

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

2 RUSSO DEVELOPMENT

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WITNESSES

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Douglas Bartels, P.E.

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PUBLIC COMMENT:

NAME ADDRESS

PAGE

None.

1 E X H I B I T S

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EXHIBITS NOT RETAINED BY REPORTER

1 CHAIRMAN GREET: We're going to move
2 right into Application PB21-03; that's for the South
3 Avenue redevelopment, Transit-Oriented Redevelopment
4 Area.

5 So with that, Mr. Minks...

6 ATTORNEY MINKS: Good evening,
7 everyone.

8 CHAIRMAN GREET: We are going to -- I
9 will make a general announcement right now. From
10 here on out, we're going to go virtual. So all
11 meetings in November and in December are going to be
12 virtual.

13 VICE-CHAIRWOMAN VILLAGIO: October.

14 CHAIRMAN GREET: And October, also.

15 ATTORNEY FRASER: I actually meant the
16 question that we're going to be devoting maybe an
17 hour to this and...

18 CHAIRMAN GREET: Okay. We will also
19 devote one hour to Phase II, the Russo project, and
20 then we will move onto the Paperboard project, as
21 well.

22 ATTORNEY MINKS: I understand. We
23 appreciate the opportunity and hopefully we'll be
24 able to use the economy of time. Mind if I pass
25 these down?

1 serious consideration to them.

2 One of the things you will recall that
3 was discussed was the notion of perhaps studying the
4 two-bedroom units that we're proposing. You will
5 recall there was a net increase of ten bedrooms
6 overall as the basis of the amendment that we're
7 proposing, and to see if we could perhaps change
8 some of those units to one bedrooms with den, those
9 den being non-compliant, non-bedroom units.

10 We took a number of avenues to try to
11 make that happen. We have been able to reduce the
12 bedroom count from ten new bedrooms to eight new
13 bedrooms that the project will provide. There are
14 four one-bedrooms with den. We're kind of taking a
15 flyer on it, but we think because of the market
16 really driving people that want that home office
17 space -- there may be people that can't afford a
18 two-bedroom, but they can afford a slightly lesser
19 one-bedroom with den which will still afford that
20 flexibility.

21 So we're hoping that we have stumbled
22 on something in the current market that is going to
23 be a good add to the project, but I just want the
24 board to know that we most certainly did go back and
25 look, and we did result in a net reduction in what

1 Anyway, my appearance, Christopher
2 Minks --
3 ATTORNEY FRASER: Use the microphone,
4 please.

5 ATTORNEY MINKS: Good evening,
6 everyone. Christopher Minks for the applicant,
7 South Avenue Urban Renewal II, LLC.

8 As you know, it's a continuation of our
9 amended site plan application for Phase II, our
10 73-unit development. And at the last hearing there
11 was -- we completed our principal testimony. We
12 completed much of -- we actually closed to the
13 public and we completed public questioning, but
14 there was a bunch of colloquy, a bunch of discussion
15 about some additional comments that the members of
16 the board had, an overriding concern about the
17 number of bedroom units that we were proposing with
18 this amendment. And I had the opportunity to send a
19 letter to board counsel outlining some case law.
20 But, again, in keeping with our -- what I think is
21 -- we have been consistent as a good neighbor and a
22 good partner with Garwood throughout Phase I and now
23 the Phase II application, we did take back the
24 comments that we heard from the board, even
25 Mr. Nierstedt's comments, to our client and gave

1 we're asking for.

2 We've also mitigated all but three
3 which I believe to be minimal remaining variances,
4 which we've already testified to but will remind the
5 board of, and we also addressed the point-by-point
6 letter to Mr. Vinegra's office, the Harbor
7 Consultants' July 23rd review letter, and can
8 conform and comply to all the requirements in Mr.
9 Vinegra's letter consistent with our response that
10 was delivered on September 14th. And that we also
11 submitted a letter of September 17th from Doug
12 Bartels, our chief engineer, that addressed comments
13 that Mr. Nierstedt and other board members had had
14 specifically with regard to the location of the gas
15 room, our leasing policy, which we do -- I wasn't
16 speaking out of turn; we do have in our leases the
17 policy requiring the maintenance of the consistent
18 exterior -- the outermost window treatments to
19 maintain continuity and conformity from the exterior
20 of the building, our parking policy which each
21 tenant, named tenant, of a lease is allowed to lease
22 one parking space.

23 So all of the things that we submitted
24 with the September 17th letter conform to the
25 testimony that was provided and support it.

1 Mr. Bartels is going to take you
2 through, very quickly, the revised floor plan that
3 shows the conversion of some one-bedrooms and
4 two-bedrooms into one-bedrooms with dens because
5 obviously you can't create something from nothing,
6 and you can't reduce the size of the building and
7 leave just vacant space. So it resulted in
8 conversion of more than -- I think four units in
9 order to create four new units.

10 So there is no net increase in the unit
11 counts. We remain compliant with the redevelopment
12 plan in all respects in that regard. And there's no
13 change to the parking, which we've already testified
14 to. And the variances, again, that we will be
15 seeking, we believe to be very minimal, dare I say
16 de minimis, in nature.

17 And with that, I would like to call
18 Doug Bartels, our first and only witness this
19 evening, to just do some very limited testimony with
20 regard to the revised plans that resulted from the
21 last meeting.

22 CHAIRMAN GREET: Very good. I want to
23 thank you for considering that change that we
24 requested.

25 ATTORNEY MINKS: Our relationship with

D. Bartels, P.E.

1 Garwood and our relationship with this body is more
2 important to us than just, you know, sticking it to
3 someone because we may be -- we may think we're
4 right or not, and, candidly, throughout the process,
5 including Phase I, we believe that the dialogue and
6 the give-and-take resulted in a better project, so
7 we have every indication that it'll be the same case
8 here.

9 CHAIRMAN GREET: It's greatly
10 appreciated. Thank you.

11 ATTORNEY FRASER: All right,
12 Mr. Bartels, you understand you're still under oath?

13 DOUGLAS BARTELS: I do.

14 ATTORNEY FRASER: And your license is
15 still current?

16 DOUGLAS BARTELS: It is.

17 ATTORNEY FRASER: Go ahead, Mr. Minks.

18 D O U G L A S B A R T E L S,
19 previously sworn, continues as follows:

E X A M I N A T I O N

22 BY ATTORNEY MINKS:

23 Q. Mr. Bartels, you heard my opening. I
24 tried to cover as much as possible. If you could

1 take the board through the changed floor plans
2 resulting in the reduction of two-bedrooms that we
3 were originally seeking -- the reduction of two
4 individual bedrooms that we were originally seeking
5 and just show the differential between the two floor
6 plans.

7 A. Sure. So I have up on the easels now
8 two exhibits. First is A-16. It's a new exhibit,
9 A-16, dated 9/22 --

10 ATTORNEY MINKS: We premarked it,
11 Mr. Fraser.

12 THE WITNESS: -- '21. It's entitled
13 "Existing Ground Floor Plan."

14 (Exhibit A-16, Existing Ground Floor
15 Plan, dated 9/22/21, is marked.)

16 THE WITNESS: And on the left here I
17 have A-17, dated 9/22/21, entitled "Proposed Ground
18 Floor Plan."

19 (Exhibit A-17, Proposed Ground Floor
20 Plan, is marked.)

21 BY ATTORNEY MINKS:

22 Q. Now, these are the handouts that we
23 just shared with the board members for ease of
24 reference?

25 A. That's correct. Those are reduced

D. Bartels, P.E.

1 size copies of what is on the board.

