TOWN OF WESTFIELD

PLANNING BOARD

IN RE
PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS
Monday, March 7, 2022
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

*Meeting held virtually via Zoom*
BEFORE:

MICHAEL ASH, CHAIRMAN
MAYOR SHELLEY BRINDLE, MAYOR DESIGNEE
COUNCILMAN MICHAEL DARDIA, COUNCIL LIAISON
MATTHEW CEBERIO, MEMBER
ANASTASIA HARRISON, MEMBER
ROSS GOLDSTEIN, MEMBER
ASIMA JANSVELD, MEMBER
MICHAEL DUELKS, FIRE DEPARTMENT CHIEF
ALEXANDRA CARRERAS, FIRST ALTERNATE
ANN FREEDMAN, SECOND ALTERNATE
DON SAMMET, TOWN PLANNER/BOARD SECRETARY
DAVID BATTAGLIA, TOWN ENGINEER

APPEARANCES:

ASHENFELTER, TREMBULAK, MCDONOUGH, GOLIA & TREVENEN, LLP
BY: ALAN TREMBULAK, ESQ.
Attorney for the BOARD

MCCARTER & ENGLISH, LLP
BY: GARY HALL, ESQ.
Attorney for the APPLICANT VILLA

GARY S. GOODMAN LAW
BY: GARY GOODMAN, ESQ
Attorney for APPLICANT TXT PROPERTIES
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OTHER BUSINESS:
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440 NORTH AVENUE EAST
CARRIED
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WITNESS

PAUL FOX

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NONE MARKED

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*MOTION TO APPROVE APPLICATION 115

PB22-01
TXT PROPERTIES, LLC
1060 AND 1070 RAHWAY AVENUE
BLOCK 4603, LOTS 9 AND 10

WITNESS

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*MOTION TO APPROVE APPLICATION 135
CHAIRMAN ASH: Good. Evening, and welcome to the Planning Board's regular March meeting. Hopefully, our last Zoom meeting as we return to in-person in Council Chambers on April 4th.

MR. SAMMET: Yes. We'll be back in person.

CHAIRMAN ASH: Very good. Notice of this meeting has been provided in accordance with the Open Public Meetings Act. The publication of the notice of this meeting was published in newspapers of record in the Town of Westfield.

Roll call, please.

MR. SAMMET: Yes, Mr. Chairman.

Chairman Ash.

CHAIRMAN ASH: Here.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Here.

MR. SAMMET: Mr. Ceberio.

MR. CEBERIO: Here.

MR. SAMMET: Councilman Dardia.

MR. DARDIA: Here.
MR. SAMMET: Ms. Harrison.

MS. HARRISON: Here.

MR. SAMMET: Mr. Goldstein.

MR. GOLDSTEIN: Here.

MR. SAMMET: Ms. Jansveld.

MS. JANSVELD: Here.

MR. SAMMET: Ms. Carreras.

MS. CARRERAS: Here.

MR. SAMMET: Ms. Freedman.

MS. FREEDMAN: Here.

MR. SAMMET: And Deputy Chief Duelks. Welcome.

MR. DUELKS: Here. How are you? I had trouble signing in. The link didn't really work, so I guess we'll have to get that updated.

CHAIRMAN ASH: Good evening, and welcome. I'm glad you could make it.

MR. DUELKS: Thank you.

MR. SAMMET: Mr. Chairman, at the appropriate time, we'll need to swear in the deputy chief.

CHAIRMAN ASH: No time like the present. Alan, you want to do this?

MR. TREMBULAK: I wasn't aware of this.
MR. SAMMET: I have a cheat sheet, Alan.

MR. TREMBULAK: Oh, do you? Because I can pull it up on my phone in a minute.

MR. SAMMET: I'll do it.

MR. TREMBULAK: Actually, I think I have it, Don. Deputy Chief, can you raise your right hand and repeat after me.

DEPUTY CHIEF MICHAEL DUELKS, having been duly sworn, was sworn into office as a member of the Westfield Planning Board.

MR. TREMBULAK: Welcome.

MR. DUELKS: Thank you.

CHAIRMAN ASH: Welcome aboard. And let's get to our next agenda item. We have minutes of February 7, 2022. Since this is a verbatim transcript, I don't suppose there will be any issues can we have a motion to approve?

MR. CEBERIO: I'll make the motion.

CHAIRMAN ASH: Thank you. And a second?

MS. HARRISON: I'll second it.

CHAIRMAN ASH: I think that was Anastasia. All those in favor say "aye."

BOARD MEMBERS: Aye.
CHAIRMAN ASH: Our new member abstained. Next, we have a resolution. And this was a resolution for PB21-09, the application for Westfield Park Partners, LLC, 522-524 Springfield Avenue. We had a revised version circulated earlier today. Does anyone have questions or comments? Seeing none, can we have a motion to approve?

MR. CEBERIO: I'll make that motion.
CHAIRMAN ASH: Who would like to second?
MR. DARDIA: (Indicating.)
CHAIRMAN ASH: Mr. Dardia had his hand up. Roll call, please.

MR. SAMMET: Chairman Ash.
CHAIRMAN ASH: Yes.
MR. SAMMET: Mayor Brindle.
MAYOR BRINDLE: I'm abstaining. I had recused from that application.
MR. SAMMET: That's right.
Mr. Ceberio.

MR. CEBERIO: Yes.
MR. SAMMET: Councilman Dardia.
MR. DARDIA: Yes.
MR. SAMMET: Ms. Harrison.
CHAIRMAN ASH: All right. Thank you. Don, any changes or revisions to the agenda tonight?

MR. SAMMET: No, Mr. Chair, there are not. The agenda, the applications listed still stand. We're ready for a hearing.

CHAIRMAN ASH: All right. Very good. And our first application tonight was carried from the last meeting. It was PB19-02, 873 New England Drive, Block 5301, Lot 17 is an application for a subdivision. Let's add -- I see Gary Hall on the panel. Mr. Hall, the applicant's attorney, good evening.

MR. HALL: Good evening, everyone.

Yes, Gary Hall with the law firm of McCarter and English in Newark appearing on behalf of
Ruth Villa for a minor subdivision, two lots with no variances.

CHAIRMAN ASH: Thank you. Before we begin any testimony, I just want to turn it over to the board attorney for a brief overview of sort of the procedural history, a description of the litigation involving this application, and the disposition of that litigation. Mr. Trembulak.

MR. TREMBULAK: Thank you, Mr. Chairman. I'm going to review the procedural history. Before I do though, I just want to mention it because it's all based upon what's commonly referred to as the "Time of Application Rule." And part of the municipal -- and the "Time of Application Rule" is a section in the state Municipal Land Use Law which states that: "A land use application must be decided based upon the zoning regulations that are in place or in effect at the time the application is filed." Hence, the name "Time of Application Rule."

This property at 873 New England Drive, as well as other properties on that street, were located in the RS-12 Zone district until February 2019 when the Town Council enacted a zoning ordinance changing the designation of the
New England Drive properties, changing the zoning designation from RS-12 to RS-16. That ordinance, which was really enacted shortly after this Board rendered its initial decision denying the subdivision application for 855 New England Drive. That ordinance, again, was enacted shortly after that and was adopted by the Town Council on February 12, and I believe the ordinance took effect two days later on February 14. On February 7, 2019, five days before the new zoning took effect, Mr. Hall, on behalf of Mr. and Mrs. Villa filed an application for minor subdivision approval for this property at 873 New England Drive.

After Don Sammet reviewed the application and the materials submitted, along with the application and after discussions with me, it was determined that the application was deficient in various respects and a letter was sent out to the Villas or to Mr. Hall advising they had not submitted a complete application before the new zoning designation took effect and that therefore their application was subject to the new zoning for this property which was the RS-16 Zoning Regulations.
In response to that determination, the Villas filed a lawsuit in the Superior Court of New Jersey and ultimately which was assigned, and ultimately handled by Judge Karen -- the assignment judge at the time since retired, Judge Karen Cassidy who is the same judge who decided the Schnitzer case involving 855 New England Drive. Without going into great detail, which is not necessary, Judge Cassidy ruled in favor of the Villas. And she held that the Villas had filed a complete or a sufficiently complete application on February 7, 2019, and that, therefore, based upon the Time of Application Rule, they were entitled to have their application decided based upon the zoning regulations in place on February 7, 2019, namely, the zoning regulations for the RS-12 Zone District. She entered an order to that effect basically declaring, deciding that the Board must decide this application based upon the RS-12 Zoning Regulations. And she also included in her final judgment a statement that the Board could not consider Section 806G, which she had ruled in the Schnitzer litigation to be invalid. So the case is now before the Board to be decided based upon the zoning regulations.
applicable to properties in the RS-12 Zone, and
without any consideration to Section 806G of the
Subdivision Ordinance which was determined to be
invalid. That's what brings us here tonight
Mr. Chairman and Members of the Board.

CHAIRMAN ASH: Thank you for that
summary and that history. Members of the Board,
do you have any questions for our attorney?
Seeing none.

MR. GOLDSTEIN: Mr. Chairman?

CHAIRMAN ASH: Okay. Go ahead.

MR. GOLDSTEIN: Is there any need to
sign an affidavit to the earlier statement as we
had to do with the other one?

CHAIRMAN ASH: No. There was no
record, there was no prior testimony or record for
this application. So the record is based on what
we hear tonight and the application that was
filed.

MR. TREMBULAK: There was never
anything heard by this board in 2019.

CHAIRMAN ASH: Any other members of
the Board?

MS. HARRISON: Just for my own
record. We're talking about Lot 17 in this
application? The Schnitzer lot was which two lots or which one lot was it on the tax map?

CHAIRMAN ASH: It was Lot 16.

MS. HARRISON: It was what?

CHAIRMAN ASH: Lot 16.

MS. HARRISON: Thank you.

MR. HALL: I think it was 18; wasn't it?

MS. HARRISON: Eighteen is little.

MR. HALL: You're right. I'm sorry.

CHAIRMAN ASH: All right. Mr. Hall?

MR. HALL: Thank you, and I agree with Mr. Trembulak's summary. And I know that Mr. Sammet also had a summary in his memo of October 25. But we'll be brief. I have one witness, Paul Fox, the engineer who prepared the plans. He'll be available -- I mean, he'll testify. Before I do that, real quick, I want to make a couple of comments. One important thing I think is that if you look at the zoning table on our chart on our plans, one of two lots actually complies with the RS-16 Zoning; from what I can tell. It's got more than 16,000-square feet and it's got a width of 104. The requirement for the RS-16 is only 90-feet. I believe the Schnitzer
application was I think 77 or so, the width. And
during those proceedings, it seemed to me -- and
I've watched a lot of them -- that lot width was a
big concern to many of the neighbors. The minimum
for the RS-16 is 90, and we're at 103 and 104. So
I think that's an important point to have that
this is a much different application, it's much
closer, and at least one of the two lots actually
conforms. And the main deviation is a little
shortage of acreage, about 2,000-square feet, and
that's because of the unusual shape, the curve of
New England Drive so that on the one side, the lot
has a shorter depth and that makes it contrary to
the 140-foot depth requirement. The minimum on
this lot is 126.92. So I think that's important
to note that this isn't a clone of the Schnitzer
application next door. We waited to hear what
happened with that before we asked to go ahead.
And they are bigger lots. I agree it would not
fully conform with RS-16. I want to bring that
out.

Having said that, if we can swear
Mr. Fox in, he can tell everyone about the plans.
Mr. Trembulak, are you the swearer in person?

MR. TREMBULAK: I can do it.
Normally, the Chair does.

CHAIRMAN ASH: I'm now unmuted.

Mr. Fox.

PAUL FOX, having been duly sworn, was examined and testified as follows:

BY MR. HALL:

Q. Mr. Fox, could you summarize your credentials for the Board as a professional engineer and in connection with the preparation of subdivision plans?

A. Sure. My name is Paul Fox, F-O-X. I work for the firm of Apgar Associate and I'm the president. I've worked here since 1996 and have prepared numerous site plans and subdivision plans over that time. I have a Bachelor of Science Degree in Civil Engineering from Union College in Schenectady, New York. I have a Master's of Engineering Degree from Cornell University in Ithaca, New York. I'm a licensed professional engineer in both New Jersey and New York. I'm a certified municipal engineer in New Jersey. I serve as municipal engineer of Harding Township in Morris County, and also serve as a consultant to both the Planning Board and Board of Adjustment in Harding Township. I'm also the chairman of the
Planning Board in Chester Township, Morris County.

Q. Do you appear before land use boards and testify and be accepted as an expert and engineer?

A. Yes.

Q. Frequently over the past, since 1996?

A. At least once a month all throughout mostly Hunterdon, Morris, Somerset, as well as out here in Westfield.

MR. HALL: I have no questions. I'll open up if anyone has questions of his credentials.

CHAIRMAN ASH: And the proffer is as an expert in civil engineering?

MR. HALL: Yes. As a professional in civil engineering and the preparation of subdivision plans.

CHAIRMAN ASH: Does anyone on the Board have questions as to Mr. Fox's qualification? All right. Thank you. We will accept his qualifications as a professional engineer.

BY MR. HALL:

Q. Mr. Fox, tell us all your role in
the subdivision process. Did you prepare the plans?

A. Yes, I did. We began the process by completing a survey of the property, which included locating all the improvements on the property, the homes on the adjacent properties, the street improvements, and all the trees that are on the property. That survey where it included a topography of the entire lot. At that point, we reviewed the current zoning requirements, looked at what made sense for the appropriate boundary line to create two lots, and decided that what made the most sense was to create two lots that had an approximate equal amount of width shared between the two lots. If you'd like me to, I can do a shared screen to show the plans.

Q. That probably would be a good idea, yes. If that's okay with the Board, of course.

CHAIRMAN ASH: Yes. Can we give Mr. Fox that ability? Great.

A. We want to be looking at the minor subdivision plan that was submitted for this application. This includes Sheet 1, it's an aerial photo of the property in the center and
showing all of the houses around there. It also shows the street in front. The tax map is provider here, 200-foot Owner List that was, again, established at the time of the application, as well as the zoning schedule for the property.

Q. If I can jump in real quick. The property owner list -- and I addressed this with Mr. Sammet earlier -- we used an updated list. There were a few changes to give notice. But the decision was made not to change the map or the plan. That would be done as a condition of approval. So we did notice, I think there were four properties that changed since 2019, and that's why this is the old list, but it will be updated. We used the updated for notice. Go ahead, Mr. Fox.

A. Moving on to Sheet 2 of the plans, this is the boundary and topographic survey map of the property. This includes the surrounding properties, the adjacent Lot 16 is off to the left. The Board will note that along this side of the property there's previously a street established as part of the original subdivision that created this neighborhood. The street was subsequently vacated by the municipality, and when
that is done, half of the property goes to the lot on one side, half of the property goes to the adjoining lot. This is what resulted in the existing Lot 17. The survey shows topography, all the existing structures, and improvements, as well as all of the trees and utilities.

