goes there now.

8 BOARD ENGINEER: Not the entire two  
9 acres goes there now. That's not exactly what  
10 happens.

11 THE WITNESS: All the numbers are  
12 showing a reduction. I don't know what the numbers  
13 are.

14 BOARD ENGINEER: The previous building  
15 that was there did not drain back there, so the  
16 previous building that was -- the site area he's  
17 talking about now is a demolition site. So a  
18 demolition site, you shouldn't take credit for  
19 improperly backfilled demolition site that drains to  
20 the back that is creating a wetland condition.

21 The existing buildings that were there  
22 before had roof scuppers that most likely went into  
23 the system in the front. So there's more water  
24 going back there now, I believe, in this design than  
25 what existed when Paperboard existed.

1 BOARD ENGINEER: You can't take credit  
2 for a site that is a demolition site -- is an active  
3 construction site, and all of a sudden because the  
4 water draining there because of improperly --

5 THE WITNESS: I don't think that's  
6 what I'm saying, though. And I don't think that  
7 your review has said that either.

8 I think what we're saying is that  
9 there's a puddling -- a ponding problem now, which I  
10 believe there could be, and it's made worse by the  
11 construction, that's one thing. But when we look at  
12 what was there before the site was disturbed, X  
13 amount of water was going there, we're making it  
14 less by 20 percent and then we upped our game, like  
15 I said, to make it even less. When again, we feel  
16 like we don't have to do any of this by the rule,  
17 but the applicant is doing this.

18 So I don't -- I don't think that your  
19 review has indicated that we're analyzing anything  
20 incorrectly like you're saying now.

21 BOARD ENGINEER: I'm not saying it's  
22 incorrect; I'm saying it's a dead-end. It's not  
23 draining anywhere. And it's two acres.

24 ATTORNEY FLANNERY: If I can just cut  
25 in. Mr. Vinegra, you mentioned this permeability

1 test for the soil. If that's something that we do  
2 now before we come back for the board and it shows  
3 that our design is effective that --

4 BOARD ENGINEER: Yeah, if it's  
5 effective then there's no discussion because now it  
6 operates, it drains in 72 hours.

7 We're putting two acres back there. If  
8 it works it works. If not, we have to find an  
9 alternative to get rid of the two acres worth of  
10 water. That's all.

11 ATTORNEY FLANNERY: Maybe that's the  
12 solution because we're really at an impasse. We'll  
13 be having the same conversation a year from now at  
14 the rate we're going.

15 CHAIRMAN GREET: And that's why we  
16 have to come up with a solution. Because obviously  
17 we can't -- in my opinion, this board cannot go  
18 forward with an approval of a problematic system  
19 that we have. And we don't even have the  
20 documentation stating that it is not a problem or  
21 can be alleviated.

22 So we need to get -- we need to get a  
23 handle on this somehow and that is going to be  
24 between Victor and your applicant.

25 ATTORNEY FLANNERY: Understood.

1 THE WITNESS: And we will continue to  
2 work with Mr. Vinegra. You get two stormwater guys  
3 in a room and we're about to go at each other. So  
4 don't think that we're not going to continue to work  
5 with him.

6 BOARD ENGINEER: This is an educated  
7 discussion.

8 CHAIRMAN GREET: Well that educated  
9 discussion has to come to an end sometime.

10 BOARD ENGINEER: We're boring them.

11 THE WITNESS: I know. It's getting  
12 late.

13 COUNCILPERSON GRAHAM: Mr. Chairman,  
14 do you have the option to put some of that rooftop  
15 water to the street?

16 THE WITNESS: It's volume. Regardless  
17 of where it comes from it's the amount and the  
18 volume and the rate -- I should say the rate. The  
19 rate is the big measure of how much we can go to  
20 DOT. Because the more we send to the DOT the more  
21 detention we have to build just because we have  
22 chosen to go in that direction.

23 Do you understand?

24 BOARD ENGINEER: So to go -- since you  
25 asked the question, say we moved everything to the

1 DOT, and if you increase the size of your detention  
2 basins, do you think you could reduce the rate to  
3 get a DOT permit by increasing the size of the  
4 detention basin?

5 THE WITNESS: I think we could  
6 continue to build detention, build detention, build  
7 detention, and yes, we could get to the point where  
8 we have no water leaving the site at all, but that's  
9 not the rule.

10 And I should say that it all goes to  
11 the same place. I have an exhibit. I don't think  
12 it's worth showing. But again, we're getting back  
13 into the stormwater discussion that I know we tried  
14 to halt just a second ago.