2 Q. Okay, got it.

3 ATTORNEY FRASER: So, Mr. Bartels,
4 A-16 is Sheet A-1 --

5 THE WITNESS: Correct.

6 ATTORNEY FRASER: -- and A-17 is
7 Sheet A-2 --

8 THE WITNESS: That is correct.

9 ATTORNEY FRASER: -- of what we have
10 been handed tonight?

11 THE WITNESS: Correct.

12 ATTORNEY MINKS: Correct. Sorry for
13 the repetitive use of the letter A. It's a little
14 confusing so --

15 ATTORNEY FRASER: I'm sure that's all
16 you got in school, Mr. Minks.

17 ATTORNEY MINKS: That's all we had.
18 Yeah, right. It's brought me here.

19 THE WITNESS: Highlighted on the board
20 and on the reduced size copies that you have in
21 front of you are the four units that were affected.
22 So on the far left unit here is a two-bedroom unit.
23 The far right unit is a two-bedroom unit. The two
24 in the middle are one-bedroom units.

25 BY ATTORNEY MINKS:

D. Bartels, P.E. 300

1 Q. So these are ground floor units that
2 had the stoops that we originally --

3 A. That's correct.

4 Q. -- had proposed?

5 A. Exactly. So what we have essentially
6 done is moved the demising wall between the
7 two-bedroom unit and the one-bedroom unit in both
8 scenarios, and what you get is what is shown on the
9 proposed floor plan. Highlighted in yellow is the
10 new wall, the new demising wall between the two
11 units. So we've created on -- starting at the left
12 two-bedroom unit, we have a den created in the rear
13 of the unit closest to the garage, and in the
14 adjoining unit you have a den created on the street
15 side of the unit. And that is just mirrored to the
16 other side to create the other reduction on the
17 other side.

18 So in the end you had -- or we started
19 with two two-bedrooms and two one-bedrooms, and we
20 now have four one-bedroom units with dens proposed.
21 The dens are provided with pocket doors so that in
22 that working environment they can close them and
23 have a conference call, what have you. There are no
24 closets so they are not bedrooms.

25 Q. They cannot be occupied as legal

D. Bartels, P.E. 301

1 bedrooms?

2 A. Correct.

3 Q. And that is not our intent, they will
4 be leased as one-bedrooms with dens, correct?

5 A. Exactly.

6 ATTORNEY FRASER: Does it do anything
7 to the number of bathrooms?

8 THE WITNESS: It actually eliminates
9 two bathrooms because both the two-bedroom units had
10 a second bathroom, and they're eliminated.

11 ATTORNEY FRASER: So to summarize,
12 each of these four affected units ends up being one
13 bedroom, plus den with a one bath?

14 THE WITNESS: That is correct.

15 ATTORNEY MINKS: Correct.

16 THE WITNESS: It also results in the
17 reduction of the parking requirement of one space.

18 ATTORNEY FRASER: Thank you.

19 THE WITNESS: You're welcome.

20 ATTORNEY MINKS: But we have not
21 reduced that one space.

22 THE WITNESS: Correct. Proposed is
23 still the same; it's just the requirement is reduced
24 by one.

25 BY ATTORNEY MINKS:

D. Bartels, P.E. 302

1 Q. Okay. No other changes with regard to
2 that effort?

3 A. Correct.

4 Q. To the exterior or anything else?

5 A. No.

6 Q. Everything else remains the same?

7 A. Remains consistent.

8 Q. If you could, referring to A-16, Sheet
9 A-1 which was marked as A-16 for today, if you could
10 talk about one of the issues that was raised during
11 the last hearing regarding the location of the gas
12 room, and whether or not there's a safety concern,
13 and whether or not that could be relocated.

14 A. Yes. So just to refer quickly to
15 Exhibit A-9 from the last hearing, which is a ground
16 floor site plan showing the driveway off of West
17 Street on the left and the maintenance and gas room
18 just as you enter on the left side of the garage.

19 This is the same blowup, Exhibit A-16
20 of the ground floor plan. We have not flipped the
21 rooms. We did take a look at it. There were a
22 number of reasons why we felt that leaving them as
23 oriented was the right move.

24 First, by flipping it, we would put the
25 gas room on the inside corridor of the building, and

D. Bartels, P.E. 303

1 we felt, given the option, it was preferred to have
2 it facing the garage for potential ventilation
3 issues, access by the gas company. They can access
4 it directly from the garage as opposed to having to
5 add an additional exterior door facing West Street
6 for their access. In addition, this provides our
7 maintenance staff access to the inside of the room
8 from the residential corridor.

9 In addition, thinking that one of the
10 -- you know, one of the concerns could potentially
11 be vehicle impact for a vehicle entering the garage.
12 We've added additional bollards on the outside of
13 the gas room to provide an extra layer of
14 protection.

15 In addition, that's also a concrete
16 wall, so there is a double layer there of protection
17 from impact.

18 Q. And it's our conclusion that having it
19 on that exterior wall in an open, vented area, more
20 accessible, is less of a safety concern or potential
21 hazard than if it were within an interior wall
22 without that direct venting, and it would actually
23 potentially vent to a corridor and then --

24 A. Correct.

25 Q. So this is the preferable in terms of

D. Bartels, P.E. 304

1 considering all safety issues?

2 A. Correct. And again, flipping it to

3 the inside would put it directly across the corridor

4 from one of the two-bedroom units, as well.

5 Q. Okay.

6 COUNCILMAN GRAHAM: Mr. Chairman?

7 Could I just mention that I think if you had pointed

8 out the concrete and encased steel bollards to begin

9 with, that probably would have allayed any concerns

10 about vehicles --

11 THE WITNESS: They actually weren't on

12 the plan originally. They have been added as of --

13 ATTORNEY MINKS: We added it because

14 of the concern.

15 COUNCILMAN GRAHAM: Okay.

16 BY ATTORNEY MINKS:

17 Q. Nothing else on this plan then?

18 A. No.

19 Q. Okay. We can move beyond that.

20 Okay, building signage. We testified

21 at length -- or Diogo Santos, our planner, testified

22 at length with regard to building signage. In

23 addition, in your September 17th letter to Harbor

24 Consultants, you shared that signage detail with the

25 specific measurements and satisfied that request

D. Bartels, P.E. 305

1 from his July 23rd review letter, correct?

2 A. That's correct, yes.

3 Q. Now, in addition to the signage that we

4 showed originally, which included the building sign

5 and then we proposed signage on the canopies, the

6 two canopies, we're actually -- instead of three

7 signs, we're actually going to be asking for two

8 signs. We're eliminating the signage on the

9 canopies, and instead we're simply asking for the

10 building-mounted signage on both sides of West

11 Street and on the Center Street side of the

12 building?

13 A. Correct. So referring to Exhibit

14 A-12, which was marked at the last hearing, this is

15 a view looking west on South Avenue at the easterly

16 facade of the building near the lobby entrance. The

17 facade signage is shown, sort of, in the second

18 section, let's say, of the building on the white

19 brick, and that is the vertical Vermella signage.

20 And that is enclosed in a black metal, composite

21 metal box that is 87 1/2 square feet in size with

22 individual lettering that are 1 foot 10 inches high.

23 So if you were to enclose a smaller box

24 around just the lettering and what I call the

25 starburst at the top, which is our Vermella symbol

D. Bartels, P.E. 306

1 branding, you have an area of about 38 square feet.

2 As Mr. Santos had testified, this lettering is face

3 and backlit.

4 What Mr. Minks was referring to in

5 terms of the canopy signage was the -- you were

6 originally shown this -- this rendering that was

7 actually shown, I believe the details that were

8 submitted originally included Vermella signage, as

9 well, on these awnings or canopies over the

10 entranceways. We've removed those as site signage

11 and changed it to just addresses. So the property's

12 address will be located above those canopies. And

13 instead what we would like to do is propose this

14 identical sign on the West Street side, which I

15 don't have a rendering of that, but this is just the

16 elevations.

