TOWN OF WESTFIELD

PLANNING BOARD

IN RE:
PUBLIC HEARING:

-------------------------------------

TRANSCRIPT OF PROCEEDINGS
Monday, April 4, 2022
Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.
BEFORE:

MICHAEL ASH, CHAIRMAN

MICHAEL LAPLACE, VICE-CHAIRMAN

MAYOR SHELLEY BRINDLE, MAYOR DESIGNEE

COUNCILMAN MICHAEL DARDIA, COUNCIL LIAISON

ANASTASIA HARRISON, 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

GOODMAN LAW
BY: GARY GOODMAN, ESQ.
Attorney for the APPLICANT 440 NORTH AVENUE

WILENTZ, GOLDMAN & SPITZER
BY: AMANDA CURLEY, ESQ
Attorney for APPLICANT ADONI PROPERTY GROUP
STATEMENT BY THE CHAIRMAN

ROLL CALL

APPROVAL OF MINUTES - MARCH 7, 2022

ADOPTION OF RESOLUTIONS
PB 19-02 - 873 NEW ENGLAND DRIVE
PB 22-01 - 1060/1070 RAHWAY AVENUE
PB 22-02 - 610 NORTH AVENUE EAST

APPLICATIONS

WITHDRAWN
NONE
CARRIED
NONE

NEW APPEALS

PB 22-3
440 NORTH AVENUE EAST, LLC
440 NORTH AVENUE EST
BLOCK 3202, LOT 7

WITNESS

UNNAMED PUBLIC SPEAKER(1)
LATER IDENTIFIED AS ALEX FAUST

*APPLICATION CARRIED TO MAY 2, 2022
1  -  -  -

2  PB 21-12
ADONI PROPERTY GROUP
3  516-540 NORTH AVENUE EAST
BLOCK 3202, LOTS 13,14,14.01,15.02,16  18

4  WITNESS  PAGE

5  GERRY GESARIO  20
6  MATTHEW MARTINIQUE  77, 148
7  ELIZABETH DOLAN  116
8  IRWIN KIZEL  151

9  UNNAMED PUBLIC SPEAKER(2)
  LATER IDENTIFIED AS SYLVIA BOUFADEL  43
10  UNNAMED PUBLIC SPEAKER(3)
  LATER IDENTIFIED AS TED CAMPANELLO  64
11  HEIDI MARTINDILL  66
12  UNNAMED PUBLIC SPEAKER(1)
  LATER IDENTIFIED AS ALEX FAUST  76
13  JOHN JOHNIDIS  102, 178
14  JENNIFER JARUZELSKI  108
15  TED CAMPANELLO  110, 132, 168
16  ALEX FAUST  115, 138, 163
17  CLAUDINE SALERNO  145
18  SYLVIA BOUFADEL  174

19  EXHIBIT  DESCRIPTION  PAGE

20  A-1  GOOGLE MAPS ARIEL IMAGE
21  DATED 03/20/2022 E-100  21
22  A-2  COLORIZED SITE PLAN E-200  24
23  A-3  VEHICLE ANALYSIS
24  DATED 03/30/2022 E-300  28
25  A-4  INTERIOR RENDERINGS  80
26  A-5  AMENITY RENDERINGS - FIRST FLOOR  82
27  A-6  FRONT ELEVATIONS RENDERING  86
28  A-7  ROOFTOP RENDERINGS  89
29  *MOTION TO APPROVE APPLICATION
30  W/CONDITIONS  190
CHAIRMAN ASH: Good evening, and welcome to the regular meeting of the Westfield Planning Board; April 4, 2022. Let's have a roll call, please.

MR. SAMMET: Good evening, everyone.

Chairman Ash.

CHAIRMAN ASH: Here.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Here.

MR. SAMMET: Mr. Ceberio is absent this evening. Councilman Dardia.

MR. DARDIA: Here.

MR. SAMMET: Deputy Chief Duelks.

MR. DUELKS: Here.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Here.

MR. SAMMET: Mr. Goldstein is absent today. Ms. Jansveld.

MS. JANSVELD: Here.

MR. SAMMET: Mr. LaPlace.

MR. LAPLACE: Here.

MR. SAMMET: Ms. Carreras.
MS. CARRERAS: Present.

MR. SAMMET: And Ms. Freedman.

MS. FREEDMAN: Here.

CHAIRMAN ASH: All right. Thank you. Notice of this meeting has been published by posting notice in Westfield Town Hall and by providing notice in the designated newspapers by the Township and Council. Since we're back in person, let's have a flag salute.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN ASH: All right. We have minutes from March 7, 2022, meeting. We did get the minutes today, but it is a verbatim transcript of the meeting, so I don't think there are any questions or concerns. Can I have a motion to approve?

MR. DARDIA: So moved.

CHAIRMAN ASH: Thank you. And a second?

MS. HARRISON: Second.

CHAIRMAN ASH: All those in favor.

BOARD MEMBERS: Aye.

CHAIRMAN ASH: Any opposed?

MR. LAPLACE: Mr. Chair, I'll
abstain because I was absent.

CHAIRMAN ASH: That was my next question. One abstention. Thank you.

We have resolutions tonight.

Starting with a resolution for Application Number PB 19-02. This is a subdivision for 873 New England Drive.

Can I have please a motion to approve the resolution?

MS. HARRISON: I'll make a motion.

CHAIRMAN ASH: Thank you. And a second?

MS. FREEDMAN: I'll second.

CHAIRMAN ASH: Thank you, Ann. Roll call, please.

MR. SAMMET: Chairman Ash.

CHAIRMAN ASH: Yes.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Yes.

MR. SAMMET: Councilman Dardia.

MR. DARDIA: Yes.

MR. SAMMET: Deputy Chief Duelks.

MR. DUELKS: Yes.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Yes.
Mr. Sammet: Ms. Jansveld.

Ms. Jansveld: Yes.

Mr. Sammet: Mr. LaPlace.

Mr. LaPlace: Abstain.

Mr. Sammet: Ms. Carreras.

Ms. Carreras: Yes.

Mr. Sammet: And Ms. Freedman.

Ms. Freedman: Yes.

Chairman Ash: Thank you. Our next resolution is for Application PB 22-01. This was for a subdivision at 1060 and 1070 Rahway Avenue. Motion to approve this?

Ms. Jansveld: So moved.

Chairman Ash: Thank you. Second?

Ms. Freedman: Second.

Chairman Ash: Thank you. Roll call.

Mr. Sammet: Chairman Ash.

Chairman Ash: Yes.

Mr. Sammet: Mayor Brindle.

Mayor Brindle: Yes.

Mr. Sammet: Councilman Dardia.

Mr. Dardia: Yes.

Mr. Sammet: Deputy Chief Duelks.

Mr. Duelks: Yes.
MR. SAMMET: Ms. Harrison.

MS. HARRISON: Yes.

MR. SAMMET: Ms. Jansveld.

MS. JANSVELD: Yes.

MR. SAMMET: Mr. LaPlace.

MR. LAPLACE: Yes.

MR. SAMMET: Ms. Carreras.

MS. CARRERAS: Yes.

MR. SAMMET: And Ms. Freedman.

MS. FREEDMAN: Yes.

CHAIRMAN ASH: One more resolution tonight. That's PB 22-02. This was for the application at 610 North Avenue East. Motion to approve, please.

MS. HARRISON: I'll make a motion.

CHAIRMAN ASH: Thank you. Anyone, a second?

MS. FREEDMAN: Second.

CHAIRMAN ASH: Ann is my second all night. Roll call, please.

MR. SAMMET: Chairman Ash.

CHAIRMAN ASH: Yes.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Yes.

MR. SAMMET: Councilman Dardia.
MR. DARDIA: Yes.

MR. SAMMET: Deputy Chief Duelks.

MR. DUELKS: Yes.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Yes.

MR. SAMMET: Ms. Jansveld.

MS. JANSVELD: Yes.

MR. SAMMET: Mr. LaPlace.

MR. LAPLACE: I abstain, and I should have abstained in the previous one. I apologize.

MR. SAMMET: Mr. LaPlace abstains.

Ms. Carreras.

MS. CARRERAS: Yes.

MR. SAMMET: And Ms. Freedman.

MS. FREEDMAN: Yes.

MR. SAMMET: Thank you.

CHAIRMAN ASH: Thank you. That takes us to our applications this evening. We have Application PB 22-3, 440 North Avenue East. Mr. Goodman.

MR. GOODMAN: Yes. Thank you. Good evening. Gary Goodman on behalf of 440 North Avenue, LLC. We were here previously in May of 2021 and received approval for a 10-unit
inclusionary development, 10 residential units through Affordable. Since then, we have tried to improve on the project and have made some modifications for which we're here before you this evening. We think we have improved access, improved circulation, and some improved floor plan based on recommendations that you all made. And we're seeking a site plan preliminary final. It may be termed "amended site plan." We're keeping that 1-foot variance that was granted before. The building coverage is a new variance. We're asking for 40.28, where 40% is allowed. And that .28 actually is the width of the brick. And had we better calculated last time, we would have asked for the 40.28, but that was a mistake and we're here to correct that, and so our percentage is actually 40.28 is 500-and-change-square foot.

My witnesses tonight have been impacted by Covid. So I have an architect out and I have my principal with Covid. So the fact that we're all here at the end of the epidemic/pandemic is -- I don't know, I guess it's a little bit odd. So my witness is Ed Dec from Guarriello and Dec. And I would ask that he be sworn in and we can begin.
CHAIRMAN ASH: Hold on, Mr. Goodman.

Before we proceed, I know you did provide us with that notice that your architect was not available to testify this evening. We don't have the means for him to join us remotely or by phone. I've conferred with our Board Counsel and our Board Planner; we do believe that the testimony of the architect is certainly important to your application.

MR. GOODMAN: My thinking was that you have a Site Plan Subcommittee that could be made contingent on their being able to ask any questions of the architect. The changes, architecturally, the floor plan, there was a recommendation that the apartment in the front be moved to the rear; and the plans did that. There were, as you will hear from Mr. Dec, with regard to the circulation, we were able to establish green area when by residing the building on the property. With regard to the, I guess texture of the skin of the building, they a recommendation and made it lighter. It was dark, we made it light. It would seem to me that the actual textures or color could be inquired further at the subcommittee level. There was no change really to
the building. It's a 10-unit, 2 affordable. It's really the same building repositioned on the site allowing for better circulation, better access, safer access, a green area. It's an improvement on many of the areas. The variances, as I said, remain the same. Obviously, it's your choice whether you want to proceed.

CHAIRMAN ASH: I think given the documents submitted and prepared by your architect and not having that expert here to testify, I think it's prudent to adjourn the application until the architect is available to testify.

MR. TREMBULAK: I think that's particularly important because one of the variances you're seeking is similar to the last application is for the wall facade, you know, and the requirement that there be an offset which does involve architectural testimony to support that variance.

MR. GOODMAN: It's the same -- well, your decision obviously governs, so...

MR. LAPLACE: Mr. Chair, I was just going to concur in that if this was an amended -- the same site plan but amended and we were coming back to it, I would think there would be a little
latitude. But this is a brand-new application and
if we had any questions for the architect, we
wouldn't be able to ask them.

CHAIRMAN ASH: That's right. And we
do have plans submitted by the architect. There
were changes to floor plans.

MS. HARRISON: Brand-new? They're
resubmitting this as a brand-new application as
opposed to amendments to the last one? Because I
remember the last project very clear.

MR. LAPLACE: Don, is this
considered a new application?

MS. HARRISON: Or an amendment.

MR. SAMMET: I considered it new
because I felt the changes were substantial enough
that they warranted new preliminary and final.
The site circulation, the building location on the
site. The interior floor plan did change, but not
as much the interior floor plan itself as -- if
you recall, the original application had sort of
an accessory structure off to the side; that's
removed. The design changed slightly, although,
very similar. So I thought it warranted a
brand-new application.

CHAIRMAN ASH: I think given those
circumstances if we could accommodate you, if we could have had the remote testimony of your architect, we would have made that accommodation. Since we're unable to do so, I think it makes sense to have you back.

MR. TREMBULAK: The application will have been deemed complete three weeks ago, so the Board is well within the statutory time constraints.

MR. GOODMAN: We have a date, and I take it, we don't have to notice?

CHAIRMAN ASH: That's correct. All we'll have you first on the agenda next month.

MR. TREMBULAK: What's the meeting date? Don, you have it?

MR. SAMMET: Your may meeting is May 2.

CHAIRMAN ASH: The application for 440 North Avenue East will be adjourned to May 2, our regular meeting with no further notice.

MR. GOODMAN: Thank you, Chairman.

(Whereupon, UNNAMED PUBLIC SPEAKER comments from the audience.)

UNNAMED PUBLIC SPEAKER(1): Can I ask a question?
CHAIRMAN ASH: Yes.

UNNAMED PUBLIC SPEAKER(1): When you say "adjourned" does that mean we can't say anything? We all came out and have some things to say. When you adjourn, does that mean you can't stand up with things to say?

CHAIRMAN ASH: The application and testimony hasn't started yet. The application will be heard next month. And that is due to one of their expert witnesses and their principal, the owner of the property, was unable to be here tonight.

UNNAMED PUBLIC SPEAKER(1): So the answer is "no"?

CHAIRMAN ASH: The answer is "no." We haven't started this application. It will be next month.

UNNAMED PUBLIC SPEAKER(1): It would be interesting to just make our points for you to take into consideration and report it. We're Westfield residents, we all took out time to come to this meeting. This is your job, not ours. We do like to participate.

CHAIRMAN ASH: I understand your frustration, and we're just as frustrated. This
is not my job. I'm a volunteer. We're all volunteers. We're all Westfield citizens.

UNNAMED PUBLIC SPEAKER(1): You're volunteers that took the job. Semantics. If you don't like it, don't do it. But you're doing it, and I'm here.

CHAIRMAN ASH: Sir, that's not my argument. This is a legal proceeding and without expert testimony, they cannot proceed, and that was the decision we made.

UNNAMED PUBLIC SPEAKER(1): Whose expert testimony? What about my expert testimony?

CHAIRMAN ASH: The Applicant. The Applicant, the property owner.

MR. TREMBULAK: The Applicant's architect is ill and can't be here, so the application can't proceed.

(Crosstalk.)

UNNAMED PUBLIC SPEAKER(1): (Indiscernible.) I'm just trying to make a point that sometimes -- I don't know if it's always this way or not I don't attend a lot of these, but it would be nice if the people that came here did have an opportunity to present the information they wanted to provide and not be hamstrung by
procedures that somebody can't attend. And I understand he's a critical individual, but our comments are here now.