15 ATTORNEY FRASER: That's what I was  
16 going to suggest.

17 CHAIRMAN GREET: Yeah, I agree.

18 BOARD ENGINEER: Well, just to know  
19 why we're doing this, every developer has come to  
20 the city on major projects have agreed to do  
21 reductions. Russo's two projects have done  
22 reductions and 50 percent. Not only have they  
23 reduced impervious coverage, their peaks have been  
24 reduced by 50 percent. They have agreed to  
25 20 percent. So Russo has been over and above on the

1 reductions.

2 Number two, this area drains down to  
3 Lincoln Avenue. Lincoln Avenue had the highest  
4 elevation I have ever witnessed when I was there at  
5 1:00 o'clock in the morning. We have an issue with  
6 Lincoln Avenue to the point where Cranford is now  
7 jumping in and reviewing these things.

8 I'm not worried about Cranford, but the  
9 system at Lincoln Avenue is failing. And it's  
10 failing on smaller and smaller storms.

11 So we're trying to reduce flow  
12 throughout the municipality down to the tributary,  
13 to the Rahway River. That's all we're trying to do  
14 on the major projects. Only the major projects have  
15 been doing the reductions. And every major project,  
16 including Garwood -- the Muse at Garwood, they did  
17 50 percent reduction. ShopRite did 50 percent  
18 reduction. All our redevelopments have been doing  
19 50 percent reductions.

20 CHAIRMAN GREET: Yeah, Bill?

21 MEMBER NIERSTEDT: I don't want to  
22 belabor stormwater, but a couple quick questions.  
23 Before your client -- before your applicant jumps,  
24 I'm not asking you to solve it, I just want to ask a  
25 couple of questions related to it.

1 Number 1, after Ida we had traditional  
 2 flooding on South Avenue, Willow, Myrtle, south side  
 3 of town. Doesn't affect you.  
 4 North Avenue -- Victor, I don't think,  
 5 I obviously never really understood the North Avenue  
 6 issue.  
 7 BOARD ENGINEER: North Avenue, backed  
 8 up?  
 9 MEMBER NIERSTEDT: North Avenue -- I  
 10 spoke to one of the firemen out there. They rescued  
 11 21 people from North Avenue.  
 12 I totally understand the issue with  
 13 these small pipes under railroad tracks and North  
 14 Avenue preventing water from flowing over into  
 15 Orchard Brook, over into Rahway River and flowing  
 16 into South Avenue.  
 17 What is the issue with North Avenue?  
 18 Why does this area flood?  
 19 BOARD ENGINEER: It's the tributary to  
 20 the Rahway River that's located in Cranford. It  
 21 cannot handle the volume of water that goes there.  
 22 MEMBER NIERSTEDT: But isn't the  
 23 volume being constricted by the pipes underneath the  
 24 railroad?  
 25 BOARD ENGINEER: Even with the

1 constriction underneath the railroad, the flow from  
 2 this side of town, from the north side of North  
 3 Avenue, flooded the intersection. There must have  
 4 been five cars abandoned in the intersection. I was  
 5 there at 1:00 o'clock in the morning. And for the  
 6 first time Dittrick's Liquors had about two feet of  
 7 water inside of Dittrick Liquors. And Dittrick  
 8 Liquors is not in the flood zone. Not in the  
 9 100-year flood zone.  
 10 The high intensity storms now -- I'm  
 11 not asking them to analyze that. The high intensity  
 12 storms now are -- but, this, even with the  
 13 development of this project, you are still -- that  
 14 would have happened anyway because the water in the  
 15 Rahway River backed up to the point where I'm  
 16 surprised that the guardrail stood because there was  
 17 so much volume of water going over the guardrail and  
 18 eroding all the area around the guardrail. So we're  
 19 looking at all these conditions.  
 20 But the other thing is ponding. You  
 21 don't want any ponding. You don't want for the  
 22 residents there -- we don't want mosquito problems.  
 23 And we don't need problems with the adjoining  
 24 owners.  
 25 MEMBER NIERSTEDT: All right, which