17 So this is Exhibit A-18, dated 9/22/21.

18 This is Sheet A5 from what was originally submitted

19 but revised to reflect this signage on the same

20 location on the opposite side.

21 (Exhibit A-18, Signage Plan, dated

22 9/22/21, was marked.)

23 BY ATTORNEY MINKS:

24 Q. So it's the same depth into the

25 building, same signage, just on the other side of

D. Bartels, P.E. 307

1 the building?

2 A. Exactly. You can see on the exhibit

3 to the right there is the garage entry shown, as

4 well. So that's the west elevation.

5 Q. There's not going to be light spillage

6 or broadcasting of any lights from this sign; it's

7 all self-contained. It's not going to create a

8 nuisance for drivers, or for neighbors, for

9 anything?

10 A. Correct. And the metal box that the

11 letters are mounted on is actually where all the

12 wiring support is stored, so you won't see any of

13 that externally.

14 The box projects 3 inches from the

15 building facade, and the lettering projects another

16 3 inches from the box itself.

17 Q. While A-12 is up, there was a question

18 about the use of window treatments and whether or

19 not tenants will have the opportunity to just hang

20 sheets, or put mini blinds, or do their own window

21 treatment so that the facade of the building is

22 going to be haphazard looking with different window

23 treatments. We addressed that during testimony.

24 You said that was not the case.

25 And in your September 17th letter, you

1 actually submitted the excerpts from our template
 2 form lease for this project, which is our template
 3 form lease for all of our projects, which indicates
 4 clearly that that is not the case, correct?
 5 A. Correct, that those exterior window
 6 treatments must remain in place.
 7 (Exhibit A-19, Template lease form
 8 regarding exterior window treatments, is
 9 marked.)
 10 BY ATTORNEY MINKS:
 11 Q. So they can put a drape -- I think one
 12 of the board members asked, "Can they put their own
 13 drapery or their own decorative thing on the
 14 inside?" And the answer is yes --
 15 A. Yes. Internally.
 16 Q. -- as long as they don't disturb what
 17 will be visible from the exterior?
 18 A. Exactly.
 19 Q. So that has been submitted.
 20 Similarly, I referenced during my
 21 opening the parking procedures and the parking
 22 policy that we implement and we will be implementing
 23 in this project, a named resident on a lease will
 24 have the opportunity -- not the obligation, but the
 25 opportunity to lease a parking space?

1 A. Correct. And that was in the parking
 2 policy submitted on --
 3 Q. So one named tenant is allowed to lease
 4 one parking space?
 5 A. Correct.
 6 Q. Obviously if there's excess parking
 7 available and a tenant asks to lease another parking
 8 space, we may consider it in that circumstance,
 9 but --
 10 A. Correct.
 11 Q. -- the standing policy is a named
 12 tenant gets a parking space?
 13 A. The opportunity to lease, yes.
 14 Q. The opportunity to lease.
 15 Okay. And that policy, the actual
 16 addenda to the lease, was also attached to your
 17 September 17th letter?
 18 A. That's correct, yes.
 19 Q. Okay. So that, also, is consistent
 20 with our testimony from the last hearing.
 21 A. Correct.
 22 Q. The fence. There's a fence that we
 23 discussed and became -- although I still believe --
 24 and I looked back at the prior approval's
 25 transcript, and I couldn't find it in the quick time

1 that I looked at it. There's a fence between our
 2 property and the neighboring property along Willow
 3 that was recently -- most recently proposed and
 4 originally proposed as a chain-link with privacy
 5 slats.
 6 A. Correct.
 7 Q. There was some concern that that might
 8 not be desirable and that a board-on-board or a
 9 vinyl fence might be preferable.
 10 A. Yeah. So the revised plans submitted
 11 on September 14th have been revised to reflect a
 12 solid vinyl fence along the rear of Lot 18 and the
 13 side of Lot 18, and that fence is shown to terminate
 14 at the building setback, which is little bit to the
 15 rear of the front of the dwelling on Lot 18, so just
 16 to the east along Willow Ave.
 17 And in addition, that is also, you
 18 know, farther -- closer to Willow than the parking
 19 spaces, so it will serve as, you know, an adequate
 20 screen to the parking spaces on-site, as well.
 21 Q. So we believe it will be more
 22 decorative, more durable perhaps?
 23 A. Correct.
 24 Q. And will be compliant with the fence --
 25 the ordinance in the redevelopment plan as

1 specified?
 2 A. Correct. There was reference to the
 3 front garden.
 4 Q. So no relief is necessary for that?
 5 A. Correct.
 6 Q. Hopefully it will be a welcome
 7 accommodation to the neighbor who seemed a little
 8 fickle on what he wanted, but we think it will be
 9 better and more attractive to the project, as well.
 10 Okay. There are no changes to the
 11 stoops that were presented, correct?
 12 A. That is correct.
 13 Q. And we still require a variance, which
 14 is the equivalent of 2.3 feet of a variance because
 15 1 1/2 feet of projection is permitted, correct?
 16 A. Correct. Projects 3.8 feet and is
 17 allowed to project 1.5 feet.
 18 Q. So it's only 2.3 feet that we're
 19 actually seeking a relief for?
 20 A. Exactly.
 21 Q. Okay. If you could talk about -- I
 22 think the other big issue we want to cover that was
 23 discussed other than, again, confirming -- if you
 24 could confirm with your testimony that we will
 25 comply with Harbor Consultants' review letter

1 consistent with your responsive letters from the
 2 14th and the 17th?
 3 A. That is correct.
 4 Q. Okay. The other issue, then, was the
 5 -- our effort to try to improve our relief needed
 6 for impervious coverage and open space?
 7 A. Yes.
 8 Q. If you could talk about where we were
 9 and what we have been able to decipher from your
 10 analysis?
 11 A. Sure. So just to rehash the numbers,
 12 we are proposing an impervious coverage percentage
 13 of 86.6 percent where 85.1 percent was approved with
 14 the original application. So that's a change or an
 15 additional coverage of 1.5 percent, which equates to
 16 about 1,099 square feet.
 17 And in addition, open space, we are
 18 proposing 13.4 percent open space where 14.9 percent
 19 open space was previously approved. Factoring in
 20 the space above the deck -- above the parking
 21 structure where we have landscaped courtyards, that
 22 percentage would go up to 17.6 percent. Looking at
 23 the area impervious or, I'll say, existing
 24 impervious, that is going to be converted to
 25 pervious coverage around the property.

1 Q. By that, we are going to convert
 2 certain existing impervious areas to pervious, like
 3 sodded or otherwise, landscaped areas?
 4 A. Correct. There are areas along West
 5 Street both outside of the right-of-way and just
 6 inside the right-of-way, as well as the area out in
 7 front of the fire department that will change with
 8 the addition and modification of the parking space.
 9 Those areas total about 1,088 square feet, so it's
 10 about 11 square feet shy of the one and a half
 11 percent additional variance.
 12 Looking along the balance of the city
 13 block as we had discussed at the last hearing, I did
 14 not see other opportunities to make similar changes.
 15 There are -- you know, with the exception, I will
 16 say, of as you look farther down -- I have an
 17 existing aerial.
 18 There are areas if you look --
 19 Q. To what are you referring?
 20 A. I'm sorry, this is an existing aerial,
 21 A1.1.
 22 Q. So we'll mark that as Exhibit A-20.
 23 A-20 is the existing aerial. Sheet A1.1.
 24 A. Correct.
 25 (Exhibit A-20, Existing Aerial, Sheet