CHAIRMAN ASH: Sir, again, I understand your frustration. However, until they actually put on an application, until the start of testimony, there is no application.

UNNAMED PUBLIC SPEAKER(1): Okay. So they don't have a 1-foot setback, it's still 15-feet?

CHAIRMAN ASH: We'll get into the merits of the application next month if and when the Applicant returns to proceed with an application.

UNNAMED PUBLIC SPEAKER(1): Okay.

Thank you.

CHAIRMAN ASH: Next on the agenda is PB 21-12, 516-540 North Avenue East.

MS. CURLEY: Good evening. Amanda Curley from the law firm of Wilentz, Goldman and Spitzer on behalf of the Applicant, Adoni Property Group. The Applicant is seeking preliminary and final major site plan approval and two bulk variances to construct a 40-unit multi-family inclusionary building at
516-540 North Avenue. The property is also identified as Lots 13, 14, 15.01, 15.02, and 16 in Block 3202. 15% or 6 of the 40 units will be affordable housing units consistent with the Town's settlement agreement with Fair Share Housing. The property is located in the General Business-2 Affordable Housing Overlay District which permits multi-family. The residential building will contain three floors of residential units over a ground floor parking and amenity space, and the top two floors of the building will be these beautiful duplex units. The building is full of amenities including a roof deck that we will discuss at length tonight. Two bulk variances are triggered by the roof amenity deck. They are from the Town's general zoning regulations and not from the overlay district. They are for maximum committed height of rooftop structures and maximum allowable square footage. This is for the access to the roof deck. That's what requires the variance relief.

In support of this project, we have three expert witnesses. We have Gerry Gesario who is our site engineer. Matthew Martinique who is our architect. And we have a professional planner
by the name of Irwin Kizel. Collectively, their
testimony will support the applicant's request for
site plan approval, as well as the two bulk
variances. I also have our traffic engineer and
applicant's representative in the audience to
answer any questions as they may arise. So
finally, as a matter of recordkeeping, I have two
reports that were given to me by Westfield. I
have the Board Planner's letter which was dated
March 29, 2022, and I have the Board Engineer's
letter, which was dated today, April 4, 2022. And
with that, I would like to call my first witness;
Gerry Gesario.

MR. GESARIO: Good evening.

CHAIRMAN ASH: Good evening,

Mr. Gesario. Please raise your hand.

GERRY GESARIO, having been duly
sworn, was examined and testified as follows:

CHAIRMAN ASH: Can we have his
qualifications, please, briefly?

MS. CURLEY: Background and
qualifications.

MR. GESARIO: Sure. I'm a 1988
graduate of the New Jersey Institute of Technology
with a Bachelor of Science in Civil Engineering
Degree. I've been a licensed professional engineer in the State of New Jersey since 1994. My license is in good standing. Has always been in good standing. Employed as a Director in Civil Engineering for the firm Jarmel Kizel Architects and Engineers. Business address 42 Okner Parkway, Livingston, New Jersey. I have not appeared before this Board, but I have appeared to roughly 50 boards in my seven-plus years with the firm of Jarmel Kizel.

MS. CURLEY: We ask that Mr. Gesario be qualified as an expert in engineering.

CHAIRMAN ASH: Any questions from the Board? All right. We'll accept his qualifications. Please proceed.

MS. CURLEY: Thank you.

BY MS. CURLEY:

Q. So, Gerry, can you please describe the site, and surrounding area, and the project?

A. Sure. I'll start with the first exhibit which we'll Mark A-1.

CHAIRMAN ASH: A-1.

MS. CURLEY: I'll mark it.

(Whereupon, Applicant's Exhibit A-1, DRAWING E-100, was marked for identification.)
MR. TREMBULAK: Do you just want to identify that?

MR. GESARIO: Sure. Exhibit A-1 is a drawing, E-100.

A-1 is an aerial image from Google Maps dated March 30, 2022, and it shows the development track outlined in the yellow line. There's also an inset with a zoomed-in version on it. As Counsel, mentioned, this development is made up of five tax lots 13, 14, 15.01, 15.02, and 16 in Block 3202 with the physical address of 516-540 North Avenue. As you can see, it's located on the south side of North Avenue between Hillcrest and Fourth Avenue. North Avenue East is a state highway, State Route 28, so the project will require a minor access permit from NJDOT. This permit is in process. I believe it's going to get submitted next week as we're getting all the signatures from the various tax lot owners. So that approval is pending.

All total, the five parcels work out to 70,962-square feet, which is just over 1.6 acres. We have frontage along North Avenue just shy of 355-linear feet, and the lot depth is at 200-feet. Surrounding our site to the south, we
have the railroad. To the east and west are commercial, small industrial uses. And across North Avenue to the north, there's a Montessori School and single-family residential homes. The site currently, is fully developed. There are four buildings, they're all vacant most recently. There're asphalt parking areas. There was large metal containers scattered about the rear of the property. The existing site is over 95% lot coverage, which exceeds the ordinance allowable lot coverage. There're also currently five curb cuts along our frontage. At one time or another, they served the existing businesses that were there. With respect to the topography, in the front of the existing buildings drain towards the Route 28, but most of the site slopes from north to south towards the railroad. There's actually about a 10-foot elevation difference from the front to the rear of the property. All these buildings' site infrastructure will be demolished. Actually, demolition, as far as I know, is underway. I'm not sure how far they got, but everything will be demolished for the proposed development. I'm just going to switch exhibits.
MS. CURLEY: We'll mark this one as A-2. This is a colorized site plan.

(Whereupon, Applicant's Exhibit A-2, COLORIZED SITE PLAN E-200, was marked for identification.)

MR. GESARIO: A-2 is drawing E-200. IT'S also dated March 30, 2022. It's basically a colorized version of the landscape plan. So it's not included in your package. It has a zoning table and parking table and a plant list. What the applicant's proposing is a 40-unit residential building. It's going to be a three-story of residential over one level of garage parking. It will have a footprint of 28,380-square feet. That is 40 percent of the lot area, and 40% building coverage is allowed by ordinance. Overall, the lot coverage will be 77% where 90% is permitted. And as I mentioned, over 95% exist today. The project, regarding side setbacks, rear setbacks, yard lot area meets all the other bulk zone requirements for those items. As Counsel mentioned, there are two areas of relief. The height of the main structure is 40-feet, but relief for the height is sought due to the elevator bulkhead that extends up to the roof.
which provides access to the rooftop amenities, which the architect will go into detail on. I think the other relief sought is for the square footage of the rooftop amenity, which will also be discussed in greater detail by the architect and the planner.

As far as the access; along North Avenue we're going to be replacing all the curbs, new 5-foot sidewalk, there'll be -- yeah, I have little thing I can use. (indicating.) So we have a 5-foot sidewalk, new curb, and the pedestrian access right from North Avenue to the main entrance on the front of the building. We're also maintaining the crosswalk across North Avenue.

Vehicle access; we'll be closing off all the curb cuts. We'll have a new 24-foot wide driveway, ingress/egress driveway, on the west side of the site. The driveway does narrow down to 22-feet where the building starts, but in talking with the architect, this was a comment in the Planner's letter. They're going to reconfigure their columns in the front, so we'll provide 24-feet all the way through and around the rear of the site for access.

BY MS. CURLEY:
Q. And Gerry, we'll also be adding a crosswalk; correct?

A. Yes. And as part of the Planner's comment, we'll add a crosswalk in this location (indicating) and per the Engineer's letter, which we just received, he suggested a pedestrian alert system for the cars that are parked over here so they can get a hearing signal. When a car is pulling in, it will alert them. One thing I didn't mention; when cars pull in, they will actually drive under the building. There's a portion here, so cars will drive under to access the rear of the site. The clearance for that drive-thru is 14-feet. I spoke with one of the captains of the Westfield Fire Department, he told me their tallest vehicles are just about 12-feet. If they ever did want to drive under there and needed to get under there, they have clearance to do so.

Parking for the project; there are 80 spaces in total provided. Of those 80 spaces, 35 will be exterior, some along the entry aisle under the drive-thru feature, and the rest in the rear of the site. The remaining 45 will be garage parking, 10 of which are tandem spaces, and those
will be assigned to the two-bedroom units. The 80 parking spaces provided meet both the Westfield Ordinance Requirement, which is 61 stalls; and the Residential Site Improvement Standards requirements for apartments, which was 54 units. Sticking with parking, the Applicant also intends to comply with the new Electric Vehicle Statute which requires 15% of the total parking to accommodate electric vehicle charging stations. So we designate -- we actually have 13 shown, most in the garage and one outside. Those aren't set in stone yet. We're probably going to put more outside and less in the garage, but we are going to comply. As part of that statute, you're actually allowed to get a -- it's up to 10% reduction in the ordinance requirement for parking, although, we don't need it. But by complying, technically, we only need 55 spaces for this development when again, 80 are provided. Let's see what else. Trash --

Q. Trash. Yes let's move onto trash.

A. Trash; a question was raised in the Planner's report. There is no external trash enclosure. Garbage will be handled within the garage and rolled out on pick-up days. We've
provided a loading area, which is 40-feet long plus two, 7-foot striped islands. So there's actually 54-feet available in here so they can -- the super will roll out garbage on pick-up days, so it will get picked up and they can leave the site. We've done turning templates. That was a comment in the Engineer's letter. We will submit them. I actually have an exhibit. That will be A-3. That is a vehicle analysis also dated March 30, 2022.

(Whereupon, Applicant's Exhibit A-3, VEHICLE ANALYSIS DATED 03/30/2022 E-300, was marked for identification.)

A. What this shows is a typical garbage truck, and the way it has to work is they will come in, they enter under the drive-thru feature, come around, and they will have to utilize a K-turn. They would come in, use the driveway entrance to the garage, back up into the loading zone, and back out. But the width of that loading zone and the entry to the garage accommodates a garbage truck and it also accommodates a box truck, a 30-foot box truck, which we think would be you know a typical moving vehicle for someone moving into or moving out of an apartment. So
picture a U-Haul with a 20-foot box, it can accommodate that with one K-turn, simple K-turn movement.

Q. And then, Gerry, can you quickly discuss that retaining wall that we're removing?

A. Yes. Currently, the plans before you -- go back to Exhibit A-2 -- the plan before you show on the west side of -- I'm sorry -- the east side of the building a retaining wall that allows for access to what was a water meter room on the garage level. Subsequent to our submission, in discussing this with the Applicant and the architect, we've decided to remove that and provide access to a water meter room off the front of the building and a door. So that wall, that ramp down, we will move and that whole area will become grass and landscaped. So that wall will be eliminated and the water company will have access with a room on the first floor.

Q. And after you address the affordable housing proposed, then can you jump into the landscape plan?

A. Affordable housing; there is an affordable housing component. It's 6-units to comply with the requirements, and 15% of
affordable housing set aside, which equates to 6 units to be reserved. The remaining 34 units will be the market rate.

Q. And how about we touch upon the landscape plan?

A. The landscape; and before just -- the architect will get into more detail -- in the rear of the building is also the outdoor amenities that Counsel mentioned. There's a pool, a putting green, a trellis with some barbecues. The pool will be enclosed by a 6-foot-tall aluminum fence. It has a wood-grain look to it. So that will be very nice. It's all landscaped. There'll be box planters within there. The sides of the site have a 6-foot aluminum ornamental fence.

Landscaping; we think we've done -- we think the site has a comprehensive landscape plan. Certainly, much more than what's there today. What's being proposed overall is 27 deciduous trees, 61 evergreens, about 180 shrubs plus perennials. Most of the deciduous trees are proposed for the front yard between the building and North Avenue. And I forgot to mention, there's kind of a brick paver path and some sitting features along the front of the building.
Again, most of the trees will be in that front yard along North Avenue. The site will be lit, obviously, in accordance with the ordinance. There're 7 pole fixtures mounted at 15-feet that will be slightly supplemented with wall packs. The pedestrian area in the front will be lit by decorative bollards. And all lighting will be LED, and we comply with the ordinance as far as the min or max light levels at the property lines.

A couple of other items. Utilities; all new utility services, obviously, will be brought into the site. They're all readily available from North Avenue. We'll need a Road Opening Permit, obviously, to get them, but that will be done with DOT. And the drainage; this is a major development per the NJDEP definition because it's more than an acre. But because we are greatly reducing impervious coverage on the site and what they call "motor vehicle surfaces" it's exempt from water quality standards because we're adding more green than exists. We also meet the groundwater recharge standards. And again, simply by the significant reduction of impervious surface, we meet the reduction in peak flows as well. We are coordinating with the railroad. We
had intended to use -- there're existing inlets back here. One of which discharges towards the railroad property, but it's only a 6-inch pipe, unfortunately. During demo, they cleared the inlet, cleared the pipe, but, unfortunately, it's only a 6-inch pipe. I've reached out to the railroad, so we're starting to make contact. Initially, I was informed it was a Conrail line, so I wasted a few days finally getting Conrail to tell me that it's a New Jersey transit line. So now, I have a name and some phone tag with New Jersey Transit. The hope is to get permission to replace that pipe; the discharge. I think the worst-case scenario is we go with an infiltration system and just an overflow into there. The Engineer's letter mentions the drainage. I haven't had a chance to talk to him, we just got the letter this afternoon. It's something I want to talk to him about regarding the drainage and let him know where we are with that.

Q. And let's briefly touch on the Board Consultant's report.

A. Yes. I think from a sight, there were two comments. The crosswalk at the underpass, and what was the other one? There were
two we said we agreed to. Oh, yeah, he asked for
some additional landscaping. I guess that would
be the northwest corner just to further hide this
parking that sits under here, and we have no issue
with adding landscaping and working with him and
any other suggestions they have regarding
landscaping.

Q. The crosswalk.
A. Yeah, the crosswalk would be at the
building here. (Indicating.) And that would
coincide with the Engineer's request for the
pedestrian alert system.

Q. The engineer report.
A. The Engineer Report; we have no
issues with the report except for one item, and
it's Item 4.2.

Q. Item 4.2.
A. 4.2 in his report; and it's in
regards to the sanitary. The Engineer is
requesting we do a 60-day flow study of the sewer
on North Avenue. We respectfully request this
comment be waived. We feel as this site was
designated for redevelopment with other sites, our
hope was that the sewer system was looked at and
was deemed appropriate for these developments, and
not for us to do a 60-day study to see the
condition of the existing sewer line. I haven't
-- again, getting this letter this afternoon and
we haven't had a chance to discuss this with the
Engineer. It's something we'd like to talk to him
about as well.