1 leads me to the second question. For better or  
 2 worse I worked at Hackensack Meadowlands development  
 3 commission for 13 years. I know it's a different  
 4 situation. I know it's title, a lot of different  
 5 situations, there, but it was not unusual -- and I  
 6 keep hearing you say you don't want to chase your  
 7 tail and have multiple detention -- underground  
 8 detention systems on-site. It was not unusual up  
 9 there to literally have five acres of parking and  
 10 underneath five acres of stormwater.  
 11 Victor and -- and I apologize, I'm  
 12 talking to you so much I keep forgetting --  
 13 THE WITNESS: Mr. Dipple or Mike.  
 14 MEMBER NIERSTEDT: Mike, if Mike is  
 15 okay.  
 16 -- what is the reason or why can't we  
 17 provide -- and maybe I'm going the wrong  
 18 direction -- why can't we just provide, just make  
 19 the entire site underground, maybe one detention pit  
 20 and reduce the volume going, you know, in that  
 21 manner?  
 22 Would that help, hurt, or -- what is  
 23 the problem with doing that?  
 24 THE WITNESS: Is that to me?  
 25 MEMBER NIERSTEDT: Well, really -- I

1 don't mean to have a contest but, you know...  
 2 THE WITNESS: No, no. I think I hit  
 3 on that. We could get this to the point. It's  
 4 physically likely possible to get this to the point  
 5 that no water comes off this site and that would be  
 6 great. And if everyone did the same thing, you  
 7 know, maybe -- I don't know, maybe we wouldn't have  
 8 the North Avenue backup or the Lincoln Street flood.  
 9 But I really doubt it and I don't think it's  
 10 possible. But what you do with a site like this, or  
 11 what the answer is -- is and I'm going back to  
 12 Exhibit A-6 from our last hearing, I'm just going to  
 13 hold it in my hand -- and that is you create more  
 14 green space and that is -- that is really the answer  
 15 to all of this, is you create more green space. And  
 16 this plan creates 37,000 square feet of new green  
 17 space so -- and on top of that, detention basins.  
 18 So here, they're on this exhibit; there's one here,  
 19 there's one here, and there's one down here. We  
 20 also have detention along the back of it to try to  
 21 stop that.  
 22 But I guess what my point is and what I  
 23 have been saying all along is this site is doing its  
 24 part, it's not increasing the impervious.  
 25 If this site was grass and I showed up

1 and said, okay, now we're going to make it whatever,  
2 whatever I am, 70 percent impervious or something  
3 like that, then I would have detention just about  
4 all over the place. And I have those sites. I have  
5 those sites in my office where I've got to, you  
6 know, I'm only building stormwater management  
7 because there's almost no flow coming off sandy,  
8 flat soils in Ocean County, you know. And then I  
9 have to put 70 percent impervious so everything is  
10 underground.

11 But here that's really the answer to  
12 trying to reduce the flooding is, you know, not over  
13 developing the property but adding more green  
14 spaces.

15 CHAIRMAN GREET: Can I interject here  
16 a second? I think -- I think we know that this is  
17 not -- this has to be resolved before we go ahead --

18 ATTORNEY FLANNERY: Understood.

19 CHAIRMAN GREET: -- and have any kind  
20 of a vote. So what I'm proposing is that you  
21 continue to work with Victor, the two of you get DOT  
22 involved, if that's necessary, and come up with some  
23 kind of a viable solution that is going to work for  
24 us and for the surrounding town or the adjacent town  
25 as well.

1 And what I would like to do, so I mean  
2 you can continue but I think if you have another  
3 witness, that is fine, bring him on and we can  
4 listen or, if you want to, just hold off until we  
5 meet again.

6 ATTORNEY FLANNERY: I think that's a  
7 good idea, Mr. Chairman. We just continue the  
8 hearing, perhaps at the next meeting, without any  
9 further notice, and then we can -- if we make  
10 progress, we will have a hearing. If we don't make  
11 any progress it might not be worth continuing the  
12 hearing and just continuing...

13 MEMBER NIERSTEDT: Mr. Flannery,  
14 right?

15 ATTORNEY FLANNERY: Yes.

16 MEMBER NIERSTEDT: My mother's maiden  
17 name, by the way -- the Chairman and I both raised  
18 questions regarding --

19 ATTORNEY FRASER: Possible shuttle?

20 MEMBER NIERSTEDT: -- on whether it's  
21 a bike or whether it's a shuttle system, going to  
22 Cranford, going to Garwood --

23 BOARD ENGINEER: Maybe I can help them  
24 for once.

25 MEMBER NIERSTEDT: Go ahead.

1 BOARD ENGINEER: You seem to be  
2 commuting strictly by train. In fact, I think the  
3 113X is a much better, viable alternative to get  
4 into Manhattan than the train.