1 A1.1, was marked.)
 2 THE WITNESS: And as you look farther
 3 east from the site out in front of borough hall and
 4 the fire department, you will see continuous
 5 concrete basically from the curb to the buildings.
 6 And while on the one hand that would be an
 7 opportunity to recover, that would be in contrast
 8 with the redevelopment plan which calls for the
 9 wider sidewalk and the pavers between that sidewalk
 10 and the curb. So, you know, I didn't propose that
 11 in the exhibit that was submitted that identified
 12 the green spaces.
 13 You've got a similar situation along
 14 Center Street. Again, that would be, I think, in
 15 conflict with how the redevelopment plan was set up.
 16 There really --
 17 Q. Namely, the addition of wider
 18 sidewalks --
 19 A. Correct.
 20 Q. -- to encourage pedestrian use?
 21 A. Exactly. And there really are no
 22 opportunities along Willow Avenue to, let's say,
 23 reclaim some impervious coverage.
 24 What we could do, if desirable, could
 25 be to add a planter, a couple of planters along,

1 that would not really remove the sidewalk but would
 2 add some additional greenery along the sidewalk
 3 perhaps to buffer between the sidewalk and the
 4 street if, you know -- if that was desirable.
 5 Q. So that would be in an effort to
 6 mitigate the remaining 11 square feet --
 7 A. Exactly.
 8 Q. -- that we're not already mitigating by
 9 the other conversion from pervious to impervious as
 10 part of the project?
 11 A. Correct.
 12 Q. So if the board were to entertain that
 13 and we got credit, if you will, for those planter
 14 boxes or other mitigative efforts that we can work
 15 out with Harbor Consultants, then theoretically
 16 we're not asking -- well, we're still asking for the
 17 variance, but it will mitigate that what I think,
 18 again, is a minor variance at this point given the
 19 calculation that Doug was able to make.
 20 And in addition, contrary to what I
 21 said at the last hearing saying that I think the
 22 applicant should get credit for the other paved and
 23 impervious surfaces that the board has encouraged us
 24 to make -- the additional parking on the fire
 25 department lot, the larger hardscape -- this does

1 not factor in credit for those.
 2 So we're not even going there because
 3 we got to 11 square feet, and we're, like, you know
 4 what, we're already there and we'll do something
 5 else that will get us all the way.
 6 MEMBER VILLAGGIO: Victor, you're all
 7 right with that?
 8 BOARD ENGINEER: Yeah. I think it's
 9 -- you know, they're asking for a deviation from the
 10 redevelopment plan, that we helped craft with them
 11 originally, but it affected their plans, it became a
 12 little short. But the problem is it's written in
 13 the plan already, and normally if you can't do it
 14 on-site, you can take -- I like the idea of greening
 15 up on the block other areas directly abutting the
 16 project and making improvement to the public
 17 right-of-way to eliminate some impervious coverage.
 18 MEMBER VILLAGGIO: All right. Thank
 19 you, Victor.
 20 MAYOR TODISCO: Sorry to be a pain,
 21 but let's just make sure we share the microphone
 22 because they won't be able to hear on YouTube
 23 without it.
 24 ATTORNEY MINKS: Apologies.
 25 MAYOR TODISCO: No worries.

1 ATTORNEY MINKS: That's the extent of
 2 our testimony. Again, I think we took a lot of
 3 effort to make sure that we hit everything. I thank
 4 Doug and Mr. Nierstedt for staying quite a bit
 5 longer at the last hearing to go over issues that
 6 Mr. Nierstedt had taken in his copious notes that
 7 were raised by the board, and I think that really
 8 assisted us, as well.
 9 And consistent with our previous
 10 testimony, with regard to things such as landscaping
 11 species and all, we have made revisions already,
 12 but, again, that's something that is probably best
 13 handled by way of dialogue with us and Harbor, and
 14 we will certainly comply with their recommendations
 15 to make them more indigenous or desirable species
 16 and plants that will be utilized in the landscape,
 17 specifically the street trees.
 18 And we have already agreed to the
 19 limbing of the street trees, the appropriate height
 20 to preserve sight distance. All those things are, I
 21 believe, more appropriately handled during the
 22 course of resolution compliance and consistent with
 23 our engineer's testimony, we will certainly comply
 24 with those recommendations per that July 23rd
 25 letter.

1 CHAIRMAN GREET: Thank you. And from
 2 -- speaking from my own perspective and I think
 3 probably the board's, the effort that you put to
 4 finalize this product is really very good.
 5 ATTORNEY MINKS: Thank you.
 6 CHAIRMAN GREET: And it's appreciated.
 7 Thank you.
 8 ATTORNEY MINKS: Thank you.
 9 MAYOR TODISCO: Mr. Chairman, if I
 10 may?
 11 CHAIRMAN GREET: Yes.
 12 MAYOR TODISCO: I would like to concur
 13 with what you just said, but also, in reading the
 14 response to the multiple points that we received a
 15 week ago, I just want to make sure that it's on
 16 public record about the public parking, the parking
 17 for Garwood, as well as for your project there.
 18 The response has a couple of points,
 19 but then we have -- I have A1.3 from a while ago. I
 20 just want to make sure that that really hasn't
 21 changed, that what we're looking at at A1.3 is the
 22 same or if not more spots.
 23 I know Mr. Nierstedt doesn't always
 24 agree with me about more parking, but I think the
 25 majority of the board from these hearings, as well

1 as previous, we tend to generally like more parking
 2 even if it's to the chagrin of Mr. Nierstedt.
 3 THE WITNESS: Sure. So I don't have
 4 A1.3 in front of you tonight. I have what was
 5 marked as Exhibit A-9, which is the ground floor
 6 site plan, which has A1.4 at the bottom right. It
 7 is the same essential plan. A1.3, I believe, had
 8 the roof over the building so you could see the
 9 courtyard. So instead --
 10 (Technical**)
 11 ATTORNEY MINKS: Thank God for you.
 12 You found the mic, and then you solved the whole
 13 mystery.
 14 MAYOR TODISCO: I also could have just
 15 said A1.4 which would have been more accurate --
 16 ATTORNEY MINKS: It's the same site
 17 plan.
 18 THE WITNESS: It's essentially the
 19 same site plan except --
 20 MAYOR TODISCO: Okay.
 21 THE WITNESS: -- one has the roof; one
 22 doesn't have the roof. But, yeah, so there are 16
 23 spaces against the building, 10 spaces opposite
 24 that. Then there were 10 additional spaces added
 25 within the fire department lot.

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1 So all told, there are 26, what we're
 2 calling, shared/public spaces to the east of the
 3 building. In addition, there are 18 spaces in that
 4 separate lot next to the fire department.
 5 ATTORNEY MINKS: And that's just
 6 municipal use.
 7 THE WITNESS: Correct.
 8 ATTORNEY MINKS: Those are not shared
 9 with the residents or the public. That's for the
 10 fire department --
 11 THE WITNESS: Exactly.
 12 ATTORNEY MINKS: -- and the
 13 municipality?
 14 THE WITNESS: Exactly.
 15 MAYOR TODISCO: Very good. Thank you.
 16 THE WITNESS: You're welcome.
 17 CHAIRMAN GREET: Anyone else,
 18 questions from the board?
 19 Bill?
 20 MEMBER NIERSTEDT: Questions, or
 21 comments, or what do you want?
 22 CHAIRMAN GREET: Well, questions
 23 first.
 24 MEMBER NIERSTEDT: Questions, okay.
 25 In looking at -- first off, I wish to concur with