MS. CURLEY: That would be it for my
direct on Mr. Gesario.

CHAIRMAN ASH: Okay. Thank you.

Members of the Board, questions for Mr. Gesario.

Mr. LaPlace.

MR. LAPLACE: Thank you, Chair. I
have a question about the front setback of the
building, and maybe someone can tell me if there's
a minimum setback requirement in this overlay
zone. But I don't really understand by the
building is setback 40-feet. It seems to me it
really crushes the usable space in the back, and
why didn't you do a 20- or 25-foot setback if you
wanted to have some landscaping. It just -- I
don't understand. You know a lot of the
buildings, the traditional building pattern on
that side of North Avenue is going to be much
closer to the street. The building that are going
to be demolished on this site are much closer to
the street. So could you talk about why it's
40-feet?

MR. GESARIO: Sure. And I'm glad
you brought that up, it was in my notes and I
forgot to mention it. The building is setback
40-feet from the right-of-way line. The ordinance
requires 1-foot of setback for every height of the
building. So it's a 40-foot height building, the
main building, 40-foot setback. It's setback
52-feet from the curb line. So that is why it's
40-feet.

MR. LAPLACE: Okay. So it meets the
minimum setback requirement.

MR. GESARIO: Yes.

MS. HARRISON: The front setback
that you do have has this meandering path with
speckles of larger trees. Can you explain the
thought behind that and how you intend it to be
used?

MR. GESARIO: The intent is for the
tenants to use as a sitting place, you know, a
gathering place. The trees kind of give it --
I'll call it a "park-like feel" in the front and
dress up North Avenue. That's really the only
reason for that. A mixture of different-sized
trees.

MS. HARRISON: It feels to me very, very different from absolutely anything on North Avenue currently, and not in a good way. I meant, you know, that North Avenue is a corridor, it has a certain feel. The newer buildings that are going up on North Avenue have a relationship to the street. And this just feels -- I'm not saying I want it closer to the street, but I'd like a little more structure to that landscaping in the front. It just doesn't feel --

MR. GESARIO: Less landscaping?

MS. HARRISON: No. No. No. No. More organized. Like it doesn't feel like the community would use it. It just sort of feels like, oh, it's that grass that's 40-feet over there with some meandering path.

MS. CURLEY: Well, to put the building up closer would require a variance, that's why we put it at 40-feet because we don't want --

MS. HARRISON: But you're already here for a variance; aren't you?

CHAIRMAN ASH: Not for that.

MS. CURLEY: Not from the district
overlay provision. We have complied with the GB-2 Overlay Requirement. The two variances we're seeking is from the general provisions which apply to everywhere in Westfield. And my argument would be that it's not really intended for this type of development. That has to do with access to the rooftop. We want to make the rooftop you can take the elevator up. That is why we need the variances. But the setback is compliant with the zoning for this zone.

MS. HARRISON: What if you just pushed the building a little forward and put your party in the back?

MR. GESARIO: The parking is in the back.

MS. CURLEY: Parking is in the back.

MS. HARRISON: Party. Your rooftop, in the back. The party in the back.

MAYOR BRINDLE: Oh, the party in the back.

MS. CURLEY: I would say that the rooftop amenity space is a little different than the ground-floor amenity space. And there are ground-floor amenities already. The point is to provide a lot of amenities to the residents who
live here. And then in the front with the landscaping, there are benches there, so it is meant for space. So I have a dog, I need to take my dog for a walk; this is where I could go. It provided a nice buffer from North Avenue which is relatively utilized, and you're also going to be seeing more multi-family on North Avenue because you now have redevelopment in overlay zones in this area. So what it looks like today is not what it's going to look like 10 years from now.

MS. HARRISON: Not that I'm trying to -- to put my head around it is all of the applications that have been in front of us -- maybe Don can help. I think one of the items that Michael LaPlace has brought up in the past is sort of continuity, street face, identifying a true corridor so it doesn't feel like a mishmash. You know, one building is 40-feet, the other building is 15, another one is 12. In my opinion, it would feel much nicer if there was a semblance of an overlay there that just -- if someone is walking a dog down North Avenue or walking to the bus, they know what to expect. They know where the buildings are. It gives a better sense of place when it sort of feels like that. I don't remember
-- there're too many applications these past three years -- Don, do we have any idea of where we are with setbacks? Because we have another application that was just sent home earlier which is just down the street from this, and that one is much closer to the street.

MR. LAPLACE: That's 1-foot from the property line.

MS. HARRISON: And so it's sort of this sawtooth approach of what's happening on North Avenue, and how do we plan for that and make it the best that it can be? It's really -- I know it's not a question.

MS. CURLEY: That's not an application question. That's more of a general design of how you impose --

MS. HARRISON: It's a specific question to our Planner to sort of say where are some of the other applications and new developments of this end of North Avenue happening in relationship to streets. Do you have any information?

MR. SAMMET: Well, there're -- the ones that I think of on North Avenue that this Board had seen is the Handler Building, which is
an existing structure closer to the street. There was the old TD Bank to be House of Wine; that's set from the vista. There's the old -- I always refer to it as "Vine Right." It was once an auto dealership, then Vine Right Market, and now it's Karma. That's an existing building which is closer to the street. This Board did request of the applicant at 440 that they -- and they originally came in with a compliant front-yard setback which was set back from the street. This Board encouraged them to request a variance and move closer to the street. This particular application, the Applicant is choosing to adhere to the required setback. So, yeah, I mean it's a growing corridor. We're seeing a mix of the use of existing buildings as well as new construction. So you can wind up with that "sawtooth effect" as you call it, but the intent is that -- the intent of the way the ordinance is written is that there be a consistent setback. But I think it's that mix of the use of the existing buildings with some introduction of some new construction that's causing different setbacks for each property.

MR. LAPLACE: Don, do you recall why this overlay zone had what turns out to be a
MR. SAMMET: Yeah. The overlay zone -- when the overlay zones, all of them just about were adopted by the ordinance, the bulk requirements which were in place for the underlying zone districts pretty much stayed intact. There were some minor design standards put in, but the bulk standard setback's height; they really remained the same. And the thought was that, well, we can have development under the underlying zone, in this case, the GB-2 Zone, which is exclusively non-residential. Or, we could have a residential, exclusively residential development; so let's keep the setback's requirements for either use. And part of it was it was a quick turnaround for the Affordable Housing Plan. And the other part was that we were basing the overlay zone requirements on the bulk standards that were in place. If they were appropriate for the commercial use that would still be permitted, wouldn't they not be appropriate for the residential use permitted under the new overlay zone?

MS. HARRISON: I mean the application that just heard last month was when
Redcom, Redcom is going to take the existing brick building and they're going to make it a hydroponic farm, it's going to be beautiful, and it's right on the street. We have 440, which is going to be right on the street. We have another application which is the old art place.

MAYOR BRINDLE: No, that's not happening yet.

MS. HARRISON: Not yet.

MAYOR BRINDLE: There's no application for that.

MS. HARRISON: There's no application for that. And then you have all that future development, and then you've got the municipal building. They're all just a comment. Just a missed opportunity.

MR. SAMMET: Understood. I think the Board should consider also that this North Avenue is a very heavily traveled roadway, and I think you would want to accommodate some buffer between the ground-floor residential uses and the roadway itself and that public area; if you will. We notice on the 440 Application; their revised plan shifts the bedroom away from that North Avenue frontage. We could ask the Applicant for
that, but my guess would be that they did that so the residential unit was not close to the avenue.

(Whereupon, UNNAMED PUBLIC SPEAKER comments from the audience.)

UNNAMED PUBLIC SPEAKER(2): Excuse me. Can we ask also?

CHAIRMAN ASH: We'll get to public questions next.

MR. LAPLACE: I share Ms. Harrison's frustration that on some sites along the same stretch of North Avenue we've been successful in trying to create more of an urban street where pedestrians come right out onto the sidewalk. And then in other areas, because of the way our code is written, we're pushing buildings back. It just seems we're working at cross purposes; we're not being consistent in terms of urban design. But maybe we can revisit that. It's just puzzling to me.

CHAIRMAN ASH: How does that 40-feet, the setback relating to the height, how is that height measured? Is that to the top of the highest point of the elevator bulkhead or is that the average rooftopline?

MR. GESARIO: That's from average
grade around the building to the roofline.

CHAIRMAN ASH: The roofline?

MR. GESARIO: Yeah.

MS. CURLEY: The variance we're requesting is because the ordinance allows you to have 8 additional feet for rooftops structures and we need 9.5-feet so that we can accommodate the elevator.

MR. DUELKS: If I may I would like to talk about your electric vehicle and your access to the rear of the structure. I see proposed you have 12 electric vehicle charging stations internally --

MS. CURLEY: Thirteen.

MR. DUELKS: -- 13 underground. And I know you said you spoke with somebody from the fire department about apparatus in the rear, about going there. I'm not sure whom you spoke with about that. But what I would like to touch on about the electric vehicles is I know with today's day and age, they're becoming a lot more popular and popular, and, obviously, they're popping up all over the place. But on the fire service side of it, they're also getting harder and harder to extinguish. A perfect example; a basic car fire,
1,000 to 2,000-gallons of water. It's easy to stretch a line off an apparatus, extinguish a car fire without hitting a hydrant and using it, you know, the amount of water. Average electric vehicle; we're learning in fire service, 40 to 50,000-gallons of water to put out one electric vehicle car. So now, we get a deep-seeded car fire underneath this structure that's built-in there, and getting apparatus to the area that you're saying is 13-feet high and 22-feet wide to get an engine in there, it all depends about rig placement, the way the hose comes off the apparatus. You're telling me a garbage truck is going to have to do a K-turn back there, an engine with a full parking lot in the back, it's going to be extremely hard to get multiple apparatus in there, not only one apparatus in there, even if I'm going to commit an apparatus to the rear of this area. Because once it's committed, your log-jamming everything else, and if it's not positioned the right way, you're not going to be able to attack the fire the correct way as well, and then people will be in a different situation.

A few things I'd like to propose. I know you said you're looking to put some
electronic charging stations outside. I don't
know if you're going to put all of them out there
or if you're still going to keep some inside the
structure. If you're going to do that, what I
would like to do -- I know this is the starting
point -- but I'd like to discuss about additional
hydrants and additional water sources for the rear
of that structure. Because what's going to happen
here is your apparatus is going to stay on the
front of the street, the guys are going to lay
hand lines down this driveway and they're going to
need additional water sources. So we can put
different standpipes underneath in the ground so
we'll be able to supply the water and it will be a
lot easier. Because you're talking about a
labor-intensive -- I know you're going to have
sprinklers down there and this building is going
to be sprinklered and it's going to be down there,
but that's only going to keep it in check. And
like I said, for an electric vehicle fire, you're
looking at the amount of water that you're going
to be putting down there. So you're going to need
additional standpipes and different water supplies
coming into the structure if we're going to have
-- you know, in case of electric vehicles.
The next problem or the next thing I see here is access to the third floor. You know we have one aerial truck in town, and once again, like I said, to commit it to this area, you're talking about the space of a garbage truck and a box truck to reach certain building heights of the third floor, you're talking 35, 40-feet to the windows up there, to the third bedroom apartments, from what I see on the plans. So our largest ground ladder is 35-feet that you carry besides your aerial ladder. Well, when you have a pool here and trellises here, there're multiple apartments over to the back structure, that 35-foot ladder is not going to reach the third-floor apartment, especially, with the angle and the way you set up and having multiple areas that a ladder truck will not be able to reach. So have you ever thought about putting fire escapes around the building to help occupants get down as well, being that the ladder truck wouldn't be able to reach certain areas in the rear?

MR. GESARIO: I'm going to defer to the architect. I don't know about fire escapes and the code on those.

MS. CURLEY: Can we just wait until
we get our architect up maybe?

MR. DUELKS: Like I said, it's just questions I have on this site.

MS. CURLEY: Let's finish testimony, if we can, with the engineer, and then once my architect comes up, you can ask him that question?

MR. DUELKS: Sure.

MR. GESARIO. The answer I got was what I thought; they're not allowed, fire escapes are not allowed any longer as a means of egress.

MR. DUELKS: Fire escapes are not allowed where?

MR. GESARIO: As a means of egress, emergency egress. And the architect can probably expand on it, but that was my understanding and that's what I was just informed.

MR. DUELKS: Well, like I said, that is concerning to me.

MR. GESARIO: The Applicant agrees to the additional water sources back there. He has no issue providing that.

MR. DUELKS: You know the safety of the occupants on the third floor for me to access them or to have the department access them sufficiently with a latter at that point, just
seeing the way it's set up, it's a concern that I have.

MS. HARRISON: Hypothetically, as an engineer, if the building was 15--feet further forward, would you be able to fit a proper turn-around in the back for a fire truck and also a fire lane behind all of the accessory structures by your pool and your patio?

MR. DUELKS: Like an access road, I think you're saying. That you can have an apparatus go around, completely around the whole building so you can hit every point.

MR. GESARIO: Moving it forward will not give us more room on the sides, but it improves the ability to turn --

MS. HARRISON: If you move it forward, you could probably go like this to it. (Indicating.) I'm an architect. I understand what I'm implying.

MR. GESARIO: I'm not an architect.

MS. CURLEY: And you're asking us to move a conforming building for a nonconforming building.

MS. HARRISON: I would much rather ask you to move a building to be nonconforming
than to see the lives of someone or the integrity
of the whole structure. You know sometimes
something conforming doesn't mean it's right. So,
the question?

MR. GESARIO: Would it improve
circulation --

(Crosstalk.)

MS. HARRISON: How big of a turn do
you need for a fire truck?

MR. GESARIO: You would never be
able for a fire truck to make a loop.

MS. HARRISON: A loop around the
whole building?

MR. GESARIO: Well, a loop around
the building if you change the building size. But
just moving the building forward, you still
wouldn't be able to get a fire truck to make a
loop. They would still have to --

MS. HARRISON: What's the radius a
fire truck needs to go in a circle?

MR. GESARIO: Off the top of my
head, I don't know.

MS. HARRISON: Do you know?

MR. DUELKS: To do a complete
circle, I mean, you'd have to do a K-turn and
back. I mean if you just have an access road of
20-feet wide to go around the whole outside or
15-feet wide, he's correct what he said by the
height of the apparatus is just under 13-feet, but
you're 12--feet wide. So if you can do one
continuous movement going around, absolutely. You
know if you're going to have to put an apparatus
back there to keep jockeying and moving, once you
pull a hose line, you can't move that apparatus
for placement anymore. Once something comes off
and is deployed, you can't move it anymore.