5 My kids all took the 113 because they  
6 found it was a better service than the train. The  
7 113 stops one block from this building. The 113 was  
8 essential to the Garwood Muse being developed  
9 because the 113 stops in front of Rosie's. So the  
10 train is not the only alternative. They have  
11 excellent bus service, excellent in front of this  
12 site.

13 CHAIRMAN GREET: That's a good point.

14 MEMBER TARANTINO: I would guess that  
15 the volumes are higher on the bus line than the  
16 train.

17 MEMBER VILLAGGIO: They are.

18 BOARD ENGINEER: If you take the bus  
19 line, the times --

20 MEMBER TARANTINO: More frequent.

21 BOARD ENGINEER: -- they're more  
22 frequent and the times getting into Manhattan have  
23 actually improved to only under an hour. And my  
24 kids were working downtown and they were taking the  
25 bus uptown and taking the subways back downtown

1 because the bus became a more reliable service than  
2 the train service into Manhattan.

3 So, you know, everyone thinks about the  
4 train station but the bus service in front of this  
5 building, they have two stops, both sides of the  
6 road so, you know.

7 ATTORNEY FLANNERY: Thank you.

8 MEMBER NIERSTEDT: I agree with you.

9 BOARD ENGINEER: It's a little  
10 walkable.

11 MEMBER NIERSTEDT: 113 is Manhattan.

12 BOARD ENGINEER: There are other  
13 buses, not just the 113.

14 MEMBER NIERSTEDT: Victor, you think I  
15 haven't taken them all? I'm well, well aware. The  
16 113 is into Manhattan, 59 takes you to Newark, what  
17 have you.

18 How about my favorite which is -- and I  
19 look to the applicant, you know, you know I'm the  
20 only bicycle out front here -- if we can approve  
21 some kind of bike service that would be greatly  
22 appreciated.

23 Where I work for a living we actually  
24 do require bike shuttles. We do have some bike  
25 shares. Doesn't have to be a lot. If you look at

1 The Quin in Plainfield on South Avenue, they have a  
2 simple bike shuttle. They can bike from The Quin to  
3 the middle of the train station and back. You could  
4 do something like that. You would make me very  
5 happy.

6 ANTHONY DiGIOVANNI: Consider it. We  
7 have a bike facility but, you know, typically people  
8 make a choice on where they live because of the  
9 environment. There are better towns to be a  
10 commuter to the city. There are like direct -- you  
11 know, the Raritan Valley is not the best transit  
12 line that we have on New Jersey Transit. I agree  
13 with Victor wholeheartedly. I think the bus system  
14 on North Avenue is primary to this location.

15 We developed The Riverfront right  
16 across the Cranford train station, and I believe  
17 your lead counsel here was a tenant earlier on, and  
18 he can even testify very few people actually took  
19 the Raritan train that live directly across the way  
20 from it.

21 So people will make a choice why they  
22 want to live at our project. You may not agree that  
23 there's cars but we believe in customer base. It's  
24 based on that, until you change societal values on  
25 motor vehicles, that's why we need to build with

1 parking. But I agree, the bus service is primarily  
2 more for this location than the train because  
3 Garwood has much fewer stops than Westfield and  
4 Cranford, so people take that into consideration.

5 And even if there's a different project  
6 across the street that might have more walkability,  
7 they will decide to live there versus ours, and ours  
8 offers, you know, maybe different, smaller units,  
9 larger units. That's life's choices.

10 CHAIRMAN GREET: Thank you. Do you  
11 have any other witnesses you want to call tonight?

12 ATTORNEY FLANNERY: No, I have no  
13 other witnesses, Mr. Chairman.

14 CHAIRMAN GREET: Then what I would  
15 suggest, and it's good that we have this dialogue  
16 because this is, we obviously have a stalemate here  
17 and something that has to be addressed. And the  
18 only way it is going to be addressed is by the two  
19 experts coming together, coming up with some kind of  
20 solution that is going to satisfy both our needs and  
21 the community next door to us.

22 So with that being said we'll have a  
23 continuation and that will be held when -- well,  
24 let's decide. I mean you don't have a solution so I  
25 guess we'll hold off until we do have some kind of a

1 permanent solution.

2 ATTORNEY FLANNERY: I would like to  
3 have notice carried, Mr. Chairman, just so we have  
4 the option and don't have to re-notice.