Q. And Mr. Fox, off to the right -- I guess that would be the east -- it also shows a sewer easement; is that correct?

A. That is correct. That's where the sewer line comes up New England and then comes down here back to Village Green. There is no sewer line in front of the property underneath New England Drive.

Q. And does that show the sewer lateral for the existing house?

A. Yes. The sewer lateral for the existing home is shown right here.

Q. Okay. Thank you.

A. Moving on to Sheet 3. This shows the proposed lot line that would be established between the two proposed lots. The building envelope is shown for the two lots. There is the easement across the one lot. So the structure on this new lot would be able to have sanitary sewer
The proposed subdivision creates one lot with the size of 13,887-square feet and another lot that is 16,064.71-square feet in size.

Q. The other one is 13,887; isn't it?
A. I'm sorry. You're correct, 13,887.
Q. I mentioned before on the easterly side there because of the curve and New England Drive there's a shorter lot depth; is that correct?
A. That is correct. On this lot here.
Q. So it's equal distance in the back line -- you said you divided it in half -- but that results in a slight deviation in acreage; is that correct?
A. That's correct. It still conforms with the RS-12 zoning requirements.

Moving to Sheet 4, this includes a limit of disturbance associated with demolishing the existing home and removing the improvements on that property. It includes also the topography as well as the existing trees. We've noted where the sewer line serving the new lot here would go across the adjacent lot and out to the existing lateral going out to the existing sewer line in New England Drive.
sewer off of New England Drive here. There are no
proposed homes here because we're not proposed to
construct any homes at this time. We're simply
proposing to demolish the existing home and create
two vacant lots. There's no construction proposed
at this time.

Q. And as a professional engineer doing
subdivisions, is there adequate room within the
building envelope for a reasonably sized house.
A. Yes, there is. There's also
reasonable room to provide the required parking as
noted in the Westfield code.

Q. Thank you. Is that the last plan
sheet?
A. Yes. The next sheet is just some
details related to soil erosion. Otherwise,
there's nothing more to testify to the plans.

Going back to Sheet 3, I can certainly, at this
time, entertain any questions that the board
members may have.

Q. And before you do that -- allow me
to just jump in -- you've been provided with the
comment memoranda from Mr. Sammet and also
Mr. Battaglia, the town engineer?
A. Yes, I have.
Q. And you've read them.
A. Yes.

MR. HALL: I don't know if -- I'll defer the Board whether you want to question the plan first or have him proceed with the memoranda.

CHAIRMAN ASH: We'll go to questions from the Board from Mr. Fox. Is that your direct testimony, Mr. Hall?

MR. HALL: Well, no. I was going to have him ask a few questions about the comment memoranda. I didn't know if you wanted to split up the questioning. That's all. I'll proceed with that then.

BY MR. HALL:

Q. You've seen the memorandum, Mr. Fox, from Mr. Sammet, the town planner?
A. Yes. I did have an opportunity to review this memorandum dated October 25, 2021. A couple of items that I did want to note. On Page 3 of his memorandum notes that the existing dwelling has a nonconforming front-yard setback of 48.9-feet, where 42.97-feet is required. In other words, the existing home is too far away from the roadway from what the code would currently require.
Q. I was going to say, on the next page, he also flags a slight error in calculation.

A. Actually, on Page 3, before we leave that. Third paragraph from the bottom, he notes that the lot depth on 17.02 will be 166.57 -- well, it shows 166.57 on our plans -- and he noted that, correctly, that it is 146.45-feet. We will update our plans accordingly to 146.45-feet. It still complies with the RS-12 Zoning. At the top of Mr. Sammet's memo Page 4, he disagreed with the calculation of the required front-yard setback. He felt that the required front-yard setback should be about 11-inches closer to the roadway than what we had noted in our plan. We agree to update our plans to show that the required front-yard setback is, approximately, 11-inches closer to the roadway.

Q. Were there any other tweaks that were requested? I don't think I saw anything?

A. No, nothing else.

Q. Just backing up, though. He did, Mr. Sammet, did note at the bottom of Page 3, that applications for detached single-family dwellings are exempt from site plan review; is that correct?

A. That is correct. It specifically
states that per the Municipal Land Use Law at 40:55D-37a states: "Subdivision or individual lot applications for detached single-family dwellings are exempt from site plan review and approval by the Board. Building floor plans and elevations are not required to be submitted for minor subdivision applications involving detached single-family dwellings."

Q. And I believe you said earlier that you're not aware of no plans are proposed at this time?

A. That is correct.

Q. For this application. Okay. Why don't we jump over to Mr. Battaglia's memo if you have that handy?

A. Sure. My only comment with Mr. Battaglia's memo, some of the comments appear to be addressed towards proposed home construction. There is no proposed home construction at this time. Most of these comments appear to be applicable to when somebody does apply to build a home on these lots' and certainly, I would agree that those comments that are applicable to Westfield's requirements for individual home developments would be applicable
to the proposed lots that are being created as part of the subdivision.

Q. And on Item 3.2, refers to the properties on the list. I think I addressed that already.

A. Yes. We will update our plans to show the current list.

Q. And 3.4 refers to showing what's on the adjoining tracks. That's shown on the air photos; isn't it?

A. That's correct. We also show the corners of the adjacent homes surrounding the property.

Q. And 310 on Page 3, talks about the sewer lateral that you described a few minutes ago?

A. Yes. He indicated in a comment that the direction should be reconsidered to eliminate the need for any easement. I would certainly be willing to work with Mr. Battaglia to address any comment with respect to that if he had an alternate idea that would preclude the need for an easement.

Q. But there's no sewer in front, so that seems unlikely; is that correct?
Q. But you'll adjust it. There's nothing magical about the alignment you showed; is that correct?
A. That's correct. There's nothing that would preclude having a sewer lateral running across the adjacent lot at that point. It's far in front of the required home setback, so there certainly wouldn't be any conflict there.
Q. I think that covers it all. And you have no problem providing CAD or PDF copies of the corrected, revised, updated plan; is that correct?
A. Correct.
Q. I think that's all I have -- well, that is all I have for Mr. Fox. He's open for questions.
CHAIRMAN ASH: Thank you.
MR. SAMMET: Mr. Hall, just acknowledge to comments that I made in my report on Pages 4 and 5, Numbers 1, 2, and 3 about would the applicant be willing to obtain the necessary tree removal permit from the Tree Preservation Commission. And also acknowledging that two new homes built side-by-side would be subject to the requirements in Section 12.11 of the Town Land Use
MR. HALL: Yeah. I mean we're not proposing to have pull building permits at this point. Whoever wants to pull building permits, they're going to have to comply with everything. We're not asking for relief, escape, or avoidance of anything. So whatever applies, will apply to the person, individual, entity that applies for a building permit. So the answer is, yes, those will apply. I'm just not sure my client will be the one doing that. That's all. The goal would be to subdivide and sell because my understanding, the way the thing works now is developers don't build spec homes anymore or rarely do. And usually, they have a contractor to buy a lot, and then contract with a purchaser to build a purchaser's dream house. If that's the way it works. So that would all be up to them. Whatever applies, applies at that point in time. I don't disagree at all.

And one other thing before I forget I didn't mention it before but just for the record, the reason Mr. Villa hasn't been mentioned is that he passed away last year. So now, Ruth Villa is the sole owner of this property. At
the time of the filing three years ago, he was still alive. That has changed. Just if people were wondering why he hasn't been mentioned, that's the reason. Did I answer your question, Mr. Sammet?

MR. SAMMET: Yeah. Typically, the Board has put conditions of approval on the subdivisions, so anyone who would be constructing a home would be aware of this provision.

MR. HALL: Yeah. No. Whatever applies, I have no problem with you calling it out because whether you call it out or not, it's going to apply. That's fine.

CHAIRMAN ASH: Mr. Battaglia, I see your hand up.

MR. BATTAGLIA: Yeah. I thought I would use the proper thing. My only question slash comment, I wanted to go back to the sanitary sewer line. The reason for that comments is I was hoping to see if there was a way to maybe get that lateral to have enough pitch to run straight out of the house and through the right-of-way, but not necessarily within New England Drive, just to get it off of the other property. So if Mr. Fox thinks he can look at that and see if there's
enough pitch to do that I think not having an
easement is a benefit.

MR. HALL: I'm sure we'd be glad to
explore that.

MR. FOX: Yeah. I would think there
is enough pitch looking at the depth of the sewer.
I have a copy of the sewer map on my screen if
you'd like to see that. But I think there is
enough pitch. But we can certainly look at that
and work that out with any final plan revisions.

MR. BATTAGLIA: Thank you.

CHAIRMAN ASH: Any members of the
board have any questions for Mr. Fox? I see none.
Let's open it up to members of the public.
Everyone participating at home, if you have
questions for Mr. Fox, not general comments, but
questions for Mr. Fox based on his testimony for
the plans that he described, please raise your
virtual hand. I see Leslie Wederich Butchko.

MR. SAMMET: Ms. Butchko, we should
be able to hear you if you speak. Ms. Butchko,
you should be able to speak now, I don't see you
on mute.

MR. HALL: Do you want to leave the
shared screen up? I mean that's up to you.
MR. SAMMET: Mr. Chairman, perhaps we move on to Gerri and Jeremy Rothfleisch. And then we'll give Ms. Butchko another shot.

CHAIRMAN ASH: Okay.

MR. SAMMET:

Mr. and Mr. Rothfleisch, we should be able to hear you.

MS. ROTHFLEISCH: Hello.

MR. SAMMET: Yes. We can hear you.

MS. ROTHFLEISCH: I had a question, Mr. Fox, regarding you had mentioned something about the existing lot that's for the existing home that's currently there that it was, I guess, not in compliance with the zone. Is that because the zone is an RS-12 now when originally it was a different zone, it was an RS -- what was it? An RS-100.

MR. FOX: No. The --

MS. ROTHFLEISCH: That's my first question. And my second question is how will -- if you could just explain a little more to the group, how the depth will affect the new homes that are there. How it will look from the existing home to what it will be with the new homes?
MR. FOX: Sure. So the issue wasn't the depth of the existing lot, but rather the front setback of the existing home. As Mr. Sammet noted in his review memorandum, at the top of I believe Page 3, he noted that the existing home has a setback of 48.9-feet where 42.97-feet is required; approximately 6-feet. He's saying that the home is technically required to be 6-feet closer to the street. Insofar as the home is being demolished as part of this application, that nonconformity will be eliminated. The new homes have to comply with Westfield's requirement for averaging between adjacent lots on either side. Mr. Sammet calculated that the required setback for the two new lots would be 42.97-feet. So that's where the new homes would be constructed. That's designed to maintain an average setback along the street so no home is much closer to the street than the adjoining properties or much further from the street than the adjoining properties.

MS. ROTHFLEISCH: So will that now be more consistent with the street or less consistent with the existing homes that are there, that are currently there?
MR. FOX: It will be more consistent.

MS. ROTHFLEISCH: Okay. Thank you.

MR. ROTHFLEISCH: May I just ask a quick question as well; Gerri's husband?

MR. FOX: Sure. Go ahead.

MR. ROTHFLEISCH: Given the fact that the Schnitzer property is being subdivided, I'm just curious how those calculations are made. Are they based upon the fact that where the current Schnitzer house is because that's going to be demolished as well? That's going to be two new houses there, so I was just wondering how this all works.

MR. SAMMET: I can answer that. The calculation will change. If the new homes constructed will, of course, have a certain setback, those will impact the average setback calculation for this property. There essentially will be a new setback calculation done at the time of the construction permitting.

MR. ROTHFLEISCH: So it probably depends on who builds their homes first; right?

MR. SAMMET: Actually, yeah. Yeah.

MS. ROTHFLEISCH: So setback is not
based on zoning requirements, it's based on the
existing home there?

MR. SAMMET: It is based on zoning. The zoning says that the builder has to use the
established front-yard setback, and the zoning
ordinance specifies how that is calculated by zone
district.

MR. ROTHFLEISCH: Thank you.
CHAIRMAN ASH: Should we try
Ms. Butchko again?

MS. BUTCHKO: Can you hear me.

MR. SAMMET: Yes.

MS. BUTCHKO: I took out the
headphones. Maybe that made a difference. Mr.
Fox, I have two related questions or two parts.
First of all, one of the major concerns of the
neighbors is flooding. Will having this
subdivision increase the risks of flooding? I
mean we talked about tree removal, a double sewer
line, parking, additional structures. And if so,
what steps can be taken to mitigate any risks of
potential flooding as a result of the subdivision?
And then the second part is since the Schnitzer's
lot next door will also be subdivided, will having
two lots being subdivided right next to each
other, will that increase the risk of flooding to
say the Schnitzer's property and surrounding
properties, and if so, what can be done looking at
the bigger picture of both Schnitzer's property
and the Villa's property to try to mitigate any
potential flooding.

MR. FOX: I think the main thing to
keep in mind is that from my inspection of
actually looking at not only my client's property
but also the adjacent Schnitzer property, it
appears that most of the roof drains discharge to
ground. So that's the existing condition and that
is what contributes to runoff both to the street
as well to the adjoining properties. In the
proposed condition, that runoff has to be managed
in accordance with the Westfield requirements for
new homes. Mr. Battaglia's memo points that out.
So in the long term, the proposed construction of
the new home will result in more capture of runoff
and less going to the adjacent homes.

Finally, as a municipal engineer, I
can certainly speak to my own experience in
reviewing and approving plans. We don't propose
plans or approve plans that would negatively
impact adjoining properties. We try to make sure
that existing draining regimes are maintained, 

draining areas are not modified significantly from 
the existing condition so there won't be any 
negative impact on the adjoining homes from the 
proposed construction. But again, I think the 
basic thing to keep in mind, both this home, as 
well as the adjoining home were built long before 
there were drainage standards for individual home 
construction. Once these existing homes are 
eliminated and new homes are constructed there 
will actually be an improvement in the stormwater 
management.

MS. BUTCHKO: Will anything be done 
to -- is groundwater saturation a potential 
problem? You talked about runoff, will anything 
be done to make sure that is mitigated as well.

MR. FOX: Certainly there is a 
requirement that when you install dry wells to 
manage runoff you have to do a soil log to make 
sure that the soil conditions are suitable for 
having dry wells. That's something that has to be 
done at the time of applying for approval to build 
a new home. So if there was an issue with adverse 
soil conditions or an adverse groundwater table, 
those issues would be addressed at that time.
MS. BUTCHKO: Our soil, at least in our yard, has a lot of clay. It's a very thick-type of -- you know, deep down it's a very clingish-type of soil. Is that one of the things you're looking at because, you know, it's probably hard to absorb a lot of water?

MR. FOX: Sure. That's one of the things we look at, but also the groundwater table is important to make sure that the dry wells simply don't fill up with water and provide no area for stormwater to be temporarily stored after a storm.

MS. BUTCHKO: Thank you.