MR. LAPLACE: Thank you, Chair.

Chief, I have a question. From a safety
standpoint, if the building was closer to North
Avenue, wouldn't that be advantageous for
equipment being on North Avenue to access the
building as opposed to it being set back?

MR. DUELKS: 40-feet, so if you have
your aerial ladder and then you know you're
looking at the curb line and then you're looking
at the wires that are going across North Avenue
for access, you know, your aerial ladder in
Westfield we have a 105-foot aerial ladder, so on
positioning, you're taking 40-feet right there,
your access, you're probably not going to hit a
roof from North Avenue. You're correct with our aerial ladder going between the wires and whatever angle we can hit it at that height of the structure. So if you moved it closer, you would get a better advantage point, yes.

MR. LAPLACE: Thank you.

MS. FREEDMAN: Mr. Chairman?

CHAIRMAN ASH: Yes.

MS. FREEDMAN: I also agree with Anastasia and Michael that moving the building forward seems to be a win-win. I mean a win architecturally, a win just from a design point of view, and perhaps, safety. And it doesn't conform with the existing zoning, but again, to quote Anastasia, that's why we're here to discuss it. So I think it's a good idea.

MS. CURLEY: I mean I can certainly talk to the Applicant, but we do not want to move that building up. We comply with the ordinance standard; it's permitted. And you're asking us to now request a variance that we don't want to request.

MS. FREEDMAN: Because?

MS. CURLEY: Because the building was designed purposefully and it's beautiful.
It's meant to have that grass area in the front for people to walk and stroll. It's full of amenities. The exterior, we have amenities all in the corner, so we certainly don't want to have an access road, you know, going through that. And then moving the building up, it's just not something that we really think would be a good design choice.

MAYOR BRINDLE: But it might be a good safety choice. And we have our fire chief testifying to that. So it's just an observation.

MS. CURLEY: We're going to have to talk to the Applicant on that.

MS. HARRISON: It's also that the building is as large as you've made it. If you were to make the building a little smaller, it would have all the things you wanted.

MS. CURLEY: This is consistent with the settlement agreement and it was zoned for this density.

MAYOR BRINDLE: We're all very aware. We're all very well aware. And we're just saying I think there are some significant safety concerns, and I just think in the spirit of cooperation and collaboration, it might be
something you would want to consider.

--

MAYOR BRINDLE: That would be terrific.

MS. CURLEY: Any other questions?

CHAIRMAN ASH: Any other Members of the Board; questions?

MS. CURLEY: And we have another witness who can take a crack at some of these questions.

CHAIRMAN ASH: Go ahead, Don.

MR. SAMMET: Thank you very much for addressing the items from our report. Just to tie up some loose ends. You're using the decorative fixture, the type of Westfield fixer, if you will, in the pool and patio areas. There's a pole-mounted fixture near the driveway entrance to the site, which I believe is a different fixture style.

MR. GESARIO: It shouldn't be.

MR. SAMMET: Shouldn't be. Okay.

If you could see if you could use that decorative fixture style as well by that driveway entrance.

MR. GESARIO: Yeah. It should
match.

MR. SAMMET: Okay. I may have misread the testimony, that's all. Another, just -- I didn't put in my report -- but it's just a nuisance of Westfield ordinance regarding swimming pools. You're required to have a 6-foot solid fence around swimming pools. It's a zoning ordinance requirement. I can't recall if I reviewed that in your plan submission or not.

MR. GESARIO: It is a 6-foot solid fence, aluminum fence, with a wood-grain finished look to it.

MR. SAMMET: Okay. So maybe I did check that. Thank you very much. I guess I missed it. Thank you.

MR. GESARIO: You're welcome.

CHAIRMAN ASH: Mr. Battaglia.

MR. BATTAGLIA: Yes.

CHAIRMAN ASH: Your memo, Section 4.2, can you address that comment about your note that the Applicant --

MR. BATTAGLIA: The flow meter?

CHAIRMAN ASH: Yeah. The Applicant shall conduct sewer flow metering.

MR. BATTAGLIA: To the Applicant's
statement, I don't know if the sewer system in the
area was looked at when the whole development was
done. I would have to check into that because,
obviously, that was before my time. With the
systems, I do tend to request that do some sort of
flow metering upstream and downstream because I
want to be able to know how this development is
impacting people. And to the Applicant's benefit,
if there's a complaint down the road, I want them
to be able to say they're not the problem. So we
could maybe work out a different number of days.
Normally, I use 60, I've gone as low as 30. But I
would like to see some flow metering.

CHAIRMAN ASH: Yeah. You seem
pretty definitive in that statement that "the
Applicant shall conduct sanitary sewer flow." So
is your recommendation for it to be a 60-day?

MR. BATTAGLIA: Generally, I like
for it to be a 60-day because you can get make
sure you get a decent number of storm events in
there just to check I&I as well. Depending on the
season, you can go as low as 30.

CHAIRMAN ASH: And as our Town
Engineer, you're not aware of this examination or
study taking place recently?
MR. BATTAGLIA: No. I would have to take a look through my predecessor's records.

MR. SAMMET: I can answer that. During the affordable housing planning, there was not a sewer assessment done.

MR. BATTAGLIA: Okay.

CHAIRMAN ASH: And just to be clear, as our Town Engineer, this is a concern of yours?

MR. BATTAGLIA: Correct.

CHAIRMAN ASH: That this capacity exists?

MR. BATTAGLIA: Yes.

CHAIRMAN ASH: Thank you.

MR. BATTAGLIA: I know this system surcharged during Aida.

CHAIRMAN ASH: Can you repeat that? She didn't get that.

MR. BATTAGLIA: I know that this system surcharged during Aida, so I want to make sure that there's capacity in this line.

CHAIRMAN ASH: And when you say "surcharge" for laypeople, that means what exactly?

MR. BATTAGLIA: Backed up into the basement.
MR. GESARIO: The Applicant said he'd agree to a 30-day study. If that's --

MR. BATTAGLIA: Acceptable.

CHAIRMAN ASH: Is that acceptable?

MR. BATTAGLIA: It is.

CHAIRMAN ASH: Because you were mandating at 60-day. Will you be satisfied with 30 days?

MR. BATTAGLIA: I'll be satisfied with 30 days.

MS. CURLEY: I also spoke to the Applicant, and he's fine with moving the building up. And he'll put some more landscaping in the back, and then we can even make a little area in the front with some pavers where a fire truck can pull up.

MAYOR BRINDLE: That's terrific. Thank you so much. I think it's a good choice.

MR. LAPLACE: Are we proposing a specific setback?

MS. CURLEY: Twenty, 25-feet. How much do you want us to move it up?

MR. GESARIO: I don't want to do 30, and come back and say, "Eh, we want 20."

CHAIRMAN ASH: Do you want to take
the time to plan? Do you want to come back with
your plans?

MS. CURLEY: No. No, we don't want
to come back with new plans. We would like to
agree on something now.

MS. JANSVELD: Does that require a
new variance, though; right?

(Cross discussion.)

MS. CURLEY: I mean my notice did
have the catchall.

MR. LAPLACE: Well, a 25-foot front
setback variance would allow for 15 additional
feet in the back. Does that help as far as
access?

CHAIRMAN ASH: As long as it's
dedicated to a driveway --

MR. DUELKS: For access.

MS. CURLEY: No. In the back, we're
going to landscape. And in the front of the
building, what we're proposing is we're proposing
an area so the truck can pull up to the front of
the building. There're special pavers we can put
down.

MR. DUELKS: So the truck can drive
onto the front of the building and set up from
there; is that what you're saying.


MS. HARRISON: What happens with the landscaping?

MS. CURLEY: There'll still be some landscaping, but it will have to be designed around that so that we can accommodate these fire concerns.

MR. DUELKS: So how is it going to benefit the back with apparatus to get to the rear to access that area as well? If you're going to move it up, I thought we were going to talk and make it larger in the back so we can have more access to set up.

(Crosstalk.)

MS. CURLEY: So you don't want any landscaping in the back, you just want it to be pavement? Because we'll do -- that's...

CHAIRMAN ASH: I think the Chief identified a life safety issue with being able to respond properly to any fire emergencies at the rear of the building. And this proposal of creating a drive aisle in the front, I don't think alleviates those concerns.

MR. DUELKS: Yeah. You still need
to make it larger in the back so we can put proper apparatus or positioning back there. If you keep it the way it is, we're not going to be able to still access the area by the pool and the trellis for those apartments on the third floor with a ground ladder because we don't have anything high enough. I think that we were proposing if we can try and get some sort of access. And that's the same thing if you're facing the building, it would be on the -- if you're facing it, it would be on the east side of it, there's no access, you're right up to the property line right there for that middle apartment. It's not the front corner because you can access that from the street. And in the rear corner, you can access that from the rear if we can make access. It's the middle apartment from what I see. It's the two-unit, two-bed duplex that has a balcony off the back right here (indicating) so that's kind of sandwiched between both corners for access, that's why I was proposing would we be able to get over --

MR. GESARIO: (indicating.)

MR. DUELKS: Nope, the other way, right in the corner right there because you're
right on the property line; correct? Okay. And right next to that I believe that's Stuarts Audio. Am I correct by saying that? The building that's right next door. So we can't put a ladder right on that building. So that's what I was proposing at one point; can we have access for a fire escape for that building for them to come down and in that corner, back there?

MR. GESARIO: It's something the architect wants to look at. But my understanding is the fire escapes, as I mentioned, are not allowed for emergency access. We'll have testimony on that.

MR. DUELKS: But that would be utilized as your second point of egress, obviously, if your first point of egress is going to be blocked through the staircase; right?

MR. GESARIO: I'm going to defer to architecture. Those are code issues beyond my scope.

MR. DUELKS: But thank you for suggesting the patio pavers on the front so we can put an apparatus underneath the wires and access the ladder a lot closer to the structure if needed for a rescue purpose. But just remember, if a
structure is on fire, its collapse zone is one-and-a-half times the height, so that also puts us would I jeopardize putting an apparatus in the rear of this structure, you're in the collapse zone. That was another reason why when you first started saying you spoke to a fireman about putting an apparatus in the back, it would be concerning for me to put an apparatus back there in the collapse zone.

MR. GESARIO: I only asked him what the height of the largest vehicle was just to make sure for any reason if they did want to get under, we did have clearance. That's all. That was the extent of my conversation.

MR. DUELKS: I mean it would be beneficial for an ambulance if somebody needs to get in the back. But like I said, once you put an apparatus, it has to be positioned properly to deploy proper stuff for the best resources at that time.

MR. GESARIO: Understood.

MR. DUELKS: And just seeing that your parking deck is only accessible from the rear of the structure; so that would be the only way. Besides, I see you have a fence on the one
picture. It looks like you can access it from coming down there. It looks like it's a fence you can see through. Is that correct? Worst case, that can be removed to access it another way. But to get any kind of deploying of anything on fire underneath the parking deck would have to through the rear of the structure.

MS. CURLEY: We do have two more witnesses who say they can answer these questions. It's just not the questions really for the site engineer. So if we can...

MR. DUELKS: Yeah. Like I said, that's the only concerns that I see on the fire side of just, you know, safe-wise.

MS. CURLEY: Okay.

CHAIRMAN ASH: Any other questions from Members of the Board for Mr. Gesario? Okay. If there's any member of the public here in attendance that has a question for Mr. Gesario.

(Whereupon, UNNAMED PUBLIC SPEAKER comments from the audience.)

UNNAMED PUBLIC SPEAKER(3): I have questions about the traffic and stormwater and things like that. I'm not sure at what point in this proceeding that's appropriate. But traffic
is a concern (indiscernible) is that now or later?
When do we talk about that?

CHAIRMAN ASH: We haven't heard
testimony yet about traffic impacts.

MS. CURLEY: We have a traffic
engineer.

CHAIRMAN ASH: They have a traffic
engineer, so there will be a traffic engineer who
will testify and any questions about traffic would
be appropriate for that witness.

UNNAMED PUBLIC SPEAKER(3): In terms
of stormwater, I think it's really important. We
had that massive flooding on North Avenue just
this past summer, and I kind of get the sense that
we're kind of poo-pooing it a little bit. I guess
the 30 or 60-day analysis; I hope that's done
thoroughly because the flooding we had this past
summer on North Avenue was -- we don't want to go
through that again.

MS. CURLEY: Just a point of
clarification; that 30 day is about sanitary
sewer. That's not drainage. That's about
sanitary sewer.

UNNAMED PUBLIC SPEAKER(3): What's
that? I don't know how the (indiscernible) but
certainly sewage and the drainage as well. Hopefully, we're going to look at that very closely.

MS. MARTINDILL: (Indicating.)

CHAIRMAN ASH: Please approach.

MS. MARTINDILL: I've been a resident of Hillcrest Avenue, and --

CHAIRMAN ASH: Excuse me. Can you please approach the microphone and please state your name and address for the record?

MS. MARTINDILL: I'm Heidi Martindill. I'm a resident of 543 Hillcrest Avenue. And I guess you guys are all -- and I'm actually one of the people who walk along North Avenue with my dog and when decide to walk my children to preschool rather than drive. The idea of it being a corridor, you guys are all very adamant on getting the buildings closer, but I can tell you as somebody who actually utilizes this space, and when I worked in New York City walking back along there, it's not necessarily -- I mean asking somebody to go against what's actually proposed and on the setback, having more setback there, makes it nicer to walk along. It might change the appearance of what you want it to be --
I guess the business corridor or I guess like you called it, the "sawtooth" -- in my opinion, that's not necessarily a bad thing. It gives a little more variance.

And as somebody who regularly walks it, asking -- I mean having a building that's 1-foot up I think which can't be commented on at this point because it wasn't presented is a pain in the tuchus(sic) when you're actually walking with small kids and when it snows. And I actually want to be able to walk my kids to preschool rather than taking a car and you have snow piled up and then you have the building right there; it's not walkable. And although it's not to the sanitation; the street floods. And so on days, I have to just be able to walk my kids to school I have to put on rain boots to walk the dog because there is no drainage. So asking for less green space or not necessarily a green space, but for the buildings to be right up and get rid of the 40-foot setback I think is actually doing a disservice to the future aspect of what you hope the street looks like as opposed to where you want it to go; if you really do want it to be the walking corridor and being able to use.
I can tell you, I'm probably one of the few people who use the crosswalk right there to get across the street rather than going -- having people stop is a rarity. I mean can't tell you how many times I've almost been hit, how many times my kids have almost been hit. And so asking for less visibility for the spaces and less setback, I think you're just contributing to it away from what, in my opinion, would be the ability to making it a walking corridor which I think was some of the ideas for that street. So when you're asking them to ignore the ordinances that have been in place and move their building forward, I think you're doing the town and the future look of that street and that area a disservice. And I certainly hope to continue to make that area a long-term place. But if you keep building up, I mean, you're asking for this huge building that's already going to be 5-stories high, and I look over four with the additional space on the roof.