D. Bartels, P.E. 321

1 the breadth of the responses to Victor's review
 2 because I will be the first to admit I did not go
 3 through everything. So, Victor, I'm really
 4 depending upon you to --
 5 We need to hold that down, correct?
 6 ATTORNEY FRASER: Yes.
 7 MEMBER NIERSTEDT: Okay. So I
 8 appreciate your responses that take point by point.
 9 I was not able to go through the whole thing, but I
 10 want to take Page 7, the response regarding the
 11 address numbering. I only bring this up because I
 12 recently went through this at a major development in
 13 Plainfield. I did not realize all that was involved
 14 with numbering of, you know, complexes such as this.
 15 The postal service, I trust you contact them?
 16 ATTORNEY MINKS: Yes. We're obligated
 17 to.
 18 MEMBER NIERSTEDT: Okay. I was going
 19 to say, you know, they have a whole system they'll
 20 work out. So I understand and I appreciate you
 21 saying that you're obligated to. I did not know
 22 that.
 23 If the board were to approve this
 24 tonight, I would just recommend that a condition be
 25 placed that, you know, you work directly with the

D. Bartels, P.E. 322

1 post office to make sure the numbering works.
 2 ATTORNEY MINKS: To my knowledge,
 3 that's the only way to have a properly assigned,
 4 recognized address, is to go through the postmaster.
 5 THE WITNESS: And we have actually
 6 done that already.
 7 ATTORNEY MINKS: Yes, that's already
 8 been done in Phase I.
 9 MEMBER NIERSTEDT: Fantastic.
 10 Appreciate that very, very much.
 11 Same page, the crossing of South
 12 Avenue. You know, we all recognize that you have to
 13 go to Union County. I think we'd also recognize and
 14 you wrote very well here, you indicated, "We chose
 15 to propose this crossing in this location rather
 16 than the corner of West Street as we feel this is
 17 where most people would cross with or without the
 18 aid of the crossing signals."
 19 Mr. Chairman, I would ask that, again,
 20 if the board approves this tonight, that the board
 21 itself put forth a letter of support to the county.
 22 You know, we know they don't like to do this mid
 23 block, but I think if it isn't there, it's going to
 24 be worse than if it is there because people are
 25 going to take the shortest route anyway.

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1 CHAIRMAN GREET: That was made clear.
 2 MEMBER NIERSTEDT: Right. So if we
 3 can actually have a support letter in addition to
 4 Mr. Vinegra, if he has to do it from the engineering
 5 perspective, I think that would be great.
 6 THE WITNESS: And if I can just add to
 7 that actually. The distance from where the
 8 crosswalk is shown right now to West Street versus
 9 going to the existing intersection, lighted
 10 intersection of Center Street, is really not that
 11 far. If you were to walk outside out of this
 12 building, you would be very unlikely to decide to
 13 turn left versus go to the right for that signal
 14 option.
 15 And, again, I think it's -- this is
 16 just -- people are going to gravitate to make that
 17 straight shot across the road, and that's why we're
 18 proposing it there.
 19 BOARD ENGINEER: The issue with the
 20 county is -- there was an extensive study about four
 21 years ago from California DOT that mid-block
 22 crossings are the most dangerous crossings for
 23 pedestrians. There was an extensive study. So we
 24 had to sit down with the county. The extensive
 25 studies found that if the mid-block crossing is not

D. Bartels, P.E. 324

1 delineated -- it could be either lighting or marking
 2 with cones and those things -- they have the highest
 3 rate of accidents.
 4 MEMBER NIERSTEDT: If it's not
 5 delineated.
 6 BOARD ENGINEER: Not delineated. So
 7 California, which had extensive studies, had long
 8 blocks -- they put mid crossings and had a terrible
 9 time with pedestrians and conflicts with vehicles.
 10 CHAIRMAN GREET: So they didn't have
 11 it marked?
 12 BOARD ENGINEER: So they now have -- a
 13 lot of DOT will not permit mid-block crossings that
 14 are not delineated with either signage, lighting, or
 15 some kind of bollard or cone.
 16 MEMBER NIERSTEDT: So as proposed
 17 here, the full gamut, and we'll keep our fingers
 18 crossed.
 19 BOARD ENGINEER: Yeah. So if they
 20 want the mid block crossing, they may have to go to
 21 some type of hunter signal or --
 22 CHAIRMAN GREET: We support that.
 23 THE WITNESS: And we testified that we
 24 will propose a push button with flashing light --
 25 BOARD ENGINEER: You would pay for

D. Bartels, P.E. 325

1 that if the county so approved?
 2 THE WITNESS: Correct.
 3 ATTORNEY MINKS: And we're hoping the
 4 county will see that the proximity to the signalized
 5 intersection actually may be a mitigating factor as
 6 opposed to a long shot of a high-speed road.
 7 BOARD ENGINEER: I would be in support
 8 of that because that's what we would have in front
 9 of Lord & Taylor and because, you know, Lord &
 10 Taylor had, I think, two fatalities over the years,
 11 but over many years. And with those hunter signals,
 12 it really cuts those down.
 13 MEMBER CAPOBIANCO: It's too close to
 14 the intersection to do that. It's too close.
 15 You're introducing pedestrians to a very dangerous
 16 area by doing it this way. And the traffic is going
 17 to be of such that backs up that when they're trying
 18 to cross, they're going to be crossing between cars
 19 that are stopped for the traffic going east and west
 20 on South Avenue. When the bus stops, it backs the
 21 traffic all the way up. Eastbound, it's always
 22 backed up. It's always backed up before the thing.
 23 This is not a good idea.
 24 BOARD ENGINEER: Well if you have a
 25 hunter signal, the vehicles have to stop.

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1 MEMBER CAPOBIANCO: Yeah. And now you
 2 have a traffic light 150 feet away, and now you have
 3 another red light, and then -- it's not a good idea.
 4 BOARD ENGINEER: Well, the county
 5 really has jurisdiction.
 6 MEMBER CAPOBIANCO: I know that. It's
 7 just not a good idea.
 8 MEMBER NIERSTEDT: Two last things. I
 9 know you went over the signs. The signs drive me
 10 absolutely -- thank you very much --you went over
 11 the signs. The signs drive me really crazy.
 12 So what you're proposing, then -- if
 13 you can pull up that sign again.
 14 The same sign that you're proposing on
 15 the eastern side of the building, you're proposing
 16 on the western side, correct?
 17 THE WITNESS: That's correct.
 18 MEMBER NIERSTEDT: And can you give me
 19 the total height of that sign from the ground?
 20 THE WITNESS: From the ground? I can
 21 give you estimation.
 22 MEMBER NIERSTEDT: That's fine.
 23 ATTORNEY MINKS: He would have to
 24 estimate it.
 25 MEMBER NIERSTEDT: That's fine.

D. Bartels, P.E. 327

1 ATTORNEY MINKS: 25 feet?
 2 BOARD ENGINEER: Doug, I have your
 3 plan on the computer right now.
 4 THE WITNESS: I would say it's roughly
 5 36 feet. To the top of the sign, it would be
 6 roughly --
 7 MEMBER NIERSTEDT: So then 36-foot
 8 high we're going to have a sign, and you said the
 9 sign -- don't just give me the lettering, but the
 10 full --
 11 THE WITNESS: The sign box is 25 feet
 12 high, tall.
 13 MEMBER NIERSTEDT: Okay. But the
 14 width of that, the projection?
 15 THE WITNESS: The width of the box?
 16 MEMBER NIERSTEDT: Yeah.
 17 THE WITNESS: Is 3 foot 6.
 18 ATTORNEY MINKS: Hold on. The width
 19 or the projection?
 20 MEMBER NIERSTEDT: I
 21 assume projection.
 22 ATTORNEY MINKS: The width is the
 23 width on the wall. The projection I would think is
 24 how far out.
 25 THE WITNESS: The width left to right