MR. SAMMET: Anyone else with any question of the engineer? Please virtually raise your hand and I'll allow you to speak. I see the Rothfleishs have raised their hand once more. We should be able to hear you.

MS. ROTHFLEISCH: Hi. Just one more question. I know it was stated for the trees that they'll follow the tree preservation and I think you know that definitely has been improved in the last few years, but it's definitely not perfect. So, Mr. Fox, I don't know if this is for the engineer or if this is for Mr. Hall, but will
anyone be showing anything regarding the trees as
to how many they'll be taking down, what the plans
are? Will the residents see anything tonight
regarding the trees?

MR. FOX: We're not presenting
anything as far as what will be occurring for
future construction. This application is only to
create two vacant lots. And a future property
owner would be responsible for compliance with the
tree ordinance as well as the other lot
development plan requirements addressed by
Mr. Battaglia.

MR. ROTHFLEISCH: May I ask a quick
follow-up question to that?

MR. FOX: Sure.

MR. ROTHFLEISCH: Do they need to
cut any trees down to demolish the house?

MR. FOX: When I looked at things
out there it didn't appear that the removal of any
trees would be necessary for the house demolition.
Most of the time, demolishing a house would not
require the removal of trees if it can be done
without having to take trees down. Certainly, if
they did need to take trees down that would
require approval by Mr. Battaglia.
MR. ROTHFLEISCH: Okay. Thank you.

MR. SAMMET: I now have Ms. Kathleen Hanlon. Ms. Hanlon, if you unmute yourself we should be able to hear you.

MS. HANLON: Can you hear me?

MR. SAMMET: Yes, we can. Thank you.

MS. HANLON: My question is to you, Mr. Sammet or Mr. Fox. You were discussing the setback calculations and that was based on first to build as well the zone. So will that zone be the RS-16 Zone currently or the RS-12 that these applicants are kind of sliding in under?

MR. SAMMET: Well, the zone district regulations in place at the time of application for the construction permit are those that would apply. So it would be the RS-16 Zone regulations.

MS. HANLON: And again, this probably is Mr. Sammet. How can the neighbors -- to follow-up with Gerri's question -- how can the neighbors keep abreast that these things that are required that there actually is compliance to it as the project goes on?

MR. SAMMET: How can the neighbors ensure?
MS. HANLON: Well, say this goes through and there're promises being made and regulations, but how actually can neighbors actually be assured and kind of check that things are happening? I've heard of stories of trees being knocked down and people making phone calls and, you know, the trees are taken down already, you can't put them back up.

MR. SAMMET: Right.

MS. HANLON: So how can, you know, as things move along, how can we be assured and actually check? Is it online?

MR. SAMMET: That's a good question. The Tree Preservation Commission and the administration of the Tree Preservation Ordinance actually goes through our public works director. I'm really not familiar with the noticing requirements that would be required for tree removal application. It actually does not go through my office. I wish I had an exact answer for you as to noticing requirements for that. So I actually don't have an answer for you. Councilman Dardia, were you involved at one point with the Tree Preservation Commission or Mr. Goldstein?
MR. GOLDSTEIN: Yeah. The requirement for public notice would be prior to assuming that somebody had applied for a permit to take down a tree hadn't met the town's tree preservation requirements for tree replacement plan and then had received their actual permit to remove the trees, at that point, there would have to be a public notice to any adjacent properties which are literally defined by touching the side of the property, would have to be given notice. But it's not a notice to have the opportunity to object to it. It's more of a notice that there will be equipment that will be removing a tree adjacent to your property.

MS. HANLON: Okay.

MR. GOLDSTEIN: I don't know if that answers your question.

MS. HANLON: It answers my question. It doesn't give me much reassurance, but it answers my question.

MR. GOLDSTEIN: And the requirements for removing a tree and the tree permitting information is available on the Westfield.gov website, and it is fairly transparent.

MS. HANLON: I was just using trees
as an example. You know, but sewage drainage and
different expectations whether they're actually
done or not, that's what I was curious about is
how does one really know.

MR. SAMMET: I can say certainly as
part of any review of permitting for a new home
the zoning officer would check from compliance
with the zoning regulations that are in place.
And also, for new home construction, those plans
are reviewed by the town engineer's office as
well. So he would check on drainage requirements
and where roof leaders are going.

MS. HANLON: I just worry sometimes
what's on paper isn't actually what is happening
on the building site.

MR. BATTAGLIA: Let me just jump in
and say we do perform site inspections of all
construction as it's ongoing to make sure that it
does meet the plans. When it comes to the
building itself, there's of course the building
department conducting inspections of all those
permits. So there're eyes on these projects all
the time.

MS. HANLON: Okay. Thank you.

MR. GOLDSTEIN: And from a tree
preservation perspective, in addition to them having to apply for any trees that they would take down as part of their construction permitting process, the Tree Preservation Committee also has the opportunity to put in protection requirements for an existing trees. So in addition to them not taking down trees, they would have to have a plan to protect the existing trees so that the construction process didn't damage them in any way. So there's protection things that have to take place, and that is inspected. And if for some reason there were required to protect a tree that they then damaged, there would be potential penalties for that which would either require financial fines or the replanting of additional trees.

MS. HANLON: Right. Something other than arborvitae.

MR. GOLDSTEIN: Yes. There are specific trees outlined by the Tree Preservation Committee that will theoretically flourish in this environment specifically and have the right canopy heights, etcetera.

MS. HANLON: Thank you.

MR. SAMMET: Ms. Foltz. Ms. Foltz
if you unmute yourself we should be able to hear you now.

MR. FOLTZ: So this is actually David and Cyrene Foltz. A question for Mr. Fox. If the property went all the way to the curb would it be conforming?

MR. FOX: I saw your question posted on the chat and I gave that some thought. And we never really evaluated what the area would be if we extended the lot line to the curb line; I guess is what you're suggesting. I'm sure it would be fairly close because, as you can see, the total size of the existing lot is 29,952-square feet, and two conforming lots in the new zoning would require only 32,000-square feet. So when you look at that, we're less than 10% off what would be required under the new zone. But to answer your question, we really didn't evaluate that because that's simply not a normal configuration for evaluating lot area.

MR. FOLTZ: So the question for the town is if they applied to purchase enough land from the setback to square the lot and make it legal, would you sell it to them?

MR. SAMMET: I don't know that I
could answer that question other than to say that
would be highly unusual and unlikely.

MR. BATTAGLIA: Considering it's my
roadway, right-of-way, no. It would just not
happen.

MR. FOLTZ: I mean you're not using
it. The fire department isn't going to drive over
the grass that you're mowing.

MR. BATTAGLIA: You never know what
the right-of-way is going to be used for.
Eventually, there could be a sidewalk, there could
be some need for some sort of utility.
Right-of-way is never sold in that manner. I've
never seen it in 30 years.

MR. FOLTZ: That's a condition for
the grant of a variance because you won't sell
them the land they need.

MR. HALL: There's no variance
application pending.

MR. FOLTZ: I'm just saying.

MR. BATTAGLIA: It's not something
that's done. Sometimes applicants buy land from
adjacent owners. I have seen that during my time
as board engineer, but never actually from the
right-of-way.
MR. FOLTZ: Okay. Thank you.

MR. BATTAGLIA: You're welcome.

CHAIRMAN ASH: Any other questions from the public?

MR. SAMMET: I see none now, Mr. Chairman.

CHAIRMAN ASH: Thank you. Mr. Hall.

MR. HALL: That's all I have. I think we've covered everything. It conforms even if we're under the RS-16, it would nearly conform. But, certainly, for the RS-12 that applies per the court ruling and fully conforms and I think under the law, we're entitled to approval. As I said, we're agreeable to whatever -- when somebody comes in to get an approval to build there, they're going to have to comply with everything that applies. It may be different than what applies today. We're not asking for any kind of immunity, advanced variance, or anything. We're just seeking a subdivision. And my client is not a builder. So with that, I ask for approval. Thank you. And I appreciate your time.

CHAIRMAN ASH: Okay. Thank you.

Any members of the public have comments about this application at this time? Please raise your hand.
MR. SAMMET:

Mr. and Mrs. Rothfleisch, we should be able to
hear you now.

MR. ROTHFLEISCH: And it's going to
be Jeremy speaking first. Gerri would like to say
a few words after I'm finished. I just want to
state for the record that the home that I
purchased at 940 New England Drive was also from a
Villa family member, and it was exactly the same
house at the time when I purchased it in 2004. I
was competing with builders to buy my property and
the builder actually outbid us by a little bit,
and the Villa family, the adult children --
because it was an estate sale, being the older
generation had passed on -- but the adult children
of the estate wanted to see a young family move in
and build roots and you know maybe make some
improvements, which we did, and raise our family
here, which we did. And what's upsetting to me
and I just want to state for the record is why
couldn't this property have been just put on the
market to see if someone was interested. And with
everything that's going on in the last year or so,
it's very very possible that the economics may
have been just as good to sell to somebody or even
better to sell to somebody who wanted to come in
and have a nice, large piece of property which is
now not going to be so large. It's just very
upsetting to me because we were that family in
2004, and the adult children of the Villa estate
-- so these would be cousins of Mrs. Ruth Villa --
they came to a different conclusion, and they put
it on the market. They sold it to our family and
we've raised two boys here who went through
Tamaques, and then Edison, and then Westfield High
School. And that's just what I wanted to state
for the record. And now Gerri would like to
speak.

MS. ROTHFLEISCH: I also just want
to give some background to the history of New
England Drive and --

MR. HALL: Perhaps we should swear
her in. I hate to be the lawyer, but it sounds
like she's going to testify.

MS. ROTHFLEISCH: Gerri Rothfleisch,
940 New England Drive.

CHAIRMAN ASH: I think she's making
comments. She's not providing testimony.

MR. HALL: Okay. It sounded like it
was going to be testimony, but I defer to you. I
CHAIRMAN ASH: Please continue, Ms. Rothfleisch.

MS. ROTHFLEISCH: New England Drive many years ago was a dirt road and the Villa family owned the majority, if not all of the street, and the Villa family built three homes for three sons. Which was a lovely thing to do. And they were three beautiful homes. One of them is my home, and one of them is still standing, it's the Mattielli's home, and one of them is now Ruth Villa's home that has been passed down on her side of the family to her. You know, in preserving the street, what the Villas did, there were these three homes, and then they sold off land. And every time they sold off land, they actually asked to see construction documents. They wanted to see what the homes were going to look like. And you could not build unless Eileen Villa, which was the owner of my home, approved that house.

So I just want to state for the record that she was ahead of the time, at least of the state, because, you know, the state, it's all about a mathematical equation. There is no: How
does this look with the street? How is this going to conform? And to Mr. Hall's point, yes, from the street, it absolutely will look better than the Schnitzer's. The depth of the home, though. Every home on our street, we have nice-sized backyards. These homes will not because the depth is not there. So it would be different. We won't see it from the street, but it will be different for those families. It will be different for people who are living on Village Green and are backing them. So I just wanted to state, I wanted to give some history. And it just makes me sad because, you know, this Villa family cared so much about the street, built three beautiful homes, and I just don't understand why Ruth Villa just will not just entertain the idea of someone trying to fix up that home. Because it is a special home. People comment all the time. I mean, unfortunately, she hasn't been taking care of it recently, but it has so much potential and it could be so beautiful. Thank you.

CHAIRMAN ASH: I see Ms. Hanlon.

MR. SAMMET: Ms. Hanlon, we can still hear you.

MS. HANLON: Can you hear me?
MR. SAMMET: Yes.

MS. HANLON: I want to echo a little bit of what Gerri said. But first, also point out the initial summary by the town attorney when he summarized the submission of the application, it kind of didn't reflect the fact that the reason it would never have actually even happened if the error hadn't occurred in the '90s where the ara was incorrectly zoned as RS-12. So as Gerri eloquently put, the Villas have enjoyed living on a large wooded lot for 75-plus years in that house. The Schnitzers for 50-plus years on their property. And they both lived there not with the thought of, oh, someday we can subdivide this land, someday we can -- it was their lot, it was their land, it was their property with first one single home. Now that they seem done with Westfield, they're very happy to chop it up and parcel it off to the highest bidder, and I think it's very hypocritical.

As Gerri said, I know Fugerios (phonetic) built the house on New England Drive in I want to say the early '80s, and they had to meet with the Villas to get approval for that. And it's a large house on a large lot. And
that wasn't that long ago that that happened. So both of those families have taken advantage of a clerical error and our neighborhood has to pay for it. And, you know, I just think -- I don't know if the law could stop them, and I don't think council can stop them, but I would hope their conscience would stop them. Because like I said, they've enjoyed raising a family and they've enjoyed a lifetime in their home, and they're not looking back at the rest of us, thank you.

MR. SAMMET: I see no other hands raised, Mr. Chairman. Oh, excuse me.

MS. BUTCHKO: I actually remember when Schnitzer's house was being built. And as everybody said, it's a very special neighborhood. And it really hurts to see it change. My name is Leslie Wederich Butchko, and my family has owned the property at 898 Village Green for 60 years. I attended the February 7th virtual planning board meeting, and I want to thank this Board for insisting that the public has a right to be heard and refusing to rush a vote on this matter. I think that was -- we really appreciate that. My concerns regarding the Villa application are
similar to those that I voiced in my public comment regarding the Schnitzer subdivision application. First, the subdivision may cause flooding in our neighborhood and to our property. And second, it likely will exacerbate the disrepair of the street and create a dangerous condition for the many seniors who use walkers and canes to walk around the block. The subdivision, you know, as we heard Mr. Fox talk about, the subdivision may increase the surface runoff and the groundwater saturation, especially, during rain and snowstorms, and there have been many of those. It may cause flooding on the street nearby property if appropriate measures are not taken to minimize the direct and indirect surface runoff and the groundwater saturation. I'm very concerned that additional runoff and groundwater saturation may put the neighborhood at even greater risk for flooding because you have the two properties right next to each other and you're going to have, you know, parking and structures and tree removal and all of that.

I'm very glad to hear that Mr. Battaglia will scrutinize all the plans and conduct inspections to ensure that there's
adequate drainage and confirm that all reasonable
efforts have been taken to redirect runoff away
from nearby properties. And I request that
Mr. Battaglia render an opinion on those
drainage-related issues.

With respect to street disrepair,
about a year ago, a group of residents on Village
Green, Robin Hood Way, New England Drive notified
Councilman Scott Katz that the streets were in
disrepair. There were ditches, crumbling
pavement, it was dangerous for pedestrians, for
bikers, lots of kids coming to Tamaques Park.
Councilman Katz helped to get the potholes filled
and the pavement patched so that it was actually
much better. And we're very concerned that with
all of the heavy construction vehicles coming in
to build at the Schnitzer's and the Villa's that
the streets will deteriorate again. They weren't
repaved, they were just patched. So I request
that the town make routine inspections during the
construction process to confirm that the streets
are in good repair and not littered with
construction debris. We had a house at the end of
Village Green, and many days I would take a broom
myself and go down and try to sweep the street to
get stuff out so that some of the seniors wouldn't trip on the rocks.