MS. CURLEY: From North Avenue?

MS. MARTINDILL: From North Avenue, but you go from where my house is -- so I walk outside now, and I see blue sky. And now, I'm
going to look over and see a building. And now you're moving -- our own town council people are asking them to move it even closer to the street so it's even less sky that we see. Although I appreciate that you want it on some perspective to be continuous, I think it adds -- it changes the personality and the appeal to me. So although you find that a wonderful incentive, I don't, and I'm the one that has to look at it all the time, as I know some people also live very close to that thing and you turn out.

And I would also say the traffic study is important because Christopher Academy when those parents drop off, I can tell you, I was in labor with my child and they blocked my driveway. And although you are proposing a lot more parking spaces, there's going to be overflow. And parking restrictions aren't enforced even though in front of my house, it's two-hour parking. And I think it's going to lead to several more interesting debates going forward. So that's definitely something to take into consideration.

MAYOR BRINDLE: As you know, I live around the corner from you, so I also walk North
Avenue. So I cross North Avenue probably five
days a week and I commuted across the street from
Art Lab for 20 years.

MS. MARTINDILL: Yes. Which I'd
love if you guys could put in a covered space.

MAYOR BRINDLE: So I'm intimately
familiar with the traffic. Out of curiosity, what
side of the street do you typically walk your dog
on?

MS. MARTINDILL: I walk it -- well,
when I walk to -- like I walk on the right-hand
side. But if I'm walking home from the train
station, I would try and walk on the city side.
And so, I would either cross the crosswalk in
front of the Union County building or go I would
go up.

MAYOR BRINDLE: But if you're going
to the train station, you're going that way.
(Indicating.) I would just venture because if you
look at North Avenue, the one side is more
residential and the other side that we're talking
about is more commercial.

MS. MARTINDILL: Yes. And have you
ever tried to take a stroller over the fact that
there are no sidewalks there? So it's my -- I
lost a tire on it.

MAYOR BRINDLE: So I think when you hear us talk about "setbacks" we're typically talking about the more industrial side of North Avenue, and so...

MS. MARTINDILL: Where McIntyre's is.

MAYOR BRINDLE: And it is, versus the residential side, and I do think there is a difference. I just wanted to point that out.

MS. MARTINDILL: You are correct, there is a difference. I mean so you're looking at RPM, which is at least its parking space. So you're not having a building that is 1-foot setback, you're going to have your space of your sidewalk --

MS. HARRISON: May I just make a point of clarity.

MS. MARTINDILL: Yes.

MS. HARRISON: I never suggested a 1-foot setback. What I was talking about was giving them 15 -- like just out of the 40, maybe take 15 away. So it would have been, it's 25-feet from the sidewalk back, so it's 25-feet, plus the sidewalk.
MS. MARTINDILL: So it's -- yes, but you would -- so I guess --

MS. CURLEY: 52-feet from the curb.

MS. HARRISON: Thank you.

MS. MARTINDILL: But you also brought up the point of like the -- you gave as an example the 440 in some of your speeches that came up earlier, which is they're seeking instead of the 15-foot setback, they only want 1-. So if you go with allowing -- if you set that president now, then that's to say, okay, you don't need a variance or you're asking them not to follow what was already in place.

MR. LAPLACE: I just wanted to jump in to ask you a few questions too because we're actually supposed to be asking right now, not making statements.

MS. MARTINDILL: Then I apologize if I spoke out of turn.

MR. LAPLACE: You're generating some good points. What I wanted to ask you is; first of all, I'm glad Ms. Harrison stated we weren't asking for the building to be right up to the property line. We're asking maybe half the distance or something. So it wouldn't be a
40-feet from the right-of-way, which is inside the sidewalk there. But also, do you feel uncomfortable when you walk in downtown where the buildings are right up to the sidewalk or on South Avenue or North Avenue in the --

MS. MARTINDILL: But you're also not talking about the same density of people or the same traffic of cars entering and exiting; right?

MR. LAPLACE: North Avenue is North Avenue; it is the same.

MS. MARTINDILL: No. So you're talking about an industrial building that had not 40 people living there, right, with the traffic of people coming in and out.

MS. HARRISON: It's much less density.

MS. MARTINDILL: -- and you think about, so, yes, downtown, but that's downtown; right? It's not an area where you have what is coming in a liquor store with ample parking and a green hydroponic plant where there might be a restaurant. But again, it's not going to be the same as a residential area of 40 people where you have people coming in and out of the garage all the time; right? So there's a difference between
what you talk about in downtown where it makes
some sense, right, because it's storefronts. It's
made for more pedestrian-friendly versus an
apartment area.

MR. LAPLACE: Right. We were just
talking about maybe half the distance not 40, but
20 or 25. Something like that.

MS. MARTINDILL: But you're also
actively encouraging people to break the
variances. And you said --

MR. LAPLACE: No. We're asking them
to consider it.

MS. MARTINDILL: You're right.

MAYOR BRINDLE: But I will say, a
big driver was safety.

MS. MARTINDILL: Which I think is
wonderful, but think of it two ways; right? I
mean that's what they're building and that's
great. And they're building to the space and
specifications that are in place, and fire safety
is, of course, important. But ordinances we have
in place are for a certain look and a certain
style and you're asking them to break it. And so
if you ask that of them, so when the next, I
guess, variance comes up to ask for instead of a
15-foot setback for a 1, then it's going to be passed very quickly. And this is an opportunity for us to voice our opinion and that's my opinion.

MAYOR BRINDLE: Of course.

Absolutely. Thank you.

CHAIRMAN ASH: Thank you.

MS. MARTINDILL: And if I over spoke at an inappropriate time, I apologize.

MAYOR BRINDLE: All good.

CHAIRMAN ASH: No, it's fine. We're happy to have people here who want to come and voice their opinions. And I know it's an unfamiliar setting for some. We hear testimony from experts, we have questions from the Board, we have our own experts who chime in. Now is actually the time for members of the public to ask questions of the experts. There's an additional period once all the testimony is complete for a comment and to voice your opinion. We're happy to hear you now.

MS. MARTINDILL: Which is fair enough. So I went on a little.

MAYOR BRINDLE: You're all good.

MS. CURLEY: It's all right. I'm just impressed that you walk along North Avenue.
I'm also a Westfield resident, so I'm very familiar with the sites as well. Thank you.

CHAIRMAN ASH: At this time, are there any other members of the public who have questions for the Applicant's engineer?

(Whereupon, UNNAMED PUBLIC SPEAKER comments from the audience.)

UNNAMED PUBLIC SPEAKER(1): No comments are allowed at this time; just questions?

CHAIRMAN ASH: Questions at this time and there will be additional time once all the testimony is complete for comments as to any issue regarding this application.

MS. CURLEY: And, if I may, we actually have some comments for the Chief, if we can? Gerry?

MR. GESARIO: Yeah. Just talking to the Applicant, I mean if this is where we're headed, he's agreed to moving the building up 15 providing the stable access in the front on the grass area. Widening the rear, we have 24-foot aisles, going 30-foot paved aisles. Plus the additional water source in the back. And, hopefully, that addresses most of your concerns starting with the truck and back there. That's
something we can do.

MR. DUELKS: It's definitely moving in the right spot. You know definitely if you put an additional water source back there, making it larger than what it is. But as a whole, the body has to agree on that and discuss that. But thank you for taking consideration of, you know, when I'm thinking of safety. I appreciate that. Thank you.

MAYOR BRINDLE: Thank you very much.

MS. CURLEY: Thank you. Can I call my next witness?

CHAIRMAN ASH: Yes, please.

MS. CURLEY: I'll have Matthew Martinique come up. He's our architect.

MR. MARTINIQUE: Good evening.

CHAIRMAN ASH: Can you say your name again, please?

MR. MARTINIQUE: Matthew Martinique.

CHAIRMAN ASH: Mr. Martinique, raise your right hand.

MATTHEW MARTINIQUE, having been duly sworn, was examined and testified as follows:

CHAIRMAN ASH: Could you qualify Mr. Martinique, please?
MS. CURLEY: Background and qualifications.

MR. MARTINIQUE: I graduated NJIT with my Bachelor of Architecture in 2004. I'm currently licensed in the State of New Jersey. My license is current. I have 18 years' experience. The last 15 years, primarily in multi-family construction. I've worked on numerous projects throughout the state; small buildings, large buildings, small sites, large sites. Also in New York State. I've testified before Manasquan Planning Board, Hackensack, Newark and Hasbrouck Heights.

MS. CURLEY: I ask that Mr. Martinique be qualified as an expert as architect.

CHAIRMAN ASH: Any questions? Please proceed.

BY MS. CURLEY:

Q. I'm going to ask him to start. Can you briefly describe the proposal and go through the plans?

A. The Applicant is proposing a 40-unit multi-story building, four stories, three habitable floors per the ordinance. There will be
parking underneath. Amenities dispersed throughout the building on the first floor. And then rooftop amenities.

Q. And what do you have up here?
A. Now, we have up the elevations.

MS. CURLEY: Do you have this or do you want me to mark it as the next exhibit?
MR. TREMBULAK: You don't need to mark it if it's included in the package.
A. As was already said, there're 40-units, 15% will be affordable so that's 6-units. They are primarily located on the ground floor. At the ground floor, we mainly have one-bedroom units. All the one-bedroom units are here on the ground floor. We have 17 two-bedroom units, four of them are the COAH units. There are 12, two-bedroom units -- sorry -- four, two-bedroom units with a den; four two-bedroom are COAH units; three-bedroom COAH units, and two, three-bedroom units. All these units have either private balconies or terraces, and there's 3,000-square-feet of amenity space on this floor.

BY MS. CURLEY:
Q. So Matt, this is the first floor. But how about we get started with the ground floor
and work our way up? So this is the ground floor, it should be in your packets. And Matt, why don't you go through what's on the ground floor, what's proposed and touch upon all of the amenity spaces?

A. The ground floor is mostly all the parking, 45 interior parking spaces; 10 of them are tandems. There are two internal staircases and an elevator. There's a bike storage area, dog wash, package room, utility rooms. As we talked about, the trash room is down there. There will be no exterior dumpsters as already was said. There's about 3,000-square feet of amenity space here. And the Applicant's interior designer actually prepared some renderings for this I'd like to pass out for you to see. Is that okay?

CHAIRMAN ASH: Yeah.

MS. CURLEY: And we'll mark that as Exhibit A-4. And we'll say this is the interior renderings.

(Whereupon, Applicant's Exhibit A-4, INTERIOR RENDERINGS was marked for identification.)

MR. MARTINIQUE: These are the level -- these show the level of amenity that Sonny would like to provide in this building. It's not
1 necessarily the final layouts, but he wanted to
2 give something so you can actually see, you know,
3 what it's going to be.
4
5 BY MS. CURLEY:
6
7 Q. So how much basement amenity space
8 or ground floor amenity space will we have? And
9 then touch upon what's on the exterior.
10
11 A. Well, the basement amenity is about
12 3,000-square feet. It will be a TV/fireplace
13 lounge area, billiards table with access out to
14 the pool area. Outside, there's a putting green,
15 the barbecue areas. All this will be gated only
16 accessible to the residents of the building and
17 their guests. It's not a public use at all.
18
19 Q. And then can you touch upon the bike
20 storage?
21
22 A. There is a bike storage room inside
23 and as well as outside.
24
25 Q. That's just a rendering of the
20 amenities area -- is that just the back?
21
22 A. Correct. This is just the ground
22 floor amenities. We also have --
23
24 Q. Exterior.
25
24 A. The inside and also the rooftop.
25
25 Q. And while everyone is looking at the
amenity space, we'll move onto the first floor which we already touched upon but just briefly go through it.

A. Before, as was said, we're going to be getting rid of the water room down in the basement and we're going to be moving it to the large entry foyer that we have. In the front here (indicating) the "front lounge" it's called on our plans. This will give the water department their exterior access right to the building that they like so that we can get rid of the retaining wall and ramp that goes down to the existing one on the plans.

Q. And then, there's also amenity space on this level; correct?

A. Yes. Correct.

Q. And then we're going to mark this as Exhibit A-5. This would be Amenity Renderings First Floor.

(Whereupon, Applicant's Exhibit A-5, AMENITY RENDERINGS - FIRST FLOOR, was marked for identification.)

Q. And then, just to confirm, how many units are proposed on the first floor?

A. The first-floor proposed units --
MS. HARRISON: I'm sorry. What am I looking at?

MR. MARTINIQUE: That's an overall shot of the community.

MS. HARRISON: Community room.

Thank you.

MS. CURLEY: Amenity space.

MR. MARTINIQUE: It's an amenity space.

MR. TREMBULAK: Again, how many units on the ground floor?

MR. MARTINIQUE: Fifteen units on the ground floor.

MS. CURLEY: And then, I guess we'll wait for the Board to look through the pictures.

MR. MARTINIQUE: The pictures are worth a thousand words.

MAYOR BRINDLE: We'll soon have monitors up here so the audience can also see what we're looking at.

MS. CURLEY: When you all are done, if you like, I can bring a packet back so that the audience can look through it if they like.

MAYOR BRINDLE: That would be great.

MS. HARRISON: Is that a photograph
of a putting green somewhere?

MR. MARTINIQUE: That is actually indoor putting -- like virtual putting inside the building. There's a small putting green outside, but then there's also this VR golf.

MS. HARRISON: Cool. And this is a live-at-work area? (Indicating.)

MR. MARTINIQUE: Yes.

MS. CURLEY: As soon as there's a packet that's ready, I'd like to bring it back; if that's okay.

BY MS. CURLEY:

Q. And if we can move onto the next floor, well, the next two floors; the second and third floor.

A. The second floor and third floor are duplex units. So they're two-story units. There's 13 two-bedroom units, 8 two-bedrooms with dens, 4 three-bedroom units. Ten of these units have private terraces on the rooftop at the back of the building. They're accessible by a staircase from within the unit. And the average size of these terraces is about 805-square feet. The typical unit size for this floor, these duplexes are around 1,800-square feet.
Q. Why don't we go to what's the average square footage of a one-bedroom?