1 on the wall is 3 foot 6. The projection off the
 2 wall is 3 inches, plus the lettering is 6 inches; 3
 3 inches for the box, 3 inches for the lettering, yes.
 4 MEMBER NIERSTEDT: Sorry, I apologize.
 5 I lose it. The box itself perpendicular to the
 6 building, perpendicular to the west, is what length?
 7 ATTORNEY FRASER: Depth is what you
 8 need, Bill.
 9 THE WITNESS: Depth off the wall is 3
 10 inches. So if you measure from the brick to the
 11 base of the --
 12 MEMBER NIERSTEDT: The square footage
 13 -- the square footage of the letters is more than 3
 14 inches, so --
 15 THE WITNESS: Because it's the face of
 16 the letter --
 17 MEMBER NIERSTEDT: Let's do it this
 18 way, forget the projections, I want to go to words.
 19 What is the length times the width?
 20 THE WITNESS: Of the box itself?
 21 MEMBER NIERSTEDT: Yes.
 22 THE WITNESS: 87 1/2 feet.
 23 MEMBER NIERSTEDT: Okay. So what is
 24 the width?
 25 THE WITNESS: The width of the box is

1 All right. And just -- this is -- the
 2 last comment is just on -- at the last meeting we
 3 had a resident come in and talk about parking on
 4 Willow. And I agree wholeheartedly with the mayor
 5 in saying that we sometimes disagree regarding
 6 parking. But I thought he made a very good point,
 7 and that was that the parking standard that we have
 8 out there right now are to counter the problems
 9 caused by commuters parking there. And as he said,
 10 now we're not only going to have that issue of
 11 commuters parking there, but also, you know,
 12 potentially, people living here parking their cars
 13 on Willow.
 14 So I just -- if we can include a
 15 recommendation, Mr. Chairman, in the motion, if
 16 there's a motion to approve, that the parking
 17 enforcement officer and council continue to look at
 18 Willow Avenue in terms of, you know, what happens
 19 from this project to see if there are future changes
 20 that have to be made.
 21 I think he actually made a comment
 22 about -- I think now it's ten to; I believe he was
 23 talking about some other times.
 24 MAYOR TODISCO: Correct.
 25 MEMBER NIERSTEDT: So if we can just

1 3 1/2 feet.
 2 MEMBER NIERSTEDT: Okay. That's the
 3 number I'm looking for. So we're looking, then, at
 4 a box 3 1/2 feet off the wall --
 5 THE WITNESS: No, along the wall.
 6 ATTORNEY MINKS: It's along the wall.
 7 THE WITNESS: It's not projected off.
 8 MEMBER NIERSTEDT: Now I understand.
 9 That's what I was misunderstanding.
 10 ATTORNEY MINKS: All right. Now we
 11 understand.
 12 MEMBER NIERSTEDT: I apologize.
 13 THE WITNESS: It's not like a blade
 14 sign.
 15 ATTORNEY MINKS: No, that's what I --
 16 THE WITNESS: This is flat against the
 17 wall.
 18 MEMBER NIERSTEDT: Okay. I apologize.
 19 Because from here, see, to me, that looks like a
 20 blade sign.
 21 ATTORNEY MINKS: Sorry if we weren't
 22 clear.
 23 THE WITNESS: It's just reflecting
 24 that small projection.
 25 MEMBER NIERSTEDT: I understand.

1 continue to look at that because I understand there
 2 is something new that we hadn't thought about, as
 3 council members have thrown into the mix.
 4 MAYOR TODISCO: If Mr. Fraser thinks
 5 that's a fair recommendation, I'll accept it. I
 6 feel that the town and our police department always
 7 monitor that, and we are responsive to residents.
 8 But as we talked extensively at the last meeting,
 9 this project, with all the information we have in
 10 front of it, should really not be putting cars on
 11 Willow Avenue. They have ample space for the
 12 residents. They have ample space for their
 13 visitors. There's ample space for the public. And
 14 I would like to keep it that way, too. I don't want
 15 to reduce the parking over there, Mr. Nierstedt. I
 16 know you might, I don't.
 17 MEMBER NIERSTEDT: You knew what was
 18 going on in my head.
 19 MAYOR TODISCO: Yes. We have known
 20 each other a while.
 21 But I don't know if that's really a
 22 recommendation or a condition, but I can assure you
 23 from the town perspective we will take care of that.
 24 I don't think that's up to Russo Development to
 25 worry about.

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1 ATTORNEY FRASER: No, I don't think
 2 it's a condition of this application. It's really
 3 just a discussion of a policy decision that will
 4 ultimately presumably be made by mayor and council.
 5 MAYOR TODISCO: Mm-hm.
 6 MEMBER NIERSTEDT: That's it,
 7 Mr. Chairman. Thank you.
 8 CHAIRMAN GREET: That's it?
 9 ATTORNEY MINKS: Shhh, Chairman Greet,
 10 please. For the love of God, please.
 11 Thank you, Mr. Nierstedt.
 12 CHAIRMAN GREET: Anyone else from the
 13 board?
 14 MEMBER TARANTINO: I just was looking
 15 for some clarification from Mr. Minks.
 16 So, Mr. Minks, coming into this
 17 meeting, you were ten bedroom units over what the
 18 previous redevelopment agreement permitted?
 19 ATTORNEY MINKS: No. No. We're --
 20 this application is compliant with the redevelopment
 21 plan and the redevelopment agreement in all respects
 22 with respect to bedroom count, unit count, and
 23 bedroom distribution. There is no compulsion, or
 24 maximum, or requirements in either document that
 25 dictates how many of any given bedroom or how many

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1 maximum bedrooms are permitted. That's unequivocal.
 2 What we were proposing was -- from the
 3 previous approval, site plan approval, we were
 4 proposing a net increase of ten bedrooms over the
 5 project. I just want to make sure there's no
 6 confusion there.
 7 MEMBER TARANTINO: Maybe I phrased my
 8 question wrong.
 9 ATTORNEY MINKS: Oh, I'm sorry. Okay.
 10 Then, yes, then that is correct. We were proposing
 11 an addition of net ten bedrooms more. The project
 12 now is net eight bedrooms more.
 13 MEMBER TARANTINO: Okay. And just
 14 help me understand the math because I see the
 15 revised plan that Mr. Bartels submitted. You're
 16 converting four apartment units to have four dens?
 17 ATTORNEY MINKS: Correct.
 18 MEMBER TARANTINO: So wouldn't four
 19 from ten being six?
 20 ATTORNEY MINKS: No. Two two-bedrooms
 21 and two one-bedrooms, as Mr. Bartels testified, are
 22 being combined to result in -- and demising walls
 23 between them are being relocated consistent with
 24 Exhibit A-17, to result in four one-bedrooms with
 25 dens.

D. Bartels, P.E. 334

1 MEMBER TARANTINO: Thank you.
 2 ATTORNEY MINKS: Your welcome.
 3 MAYOR TODISCO: Mr. Chairman, if I
 4 may.
 5 CHAIRMAN GREET: Yes.
 6 MAYOR TODISCO: Just about the
 7 pedestrian crossing in mid block, I would like to
 8 just say something on that. I don't sit here in any
 9 way trying to pretend to be a traffic expert, but
 10 just knowing the town for a long time, I would agree
 11 with Mr. Bartels that looking at this map -- and I'm
 12 looking at A1.1 so everybody knows. If I look at
 13 that -- and I'm not measuring this out -- crossing
 14 mid block, the pedestrian has a choice, literally
 15 walk about the same distance to the left, West
 16 Street, or to the right, Center Street, where the
 17 action is. I see very few, if any, walking to West
 18 Street. They should walk to Center Street, I think,
 19 to Mr. Capobianco's point. Will they? It's a
 20 different story. We see what happens on North
 21 Avenue crossing JFK Plaza going to the bowling
 22 alley, or the hair salon, et cetera.
 23 So I think that having that pedestrian
 24 crossing there does make sense with the proper
 25 signage, specifically the flashing beacon's which