If the Board chooses to approve this application, I kindly ask that you consider adopting my request. And I do want to thank you for all of your hard work and support. The neighborhood greatly appreciates it. So thank you.

CHAIRMAN ASH: Thank you.

MR. SAMMET: There are no other hands raised, Mr. Chairman.

CHAIRMAN ASH: Thank you. Members of the board, your comments on the application.

Ms. Harrison.

MS. HARRISON: The last application I felt very strongly in opposition to it even though our hands were tied with it because it was with a much narrower lot. It was creating a sense of division on the street that was changing the rhythm of the whole. Sort of, in opposite of that, I feel that Lot 17 has a very very large house that's not in relationship to the other houses on the street. I mean, yes, there are a few beautiful houses, beautiful homes that I never ever ever want to see torn down. But in all the
subdivisions that are sort of being pushed through on this street, I feel this is the one that makes the most sense if those are words that sort of leave a little bit of peace. It is the widest lot. It gives us two very decent lots that are very in kind to the lots adjacent to the property.

I don't agree that subdivisions are something that I like to see and actually tearing homes down. And it would have been a wonderful thing if the home was put for sale and somebody bought it and renovated it, but that's not what we're looking at. And I don't really have any physical problems with this subdivision as it has been proposed. And the lots are a very good size. They're over 16,000-square feet, which if this was in our new area -- I mean the new zoning -- it would be nearly conforming. They'd be looking for one variance on the lot depth. So I say that with a lot of passion because I don't like subdivisions, but I also feel that out of all of the developments that they're trying to push through on New England Drive it's the only one in which it makes any sense. That's all.

CHAIRMAN ASH: Thank you.

MAYOR BRINDLE: Mr. Chairman.
CHAIRMAN ASH: Yes.

MAYOR BRINDLE: I'll just concur with what Ms. Harrison said. This one is not nearly to be as egregious as the Schnitzer lot. I hate subdivisions, I've been very public about that. I hate seeing any house being torn down for aesthetic, character, sustainable. All of those reasons. Taking that out of the equation, this lot is fairly sizable. I do want to give the last public comment, thanks for the kinds words. I too am very appreciative to this Board for the time and effort that has gone into this. But I do want to give the reassurance; I am going to ask Dave Battaglia and Don Sammet, I would keep a very very close eye on the applications that come in for both this subdivision and the Schnitzer. And I want to make sure that you know, we're a hawk about the tree preservation, stormwater. I think the road paving is a really good point.

So I just want to give my reassurance to the neighbors who have been such incredible advocates and very inspiring advocates for their neighborhood. The town and the administration's reassurance that we're going to watch these very very closely and making sure that
everything that is done is in full compliance with the expectations of all of our ordinances. I just wanted to put that on the record.

CHAIRMAN ASH: Thank you. Anyone else? Thank you, everyone, who has commented from the public on this application. Obviously, having heard the previous application next door, we're very sensitive to this issue and the concerns of the whole neighborhood. This application, again, is brought before us after some extensive legal procedures and history as Mr. Trembulak noted. The application for this subdivision was filed five days before the new zoning went into effect, and that makes it come before as a fully conforming minor subdivision application.

I want to talk about the conditions noted in Don Sammet's memo. There's been a commitment by the applicant's attorney to comply with all requirements that may be in effect at the time when a building permit is submitted. Obviously, I'm aware, this Board is aware, that this is an application for a minor subdivision where two homes are not proposed. But we all know two homes will be proposed. They're not part of this application. They're not treated as included
in this application. This will not remain two
lots of open space, I think we can all concede to
that. I just want to be clear that this
subdivision application, I would recommend
including the conditions noted in Mr. Sammet's
report. And I would just put on the record that
when building permits are filed that all
requirements of building single-family lots are
complied with to the letter of the law. And I
also ask that the town professionals and employees
who routinely inspect make sure that this
application, the eventual houses are also viewed.
And with that, I would ask if anyone has a motion
to approve.

MS. FREEDMAN: I'll make that motion
to approve.

CHAIRMAN ASH: Thank you,
Ms. Freedman. Is there a second?

MS. CARRERAS: I'll second it.

CHAIRMAN ASH: Thank you, all.
Let's have a roll call, please.

MR. SAMMET: Chairman Ash.

CHAIRMAN ASH: Yes.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Yes.
MR. SAMMET: Mr. Ceberio.

MR. CEBERIO: Yes.

MR. SAMMET: Councilman Dardia.

MR. DARDIA: Yes.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Yes.

MR. SAMMET: Mr. Goldstein.

MR. GOLDSTEIN: Yes.

MR. SAMMET: Ms. Jansveld.

MS. JANSVELD: Yes.

MR. SAMMET: Deputy Chief Duelks.

MR. DUELKS: Yes.

MR. SAMMET: Ms. Carreras.

MS. CARRERAS: Yes.

MR. SAMMET: Ms. Freedman.

MS. FREEDMAN: Yes.

MR. SAMMET: It's approved.

MR. HALL: Thank you for your time.

MAYOR BRINDLE: And I do want to
make one comment that Dave Battaglia said. The
road is scheduled to be paved in 2024.

MR. FOX: Thank you.

CHAIRMAN ASH: Move along on the
agenda. There's a new appeal tonight PB22-02,
610 North Avenue East, Block 3305, Lot 4. It's an
application seeking approval to renovate the
existing building to house a hydroponic farm and
accessory retail shop, restaurant, and teaching
county. I think that might be a first before
this board or any board in New Jersey.

MR. SAMMET: Good evening, Mr. Hehl.
I've added the Redingtons to the panelist group
here. Who else do we have this evening?

MR. HEHL: For now, Don, I think
that will be it. There are some of the other
Redcom crew, but the testimony is going to be
handled by Greg and Michelle.

MR. SAMMET: Very well.

MR. HEHL: Mr. Chairman, would you
like me to begin?

CHAIRMAN ASH: Please proceed.

MR. HEHL: Thank you, and great to
see everyone again. I hope you're all doing well.
And I long for the days to be back in the
municipal building for these hearings. As
Chairman Ash, indicated, it's a very exciting
project. And thank you so much, as usual, Don,
did an excellent report outlining this
application. And I know this Board was involved
in the review and the consistency of the Handler
Building Redevelopment Plan, and what we've proposed here this evening. I'll be short because I know Greg can explain it much better than I can. But it's an exciting redevelopment of the old manufacturing building incorporating a vertical farm, plant-based restaurant, a retail farm store, teaching kitchen, a small banquet hall. We've had an opportunity, obviously, to work and go over the redevelopment plan. They are the designated redevelopers of this property. And we come before this Board with a submission that is consistent with the redevelopment plan does not require any deviations or variances. Mr. Sammet did note some items that he requested testimony on, and we'll cover that during our presentation. But again, it's exciting to see this redevelopment project in the Town of Westfield.

What I'd like to do again is the husband and wife team of Greg Redington and Michele Modestino; they're going to talk. First, we're going to have Greg take us through -- he's a professional engineer, a professional planner -- take us through the vision for this property and then talk about the site items and then conform the consistency with the redevelopment plan.
Mr. Sammet did note on Page 9 of his report a number of items. So Mr. Redington will touch upon most of those, and then the ones that deal with architecture Michele while then touch on.

Mr. Chairman, if you like, they're on the screen together. Perhaps if we want to have them both sworn in and then I can separately qualify them.

CHAIRMAN ASH: Thank you.

GREGORY REDINGTON and MICHELE MODESTINO, having been duly sworn, were examined and testified as follows:

BY MR. HEHL:

Q. First, Mr. Redington, if you could please give the Board your credentials and then we'll flip it over to Michele.

A. Sure. Thank you very much. My name is Gregory James Redington. I'm a licensed professional engineer and planner in the State of New Jersey. I co-own Redcom Design and Construction with Michele which is here in Westfield. I've testified in front of numerous boards in the State of New Jersey including this board on numerous occasions.

Q. And you've been qualified as both a professional engineer and a professional planner
over the years?

A. I snuck in under the line of the professional planner part, but, yes.

BY MR. HALL:

Q. And then Michele.

A. Hi. I'm Michele Modestino. I'm a registered architect in the State of New Jersey and also in New York State. As Greg said, I'm also co-owner of Redcom Design and Construction. I've sat on the Historic Preservation Commission in Westfield many years ago. I was on the Public Arts Commission from 2020 to 2021, and I'm currently a board member for the Center for Creativity at the Rialto. I'm also a graduate, Bachelor of Architecture, and a Bachelor of Science in building science from Rensselaer Polytechnic institute.

Q. Thank you, Ms. Modestino.

MR. HEHL: Mr. Chairman, I would offer Greg and Michele as professionals in their areas of expertise.

CHAIRMAN ASH: Any questions? All right. Proceed.

MR. HEHL: What I'd like to do first is have Mr. Redington take us first a little
BY MR. HEHL:

Q. First, Mr. Redington, just a little background on your vision, tell us a little bit about your vision for this property.

A. Thank you, Steve. Am I allowed to show my screen?

Q. Sure.

A. Okay. Great. So even before we get started -- so you guys can see a bunch of pictures and PDFs and that sort of thing on the screen? You can? Okay. Than you. What we're doing down the street is similar to what we have done already. So this was our office building when we initially purchased the building. And the office likes like this at this point. And on the inside of the building, the inside of the building that we purchased look liked like; an old car dealership shop area. And currently, the inside of the building looks this. So we've done this once before, and we're really excited about the
opportunity to do it again down the street, which
is a very very exciting opportunity for us. Let
me see if I can find a proper site plan. I want
to try to enlarge this a little bit so we can all
see this a little better.

Q. Mr. Redington, if you're introducing
an exhibit that was not previously submitted,
we're going to have to ask that be marked.

A. Great. This exhibit is called an
Exhibit Rendering, 610 North Avenue East, and the
date on it, is 2/8/22, with no revision marks.

MR. SAMMET: Mr. Hehl, can we get a
copy of this submitted so we can complete the
record in the planning office?

MR. HEHL: Sure.

MR. TREMBULAK: And we'll mark that
as Exhibit A-1.

(Whereupon, Applicant's Exhibit A-1,
EXHIBIT RENDERING, 610 NORTH AVENUE EAST, DATED
02/08/22, WITH NO REVISION MARKS, was marked for
identification.)

A. And I think there's a way to get rid
of all this other stuff. Either way, this is the
building. You guys will be happy to hear that we
are not proposing to subdivide, nor are we
proposing to demolish the existing building. It's
an existing warehouse -- not warehouse -- an
industrial building that was built 100 years ago;
as of next year, as a matter of fact. And it was
built initially as an industrial facility for a
commercial Laundromat. Since then, it had been
used as a number of different types of industry,
but always as an industrial building. And in the
last 50 years, Handler Manufacturing. And Handler
Manufacturing manufactured machines for the dental
industry in it. We are going to continue its life
and a manufacturing building, but we are going to
manufacture food in it through hydroponic vertical
farming that's going to provide fresh food for all
of Westfield and Union County 12 months a year,
and we are very excited about this opportunity.
In addition to that, it's going to have some
sister uses which will include a restaurant, event
space, a teaching kitchen, a retail store, as well
as -- what I'm really excited about -- which is an
education part which that element will be 501C3.
So, hopefully, our school children in Union County
can come learn about the new modern farms.

Adaptive reuse and sustainability is
very important to Michele and I, and that's why
we're maintaining this building and we're going to bring it back to its grandeur, and probably past its grandeur. And we're going to leave this site as it has been primarily utilized. On the western side, it's always been a parking lot where my cursor is, and that will continue to be the main parking lot for the facility. On the eastern side is a smaller parking lot that was originally the loading dock area, but now we are not going to be requiring as much loading area so we're going to provide parking for the store which is going to be on this side. North Avenue is across in front of it. We have about six spaces along North Avenue that we're going to utilize as well.

The bulk areas of the property have all been maintained and, if any, anything, we're reducing a few things. We've reduced, we've removed a large canopy that was in this loading area here, and in its place, we've introduced a smaller canopy. We've introduced a very small vestibule area on this side on the west side of the property so we can have an environmentally friendly pair of doors that's common these days in a small -- also, a small canopy. And in the back, we had a little notch that was a continuation of
this ally, and so we're proposing to close that in. But in terms of bulk variances, they all are remaining the same. And three of them that are changing are all reduced which is building coverage, the FAR, as well as the impervious coverage. We're also cleaning up this front western access point. Up until about two months ago, there was a telephone pole right smack-dab in the middle of the property line access point, and so the access to the parking lot was very awkward. We had that pole luckily pushed aside and removed with all the new work that PSE&G has been doing on North Avenue. And so we're excited about opening up this new entrance. The light color green is new landscaping grass area that was previously impervious. We're also going to be cutting away the asphalt that runs up against the building right now, and we're providing a three-foot area for planting. And on the eastern side, we've identified the parking lot a little better. We're also including a little bit of landscaping and such.

And that is pretty much the outline of the building that I want to talk about. Are there any questions before I get into Don's
report? Okay. So hearing none, Don wrote a report that is an excellent report. I appreciate him for bringing up all the points that he did bring up, and we'll go through them. In short, he summarizes most of the points on the last page, which is Page 9.

So going through 3.a, I already commented that we've matched all the bulk standards, if not, we've reduced some of the standards for the area. Michele will address the building which is the B Section. C Section, the regulations in Westfield say that any HVAC equipment, equipment that is visible from the street level will be screened; and we'll comply with that section. D asked about the exterior wall material for an elevator. An elevator is required for our use, so we're going to be putting an elevator in the building. It does pop up above the roof about 24-inches, but it won't be visible from the street because it's hidden by the existing parapet. So the walls of that will probably be very similar to the roofing material just like it is going up the side of the inside of the parapet walls of the existing building. On E, he asked me to discuss the parking. Currently, on
the property, we have 33 spaces on the west side, and another 9 spaces on the east side, with 6 spaces across the front. The property has been designed, and we spent a lot of time with this during the redevelopment plan to make sure the property is safe and provided adequate parking for all of its customers. So all the uses during the day are going to be satisfied by the on-site parking. In the evening, when the restaurant is in use, all the on-site parking will be satisfactory to comply. And in evenings when the event space is in action along with the restaurant and/or the teaching kitchen is in action along with the restaurant, we have agreed to have a -- what is it called -- what's the parking called? I just drew a total blank.

Q. You have your valet.

A. Valet parking. Thank you, Steve.

We have a valet parking agreement to provide valet parking nearby on the Redcom property line -- property building -- that's just down the street about a third of a mile. And that will provide another 48 spaces. So when we have all the uses working for the building, we will require 93 spaces and we have 96 at our disposal. So I think
that answers E.