A. The average square footage of a one-bedroom is about 830-square feet. The one-bedroom is 930-square feet. The two-bedroom with den is around 1,390-square feet. The two-bedroom COAHs are 1,080-square-feet, and the three-bedroom COAHs are 1,440.

Q. These are duplex units, so they have internal staircases; correct?

A. Correct. You can see that better on the...

MS. CURLEY: Do you want these additional packets?

MS. CARRERAS: Sure.

MR. MARTINIQUE: In our typical two-bedroom den duplex there's a staircase inside that goes up to the second floor of the unit.

BY MS. CURLEY:

Q. And then why don't you start walking the Board through the elevations?

A. As you can see in the elevations, the maximum building height is the conforming height of 40-feet. The variance sought is just for the elevator bulkhead. Since we have a
rooftop amenity we have to provide accessibility up there which requires the elevator. Elevators, from the last stop, require a certain amount of head height, and that's why we need this variance. The overall aesthetic of the building is a very modern building. We chose...

Q. This will be A-6. I'm just going to mark this really quick; A-6. This is the front elevations rendering.

(Whereupon, Applicant's Exhibit A-6, FRONT ELEVATIONS RENDERING, was marked for identification.)

A. To match the modern aesthetic of the design, we've kind of done a very modern color palette of charcoal brick, which is the predominant facade material. We've accented that with a silver metallic panel. And then to add a kind of a touch of warmth, we've done a wood-look inside for the balconies and soffits of the building.

MS. HARRISON: You said this is silver metallic?

MR. MARTINIQUE: Yeah. It's a rendering, so it's very difficult to get an exact color. But it would be like a silver metallic
color.

BY MS. CURLEY:

Q. And the building is consistent with the ordinance with three stories of habitable space over --

A. Correct. Three stories of habitable space over our parking garage.

Q. Great.

MS. CURLEY: I don't want to move on to the next amenity space.

MR. MARTINIQUE: I have more renderings.

MS. CURLEY: We have more renderings.

CHAIRMAN ASH: Okay. You can continue.

BY MS. CURLEY:

Q. So Matt, why don't we move onto the rooftop amenity space?

A. The rooftop is about 27,870-square feet in area; 14,345-square-feet of that is amenity space. Out of that 14,000, it's split between a communal space and the private terraces. The communal space is about 6,300-square feet, and the private terraces equal about 8,000-square
feet.

Q. This is the private terraces, Matt, and that would be the communal space?

(Indicating.)

A. Correct. The communal space will have trellises and a lounge area. There will be no TVs, no music, no cooking up there. It will be open to all the residents -- all the amenities will be open to all residents that are charged a yearly fee. The hours of operation will be from 7:00 to 11:00. And the proposed lighting, you'll see in the renderings, it's very low-level linear lights that are built into the floor or into trellis spaces.

Q. And then Matt, we have comments from the Planner's report; we will not have TVs, music, or cooking equipment on the rooftop?

A. Correct.

MR. DARDIA: Can you repeat that?

MS. CURLEY: Mr. Sammet, in his report, asked for no TVs, music, or cooking equipment. And then he pointed us -- so right now, the ordinance doesn't have a general rooftop amenities provision, but you did implement them in other redevelopment plans, so we're going to kind
of mimic the other redevelopment plans to make
sure that we don't put something up there that's
not desirable from the Town. So it's really going
to be lounge space.

MAYOR BRINDLE: And just to
reiterate; this is available only to residents of
the building who pay a fee; you said?

MR. MARTINIQUE: There's a yearly
amenity fee that is charged to all the residents
for use of the amenities. So it is not a public
space. Once again, it is just for the residents.

MAYOR BRINDLE: Okay. Yup. Got it.

MS. CURLEY: And then, we have A-7,
which will be the renderings of the rooftop.

(Whereupon, Applicant's Exhibit A-7,
ROOFTOP RENDERINGS was marked for identification.)

MR. MARTINIQUE: And now, the
private terraces; they will, once again, be used
only for the private residents who live down below
those units. They will be -- you know, there's no
hour of operation limit on those since it's your
private terrace. It will only be open to them and
their guests. Once again, there will be no
cooking up there. There will be very minimal
lighting just to provide egress.

CHAIRMAN ASH: Those are front-facing?

MR. MARTINIQUE: They're actually rear-facing. They're facing the railroad. I don't know if I mentioned; on the communal terrace, there will be a fire pit, as you can see in the renderings.

MS. HARRISON: Since you're asking for a variance for height, can you please explain to me your floor-to-floor heights for the entire building and why this variance is necessary?

MR. MARTINIQUE: Well, floor-to-floor --

MS. HARRISON: Starting at the ground.

MR. MARTINIQUE: Ground floor, well, the garage, we're at 12-feet. You need that kind of headroom because it's a concrete structure.

MS. HARRISON: It's below-grade?

MR. MARTINIQUE: It's below-grade, yeah, except for the back. The next floor up, we're at ten-ten from ground to the floor of the next floor above. These trusses are about 18-inches deep. So to keep a 9-foot ceiling,
that's what you need. And that just goes all the way up. The roof; it gets thicker because the roof is sloped, you know, at the ends. At the corridor of the building, it might be 16-inches deep, but at the end, it's 3-feet deep. So by the time you get to the end and the parapet, that's where our 40-feet comes from for those three floors.

BY MS. CURLEY:

Q. And Matt, just to confirm, the elevator bulkhead, will I be able to see it from North Avenue?

A. It would be difficult to see. As you can see in the rendering, that's the elevator bulkhead back over there. This is taken from across the street looking up at the building. It's set decently far back. We're trying to keep it as minimally intrusive as possible in height. So I don't think you'd be able to see it.

MS. HARRISON: What is the little word -- popup? (Indicating.)

MR. MARTINIQUE: That's the stair tower. On either side, we've set them back supporting 10-feet for the ordinance.

BY MS. CURLEY:
Q. So the variance that we are requesting as to the bulkhead structure height?
A. Is just for the elevator.
Q. Is just for the elevator. So the rooftop amenity space, itself, does not require the variance. What requires the variance is; access to?
A. Correct.
MS. HARRISON: The elevator.

BY MS. CURLEY:
Q. The elevator?
A. Yes.
Q. And then the second variance, why don't you discuss that?
A. The second variance we're seeking is for the actual size of the amenities up there; the structures. The ordinance allows 10% of the total rooftop or 250-square feet, whichever is smaller. We're at 14,000-plus, so that's why we need -- we're under the 10% but we're well over the 250-square feet. So that's why we need the variance there.

MS. HARRISON: What's the intended advertised use of that space? Is it just you and your kids can go up there and play or can you have
a party up there with 50 of your best friends?

MS. CURLEY: I don't think we looked
into -- I don't think that is -- that is not the
intent. The intent is like a lounge area for
residents.

MS. HARRISON: Will that be
discouraged or will that be allowed?

MS. CURLEY: I would believe
discouraged. You cannot rent it out.

MR. MARTINIQUE: Yeah. You can't
rent that space out.

MS. HARRISON: No. No. It's 50 of
your best friends.

MS. CURLEY: I mean I'm sure at any
apartment you can't bring in 50 people, so...

MS. HARRISON: In Hoboken we do.

MS. CURLEY: I lived in Jersey City,
I had rules. It's intended to be really a passive
lounge area. Now, the private terraces,
obviously, we are not going to be really
regulating because that's like if you had a
balcony.

BY MS. CURLEY:

Q. So we require the two variances. So
Matt, why don't you now move on to the sign.
A. The sign on the building is located over on the right side next to the driveway. It conforms to the sign ordinance, it's under 16-square feet. Under 16-square feet and will not exceed 6-feet in height. Right now, it's about 15, I think, .8-square feet, and the letters are about 2-feet high.

Q. And will it be illuminated?
A. It will be illuminated. Right now, on the rendering, it's showing kind of as a background illumination. But most likely, we're going to be doing some sort of wall washer underneath the balcony above to shine down on it.

Q. But the sign will comply with the ordinance?
A. Correct.

Q. Great. And then, lastly, Matt, why don't you just briefly go into some green initiatives that we're proposing?
A. Green initiatives that we're proposing is kind of advanced framing structure; something called "California corners" where you're allowed to bring the insulation all the way to the outside so the wall is uniformly insulted throughout. They'll be, you know, any headers
above the doorways and windows and the exterior, if they do not fill the full cavity, they will be insulated. All seems and joints will be caulked. The outside of the building will be wrapped in either what's called Tyvek, a weather-resistant barrier, or maybe a spray foam -- not a spray foam, but a sprayed-on applied -- to minimize air intrusion to help, you know, keep the building energy efficient. Energy Star appliances will be specked. The HVAC systems will be high-efficiency. And then also with all the rooftop amenities you actually get a lot of cover, so you don't get a lot of the heat-island-effect off the roof.

CHAIRMAN ASH: Are we talking about through-the-wall units?

MR. MARTINIQUE: No, they're full HVAC units. Inside the units, there will be rooftop condensers that will be pulled back from the building. You will not see them, they're your residential-sized rooftop condensers. So, no, you won't see a grill or anything like that on the outside.

MS. CURLEY: And that is all I have for Mr. Martinique. So if the Board has
questions.

CHAIRMAN ASH: Any Members of the
Board have questions for Mr. Martinique?

MS. JANSVELD: I just have one
question. With the amount of landscaping that you
have, did you consider any green roofs or
bioswales or rain collection gardens?

MR. MARTINIQUE: Not on the roof so
much. In a wood building, that gets really,
really heavy and it gets difficult to do stuff
like that. So we actually have planter boxes here
and there. It's not so much as like a large-scale
green space. It's more localized to just help
offset that, but not a full strategy; as you would
say.

MS. JANSVELD: And in front of the
building as well? Did you consider any way to
retain stormwater in any place there?

MR. MARTINIQUE: Well, it's not
really designed for that, but it is a large green
space, where right now, it is paved, so it will
help retain some. But it's not designed at all to
create, like, an infiltration point. That's more
site, but...

MS. CURLEY: I think Mr. Gesario
testified that we're going from about 96% impervious to 77.

MR. TREMBULAK: But that's going to change with the increase in the rear pavement. And I had a concern whether that's going to stay within what's permitted or whether that might trigger another variance. I don't know; probably not.

MR. MARTINIQUE: I would doubt. I mean we're down quite a bit from the 90% as is. So moving this, still keeping some of that green space up front, I think we'd be okay.

MR. TREMBULAK: Actually, to touch on that, I just wanted to bring up some of the code language. Fire escapes are not allowed in the New Jersey code. You can do it within the Rehab Code of New Jersey if you have an older building and you have to provide that second means of egress, they will allow it. On a new building, it is not allowed. Also, in 2009, they actually changed some of the language of the code. Before that, any bedroom four stories or low had to have an egress window. Now, if you're a sprinkler building, which all residential buildings have to be, and you have two means of egress out of that
apartment, you could actually have a windowless bedroom. So, you know, it's very odd. We do not like to do it because it's just the quality-of-life thing other than safety. Just so, you know.

MR. DUELKS: Understood.

MR. MARTINIQUE: And also, about the fire down the garage, that's a fully-poured concrete structure. We have to do a three-hour horizontal fire barrier there. So you know, all that, that's a 1A building down there, so it's all three-hour protected concrete.

MR. DUELKS: Understood. Just with electric vehicles down there, it's a different fire load compared to a regular engine that we're used to, you know, and the amount of manpower and the time consist of, and to get, like I said, the proper water resource to that underground structure if we don't have it. That's the main concern right there, for the underground structure with all-electric vehicle charge ports down there.

MS. CURLEY: And we will add in that.

MR. MARTINIQUE: Yeah. We'll take care of that.
MR. DUELKS: Thank you.

CHAIRMAN ASH: Go ahead, Don.

MR. SAMMET: Just one question.

Would you please describe for us any lighting proposed on the rooftop in the amenity areas?

MR. MARTINIQUE: Yeah. It's very, minimal lighting. As was in the rendering, the trial structures have like a linear light LED in it. The overhang for the elevator lobby has a linear light LED. Some of the linear lights are built into the floor deck. So it's very unobtrusive lighting. It's not a wall pack that's going to be sitting up there just lighting up the whole roof. Same thing with the private balconies. There will be some overhead lights in that space, and then outside, we're thinking some really low-level -- you know like you see in retaining walls by the egress pathways.

MR. SAMMET: So there will be no pole-mounted fixtures on the rooftops like porcupine quills on a building.


COURT REPORTER(OTHER): Mr. Sammet you said they'll be not what?
MR. SAMMET: Pole-mounted fixtures.

CHAIRMAN ASH: Don, were there any other issues in your report that you wanted to address?

MR. SAMMET: Not for the architect.

My main concern, and, in fact, there was a lot of testimony on it was the extent of activity in the rooftop areas pointing out some of the provisions that the Town put into place in the Prospect and Ferris Redevelopment Plan, which actually have their genesis in the zoning board application from many years ago that I was involved in here in town. The intent, and what I was hoping the Applicant would address and the Board would look at is there's going to be activity on the rooftop here, and we have residential uses across the street. What, if any, impacts will there be on those adjoining residences? Will they be seeing light in the area? Will they be heating a lot of noise? Will they be seeing television screens? So the Applicant has really indicated the compliance with the standards that the Town has adopted as part of the Prospect and Ferris Redevelopment Plan. Different area of town; but similar, if not the same, concerns were made. And
I think the Applicant has agreed really to follow
the regulations the Town established in the
Prospect and Ferris Plan.

MAYOR BRINDLE: And Don, that's also
reflected in the ordinance that allows rooftops
downtown, right, it's all consistent? So it's not
just the redevelopment plan, it's an ordinance
that applies to our entire downtown district.

MR. SAMMET: That's right. We use
that same genesis from that zoning board
application years ago used as the basis for
creating the regulations for a commercial use for
rooftops that are downtown, yeah.

MAYOR BRINDLE: So it's consistent?

MR. SAMMET: It's consistent.

MAYOR BRINDLE: Just to be clear,
it's all pretty consistent?

MR. SAMMET: Yes.

CHAIRMAN ASH: Counselman.

MR. DARDIA: So my question has to
do with the parking spaces. Can you confirm if
each set of tandem parking spaces will likely be
reserved for tenants of a specific dwelling unit?

MR. MARTINIQUE: Yes. All the
parking spaces under the building are reserved.
They're assigned to a unit. And those tandems will most likely be assigned to two-bedroom units.