D. Bartels, P.E. 335

1 I'm happy to hear that you will put in.
 2 Also bringing more attention to that
 3 general area is the emergency light for the fire
 4 department. And I think that will be a big plus for
 5 the community because I frequently, not all the
 6 time, but I do on plenty of occasions see cars
 7 parking -- pulling up to the light, and they're
 8 blocking the driveway of the fire department.
 9 So I truly hope that the light you're
 10 willing to pay to put in will help alleviate that
 11 for our first responders.
 12 ATTORNEY MINKS: Absolutely. And I
 13 think at the initial hearing on this application, I
 14 made it clear that all of the stipulations that we
 15 agreed to at the additional approval that are not
 16 otherwise modified by this amendment remain, and
 17 that is one of them. That is a paramount one that
 18 we agree will continue to be installed.
 19 MAYOR TODISCO: Thank you. And just
 20 to finish up my comment, Mr. Bartels, if it's
 21 possible -- you're better at measuring with that map
 22 than I am. What would be the distance from the
 23 proposed crosswalk to Center Street?
 24 Again, we might hope that people would
 25 walk to Center Street, but in realism, I don't think

1 -- know that they would. So I just want to get that
 2 on the record. How many feet are we talking about?
 3 MEMBER NIERSTEDT: It's not only
 4 coming out from the south side of the apartments and
 5 making a right or a left. If you go to the left,
 6 you're crossing, then coming back. So it's actually
 7 doubling. And as I just heard Russ say, you know,
 8 getting over to the pool and what have you, it's
 9 just about triple. People aren't going to do that.
 10 THE WITNESS: It's about 380 feet.
 11 I'm estimating, but it's about 380 feet to Center
 12 Street. It's about 300 feet to West Street.
 13 MAYOR TODISCO: Right. Which then you
 14 have to double or triple because you have to go
 15 back --
 16 THE WITNESS: If you're going to the
 17 retail, yeah. You're going down and you're coming
 18 way back down the other way.
 19 MAYOR TODISCO: All right. I
 20 appreciate that being on the record. Thank you.
 21 THE WITNESS: Certainly.
 22 MAYOR TODISCO: And I want to, again,
 23 echo what the chairman said; I very much appreciate
 24 the changes that have been made to bring us to now
 25 this third meeting of your site plan.

1 ATTORNEY MINKS: We appreciate your
 2 input.
 3 CHAIRMAN GREET: Anyone else on the
 4 board have questions of this applicant?
 5 MEMBER CAPOBIANCO: Yes. I have a
 6 question about the parking fees. I don't understand
 7 that. I didn't know about that beforehand. I don't
 8 know if I missed it somewhere, but when I received
 9 the information today, I saw that the parking -- the
 10 people have to pay for their parking. So for the
 11 people that don't pay for parking, what happens?
 12 ATTORNEY MINKS: Then they can't park
 13 on the site.
 14 MEMBER CAPOBIANCO: So they have to
 15 park on the street?
 16 ATTORNEY MINKS: No. And we actually
 17 try to enforce that if you have a car, you have to
 18 park on the project. It's difficult to do. And we
 19 have people that try to -- in Union, for example, we
 20 had people park illegally all over our project, and
 21 those people -- we enforce it, and those people are
 22 ticketed, towed, and the like.
 23 The reality is this is a different type
 24 of project. It's even considerably different than
 25 the Phase I type of project. So we don't

1 envision -- we envision a different demographic
 2 here. We don't envision that to be a real concern.
 3 And we can't bill it -- a lot of people
 4 say, "Well, why not bill it into rent?" Because not
 5 everybody has a car. And conversely, even though
 6 all of us think you can't exist in this world
 7 without a car, it's actually a phenomenon that's
 8 occurring more and more frequently, that -- among
 9 all demographics -- young, up-and-comers, empty
 10 nesters -- living without cars, relying on public
 11 transportation, hence a transportation, you know,
 12 oriented development -- you know, transit-oriented
 13 development.
 14 MEMBER NIERSTEDT: So fewer cars...
 15 MAYOR TODISCO: Easy, Bill. Easy.
 16 MEMBER VILLAGGIO: I have four cars.
 17 ATTORNEY MINKS: I was asked that -- I
 18 said at the last hearing, "Well, what if I'm a car
 19 collector?" You're not living in our apartments.
 20 It's not going to happen. Or you're going to pay
 21 for a private garage to house your collection, and
 22 people do that, as well.
 23 CHAIRMAN GREET: Okay. Anyone else on
 24 this board have any questions?
 25 Okay. With that, I'm going to open it

1 up briefly for the general public for any comments,
 2 questions.
 3 Seeing none, I will close that portion.
 4 Okay. Discussion among the board?
 5 MEMBER VILLAGGIO: I like the stoops.
 6 I was surprised when -- with the application, but I
 7 like the look, and I like that you reduced a couple
 8 of bedrooms. And thank you for even looking at
 9 that.
 10 ATTORNEY MINKS: Appreciate it.
 11 CHAIRMAN GREET: Yeah. I have already
 12 echoed the point about the bedrooms. And I also do
 13 appreciate the fact that you have gone above and
 14 beyond in certain aspects of the site and I
 15 appreciate that.
 16 ATTORNEY MINKS: Thank you.
 17 MAYOR TODISCO: Mr. Chairman, I would
 18 like to just say, and hopefully I'm not being
 19 repetitive here, but, you know, I really got an
 20 education, as I'm sure this board did, about the
 21 number of bedrooms because that's something that is
 22 talked about a lot. But realistically, there's
 23 what's talked about a lot, and then there's law, and
 24 there's the purpose of this board, and the
 25 parameters that we have to make decisions.

D. Bartels, P.E. 340

1 So I do appreciate your give on that a
2 bit with the couple of units -- I'm sorry, a couple
3 of bedrooms of reduction, but, you know, what we're
4 looking at here today are the minor variances that
5 you're asking for and also the aesthetics and
6 furthering the redevelopment plan to make it more of
7 that transit-oriented development, walkable, hence
8 the stoops, aesthetics, et cetera, et cetera.

9 So I went from one place on this
10 application to another place because of the
11 education that you gave me, and this board, and
12 hopefully the public, as well. So I just want to
13 thank you for that, and I will be voting in support
14 of it tonight.

15 ATTORNEY MINKS: Thank you, Mayor.
16 COUNCILMAN GRAHAM: Mr. Chairman, I
17 have given a lot of thought to what I wanted to say
18 about this application. I want to start off by
19 saying as a first-year member of this planning
20 board, I have been extremely impressed by the
21 knowledge, the conscientiousness on this board and
22 what they bring to the table, obviously with the
23 support of our professionals. And I have sensed
24 that even though there's a lot of questions asked
25 and a lot of challenging, it's not -- it's not

D. Bartels, P.E. 341

1 confrontational. And, you know, obviously all the
2 responses have been very gracious, very thought-out,
3 and that's where I come to you because, you know, I
4 have kind of gotten the feeling at different times
5 that, you know, maybe things were going south. And
6 as a third-year councilman, as a first-year finance
7 committee member, as a first-year fire commissioner
8 in this town, I'm painfully aware of the financial
9 challenges that we faced not even -- before Ida, and
10 this is revenue source for us. And this board has
11 to keep that in the back of their mind all the time.
12 We are down this road because we had undeveloped --
13 properties in need of development.

14 So I think what you're bringing to the
15 table remains fantastic. I think that it's going to
16 be everything we hoped it would be. And making it
17 marketable is one of the key things not only from a
18 business, but from a -- as a partner to this that we
19 are with the PILOTs and whatnot.

20 So I encourage this board to keep that
21 in mind, that we don't do ourselves any favors by
22 standing in the way because of some kind of bush or,
23 you know, whatever.