Going to F, the facade elevation of the building -- and in the interest of time, I have a pile of exhibits -- but in the interest of time, I'm going to try and shorten it. We show some sconces on the exterior of the building side, on the west side, on the north side, and as well as a few on the east side. These sconces are just very very light building accents. We did not show on the isometric plan that shows the parking lot lighting ranges for footcandles because there's no impact to the lighting on the parking lot or on any adjacent properties. It's just very very small building accent lights. And if you go by our current office buildings in the evening you can notice the type of lights there are. So we didn't mention them on the engineering plan for that reason. G, they talk about a pole-mounted light. So we only have -- all of our lighting for all our parking lots is accommodated by building mounted lights. The only exception is we're proposing one pole-mounted light here. It complies with the township ordinance of 15-feet. And Don brought up an interesting point which is, "Hey, Greg, can you use the downtown lighting
fixtures that we're using now"? And a copy of those lighting fixtures has been enclosed in Don's letter. The answer is, although I'd like to, it's really feasible in this particular case. We're using this light bulb to throw light towards the rear of the parking lot to make it a safe area for the people who are using our property. And the light fixture that we are proposing is 15-feet high and it is an LED, a very efficient fixture, which has the equivalent of about 400 watts. It's also a downward-facing fixture that has shields on it so it doesn't have any glare out into the street or on the neighboring properties. It shoots the 400 watts where it needs to be down the parking lot. The proposed lighting, which is very attractive that's being used in Downtown Westfield and actually Garwood, it's 12-feet tall, it's only got 175 watts, it's not LED, it's metal allied, and it doesn't have any containment, so it just kind of throws light everywhere. So for all those reasons, while it would be a little more decorative, it wouldn't serve our purpose. However, you can notice that the location of the light fixture is right up against the actual parking lot. In the future, if Westfield at any
point decides to do all of North Avenue with these streetlights, by all means, ours could be included. And our streetlight fixture does not impose the additional fixtures that Westfield may choose to put on at any time. So that addresses Number H, I think. No. That addresses Number G. Number H, asked me to clarify one area of landscaped area. So in the light green areas, Don is asking me, and rightly so, is this lawn or landscaping. So we're going to have some perimeter landscaping, some very low shrubs along the curb here, and then lawn in front on either side of the sidewalk. And it's going to be similar in all of the new green areas. Then the next question is: "Can additional pedestrian pathways between the sidewalk and building entries be designed into the project?" So Don is asking about this area in general and also this area in general, and if we can provide additional sidewalks into the building from these two areas. So Michele and I spent a great deal of time trying to design the entrance points to this building so that they worked safely, very friendly to use because if we're going to be a successful business we need to provide safe and easy access to our
building. For that reason, we did have -- we did maintain the front entrance which has a direct access off the sidewalk which satisfies all of the needs that need to be met.

The other main entrance off the parking lot is surrounded by green areas. Even along the front of the building, it's green. It has parking spaces that are reserved for electric cars. And electric cars are not necessarily small. It could be any size, even trucks nowadays, so we don't want to reduce these car spaces. And we want to highlight the fact that we're a sustainable building and a sustainable business. And so we like the fact that our electric car parking is right in front of what you'll see later is actually a green wall. We don't think it's an unsafe condition. All of our parking is being provided for on-site. When it's not, we have valet spaces for that parking. And so we don't think it's unusual to have someone walk 20-feet to a door through a parking lot. As a point of example, anyone who parks back here is walking 80- or 90-feet through a parking lot to the same door.

From over on the east side where we
have our store, we looked very long and hard about what the best way to get into the store was. And again, we resolve that since most of our customers are going to be coming from the parking lot, we wanted to make it easy then to access the store from the parking, and so we orientated the stairs from the back side. We could flip it around and put the stairs to the other side, but then what we would be doing is we would be causing our customers who are in the parking lot to then walk out towards the North Avenue access point, which we think is more dangerous out onto the sidewalk and then into the building. So didn't think that was a good design idea. Again, these are our opinions. We felt very strongly about them. On the other hand, if the Board feels equally strongly the other way, our ears are open.

Finally, Don asked me how we felt about street trees or street furniture. I'm very impressed with all the street trees Westfield's been planting throughout the town. If the public works official -- who I guess is the street tree guru -- feels that he'd like to have some street trees in front of our property, we're more than amendable to it. I think he's got different types
because we have a very narrow and we've got guide
wires. But at his recommendation, we're open to
street trees. We're not open to street furniture.
We don't want people sitting in front of our
building, we only have 3- or 4-feet. It's not
like it's a big courtyard in front of the
building, and we don't know street furniture is
applicable in this location. That's all I have to
say.

MR. HEHL: That you very much.

Mr. Chairman, I don't have any further direct
questions to Mr. Redington. If you like, do you
to have the architectural testimony, and then we
can open it up to questions on both?

CHAIRMAN ASH: Yeah. We can proceed
that way.

BY MR. HALL:

Q. Michele, if you can take us through
the architectural aspects of the building focusing
on floor plans and then elevations.

A. As I'm speaking, I'll just be going
through some of the floor plans and the photos
that will be applicable to what I'm saying. Our
design space goes to and actually enhances the
historical nature of the building maintaining the
industrial feel while updating the modern features such as new windows, lighting, new entrances, and solar panels. We want to put the rendering up.

Q. Now, again -- pardon me for interrupting -- any exhibits that were not submitted as part of the package will just mark that. So this would be A-2. We'll talk about we do need to submit copies after this hearing to Don for their records.

A. Okay.

MS. HARRISON: Excuse me. If you just hit that little lith gray arrow in the bar between the rendering and -- yeah, there you go.

MR. REDINGTON: I'm showing my age, sorry.

MS. MODESTINO: We're learning.

Throughout the facility, we're trying to leave as much of the history as possible such as the overhead doors and store on the east which served as a former use for a laundry facility 100 years ago. We also plan to salvage and reuse unique materials found within the building and intend to leave the steel trusses exposed as we did in our Redcom office building, which Greg had showed you earlier. We will have
strategically placed interior windows within the building where one can view the growing area as our intention is to have full transparency raising the awareness of where our food comes from, how to prepare it, and education on why a plant-based diet is good for our body as well for our planet.

Q. We'll mark that exhibit as A-2 then.

(Whereupon, Applicant's Exhibit A-2, REDI-FARMS EXTERIOR BUILDING RENDERING, was marked for identification.)

MS. MODESTINO: We have another one coming up. Our main entrance will be accessed off the west parking lot -- as Greg had spoken about -- through a glass-enclosed vestibule protruding out from the brick structure giving it a fresh new look and allowing plenty of room for plantings and lighting inviting people to discover what lies within.

MR. HEHL: We'll mark -- that will be A-3, that's the main entrance rendering.

(Whereupon, Applicant's Exhibit A-3, REDI-FARMS MAIN ENTRANCE RENDERING, was marked for identification.)

MS. MODESTINO: And then, just to the right of the entrance, lies the restaurant.
We'll go to the plan and show you that.

MR. REDINGTON: The architect's assistant is not that fast.

MS. MODESTINO: If we can zoom in for the restaurant.

MR. REDINGTON: For some reason, I can't get rid of it. So here's the main entrance.

MS. MODESTINO: And like I said, to the right of the main entrance lies the restaurant. We're proposing to remove part of the existing wood ceiling and replacing it with glass allowing the steel tresses to remain, creating a private outdoor courtyard feel within the brick exterior walls. Two of these windows will be replaced with large overhead glass doors allowing the existing openings maximum exposure to the outside during the nice weather. The center window we are planning to block in order to allow an architectural feature on the inside, either a fireplace or a fountain; we haven't decided yet which. And then turning the corner to North Avenue, we plan to clad a portion of the building with a metal trellis to serve as a structure for growing plants hoping to draw attention to the main entrance and hinting at what is housed
within. The rest, the front facade, will primarily be left unchanged with the exception of new energy-efficient windows and the removal of the colonial entrance that will be replaced with a simpler more modern industrial canopy.

The farm store, which will sell our goods as well as those local producers showcasing a variety of healthy and sustainable products will be located off the east parking lot. The existing dilapidated canopy will be replaced with a lighter metal one held up by large industrial-looking brackets. We plan to clean up the ally along Westfield Lumber and install subtle wall-mounted sconces. Our hope with this building as with our Redcom building down the street is to encourage others to appreciate not only the history but also the positive impacts on sustainability of our planet by choosing adaptive reuse instead of allowing these structures to be torn down and unnecessarily filling land.

MR. HEHL: Let me just interrupt.

The plan that you showed before was part of the package that was submitted with the application?

MS. MODESTINO: Yes. The floor plan was, yes. It's just the renderings, I believe.
MR. HEHL: So the last rendering that you showed with the restaurant entrance, we'll request that to be marked as A-4. Sorry for interrupting.

MS. MODESTINO: The store entrance.

MR. HEHL: The store entrance, I'm sorry.

(Whereupon, Applicant's Exhibit A-4, REDI-FARMS RETAIL STORE ENTRANCE RENDERING, was marked for identification.)

BY MR. HALL:

Q. So I believe now you've covered the items in Mr. Sammet's report. I think there was a question though as to what --

A. Materials.

Q. -- materials. Yeah.

A. As you can see in this rendering, the one window that we're blocking out so that we can do some architectural feature on the inside, we're planning to block that with block and then on the outside with corrugated metal and a window box. We're trying to stick with that industrial feel, and we feel the corrugated metal will be a balance between all the brick and the glass.

Then on the back side, we plan to --
go back to the floor plan -- on the second floor, which would only be visible when you're on the roof, we're blocking up a few windows that end up in the bathroom. We just plan to use concrete block and paint those to match the brick. We don't want to spend the money on brick back there when it really can't be seen anywhere other than the roof. We'd rather put the money in the front entrance and the plantings.

MR. REDINGTON: You know, the best way to see it --

MS. MODESTINO: The second-floor elevation.

MR. REDINGTON: The windows we're looking at blocking out are these all the way -- just these, the ones that are already blocked out. This is blocked up and they're really not available from anywhere except on the roof. They're really hidden away. Here's another shot.

MR. HEHL: And again, if we can mark as A-5 as window photos.

(Whereupon, Applicant's Exhibit A-5, PHOTOGRAPHS - ROOF WINDOWS, was marked for identification.)

MR. REDINGTON: And Don, there was
some other questions about what we're going to do when we blocked it up. We're just going to block it up with concrete block and then paint it the same color as the brick.

MR. SAMMET: You say you can't --

it's tucked away, it's not --

(Crosstalk.)

MS. MODESTINO: It's tucked away.

MR. REDINGTON: You can't see it, it's tucked away. You can't see it at all.

MS. MODESTINO: You did have another question about what we're doing with the back space down the ally. That's this picture.

MR. REDINGTON: So at the end of the ally, there's a small shed, and you could see the condition of this building, it's a mess. So we're proposing to raise the roof of the shed with block and then paint the block so it matches the colors of the building.

MS. MODESTINO: This is where we're enclosing.

MR. SAMMET: Same material?

MR. REDINGTON: Yeah. Very similar material, just a lot nicer looking because it's a mess now.
MR. HEHL: And that will be A-6, which is the shed area photo.

(Whereupon, Applicant's Exhibit A-6, PHOTOGRAPH - SHED AREA, was marked for identification.)

MR. REDINGTON: We'll submit all these pictures. And then from the back -- from the back of the building, the shed just looks like it's unpainted block. So we're going to replace the bad block, go up higher and paint it so it all matches.

MR. SAMMET: Thank you.

MR. REDINGTON: In the back, this window is covered up on the inside, but they left the rusted old elements there. So we're going to block this in and we're going to paint that to match as well. So we're really going to try and clean up the building on all sides.

MS. MODESTINO: But what we are doing too is where these windows were stuck into -- they closed it up on the inside and just put these residential windows here -- we're taking that out and replacing this with nice storefront windows which match what we're doing in the front of the building.
MR. SAMMET: And that window opening, that top left there, that's where the corrugated metal you're proposing?

MS. MODESTINO: Yeah. We're going to do the same thing that we're doing at the restaurant; block it and corrugated metal. We will have a big fan up there as well.

MR. REDINGTON: And you're going to paint it black, I think, the corrugated metal?

MS. MODESTINO: No.

MR. REDINGTON: No. Okay. So we're very excited about this project. We're very excited about this business. Westfield has been great and very enthusiastic, and we're very happy that we've gotten this great response.

MS. MODESTINO: One other thing, we are uncovering all these windows. There's these windows throughout the building that are completely blocked with all types of material on the outside from asphalt roof shingles to aluminum siding. And on the inside, they just blocked it with insulation. So we were very excited when we took the insulation off and realized the windows were there. Yeah. That's what it looked like.

MR. REDINGTON: These are all
windows that were hiding. This is behind vinyl siding. This is behind this corrugated metal. And we opened them all up, and to see the great light inside.

MS. MODESTINO: The light came flooding through on the inside. It's perfect for an indoor vertical farm.

MR. HEHL: Just, when we keep showing these photos, realize we have to submit them.

MS. MODESTINO: We'll submit them all. That's fine.

MR. HEHL: Mr. Chairman, Board Members, I have no further preliminary questions for either Greg or Michele. And I think that they've touched on all the items in Don's report, but certainly, open to any questions from the Board or Mr. Sammet or the public.

MR. CEBERIO: Just the one question I have, and I don't know if it's this view through the rendering or the floor plan. If on the store side or even the front entrance, seems to be stairs. So accessibility into the building, accessibility into the market area; is that through this entrance under REDI-farms that you
can get down to the market if you can't utilize
the stairs?

MR. REDINGTON: Yes. So the entire
building is required -- we're going to make sure
it's ADA accessible. The entire building, the
entire property, and entire parking lot will meet
all the ADA codes. Are there any other questions?

MR. CEBERIO: No, that was mine.

CHAIRMAN ASH: Ms. Carreras.

MS. CARRERAS: I have no doubt this
is doing to be excellent and very popular. My
biggest concern is parking, and I understand you
have that parking. You have Redcom right down the
road which is an excellent alternate situation.
But at one point -- and we don't foresee the
future and we don't know if that's always going to
be there and available. I don't know, Don, if
this is a question for you or if it's really a
question for them, but what happens if that
parking spot down at Redcom is not available
anymore, does the restaurant drop in capacity?
What happens? Because I would hate to see people
running across the street on that main road where
there's no crosswalk, where there's nothing, but
people want to go to the restaurant. Right? So
that would be my question.

MR. SAMMET: The offsite parking location, the redevelopment plans that be recorded by way of a lease. So technically, if they don't have that parking anymore, then they've got a compliance problem. Yeah. They wouldn't be able to operate the fall complement of the business, I don't believe. They have to -- I'm looking at the redevelopment now, Ms. Carreras. It would be any such modification to the offsite parking plan is subject to review of the Planning Board's Site Plan Subcommittee. And the redeveloper -- who would be the Redingtons, in this case -- would have to provide notice to the zoning officer that they no longer have the offsite parking. And if they cannot provide the alternative space -- for example, if the Redcom facility is no longer available -- they need to get variance relief from the Planning Board. That's the long way of answering your question, but that's the detail on that.