CHAIRMAN ASH: Any other Members of the Board? Okay. Are there any members of the public that have questions for the testimony of Mr. Martinique the architect? Please come forward. Hi, good evening. Please state your name and address for the record.

MR. JOHNNIDIS: John Johnnidis, 915 East Broad Street.

CHAIRMAN ASH: Can you spell your name, please?

MR. JOHNNIDIS: J-o-h double-n, i-d-i-s.

CHAIRMAN ASH: Go ahead with your question for Mr. Martinique.

MR. JOHNNIDIS: Right. So is this actually a brief question about the amenity that you mentioned. This was repeated quite a bit and they look quite impressive. If I could ask a very brief preliminary question just to make sure I'm understanding this correctly. Do you have any rough estimate as to the ratio of the cost of the market-rate apartments to the affordable apartments?
MR. MARTINIQUE: I do not. That's outside my wheelhouse. I don't set the standards for that.

MR. JOHNNIDIS: Is there anyone here who might know that figure off the top of their head?

CHAIRMAN ASH: So I understand, your question is about the rent that will be paid for each unit?

MR. JOHNNIDIS: Yeah. I'd just like to know. Like just broadly speaking is it going to be twice as much on average, 10 times as much, 50% more?

MR. MARTINIQUE: I was going to say, generally, I can kind of answer that. The COAH units are assigned by the state to have a certain criteria. There're moderately low, very low, and moderate. And they get distributed throughout those COHA units. What that actual amount is, I don't know. But it's state-driven.

MR. JOHNNIDIS: Is there anyone that just has a number so we can get a very rough super -- I mean, I know there's nuisances and --

MS. CURLEY: That is regulated by statute.
MR. JOHNNIDIS: Right. So you must know the answer to the question?

MS. CURLEY: No.

MR. SAMMET: I don't have a specific number for you.

MR. JOHNNIDIS: Right. Just like a range. Twice as much. Twenty times as much. Two hundred times as much.

MR. SAMMET: Well, it's difficult to -- the affordable units are regulated, as is mentioned, by state rule. So the rents that will be charged are based upon that. But the market-rate units, the rents are up to the discretion of the property owner. So there isn't really a ratio you can even guess at as to how much more expensive, if you will, market rates would be than the affordable units.

MR. JOHNNIDIS: I mean if the project were finished tomorrow and I wanted to rent an apartment at a market rate, approximately, how much could I expect to pay? And if I wanted to rent an apartment at one of the affordable rates, approximately, how much could I afford to pay? I'm just trying to get a very loose -- I mean --
CHAIRMAN ASH:  That question, I understand the question, and I think Don is trying to answer the question. This Board is concerned with the land use regulation of the project and not the rental rates and how much the developer will actually charge. That's not within the jurisdiction of this Board. Anecdotally, I think Don tried to answer the question, but we don't have that information. It's not something we request from the Applicant, and certainly doesn't factor into our decision making.

MR. JOHNNIDIS:  Okay. I did have one additional question. Maybe I can ask it quickly. It may fall outside of the scope of what you just mentioned.

CHAIRMAN ASH:  Does it relate to the testimony by Mr. Martinique, the architect.

MR. JOHNNIDIS:  It does.

Mr. Martinique just mentioned a couple of minutes ago that there will be a number of impressive amenities, and that there will be an annual amenities fee; is that correct?

MR. MARTINIQUE:  Correct.

MR. JOHNNIDIS:  So the question is just whether the same amenities fee will be
charged to every single unit in the building or if there will be a different fee structure for market apartments relative to affordable apartments?

MR. MARTINIQUÉ: That, once again, I do not set. I can't answer that.

MS. CURLEY: The state doesn't actually require us to give a different amenity fee to each. But I do not have the answer to that right now because it was likely to be one flat amenity fee for all residents.

MR. JOHNNIDIS: Do you anticipate that folks renting at an affordable rate will be able to afford that?

MS. CURLEY: Just going off the regulations, we are allowed to charge the same amenity fee that we charge to market-rate units as we do to COHA units.

MR. JOHNNIDIS: I entirely understand what the law says, but I'm just asking if you anticipate --

MS. CURLEY: No.

MR. JOHNNIDIS: Okay. So probably they would be excluded from the amenities that you have been nicely presenting here today? Is that a reasonable expectation?
MS. CURLEY: The amenities space will be charged at one yearly fee. It will not -- the amenities will be a yearly fee. Whoever wants to pay the fee will be able to access all the amenities.

MR. JOHNNIDIS: Do you anticipate that will include those people who are paying at an affordable rate?

MS. CURLEY: I'm not going to hypothesize. You're asking me to make a decision about something in the future, and I am not a resident of this building in either a market rate or affordable unit.

CHAIRMAN ASH: Sir, Mr. Johnnidis, this Board is satisfied that the project meets the criteria for an inclusionary affordable housing project as those regulations are defined.

MR. JOHNNIDIS: Okay. Thank you for listening. I'd just like to point out that there seems to be both the residential part and the amenities, which seems to be a significant part of this project, which sounds great. I'd love to live in a place like this. But it seems like there may be two classes of people; people who live there and can enjoy the entire space, and
people who live there who will have to walk by the pool, the putting green, the theater, and all the other nice amenities. It will be a two-class structure. And I recognize maybe this present body doesn't deal with that, but it seems to me that is a bit of a shame. I hope the Town does not go in this direction more broadly. Thanks for listening.

CHAIRMAN ASH: Any other questions for Mr. Martinique?

MR. DARDIA: I have a question. Can I?

MS. JARUZELSKI: My name is Jennifer Jaruzelski. I reside at 210 -- oh, you want me to spell it -- J-a-r-u-z-e-l-s-k-i, 210 South Euclid Avenue. I hope this is the right time to ask this. I have a specific question about the exterior design of the project.

CHAIRMAN ASH: Yeah.

MS. JARUZELSKI: Okay. Great. Thanks. I've noticed it's kind of a trend toward these floor-to-ceiling windows in some of these newer buildings. Like the one in Garwood, the Vermella, it's like these massive windows so it's like kind of a fish-bowel effect. My question is:
Does the design incorporate consistent window treatments? Because my fear is if every tenant in there has their own blinds, drapes, shades it's going to look tacky real fast.

MR. MARTINIQUE: We don't do the interiors, but, yes, there will be.

MS. JANSVELD: There will be some kind of consistent window coverage?

MR. MARTINIQUE: There will be consistency, yes.

MS. JARUZELSKI: Great. Thank you.

That was it.

CHAIRMAN ASH: Councilman?

MR. DARDIA: Earlier you mentioned the sign. Describe the sign that's going to be out front there. What will be on the sign?

MR. MARTINIQUE: The building hasn't been named, so that's why it just says "sign." The building will not be named "sign." But we don't know what it's going to be called. We just put that there as the sign it's going to be.

(Laughter.)

MS. CURLEY: It's a placeholder.

MR. MARTINIQUE: It's a placeholder, yeah.
MAYOR BRINDLE: Numbers seem to be a big trend. I wouldn't be surprised if it's "540 North."

MS. CURLEY: There will likely be a number somewhere on there.

MR. SAMMET: Will the sign be externally illuminated? It has to be.

MR. MARTINIQUE: Yes. Yeah. The building will not be backlit as the sign is shown.

MR. CAMPANELLO: Hi.

Ted Campanello, C-a-m-p-a-n-e-l-l-o, 5566 Hillcrest. A very simple question, I may have missed it. What's the total capacity, what's the occupancy, maximum occupancy of the units, of the project?

MR. MARTINIQUE: Well, I have to get my calculator out for this. Because it's residential, it's 300 occupants per square foot.

MS. HARRISON: No.

MR. MARTINIQUE: Or, yeah.

300-square feet per occupant. So the total building --

(Crosstalk.)

MR. CAMPANELLO: Sounds like a fundamental question. Will traffic at all have an
impact on people --

MR. MARTINIQUE: Really, it's not. Because the two-bedroom unit is going to usually have up to four people.

(Crosstalk.)

MR. CAMPANELLO: But you must have some estimate.

MR. MARTINIQUE: That's why, if you give me one second.

MR. CAMPANELLO: Okay. Thank you.

MS. CURLEY: We have a traffic engineer.

MR. CAMPANELLO: Okay.

MS. HARRISON: The traffic engineer has trips; right? Trips which might give him a little bit of an understanding of --

MS. CURLEY: Precisely. I was planning on putting my planner on next, but if you'd like me to put my traffic engineer on next.

MAYOR BRINDLE: Yeah. I would traffic next. That would be great. I'd do that.

MR. MARTINIQUE: It's about 100 people per floor, so 300 people.

MR. CAMPANELLO: Three hundred people in total?
MR. MARTINIQUE: Yes. That would be the code-allowed occupancy of the building.

MR. CAMPANELLO: Great.

Comparatively, if it's appropriate, the project on Central and South Avenue; how does it, from a scale and size standpoint, is that a larger -- I'm just trying -- what did we learn from that project?

CHAIRMAN ASH: I believe that project is about 70 units in total.

(Crosstalk.)

MAYOR BRINDLE: It is, it's 72.

It's a lot bigger.

MR. CAMPANELLO: Seventy versus 40.

Okay. Same density, I assume because there are --

MAYOR BRINDLE: Ask Don. He would know.

MR. SAMMET: Seventy -- it's a higher density on Central and South.

MR. CAMPANELLO: Higher density.

Better than the expected density on --

MAYOR BRINDLE: Yes.

MR. SAMMET: This is 25-units.

MS. HARRISON: Isn't it five stories? Four or five stories on 333?
CHAIRMAN ASH: It's at least four.

MS. HARRISON: It's at least four.

MR. LAPLACE: Yeah. It's taller and denser.

MR. SAMMET: Yeah. It's taller and denser on Central and South, absolutely.

MAYOR BRINDLE: The one on Central is taller.

MR. LAPLACE: And then it's right up to the street.

MR. CAMPANELLO: So 300 occupancy, 80 parking spots.

MR. MARTINIQUE: Yeah.

MR. CAMPANELLO: Okay. I'll wait for the traffic -- thank you.

MS. CURLEY: Thank you.

CHAIRMAN ASH: Just so I'm clear; your calculation, you're talking about total occupancy for fire?

MR. MARTINIQUE: For building code evaluation, it's 300-square feet per occupant of residential. So you take the square footage of the building, divide by 300 --

(Crosstalk.)

MAYOR BRINDLE: But in terms of
actual residents?

MR. MARTINIQUE: Exactly. It goes by the bedrooms.

MAYOR BRINDLE: Forty units.

MR. MARTINIQUE: Yeah. It's 40 units, two bedrooms are going to have two to four people in them; most likely. One-bedrooms will have one or two people. So the actual occupancy and the COAH calculated occupancy don't have any bearing on one another.

MAYOR BRINDLE: So 100 residents might be more like it?

MR. MARTINIQUE: Yeah.

MAYOR BRINDLE: Three-hundred is if they're having that roof party.

(Laughter.)

MS. CURLEY: And we're all going to.

MR. MARTINIQUE: With a disco ball.

MR. CAMPANELLO: Is it 300; the residential occupancy?

MR. MARTINIQUE: The code requires residential occupancy of this building would be 300.

MAYOR BRINDLE: If you want to come up, come up.
MR. FAUST: Alex Faust, F-a-u-s-t, 550 Hillcrest. I live right around the street from Shelley. Eighty parking spots, how many visitor spots?

MR. MARTINIQUE: Well, actually the buildings is --

MS. CURLEY: It complies with RSIS.

MR. MARTINIQUE: It complies.

MS. CURLEY: So I think that's a more appropriate question for our traffic engineer; she can address the parking. But Residential Site Improvement Standards which guide residential development in the State of New Jersey, in their parking counts, they include visitor parking, and we comply with RSIS. So the numbers that you're seeing have both the spaces for the residents and their guests.

MR. FAUST: So the 80 in total is for both of them?

MS. CURLEY: It's for both. When the Residential Site Improvement Standards were codified, in their requirements per bedroom, they calculate into their built-in visitor parking.

MR. FAUST: And there are no other spots, just the 80?
MS. CURLEY: Just the 80.

MR. FAUST: Okay. So I'll wait for the traffic side of the story. Thank you.

MS. CURLEY: You're welcome.

CHAIRMAN ASH: Any other members of the public have questions for Mr. Martinique?

Back to the Board; anyone? Okay.

MS. CURLEY: Thank you. And then I'll call up our traffic engineer Betsy Dolan.

MS. DOLAN: Who's swearing me?

CHAIRMAN ASH: You're name, please.

MS. DOLAN: Elizabeth Dolan, D-o-l-a-n.

ELIZABETH DOLAN, having been duly sworn, was examined and testified as follows:

MS. CURLEY: Ms. Dolan, can you please give me your background and qualifications?

MS. DOLAN: Yes. Elizabeth Dolan with Dolan and Dean Consulting, 181 West High Street in Somerville. I'm a licensed professional engineer registered in New Jersey and neighboring states. I have a Bachelor of Science Degree in Civil Engineering from Rutgers. And for 35-plus years, I have focused in the area of traffic engineering. I've testified in over 250
municipalities throughout New Jersey. I have been here, but it's been many years. I have been accepted as an expert in traffic engineering in all cases, and I've also had the opportunity to review traffic parking and DOT aspects of applications on behalf of planning and zoning boards in New Jersey.

MS. CURLEY: I ask that Ms. Dolan be qualified as a professional traffic engineer.

CHAIRMAN ASH: Any questions? All right. Please proceed.

BY MS. CURLEY:

Q. Take us through the site and all you know about traffic.

A. My primary reason for being involved in this project is the DOT application. And you heard from our engineer, Mr. Gesario, that that application is being prepared and it will be filed later this week or next week. We are required to obtain a Minor Access Permit from NJDOT for the driveway that Mr. Gesario's plans show. There're currently a number of ill-defined curb cuts across the site frontage; I think five in total. And we are proposing one driveway that will conform with the State Highway Access Management Code. The
type of access permit that is required is tied to
the trip generation, and there's been a couple of
questions about the traffic activity associated
with this use. In order to estimate future
driveway volumes, we reference the Trip Generation
Manual by the Institute of Transportation
Engineers. Our NJDOT has taken the 10th edition
of the Trip Generation Manual and developed their
highway access permit system trip generation.
That is the set of numbers that we are required to
use for our access permit because North Avenue is
Route 28 and under state jurisdiction.