5 ATTORNEY FRASER: Here is what I think  
6 we should do. First of all, I understand the  
7 applicant's desire to carry notice and not want to  
8 re-notice. I don't blame him. I also recognize  
9 that there's going to be some time that it's going  
10 to take the applicant's engineer and Victor to deal  
11 with this.

12 What we should do, I think, is we  
13 should specify the date that we're going to carry  
14 this to. Right now it's maybe a little bit  
15 aspirational. And I guess it's possible that we can  
16 pick a date and then we're not ready and we have to  
17 further carry it and deal with it then.

18 But I think preliminarily the question  
19 is -- is it doesn't sound like it's a great idea for  
20 the first October meeting.

21 We have two in October, right, Adele?

22 BOARD CLERK: That's correct, we have  
23 October 13th and the 27th.

24 ATTORNEY FRASER: So let's think about  
25 this for a second.

1 BOARD CLERK: And then November 10th.

2 BOARD ENGINEER: Nothing else on the  
3 agenda.

4 ATTORNEY FLANNERY: We'll be ready for  
5 the 27th.

6 ATTORNEY FRASER: So the question is  
7 do the two experts think that the conversation and  
8 work on this can be done to make the October 27th  
9 meeting; is that a realistic goal?

10 BOARD ENGINEER: I believe it is.

11 THE WITNESS: Yes, I think so.

12 ATTORNEY FRASER: And probably the  
13 earlier October is less realistic. So why don't we  
14 carry this to the October 27th meeting with no  
15 further notice.

16 My Myrtle Beach trip has been cancelled  
17 so I will be here.

18 CHAIRMAN GREET: That sounds fine.


19 ATTORNEY FLANNERY: Sorry about your  
20 trip being cancelled.

21 Just one point of clarification, there  
22 was a discussion earlier about the hearing, about it  
23 being virtual. Is that going to be the case?

24 CHAIRMAN GREET: That's correct.  
25 We're going to go virtual, yeah.



1 ATTORNEY FLANNERY: And the  
 2 information will be on the website?  
 3 CHAIRMAN GREET: It will be, yes, sir.  
 4 ATTORNEY FLANNERY: Thank you.  
 5 ATTORNEY FRASER: So assuming that the  
 6 board does that, we would entertain a motion to  
 7 carry it to the October 27th meeting with no further  
 8 notice being required, that it would be a virtual  
 9 meeting for that. And then this would be, right  
 10 now, the notice to the public, if this application  
 11 is being carried to that date virtually with no  
 12 further notice.  
 13 CHAIRMAN GREET: That's correct.  
 14 ATTORNEY FLANNERY: Thank you.  
 15 ATTORNEY FRASER: You need a motion.  
 16 MEMBER VILLAGGIO: I'll make the  
 17 motion.  
 18 MEMBER NIERSTEDT: I'll second.  
 19 CHAIRMAN GREET: All those in favor?  
 20 BOARD MEMBERS IN UNISON: Aye.  
 21 CHAIRMAN GREET: Opposed? Hearing  
 22 none, motion carries.  
 23 Thank you. We'll adjourn then with  
 24 your application until the 27th. We'll carry it.  
 25 ATTORNEY FLANNERY: Thank you very

1 CERTIFICATE  
  
 2  
 3 I, ANGELA C. BUONANTUONO, a Notary Public  
 4 and Certified Court Reporter of the State of New  
 5 Jersey and Registered Professional Reporter, do  
 6 hereby certify that prior to the commencement, the  
 7 witness was duly sworn to testify the truth, the  
 8 whole truth and nothing but the truth.  
 9 I DO FURTHER CERTIFY that the foregoing is a  
 10 true and accurate transcript of the deposition as  
 11 taken stenographically by and before me at the time,  
 12 place and on the date hereinbefore set forth.  
 13 I DO FURTHER CERTIFY that I am neither a  
 14 relative, nor employee, nor attorney, nor counsel of  
 15 any of the parties to this action, and that I am  
 16 neither a relative, nor employee of such attorney or  
 17 counsel, and that I am not financially interested in  
 18 the action.  
 19  
 20  
 21  
 22  
 23 \_\_\_\_\_  
 24 Angela C. Buonantuono, CCR, RPR, CLR  
 25 NJ State Board of Court Reporting  
 License No. 30XI00233100 Dated: November 3, 2021

1 much. And it'll be remote.  
 2 CHAIRMAN SWEET: Yes. Any further  
 3 comments from the public?  
 4 Seeing none, I'll close that portion of  
 5 the meeting.  
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 7 (Applicant adjourned at 10:15 p.m.)  
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