MR. HEHL: If I could add to that. That's one of the advantages of this being a redevelopment area that's subject to a redevelopment plan and subject to a redevelopment
agreement that incorporates a valet plan is that
they're bound to those revisions.

MS. CARRERAS: Thank you.

CHAIRMAN ASH: Councilman Dardia, I
see you next.

MR. DARDIA: Yes. Thanks. I'm very
excited about this project too. Like Alexandra,
I'm concerned about the valet parking, but from
mostly a safety standpoint. The plan is for your
valet to be crossing North Avenue in the evening.
I suspect that's when you're going to need this
additional parking during those events or times
when the parking lot on the actual facility is
going to be full. You're going to need some
spillover. So I don't know if this is more of a
question for Don Sammet or someone else, but; what
are the plans for additional safety measures to be
put in place on North Avenue to make sure that
there's maybe additional lighting, crosswalks,
additional striping, and signage? Does that fall
in the lap of the builder here or what?

MR. SAMMET: Well, the valet parking
plan required them to show a clear path between
the offsite parking location and the development
site. In their valet parking plan, they did note
the presence of sidewalks. There is an existing crosswalk as well on North Avenue between the Redcom site and the Handler Building site as well. But there's no plan for additional lighting to be placed along North Avenue as part of this project.

MR. DARDIA: The reason I'm asking about the crosswalks specifically is I thought that there was a plan -- maybe it was prior to this plan -- to actually remove that mid-block crosswalk. I suspect that now that plan is being suspended?

MR. SAMMET: I'm not familiar with a call to remove that.

MR. DARDIA: Okay. But that's the crosswalk we're referring to, right, that mid-block crosswalk that's been in place?

MR. SAMMET: Right. By the old Atlantic Plumbing, now there's post-development by Adoni Property Group.

MR. DARDIA: I would suggest there to be maybe a beacon light crossing similar to what we have in town and other locations. I don't know if that's acceptable on this state highway, but you know I think something is called for here to ensure the safety of the valet or anybody I
guess that would be, yeah, just anybody to be
crossing the street.

MAYOR BRINDLE: I would suggest that
go to the Public Safety Committee for review.
That's what I would suggest. And in the context
of the whole North Avenue corridor, not just
specific to this project. That's what I would
suggest.

MR. DARDIA: One other question. I
noticed in the -- totally separate from the valet
-- is within the plan, itself, it calls for a bike
rack. And I think that that's great because we
want to encourage a lot of walking and biking and
whatnot. So the bike rack that is identified in
the plan is -- I'll just say it's sort of an
"old-school style" is that the one that's actually
being planned to be installed here? If so, I
would suggest something a little different.
Something a little more -- I don't know, it might
even save on space.

MS. HARRISON: Maybe. Maybe in the
baking drawer, there's chocolate there.

MR. DARDIA: That's a good answer.

MR. HEHL: Get some for me too.

MR. REDINGTON: Hey, Mike Dardia, we
have a bike rack here in our office in Westfield at Redcom, it works great. It's fine. I don't know if it's old-school or new-school, but it's of the school that it works fine and it provides bike parking. I think it will be fine.

MAYOR BRINDLE: Greg, I'll just reiterate what Mike is saying. We just went through an application for the House of Wine where we were very aggressive about the bike allowable for parking because we're actually hoping that this corridor in general will become more bike-friendly. So I will just add on about we also want to make a statement about biking and just having it be kind of front and center. I actually had that on my comment to talk about as well as that just the encouragement of biking was a little bit more prominent either through more space dedicated or to a more prominent bike rack or something like that. So I think that might be why Mike is also asking about it because we've been very assertive on that front with some of the other applications.

MR. REDINGTON: We provide the bike rack here with nine spots. If you need me to put two bike racks with 18 spots, it's my pleasure to
do it. Is that what you're talking about, Mike?

MR. DARDIA: What I'm talking about is maybe additional bike racks, but also a different design. I'm thinking of something that's more like a loop. You know? It's sort of doesn't take up as much space. I might be more in keeping with the industrial design that you're going for or you're trying to keep. And I'm looking at something online through the Uline Company. It's just a five-loop, wave-style bike rack.

MS. MODESTINO: I know what you mean. Yeah, that's fine.

MR. REDINGTON: We're completely amendable for that. And if you trust your professionals to approve a bike rack on your behalf, we're fine with that as a condition as well.

MR. DARDIA: Thanks. We're good.

CHAIRMAN ASH: Ann Freedman.

MS. FREEDMAN: Hi. Thanks very much. This is a great project. I have two small questions. Could we go back to the rendering that we were looking at a minute ago that showed the entrance; Greg or Michele? I know we talked about
parking, and the Mayor was just talking about our
discussions with House of Wine, and what we did
there was to encourage a parking design so that
there wouldn't be too many cars right in front of
the entrance. And I know that you said you would
have these two, the first two, be reserved for
electric vehicles, and then followed on the right
by the handicap spots. But do you think there is
are a way to manage the parking in your reserved
electric spots so that they would be used
infrequently? I say that because -- and you had
mentioned electric trucks even -- if you have
large vehicles parking in those first two spots
people coming in will miss the beautiful entrance.

Do you think there's some way to
look at managing the parking so that would be like
last used or to free it up as much as possible so
when the general public comes by the first thing
they see isn't two vehicles but this very nice
entrance?

MR. REDINGTON: As I said, we spent
a great deal of time trying to figure out the best
balance here. You know we are promoting a farm;
is what we're promoting. And right now, it's an
ugly industrial building full of asphalt. And so,
but we're also trying to balance it with usability, and having a safe number of parking spaces for our staff and our clients.

MS. MODESTINO: In a perfect world, I'd love to get rid of those first two parking spots and just have all plantings and grass, but we need those two parking spots which I don't know if we can afford to lose.

MS. FREEDMAN: Do you need it to make the requirements?

MR. REDINGTON: Yeah. Now, we could flip it -- Nah, I don't know if we can. No, we can't. We don't have room to put two handicap spaces there with a walkway between them. You know, if I put an electric car with electric only, it is going to limit the density there because -- you know, hopefully, it will change. But I think that more often than not those spaces are going to be empty. We can obviously manage it so we don't have employees parking there. From an image, we want people to see this amazing green wall that we're proposing in the corner of the building. So by management, I can put on the record to ask our employees not to park there. I could even relocate the electric spaces to another location.
And in the evening when it's dark and the lot gets full customers of the restaurant will hopefully, you know, they will be used.

MAYOR BRINDLE: Greg, I think you'll find the EVs, they're going to be used all the time. And to give you a little stat, Volta Charging, you know they provide EV chargers all over the country. The Trader Joe's EV Volta Charging stations, which are in Westfield, are the most highest used Volta Charging stations in the entire northeast, in Westfield, which is crazy. So I can promise you that your EV charging stations are going to be used -- which you should be happy about -- way more frequently than you think.

MR. REDINGTON: Well, I appreciate your comments, Ms. Freedman. And like any existing 100-year-old site that we're trying to work with, we've all had to make some compromises. We've worked very hard to try to make the right compromises, and your town professionals have been helpful in guiding us through the redevelopment plan and into this final plan. We think what we've presented here is a very good compromise.

MS. FREEDMAN: Understood. I have
another unrelated question. I know Don had sent something called "Complete List Check List" and it talks about green buildings. And I know your whole building promotes sustainability. I mean, that's the whole philosophy behind it. But on one of the questions, it had to do with implying water conservations in the plumbing, such as low-flow fixtures, and the box was checked as "no" and I was wondering if that was a mistake or something else.

    MR. REDINGTON: No, it wasn't a mistake. We just didn't want to be restricted to those uses, quite honestly. So it's our intention -- I mean, we're investing a whole pile of money to reinforce sustainability, to reinforce not just -- I mean the beauty of this business is we're reducing traffic transportation, we're reducing -- we're not giving any plastic packaging -- we're providing fresh food to Westfield and Union County residents all year long.

    MS. MODESTINO: The amount of water used it much less.

    MR. REDINGTON: Yeah. All our water to grow our plants is all recyclable and everything. We have solar panels up on the roof.
I was blown away by many yeses we were able to get on that green checklist. I'm very proud of the ones we hit, and we are very happy to offer that to you; the ones we hit.

MS. FREEDMAN: Okay. Thank you.

MS. HARRISON: Ann, I'll just give you a little like -- if you just buy a regular toilet today it meets water sense. Regular faucets meet the minimums for water sense. So it's pretty easy to hit the water sense level without going ultra-low flow, which can be troublesome.

MS. FREEDMAN: Oh, that's good.

Okay. Thanks, Anastasia.

CHAIRMAN ASH: Mr. Goldstein.

MR. GOLDSTEIN: Yeah. Thank you. I had one comment on the bicycle parking and one question. But prior, I want to acknowledge your continued investment to the community, the adaptive reuse, the educational aspects, sustainability, farm-to-table. You know your commitment to what you're doing, and frankly, what I think is an extremely wise investment, as well because I think it will be very successful. It's very exciting to see this come to fruition. You
know, just back to the bicycle piece just quickly. If you look at those first two parking spaces -- and I understand compromises are necessary in order to bring a project like this forward -- but if you were to be able to consider one of those current EV spots to be a bicycle rack, not in the back, which would be used for perhaps employees, but in front, further promoting really what's going to be a change in the way this corridor is used by the people that live in the community.

You're sort of fulfilling, you know, fulfilling that in the sense that you're now encouraging it and you're also showing that great living wall, which is really the hallmark of your design, is now not being blocked because, obviously, there's a maximum height on any sort of bicycle. So it's something you might want to consider despite the requirement for the additional parking spaces.

My question was around just trying to understand a trash plan and how that may or may not impact safety. I'm sure there's been a lot of thought put into it. I just didn't see necessarily what's been presented to understand that.

MR. REDINGTON: Sure. I can pull up
that image. So we're proposing a dumpster in the enclosed dumpster area, the eastern side of the property. It will also have additional containers for recycling and that sort of thing. But a large part of our program with sustainability is composting which will be happening within the building. And also, we're really minimizing our packaging, so that's going to minimize it as well. So the restaurant as well as the farm compost inside the building. And outside, we'll have a licensed trash hauler take care of our recycling and our everyday trash.

MR. GOLDSTEIN: I understand the goal is to have as much as possible -- particularly from the farm and the restaurant compost -- but it does feel like a long journey, certainly, for the restaurant.

MS. MODESTINO: To get to it, you mean?

MR. REDINGTON: Well, again, it goes back to if this was a vacant lot and you were going to build a building with new materials that are coming from unnatural resources in this world, and demoing this place and filling up more landfills, would we have designed a better
location for that; probably. But because we're
trying to utilize what we have, yeah, our kitchen
workers are going to have to walk a little. It's
okay. It's healthy.

MS. MODESTINO: But they're not
walking around outside on North Avenue, we have
them inside in a hallway to take them to that.

MR. REDINGTON: I'll show you the
plan.

MR. HEHL: Yeah. Probably put the
floor plan up.

MR. REDINGTON: The kitchen, the
"back-of-house" as they call it, is right in here
in the kitchen. There's a back hallway that goes
back here; so the path of travel. And also, the
deliveries will be down this alley as well, will
come through here to the back-of-house to this
kitchen. And the back-of-house is extra-large, so
we can allow for some of that composting area as
well. So it will be a little bit of a walk, but
that's okay. I'd rather have them walk and be
healthy than knock down the building to make a
closer dumpster.

MR. GOLDSTEIN: Thank you.

CHAIRMAN ASH: Mayor.
MAYOR BRINDLE: Well, Greg and Michele, you know, obviously, how many I love this project. And you know what, when you said something earlier, it really struck me and maybe others don't know this. But when you mentioned that this was a former dental manufacturer, it reminded me that you all live in the house where Westfield's first dentist resided. That's kind of a funny full-circle moment.

MS. MODESTINO: It actually is.

MR. REDINGTON: I never thought of that.

MAYOR BRINDLE: I didn't either until you said it. And just for the rest of the Planning Board, Greg and Michele lived in the house that was on the side of the Rialto and moved up the street to North Chestnut, which they renovated and to have won a Restoration Divine Award for it. It was the home of the first dentist in Westfield. So they have quite a track record in historic preservation and restoration, so this is no different. I, obviously, wanted to say thank you again for bringing this forward.

But I do want to ask: Did you guys show us the second floor, the renderings of the
second-floor plan? Because I just wanted to
remind how and to see the event space, the
cooking, kitchen school.

MR. REDINGTON: Let me see if I can
get this bigger. So this is across the front of
the building. The main entrance is here, North
Avenue is the bottom of the page, and the event
space is an existing big open space there now. We
heard that back in the '40s and the '50s, it used
to be rented by the Union County Republican Party,
and they used to have fundraisers and balls in
this space. So it's going to continue to be
historically an event space, albeit, bipartisan
from now on.

And then, the teaching kitchen is
here. And what's really neat about this design
that Michele laid out is we were very fortunate to
find these two interior windows that look down
into the growing area. So what we're going to do
is take an old barn door that was down in the
shipping area, save it, open up this brick wall,
and after you're done learning how to cook this
amazing plant-based meal, you're going to slide
open this big 10-foot-wide barn door and eat your
meal with a view with the place where it was all
grown. You're going to have an elevator here with stairs up to the event space so if anyone wants to have a birthday party or a rehearsal dinner or you know a yoga event or a special speaker comes in, they're going to have nice access.

MS. MODESTINO: And also the mezzanine right here. Right off this event space, we have a mezzanine that was existing. We cut it back a little bit where it will have a glass wall looking down to the growing space again.

MR. REDINGTON: On the top, we have the classroom where, hopefully, we're going to have our elementary school kids and middle school kids come in and learn about how to grow things, plant their own seeds, watch the stuff grow from their own classroom, and then come back and pick it with their families so we can introduce them to the benefits of this indoor vertical farm.

MAYOR BRINDLE: Very cool. Thank you.

CHAIRMAN ASH: Ms. Harrison.

MS. HARRISON: In the site plan, I know you've got a lot of coverage and it's unavailable. Have you thought about maybe -- if you could just go to your overall plan -- have you
thought about if you could do some sort of bioswale or something across the front next to the sidewalk that might -- it's not going to save you any groundwater, maybe it's a little teaching moment that you can add near the front door. Instead of just lawn or something, you could just do like a depression, maybe the sidewalk can come over it just a little. I've worked a lot on lead projects, I've worked at Gessler doing a lot of sustainable projects and lead, and we found that those bioswales worked really well for just showing people what they can be as opposed to -- you don't have like the overall width for a huge one, but maybe just a small little teaching moment one.