24 But thank you, all, and thank you for
25 allowing me to say that.

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1 ATTORNEY MINKS: Thank you,
2 Councilman.

3 CHAIRMAN GREET: Thank you.
4 MEMBER NIERSTEDT: Mr. Chairman, I
5 have a couple of comments, and I hope I'm not
6 repetitive either, but I want to echo what the mayor
7 said, beyond that.

8 You know, Chris, I think you know that
9 I'm not a big fan of this particular apartment
10 complex. I feel it's lacking a lot of TOD stuff,
11 but I have to keep saying to myself what Russ
12 alluded to, which is that it's part of the overall
13 project. Both sides of the street come together to
14 form a transit-oriented development, and I think
15 this does. I think there's a lot of things being
16 put forth that advances even more than the previous
17 approval.

18 Beyond that, I won't get into parking.
19 I will simply say that --

20 MEMBER VILLAGGIO: Trees?
21 MEMBER NIERSTEDT: No, no, no. I see
22 that as a -- Victor's office has put forth, you
23 know, a lot of comments regarding the landscaping.
24 I've seen their comments. I appreciate the
25 additional trees. I appreciate the bike rack

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1 outside. I appreciate those things which make it
2 more of a TOD feel.

3 I have also liked the stoops from the
4 very beginning. I like the idea of people being
5 able to go out directly onto the sidewalk. I think
6 that's also part of the transit-oriented,
7 pedestrian, you know, feel that we're trying to put
8 out here.

9 So I don't know where we are in terms
10 of conditions. I'm looking to our attorney to
11 hopefully know what those conditions were at this
12 point. But, you know, I, too, will be supporting
13 this, and I will end it there.

14 CHAIRMAN GREET: Thank you, Bill.
15 ATTORNEY MINKS: Thank you,
16 Mr. Nierstedt.

17 CHAIRMAN GREET: Anyone else?
18 Comments?

19 Okay. With that, I think we can
20 proceed with a motion.

21 BOARD ENGINEER: Well, Bill, I wrote
22 down the conditions.

23 MEMBER NIERSTEDT: Oh, you did? Good.
24 BOARD ENGINEER: Yes. First off, they
25 don't have -- the applicant does not have my latest

D. Bartels, P.E. 344

1 letter that went out today.

2 CHAIRMAN GREET: Victor, speak up.

3 BOARD ENGINEER: The applicant doesn't

4 have the latest letter that went out to the board

5 today. I'm not sure the board has it.

6 CHAIRMAN GREET: No, I haven't seen

7 it.

8 BOARD ENGINEER: So there was a

9 revised letter that was dated today. These plans

10 were coming in in different sections. And in the

11 revised letter they addressed over 43 of the

12 original comments of the first letter. So a good

13 portion of this letter has been addressed. A good

14 portion of the landscaping has been done. And,

15 again, I think maybe three-quarters of this letter

16 has been addressed already.

17 The things that haven't been addressed

18 are really kind of minor drainage comments, time of

19 concentration, and minutia to do with drainage. But

20 I think for the most part, the original letter that

21 you have before you of July 23rd, for the most part,

22 about three-quarters of those items have been

23 addressed in the revised plans that we received last

24 week, beginning of last week.

25 The conditions that I have written

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1 down, is if there is a hunter, if there is a

2 mid-block pedestrian crossing approved by the county

3 -- and the county has in-house traffic engineers

4 that do study pedestrian movements -- that they

5 would pay for the hunter signal for a mid-block

6 crossing.

7 They would also do additional planter

8 boxes, maybe three. Besides the 1,100 square

9 feet -- was it 1,100?

10 THE WITNESS: Eleven.

11 BOARD ENGINEER: No, they were short

12 11.

13 THE WITNESS: Yes. Originally 1,100.

14 BOARD ENGINEER: Right. So they're

15 really balancing their impervious coverage because I

16 wouldn't consider a planter box impervious coverage

17 because rain does not go onto the concrete. It

18 falls into the planter box, and it is absorbed into

19 the soil. So I think they're mitigating the

20 variance properly, in my opinion, bringing that

21 down.

22 So I only had two conditions, and that

23 was the planter boxes, the additional impervious

24 coverage, whatever is in this review letter, and the

25 signal mid block.

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1 Again, I'm happy that they came in with

2 a sign package because, again, I don't want be the

3 keeper of the keys for the signs.

4 And I also have one question, what is

5 the meaning of Vermella? Is it somebody's name?

6 ATTORNEY MINKS: Vermella means red in

7 Portuguese.

8 CHAIRMAN GREET: So with that being

9 said, would you recommend, then, preliminary and

10 final?

11 BOARD ENGINEER: On this project, yes,

12 because they addressed almost everything

13 structurally in this letter.

14 CHAIRMAN GREET: With the addition of

15 those conditions?

16 BOARD ENGINEER: And just for your own

17 edification, the reductions on storm drainage,

18 besides adding additional impervious to the project

19 -- so there are less asphalt than what is there now,

20 it's kind of hard not to do that the site is

21 100 percent pavement. So they're taking credit for

22 something that's kind of "Joey" obvious, but their

23 percentages of reduction are over 50 percent. You

24 know, the small storms -- two year, four years, six,

25 it's around 50 percent. So what that means is

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1 besides adding green space, they're also reducing

2 the flow that is leaving the site by 50 percent from

3 today to the future. And the way they're doing that

4 is by using extensive on-site detention underground

5 and within the parking lot.

6 So they're doing water quality

7 standards, and they're reducing their flow by

8 50 percent.

9 CHAIRMAN GREET: Excellent. Thank

10 you, Victor.

11 ATTORNEY FRASER: So, Victor, then, in

12 terms of the conditions, you're saying compliance

13 with the July 23rd, '21 letter, compliance with the

14 September 22, 2021, letter, three planter boxes, the

15 additional off-site impervious coverage, and the

16 hunter mid block pedestrian crossing thing which is

17 subject to county approval?

18 BOARD ENGINEER: That is correct.

19 ATTORNEY MINKS: I agree.

20 MEMBER VILLAGGIO: I'll make a motion

21 to accept.

22 ATTORNEY FRASER: To approve the

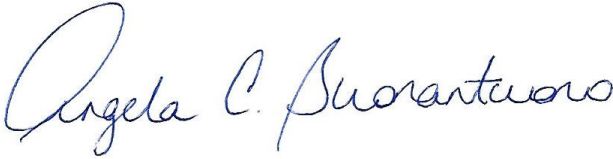
23 application subject to those conditions?

24 MEMBER VILLAGGIO: To approve the

25 application subject to those conditions.

1 CHAIRMAN GREET: And I will second
 2 that motion.
 3 Adele, roll call, please.
 4 BOARD CLERK: Mayor Todisco?
 5 MAYOR TODISCO: Aye.
 6 BOARD CLERK: Ken Capobianco?
 7 MEMBER CAPOBIANCO: Aye.
 8 BOARD CLERK: Councilman Graham?
 9 COUNCILMAN GRAHAM: Aye.
 10 BOARD CLERK: Chair Greet?
 11 CHAIRMAN GREET: Aye.
 12 BOARD CLERK: Kathy Villaggio?
 13 MEMBER VILLAGGIO: Aye.
 14 BOARD CLERK: William Nierstedt?
 15 MEMBER NIERSTEDT: Aye.
 16 BOARD CLERK: Paul Tarantino?
 17 MEMBER TARANTINO: Aye.
 18 BOARD CLERK: Motion carries.
 19 CHAIRMAN GREET: Congratulations and
 20 thank you, again.
 21 ATTORNEY MINKS: And thank you for
 22 accommodating us this evening, I know your calendar
 23 is full.
 24
 25 (Application concluded at 8:35 p.m.)

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 proceedings 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: October 14, 2021