MR. REDINGTON: Right. So that's a good comment. Right now, we really want to beautify the front of the building. We have so many teaching opportunities about sustainability, global warming, and lack of pesticides, and healthy eating that happens inside this building and we're highlighting that. And the corner element, it's all green. That I don't think we need anymore. And we have such little bit of greenery that we would really love to have the
freedom to plant it lushly and to bring some green
to North Avenue. So we'd like to maintain all our
teaching moments from the inside of the building.

MS. HARRISON: That's fine. I
didn't mean a bioswale that's like a depression
and rocks. I meant the kind that have plantings
in them that are beautiful and full with flowers.

MR. REDINGTON: Yeah, I know. We
design them here at Redcom a lot of the time, and
it's just not something that -- we've got like 8-
we've got like 6-feet between the foundation
plantings and the sidewalk, and we just want to
make it nice and clean and professional and
welcome people in and blow them away inside.

MS. HARRISON: Understood.

CHAIRMAN ASH: Mr. Goldstein, is
your hand up again?

MR. GOLDSTEIN: No. It remained up.
I'll lower it.

CHAIRMAN ASH: All right. Any other
members of the Board at this time? Okay. Let's
open it up to members of the public in attendance.

MR. SAMMET: I see a hand raised by
Mr. Stillufsen. Good evening, Mr. Stillufsen. We
should be able to hear you now.
MR. STILLUFSEN: Hello. Can you hear me?

MR. SAMMET: Yes, sir.

MR. STILLUFSEN: Great. This is Andrew Stillufsen, 667 Fourth Avenue. I live right up the street from the Handler Building. And I just want to say off the bat that this is a really creative reuse of this historic industrial property. Not a lot is known about Westfield's industrial past, but this is a very creative, very cool reuse. So I just want to get that out off the bat. But my question is also about bikes. Is there a way to add a bike rack maybe on the other side of the building by the store side to encourage more bike use? Because it would be a pretty long walk from where the bike rack is right now. Maybe it can be moved closer to the entrance. So that's kind of my first question. And the second part of that isn't really a question, but I wanted to thank the Mayor for updating us on the proposed safety improvements including bikes on North Ave. There's a lot of redevelopment going on on North Avenue. All of it looks pretty good to me. So a lot of new people living there. And since I've been working from
home the last two years I've been riding my bike
into town a lot more. So I think it would be
really helpful to have way more bike lanes, way
more bike infrastructure. So that's kind of
leading to my question of maybe adding a bike rack
on the store side of the building.

MR. REDINGTON: Thank you for your
good comments about the reuse for this building.
We really appreciate it. I ride my bike to my
office. I ride my bike and we have two spare
bikes at the office for people to use. So I'm a
big biker as well, and I'm a road biker
athletically as well. So I can promise you bikers
will not be discouraged to come into our place for
a lack of bike racks. If the need is there, we
will put them in, absolutely. Can I have -- you
know, Mike Dardia brought up a good point bike
that bike racks don't have to be the standard ones
that you see all over the place. They can be
creative areas that should have a locking
capability. So, yes, we will try to put some of
those on the west side as well.

MR. STILLUFSEN: Great. Thank you
very much and best of luck with your project.

MS. MODESTINO: Thank you.
CHAIRMAN ASH: Any other questions?

MR. SAMMET: If anyone else has questions, please virtually raise your hand. There's no one, Mr. Chair.

CHAIRMAN ASH: Okay. Thank you.

Mr. Hehl.

MR. HEHL: I'll be very brief. Again, this is an exciting project. Obviously, in the works for quite a long time with the redevelopment area and then the redevelopment plan. I have very enthusiastic and committed people in Greg and Michele. And we appreciate the Board's comments. We appreciate Don's report. And we recognize that the conditions of the -- again, a lot of that's been incorporated in the redevelopment agreements. So we look forward to this Board moving favorably upon our request for the site plan approval.

CHAIRMAN ASH: Thank you. Any members of the public have comments on the application?

MR. SAMMET: Please virtually raise your hand, members of the public. No one, Chairman Ash. Uh-uh.

CHAIRMAN ASH: We've got one?
MR. SAMMET: They're back.

Ms. Foltz. Ms. Foltz, we should be able to hear you now if you unmute your microphone.

MS. FOLTZ: I'm in favor of their proposal.

MR. FOLTZ: I can't imagine a better reuse of a 100-year-old building go Michele and Greg.

MS. FOLTZ: Go Michele and Greg.

MR. REDINGTON: Thank you.

CHAIRMAN ASH: Members of the Board? We've heard from most of the Board so far. Anyone have comments?

MR. CEBERIO: I'd like to I guess start and say this is a really exciting project, it's something different. I work in a number of municipalities in New Jersey and you know I think many towns would love to see something like this come to the town. You have a family here that you know is enthusiastic about not only have one business, but now, two businesses in the town that they live. I think that means something. I think that means something for Westfield and the downtown of Westfield. And I think it's great that this is on a site that's going to be torn
down for another use that we're able to find something. And again, an exciting use that, you know, utilizes part of Westfield's history. I think it's a great project.

CHAIRMAN ASH: Thank you, Mr. Ceberio. Anybody else?

MAYOR BRINDLE: I'll just add a huge thanks -- also, if the Board remembers, this was not an easy project for us to get moving forward. It involved a renegotiation or small negotiation of our affordable housing settlement to relocate what was going to be only allowed I think a 26 or 28 unit apartment building. And thanks to the efforts of Don Sammet and this Planning Board that helped move that forward we were able to relocate those affordable units to enable this project to happen for all the right reasons. It's a project that is a broad community benefit. I think it really models and supports the values that we talked about do we want to be about sustainability. I'm so happy we're not having a conversation about tearing something down, but instead, building something up. I just want to remind everybody why we're having this conversation tonight is because of the work of
Don Sammet and this Planning Board, quite frankly, I guess almost a year ago. So I just want to say thanks to you to all you for enabling us to be here this evening. And, obviously, to Greg and Michele for their vision and tenacity and making this happen. We can't wait for your guys to get started.

MS. MODESTINO: Thanks.

MR. SAMMET: Thank you, Mayor.

CHAIRMAN ASH: All right. And with that, is there a motion to approve?

MR. GOLDSTEIN: I'll motion.

MS. HARRISON: Second.

CHAIRMAN ASH: Second by Ms. Harrison. Roll call, please.

MR. SAMMET: Chairman Ash.

CHAIRMAN ASH: Yes.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Yes.

MR. SAMMET: Mr. Ceberio.

MR. CEBERIO: Yes.

MR. SAMMET: Councilman Dardia.

MR. DARDIA: Yes.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Yes.
MR. SAMMET: Mr. Goldstein.
MR. GOLDSTEIN: Yes.
MR. SAMMET: Ms. Jansveld.
MS. JANSVELD: Yes.
MR. SAMMET: Deputy Chief Duelks.
MR. DUELKS: Yes.
MR. SAMMET: Ms. Carreras.
MS. CARRERAS: Yes.
MR. SAMMET: And Ms. Freedman.
MS. FREEDMAN: Yes.
MR. SAMMET: It's approved.
MR. HEHL: Thank you, guys. Thank you very much.
MR. REDINGTON: Thank you.
MS. MODESTINO: Thank you so much.
MAYOR BRINDLE: Congratulations.
MR. HEHL: Thank you and have a great night.
MR. SAMMET: Can we take a five-minute break, Mr. Chairman?
CHAIRMAN ASH: Five-minute break.
Let's take a recess.
(Break taken.)
CHAIRMAN ASH: Looks like we are almost all back.
MR. SAMMET: Mr. Goodman, will your client be speaking tonight as well? I can bring him into the room here.

MR. GOODMAN: Mr. Sammet, please do.

CHAIRMAN ASH: Are we ready to proceed?

MR. GOODMAN: Gary Goodman on behalf of the applicant, TXT Properties, whose principal is Frank Pinelli. This is a minor subdivision turning two lots into three. It's 1060 and 1070 Rahway Avenue. Mr. Pinelli resides at 1060, and his proposal is to subdivide into a total of three lots with his existing house remaining where he will continue to reside. The application is in the R-12 Zone district. The proposal requires no variance and conforms with the lot standards with the properties in the R-12 Zone. My witness tonight, my engineer, Edward Dec, and I have Mr. Pinelli is also here. Without further ado, I'd like to call Mr. Dec.

CHAIRMAN ASH: Go ahead.

MR. DEC: I'm here, although, my picture isn't showing. I don't know why. For some reason, I'm not able to connect. Can you all hear me?
CHAIRMAN ASH: Yes. We can hear you.

MR. GOODMAN: Can you hit your video button?

MR. DEC: Yeah. You're right. There you go.

MR. GOODMAN: That exhausts my technological know-how.

CHAIRMAN ASH: We are familiar with Mr. Dec, so we can proceed.

BY MR. GOODMAN:

Q. Mr. Dec, you were retained by Mr. Pinelli to do this subdivision?

A. That is correct.

Q. Can you walk the Board through the existing conditions and what is proposed?

A. Certainly. I'd like to be able to share my drawings.

MR. SAMMET: You should be able to do that, Ed.

MR. DEC: I should be able to, I know. There we go. Let me go back to the cover sheet. What we see here is my cover sheet, Sheet 1 of 4. It's the same set of plans that are in front of the Board. It's the subdivision as
Mr. Goodman said, of two lots, Lots 9 and 10, 1060 and 1070, respectively in Block 4603. We're combining these two lots and creating three conforming lots. Sheet 1, title sheet again, is comprised of a 200-feet radius map. As you can see, the two lots are hashed marked 9 and 10. Just for orientation purposes, north is to the top and that would be the same on all the sheets, south at the bottom, east is to the left -- I'm sorry -- east is to the right, west is to the left. We're bounded by Willow Grove to the west and I think it's Norwood Drive, I believe, to the east. We have a separation in zone lines as you can see on the zone map. The two lots again are hash marked. To the west, we are in the R-12 Zone. To the east immediately to the right of our property begins the RS-8 Zone. We are also bounded to the south by the Tamaques Grade School property. And to the north, we have Rahway Avenue which runs east to west. The site, if you're to look at it jointly, we have Lot 9 at 37,000-square, and Lot 10 at 33, roughly, combined together just a little bit over 70,000 thousands-square feet. We're taking those two lots and creating three.
The first, which would be 9.01 which is the lot to the left, we're going to create a lot that's going to be 112-feet wide. And the other two, which would be a combination, a portion of Lot 9.01 and all of Lot 10 at 75-feet wide. As you can see in the zoning chart, we meet all of the bulk requirements for the RS-12 Zone. The width is 75-feet. We have an extremely long length of the lots, they're 268-feet/267-feet deep. So we're able to not only create lots that meet the zoning criteria but they exceed the zoning in every aspect except the 75-feet, the two new lots that are at the allowable 75-foot wide bulk width.

And then we go further on into the zoning chart and we go into lot coverages. And the buildings coverages, what I tried to do on the coverage aspect is to show that the total lot pervious between existing Lots 9 and 10 are the same as the three new lots using the FAR as our controlling point for a building footprint. In other words, we would expect two, two-and-a-half story, two-story buildings in the two new lots which would require us to maintain about 2,500-square foot building footprint. So with
those kinds of bulk requirements and constraints, we feel that we can create a very good subdivision, which matches very well with the adjoining properties as far as the sizes of the lots. And I'll take to you to the next sheet, but before I leave that, just to show you on the tax map portion on the zoning sheet. The lots to the west, immediately to the west and adjoining our property, that lot is 63-feet wide. Lot 7 is 75, Lot 6 is 54, then we have a larger lot that's, approximately, 85-feet, and then we go back down to 50 next to that, and then we have lots that are a little bit larger than 75-feet. So even in our own zone, the two 75-foot wide lots are I would say in the minority, as far as lot widths go. We're very close to being half of the existing lot widths, we exceed them. And the other lot, which will be 9.01, exceeds all the lots on that side of our property.

We go to the right of our property or to the east, we have the RS-8 Zone, of course. All those lots except for the one really to our east at 75-feet, but every other lot from there to Norwood is less than our two proposed 75-foot wide lots. Now, I'll take the Board to Sheet 2.
Sheet 2 shows the existing condition of the two lots. Lot 9, which is the lot where we are proposing to leave the existing structure. And Lot 10, is the lot we're proposing to remove that structure and provide two new structures. The two lots here are a total of 150-feet which means that we have to take 26-feet out of the existing Lot 9.

Again, you can see there's quite a lot of impervious coverage if you include the buildings and the driveways and the concrete and the rate sidewalks. And again, the new improved proposed lots all together would very closely equate to the same amount of coverages. We would be eliminating this rear area, this driveway area that goes to the back. And this footprint of the existing building that will be removed is quite large. When you look at it from an overall perspective, when we come back and all three lots are occupied and built, the amount of impervious coverage will be almost the same as what we had in the existing condition.

I'll go to Sheet 3, which is a plan that shows the subdivisions of the lots. It gives you the dimensions of each of the new lots. Lot 9 will become Lot 9.01, and be reduced in width to
112-feet wide. The combination of using the leftover portion of 9 which will be created as Lot 10.01, along with 10.02, will both be 75-feet wide. The areas are 20,000 -- almost 20,100 for Lot 10.02; 20,115 for 10.01; and be 30,000 almost 100-square feet for 9.01. The reason there's a little bit of difference is because the distances get a little bit longer -- I'm sorry, a little bit shorter -- as we go from west to east, and that's why there's a little bit of discrepancy -- not discrepancy, but difference -- in the areas of the two 75-foot wide lots.

Other than that, we are proposing to be within all of the bulk requirements as far as front yard, rear yard, and side yard. We're not going to exceed any of the bulk requirements nor would be asking for any variances. To Sheet 4, which is now what we're proposing to do as far as improvements go. Again, the existing structure that was on Lot 10 will be removed. Lots 10.01 and 10.02 will be where two new house houses will be constructed. Lot 9.01, the existing structure will remain. We are proposing to put a driveway in. If there was some way I could superimpose this, I wish I could because what happens is the
existing driveway is parallel somewhat to the west side of this proposed driveway. And what we're doing is we're going to eliminate that driveway, reconstruct the driveway alongside of it which will service the existing structure and service the garage doors.

I think right now that would be a good summary of what we're proposing to do. We did receive a letter from Mr. Sammet, and I can go through that. Or if there're some questions now at this point, I'd like to answer those.

BY MR. GOODMAN:

Q. Just to clarify. At this point, we're not providing any plans, not talking about any houses to be built. We understand that we have to -- that whoever builds these houses, and it may very well be our applicant -- that he has to comply with the provisions, the Land Use Ordinance, which means it has to go to the Site Plan Review Committee. But at this point, we're basically saying that the lots we are creating comply with the bulk requirements for houses to be built in the future. Is that correct; ed?

A. That is correct. The houses that will be constructed will meet all of the
requirements for that zone as far as FAR, the building coverage, the lot area coverage, setbacks. We will be able to provide the proposed utilities, particularly for Lot 10.01. Lot 10.02, we'll investigate whether or not the existing utilities will be useable. If not, we'll have to put in new ones. But, yes. As far as the two at this point vacant or empty lots, they are suitable for new homes to be placed and will meet all the requirements. They would be reviewed by the Engineering Department and the Planning Department before any construction permits will be issued.

Q. And, Ed, if you could comment on Mr. Sammet's request with regard to parking in the driveway at --

A. Yes. I'm sorry. Go ahead.

Q. Yeah. The parking issue as to parking on the lots whether or not the lots can accommodate the required parking which the ordinance requires?

A. Yes. Mr. Sammet made a good comment as far as the driveway goes and the turning patterns to ingress and egress the garage area. The comment Mr. Sammet made was to extend the driveway where we're showing it ending here to go
beyond that a little bit to act as back-up space
for like a K-turn maneuver where someone could
enter the garage and enter the driveway, head in,
come in and park in the garage, back out into the
back out area, which would be the extension of
this driveway, and then pull out in a forward
direction. They would not be backing out onto the
street at all. Also, I'd like to comment on the
two new houses and also the existing house. We
will be meeting the requirement of having two-car
garages in all three of the proposed lots. So we
would be meeting the parking requirement. There
also is available space on all three driveways.
Because of the setback from the street
right-of-way, we have that availability, but all
three of these units would have two-car parking
spaces.

There's also another comment that
Mr. Sammet made which was as you can see the tree
that's shown here in the proposed driveway area,
that tree would have to be removed. We have some
other trees, particularly with what would now be
10.02. I'm not sure how those would interact or
interface with a proposed driveway coming from the
proposed house here, but that would have to be
addressed at the time when the plans are submitted to both Zoning and the Construction Departments as to which trees would have to be removed; if any. But certainly, one will be removed and we will get that permission from the Tree Commission for that removal.

MR. GOLDSTEIN: Questions from the Board for Mr. Dec?

CHAIRMAN ASH: Anyone with questions?

MS. HARRISON: I have one. So, Mr. Dec, what you were saying about the driveway for 1060 is that you're going to put like a little kick-out so that somebody can get in the driveway, back out of it, and pull out forward?

MR. DEC: Right. In other words, they would enter the driveway, come into the garage. And to go out, they would back out into that --

MS. HARRISON: You'll extend the driveway past the house. Got it. I understand. I don't have any questions.

CHAIRMAN ASH: Councilman Dardia.

MR. DARDIA: Yes. My question has to do with the comment that was just made about
removing the tree for I guess that's Lot 9.01,
removing the tree I guess to allow for the
driveway. When that is about to occur or whether
it's planning, there are steps. I'm sure there
are other folks on this Board that could chime in
here about this I guess putting in an application
to remove the tree.

MR. DEC: Yes, that is correct. The
tree is still there. It would be something that
would be part of our submission to the Town, and
to the Engineering Department, and the Tree
Commission that this tree would be removed along
with the proposed driveway relocation.

MR. DARDIA: Thank you for
explaining. Thank you.

CHAIRMAN ASH: Anyone else? All
right. Are there any members of the public who
have questions for Mr. Dec based on his testimony?

MR. SAMMET: Members of the public,
if you could please virtually raise your hand if
you have any questions for Mr. Dec. No one is
doing so, Mr. Chairman.

CHAIRMAN ASH: Okay. Back to you,
Mr. Goodman.

MR. GOODMAN: Yes. If I could just
have Mr. Pinelli sworn in.

CHAIRMAN ASH: All right.

MR. GOODMAN: Is he on?

CHAIRMAN ASH: He's on mute.

MR. GOODMAN: You have to unmute yourself, sir.

CHAIRMAN ASH: Try now.

FRANCESCO PINELLI, having been duly sworn, was examined and testified as follows:

BY MR. GOODMAN:

Q. Mr. Pinelli, you've heard Mr. Dec's testimony. Do you concur with everything that has been said on your behalf?

A. Yes.

Q. You understand with regard to the look-alike provisions of the Land Use Ordinance that should you choose to build houses on these two lots if approved that you will comply with the review by the Site Plan Review Committee?

A. Yes, I'm aware.

Q. You understand that with regard to the tree that has to be removed on the driveway you will comply with the application process for that task as well; correct?

A. Yes.
Q. And you currently reside at 1060 Rahway Avenue; is that not correct?
A. That is correct.

MR. GOLDSTEIN: Questions for Mr. Pinelli?

CHAIRMAN ASH: Board members? I see none. Any members of the public have questions for Mr. Pinelli?

MR. SAMMET: Any members of the public, please virtually raise your hand. No one.

CHAIRMAN ASH: Okay. Mr. Goodman.

MR. GOODMAN: Members of the Board, I know you don't like things being torn down, but I happened to walk past this house over the weekend that needs to come down, and I don't think that would be a great loss to Westfield. With regard to the fact that Mr. Pinelli lives on the street in one of the houses that is subject to this subdivision, I think logically he should be very concerned aesthetically with what is built there. And he may be the builder of what goes there. So given the fact that we comply with all the standards of this zone, I would ask that you give it serious consideration to approve this subdivision. Thank you.
CHAIRMAN ASH: Thank you,

Mr. Goodman. Any members of the public have a

comment on this application?

MR. SAMMET: Yes. Mr. Lampariello.

Mr. Lampariello, you should be able to speak.

MR. LAMPARIELLO: Hey, everybody.

How are you?

MR. SAMMET: Good. Thank you. We
can hear you.

MR. LAMPARIELLO: I live directly

next to 1070. So, Mr. Pinelli, nice to meet you.

I'm a couple doors down. It's a shame we say hi

in these venues instead of knocking on doors.

I'll knock on your door next time. I

fundamentally have no opposition to the division.

I think I have general oppositions of dividing of

lots in general, but I think as this one goes, it

compiles. And I don't have complaints about how

it looks with the other houses. Just a couple of

points; one regarding the trees. 1070 Rahway

Avenue has been abandoned for at least the six

years that I've lived here. Over 12 years it's

been abandoned to other neighbors; right? And the

prior owner took down several trees until someone
called on him, and you know that was stopped as he
was swiping away trees from that property; right? So I would just emphasize the importance of trees. If you look at this neighborhood, there're several trees there; right? And that lot was already being cleared for development; right? So let's make sure whatever is happening here, the trees are taken care of. Number two is around the trees in this area as well. The drainage is very poor. As those trees go away, it becomes a bigger issue putting more things onto these lots. So if we can keep those two things in mind as we go forward with the two lots, that would be great. The other thing, as Mr. Goodman just said, in terms of the current state of the property, it's atrocious. If you guys look at the pictures, which you can see, it's boarded up, the drainage is falling off, the windows are broken. We've called the police because people are hiding things in the back, picking it up, and walking out the driveway. It's unacceptable the way the house currently is. So while this is being approved and we're moving forward and whatever development is being done, I would expect that the current state of the property is significantly upgraded while we're working on this. But again, other than that, no
material concerns with the divisions. Looking forward to looking out my window at something better than a boarded-up garage.

CHAIRMAN ASH: Thank you.

MR. SAMMET: Anyone else with comments on the application? Please virtually raise your hand. There's no one else Mr. Chairman. Mr. Chairman? Did Michael freeze?

MR. DARDIA: I think so.

MR. SAMMET: I think we lost the Chair. Our vice-chair is not here at the moment. We'll give Michael one second.

(Whereupon, there is a discussion held off the record.)

MR. SAMMET: Actually, Alan, a technical question, if our Chair is out of --

MAYOR BRINDLE: He got off, but maybe he's going to dial back.

MR. SAMMET: -- and our vice-chair isn't here either, I don't know if there is such a thing as third in command?

MR. TREMBULAK: Since there's a Board discussion and there's obviously a quorum to act on it.

MR. SAMMET: Right. Right. Yeah.
MR. TREMBULAK: That's the story.

Let's see if the Chair can find his way back into the meeting. Otherwise, I think the Board can act on the application.

MS. HARRISON: Do we have a quorum?

MR. TREMBULAK: Yes.

MR. GOLDSTEIN: But, Don, you are number three.

MR. SAMMET: No.

MR. CEBERIO: The Chairman is trying to get back on.

MS. HARRISON: Are we at the point to make a motion once the Chair gets back?

MR. SAMMET: Just Board discussion, Anastasia. Deliberate on the application and then.

MS. HARRISON: I'm so not a night person.

MR. SAMMET: Why don't you start up deliberation, Anastasia? Go ahead.

CHAIRMAN ASH: Sorry. I'm back.

MS. HARRISON: There he is.

CHAIRMAN ASH: I'm back. I'm on my phone now.

MS. HARRISON: We only need your
voice; right? Oh, there you are.

CHAIRMAN ASH: So comments?

MS. HARRISON: I think the application is worthy of its subdivision. It fit the character of the neighborhood. I don't see any negatives or anything. According to the neighbor, it sounds like it will be a much-welcomed change. I would support this application.

CHAIRMAN ASH: Thank you. Anyone else?

MAYOR BRINDLE: You're on mute, Mike. Chair.

CHAIRMAN ASH: Would someone like to make a motion?

MS. FREEDMAN: I'll make a motion to approve it.

MS. CARRERAS: I'll second it.

CHAIRMAN ASH: Okay. Roll call, please.

MR. SAMMET: Chairman Ash.

CHAIRMAN ASH: Yes.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Yes.

MR. SAMMET: Mr. Ceberio.
MR. CEBERIO: Yes.
MR. SAMMET: Councilman Dardia.
MR. DARDIA: Yes.
MR. SAMMET: Ms. Harrison.
MS. HARRISON: Yes.
MR. SAMMET: Mr. Goldstein.
MR. GOLDSTEIN: Yes.
MR. SAMMET: Ms. Jansveld.
MS. JANSVELD: Yes.
MR. SAMMET: Deputy Chief Duelks.
MR. DUELKS: Yes.
MR. SAMMET: Ms. Carreras.
MS. CARRERAS: Yes.
MR. SAMMET: And Ms. Freedman.
MS. FREEDMAN: Yes.
MR. SAMMET: Approved.
MR. PINELLI: Thank you.
MR. GOODMAN: Thank you.
CHAIRMAN ASH: Thank you, good night.

One other matter on the agenda, and that is a review of the General Ordinance Number 2022-06. An ordinance amending Article 5, entitled "Fees, Deposits, Guarantees and other Payments" of the Land Use Ordinance of the Town of
Westfield.

MR. SAMMET: Thank you, Mr. Chairman. I'll be very brief. This ordinance is not very exciting. It doesn't deal with redevelopment plans or making our land development ordinance, you know, addressing major land development issues. It's simply updating our development application fees. The last time these fees were updated was in 2008, 14 years ago, so we're a little bit behind the times. I looked at ordinances and fees from various other comparable municipalities and proposed the fee schedule that is in the Draft Ordinance. It's also been looked at by the town attorney who represents various municipalities as well. So we felt it was a good update for us. And really, again, it's been 14 years since we've done this, so we're really due.

The second part of the ordinance permits the zoning officer to charge their time spent on reviewing development applications that are before our boards; the escrow. There's a provision in our existing ordinance now that prevents them from doing so which really doesn't work for us today for a couple of reasons. One, our zoning officer is a licensed planner. Two,
the department is actually doing more for the
Zoning Board than it ever has in the past. We're
now also preparing planner reports on all
applications that go before them even things
involving single-family homes. So there's a lot
of time spent by staff on the review of zoning
board applications, in particular by the zoning
officer.

Finally, the ordinance updates
provisions for guarantees that may be required of
applicants before the Boards. The last time our
local Land Use Ordinance was amended was 1998.
Since that time, the Municipal Land Use Law has
been amended to allow for various other types of
guarantees. The amendment simply makes our local
ordinance consistent with the State Municipal Land
Use Law. So nothing really exciting, but it
brings us into the 21st century.

CHAIRMAN ASH: Any question?

MS. HARRISON: I'm sorry. I have a
question. We have a lot of new projects that are
going to be hitting the Building Department/Zoning
Office. What are our plans to help? I don't
think the current team we have can handle it. I
don't know if they can or can't, but do we have to
plan for that expansion in this whole conversation?

MR. SAMMET: Well, in budget conversations for our planning and zoning, I've had discussions about replacing a lost staff member. We, the department was myself, the zoning officer, and an assistant zoning officer or zoning official. We have since lost that assistant and haven't been replaced yet. But I recognize the need for having that position filled once more, so I've requested that. For the construction, building and construction, I'd have to defer to our construction official as to what he would require. So I can't really answer on his behalf.

MAYOR BRINDLE: Anastasia, I can answer because, certainly, from the budget perspective and conversations with Jim Gildea, we recognize the growing need in the building and planning department. One thing that maybe people aren't aware of is how much automation has been implemented in our building and construction. Everything has been moving online. And so the beauty of that is it enables our people to do things that really only people can do, or should do, and not have to worry about doing so many
things manually. There's been tremendous turnover that people may not even be aware of in that entire building department. And people have come with some really great technical and automation skills. In addition to first, running a much more efficient department, we're also looking at what the skills should be. But it's not loft on any of us that we need to really be up in our game for what we see is up on the horizon; in terms of talent and people.

MS. HARRISON: I can tell you that the automated system is amazing.

MAYOR BRINDLE: They've just got this new amazing person that's like -- and builders love it. It crosses towns. So once they're online, they can take it. Yeah, they love it. It's great. And so all of that is getting up to speed.

CHAIRMAN ASH: Thank you. So we need a motion finding that this ordinance is not inconsistent with the Master Plan; is that it?

MR. TREMBULAK: Yes.

CHAIRMAN ASH: Would anyone like to make that motion?

MR. CEBERIO: I'll make that motion.
MS. FREEDMAN: I'll second it.

CHAIRMAN ASH: Roll call, please.

MR. SAMMET: Mr. Ceberio.

MR. CEBERIO: Yes.

MR. SAMMET: Ms. Freedman.

MS. FREEDMAN: Yes.

MR. SAMMET: Deputy Chief Duelks.

MR. DUELKS: Yes.

MR. SAMMET: Ms. Carreras.

MS. CARRERAS: Yes.

MR. SAMMET: Mr. Goldstein.

MR. GOLDSTEIN: Yes.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Yes.

MR. SAMMET: Ms. Jansveld.

MS. JANSVELD: Yes.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Yes.

MR. SAMMET: Councilman Dardia.

MR. DARDIA: Yes.

MR. SAMMET: And chairman Ash.

CHAIRMAN ASH: Yes.

MR. SAMMET: Thank you.

CHAIRMAN ASH: Thank you. And that just basically leaves us with our last motion;
right? Motion to adjourn.

MAYOR BRINDLE: So moved.

CHAIRMAN ASH: All those in favor say "aye."

BOARD MEMBERS: Aye.

CHAIRMAN ASH: Thank you, everyone, for a good meeting.

(The meeting was adjourned at 10:48 p.m.)
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