For the 40 multi-family units that
are proposed, we're looking at on a typical
weekday a total of 262 trips. That's 131 entering
over 24 hours, 131 exiting over 24 hours. Traffic
engineers typically focus on-peak hours of
operation. That would be the combination highest
driveway volumes for the proposed 40 units
combined with the peak activity on North Avenue.
So for a residential development, that's typically
the morning peak hour, the evening peak hour on a
weekday, and then the mid-day Saturday peak hour.

For the 40 units that are proposed,
developed trip rates based on the type of land
use. And again, those rates have been adopted by
NJDOT. So for the morning peak hour when people
would be leaving and going to work, we would have
6 entering, 18 exiting for a total of 24 total
driveway movements during the busiest one hour in
the morning. Of course, there's going to be
people coming and going before that hour and after
that hour. During the weekday evening peak hour,
we have more people coming back home, so it's 18
entering, 10 exiting for a total of 28. And on
mid-day Saturday the busiest hour, 14 entering, 14
exiting for a total of 28.

Now, oftentimes we're asked if there
are 80 parking spaces, why aren't the numbers
higher, and it's because not everyone leaves from
work or returns from work and errands at the same
time. They're coming and going over the course of
a few hours or several hours. But these numbers
that I've just given to you in my testimony are
based on studies of multi-family developments and
the compilation of trip rates per unit. And
again, we are obligated to use these numbers for
our access permitting. So these estimates are not
considered significant. Significant is defined as
100 or mere trips in one hour. And at that level, 100 or more, NJDOT would be requiring a formal traffic impact analysis from us. Similarly, the ITE uses 100 trips or more in an hour as a guideline for a formal traffic study.

I believe it was a member of the public earlier came up and said we really shouldn't be comparing the former uses with the proposed use, it's a different type of trip generation characteristic, and I would agree with that. Plus, the site currently not generating anything. But if we were looking at this in terms of the higher trip generation that would require a Major Access Permit from DOT, we would get the credits for any trips associated with the former uses. So this is not a high-volume proposed development. And from my perspective, and DOT's perspective, the best thing that we are doing is eliminating all of those various driveways that are not well defined. Some of them are very large depressed curb openings, and we are providing one driveway to comply with the requirements of the access code. So that is the summary of the traffic characteristics and the permitting requirements for this project.
Q. Thank you.

CHAIRMAN ASH: Thank you.

Questions?

MS. FREEDMAN: I have several questions about turns. In the morning, when people are exiting the complex to go to work, is there anything that you would recommend for making left-hand turns out of the facility to increase safety?

MS. DOLAN: Again, there's nothing to suggest that we would be prohibiting the left-turn movement. But that will be explored and reviewed by NJDOT through the access permitting process. Our driveway will be stop sign-controlled. There will be a stop bar. But any other control or prohibitions will come out of DOT's review.

MS. FREEDMAN: Okay. And then, the converse would be for in the evening -- I suppose the answer is the same -- but for people coming in and making a left-hand turn from North, is there enough space -- if they're coming from Garwood, is there enough space for a car to pass the turning car?

MS. DOLAN: Unless there's somebody
parked right at that location, there should be a bypass.

MS. FREEDMAN: Does the state take that into account?

MS. DOLAN: They do. Yeah. They absolutely do. And especially, they'll scrutinize a higher volume driveway in terms of those prohibitions. I would not expect them to require prohibitions at this location because it is a lower-volume driveway.

MS. FREEDMAN: Okay. And then the last question has to do with public buses. Do you know what bus serves North Avenue?

MS. DOLAN: I know there is a bus stop right in front of the site, but I don't know the number or the service route.

MAYOR BRINDLE: The 113.

MS. FREEDMAN: But the calculations from NJDOT are absent any mass transit numbers, they exist separate?

MS. DOLAN: The numbers that I testified to do not take any credit for bus service or train service. I mean we're not that far from the train station either. These would be for a standalone, non-transit area multi-family
MAYOR BRINDLE: You've raised some good points. I would like to think that many people that chose to live here if they're commuting, they're either taking the bus or they're walking to the train station. I will say though for someone that lives there -- and my dry cleaners and my gym are right next door -- I literally will go all the way around the block to go right rather than take a left. It's that awful. And so, I'd only tell you, even from your resident perspective, taking a left onto North Avenue out of that is not only dangerous but virtually impossible. And I'm telling you from 20 years of experience doing it. And I'll just tell you, and I'm sure everybody -- I see a lot of my neighbors here, and it's something we're very aware of -- crossing North Avenue is a nightmare. It's a nightmare. And I can tell you, running across to catch a bus, which I did many years, probably put my life in danger more times than I can count. So having been doing this job long enough to understand traffic studies and what the DOT says, I get it. They'll tell you it's not going to have a material impact, and I understand,
and that's what the regulations say. But the
reality on the ground in this particular place is
very different. And I would just say I agree, I'd
like to think that people are coming to be
commuting, but irrespective of whether it's 10
trips or 200, it's bad. And it's just something
that as you guys contemplate ingress and egress as
so forth, do not -- do not underestimate the
realities of the ground of how bad it is because
it's terrible.

MS. DOLAN: There are times when
North Avenue is very difficult to make a left. I
live in Fanwood; I know the area.

MAYOR BRINDLE: All hours, it's not
even rush hour. I mean I literally will drive the
extra mile around just so I don't have to do it.
It's terrible.

MS. DOLAN: And the residents, I
believe, of this or any other new development
along the corridor, they're going to be faced with
that.

MAYOR BRINDLE: It almost makes me
not want to live there. I mean honestly, that's
how awful it is. So I would just say to the
Applicant and to you that you are going to have to
go to a very extreme to figure out a safe solution for the residents.

MS. DOLAN: And again, there are certain safety measures that are required in terms of lines of sight and driveway control.

MAYOR BRINDLE: I'm saying above and behind probably what's required. I don't know what that is, but, yeah, I just want to make sure that everybody is aware.

MS. DOLAN: Understood.

MR. LAPLACE: That you, Chair. I have a question regarding the proposed crosswalk which is roughly centered on the front of the building crossing North Avenue.

MAYOR BRINDLE: It's already there.

MR. LAPLACE: I understand it's an existing one. But has DOT proposed -- first of all, are they okay with it continuing on and how is it going to be engineered to really function as safely as possible?

MS. DOLAN: Well, we're going to find that out as we go through the process. There were some signatures that were required for the application and those were just received, the forms were just received. So we're in the process
of packaging up and submitting the application.

As DOT goes through -- because when I first got
the plan, I saw the crosswalk, I also thought it
was proposed, realized it was existing. So if
there are any requirements to upgrade that, you
know, we're seeing a lot of those push-button
solar-controlled flashers at a lot of these
mid-block locations. If DOT has a requirement or
suggestion something that something like that be
implemented, that would be the obligation of us as
the applicant.

MR. LAPLACE: Good. So you're open
to upgrading it as required?

MS. DOLAN: Yes. And, of course,
subject to DOT's approval.

MR. LAPLACE: DOT's approval?

MS. DOLAN: Yes.

MAYOR BRINDLE: I'll just throw one
more thing out there -- and Councilman Dardia, who
was the former chair of the Public Safety and
Transportation Committee knows this well -- we did
a bike and pedestrian study about two years ago
that had some -- 2019, right Mike -- that had some
really, really good recommendations. In
particular, we looked at the North Avenue
corridor. There're some fantastic recommendations to improve the walkability. And Don knows, we went with a crew and actually walked North Avenue with them. We've applied for the grant now two years in a row. We're going to do it again this year to make the significant safety improvements. But it might be something, hopefully, if we try again that we can partner with the Applicant because the benefit -- it goes right up to close to where the building is. It might be a good opportunity to work together on creating some safety measures because I think it would benefit your residents as well as the neighborhood.

MS. DOLAN: Understood.

CHAIRMAN ASH: Any other questions for Ms. Dolan? Are there any members of the public -- wait, hold on.

MS. CURLEY: I just want to address. Mayor, we will work with you if you get the grant.

MAYOR BRINDLE: Perfect. Thank you.

MS. CURLEY: You're welcome.

MAYOR BRINDLE: That's a win-win for everybody.

MS. DOLAN: Definitely.

MS. HARRISON: I want to ask the
traffic engineer a question. The street coming in -- is that your street? The street coming into North Avenue here --

MAYOR BRINDLE: Let me see which one.

MS. CURLEY: I think it's Fourth.


MS. CURLEY: Christopher Academy is on the corner.

MAYOR BRINDLE: This is the nightmare scenario.

MS. HARRISON: Yes. All three of us.

MAYOR BRINDLE: Exactly.

MS. HARRISON: But how far are you from that intersection, are you --

MAYOR BRINDLE: Actually, that's not North, that's Hillcrest. That's Hillcrest.

MS. HARRISON: -- 100-feet or you're entrance?

MS. DOLAN: I really don't know. I don't even know if that's on the plan.

MS. HARRISON: It's well past you.

MAYOR BRINDLE: It is.

MS. HARRISON: I'm just trying to --
it's all fairly -- your entrance and exit is to
the left which is where that pie-shaped mess comes
in. So I'm wondering, for traffic reasons, did
you ever consider flipping the building or is that
-- would that make any difference?

MS. DOLAN: That be a question for
Mr. Gesario. We're looking at about 500-feet
based on my review of the straight-line diagram.
But as to flipping the access and the history
behind the design, that would be for our engineer
to answer.

CHAIRMAN ASH: I think it's
150-feet. That's the space between.

MS. HARRISON: You need 150-feet
between the two?

CHAIRMAN ASH: Yeah. I think that's
the DOT regulation.

MS. HARRISON: Do we know if we have
150-feet?

MS. DOLAN: I would have to ask
Mr. Gesario.

MS. CURLEY: From Hillcrest;
correct?

MS. DOLAN: No, I think they're
asking from Fourth.
MS. HARRISON: They meet at a point, so whatever the first street is which would be closest by there. This would be it here. It's the one that Christopher Academy is on.

MAYOR BRINDLE: That's Hillcrest.

MS. CURLEY: That's Hillcrest.

MAYOR BRINDLE: That's Hillcrest because then this is the other one she's talking about is Fourth, right here. This is Hillcrest.

MS. HARRISON: So they're stuck in between both buildings.

MAYOR BRINDLE: Yes. They're between. Yes.

MS. CURLEY: Just as a -- the entrance that we are putting in complies with NJDOT?

MS. DOLAN: Yes, it does. And again, we're taking multiple depressed curbs and poorly defined driveway and creating one conforming driveway.

MR. GESARIO: It's about 200-feet.

MS. CURLEY: It's about 200-feet from Hillcrest is what Mr. Gesario just said.

MS. HARRISON: You're dammed if you do or you don't on this end. You've got the same
problem on both sides there.

MAYOR BRINDLE: And I'm sorry, have we talked about what's happening across the street and where there's currently a parking lot? I think that's part of the site too; right?

MS. CURLEY: It's not part of the site. That's going to be developed separately.

MAYOR BRINDLE: Okay. I just only ask because there is a crosswalk. We're just curious what the crosswalk is leading to on the other side.

MS. CURLEY: I think we're looking at like a two-family home.

MS. HARRISON: I'm sorry. What was that?

MAYOR BRINDLE: See this spot, see this right here (indicating) this a two-family home.

MS. CURLEY: But that property is not part of this application and that property --

MAYOR BRINDLE: I was just curious traffic-wise, the crosswalk and where it was going to.

MS. CURLEY: I think we're still exploring options to that. But that's not a very
big piece of property. So we are not proposing
multi-family there; many units across the street.

MR. LAPLACE: The crosswalk will
connect to the sidewalk on that side, on the
northerly side?

MS. DOLAN: It should.

MS. CURLEY: It should if there's an
existing sidewalk.

MR. LAPLACE: Yeah. We see an
existing sidewalk.

MS. DOLAN: I don't know the history
of that crosswalk. But again, it will be under
DOT's review when we submit our application.

MAYOR BRINDLE: When you're talking
to them, it always seemed like it made more sense
to have the crosswalk to be closer to the bus
stop. So that was always -- so nobody ever used
it. So it's just a comment.

MS. CURLEY: I just want to make it
clear for the record, across the street, is not
part of this application.

MAYOR BRINDLE: Yes.

MS. CURLEY: Thank you.

MR. CAMPANELLO: Ted Campanello, 556
Hillcrest. So I think your analysis at this point
in the process is formulaic; right, the number of units? I assume it does not measure the speed, it doesn't measure current speeds or current volumes. You're talking at 18 exists or 18 entrances at maximum peak times, but that doesn't factor in current volumes or the speed at which people travel. Obviously, there's a limit of 25, but...

MS. DOLAN: That's correct. We only identified the projected driveway volumes.

MR. CAMPANELLO: And that would be part of the DOT analysis to do actual measurements in terms of volumes?

MS. DOLAN: No. We're under no requirement at DOT to count the actual volumes.

MR. CAMPANELLO: How is 18 a relevant number to -- you know, it's an absolute number that really needs to be relative to a larger -- how much percent increase perspective? Do we measure percentage increase impacts?

MS. DOLAN: No. No. Typically, if we were analyzing a formal traffic impact, we would combine the driveway projections with the actual counts on, in this case, North Avenue.

MR. CAMPANELLO: And you're saying that because this falls under some level, that
that formal analysis doesn't need to be done?

  MS. DOLAN: That's correct.

  MR. CAMPANELLO: So there will be no
volume analysis, speed analysis to put relevance
to that number of 18 entrances and exits?

  MS. DOLAN: If the Board, and/or
their professionals felt that that was something
to help them evaluate the application, then we
would have to do that. But based on the
redevelopment of the site combined with the
low-projected trip volumes, we've not performed
that analysis.

  MR. CAMPANELLO: I mean seeing what
Mayor Brindle said about just crossing, those
would be relative numbers. Because 18, to me, is
irrelevant without a measure of the context of
what's your volume, and really what's your speed.
People don't follow the speed limit; right?
People fly down North Avenue, what's going to be
the impact of those things?

  MS. DOLAN: Well, the speed issue is
not part of a traditional traffic study. That's
usually something that is policed or studied
locally.

  MR. CAMPANELLO: What about, and I
haven't heard anything about what the construction period would be, and therefore, what the traffic disruptions would be during that period. Is the project a year? Two years? Three years? And how do we do traffic analysis of the impact? How do we mitigate problems?

MS. DOLAN: I don't know the build-out; that would be for the Applicant or perhaps Mr. Gesario. And traffic studies aren't typically required for a construction; that's up to the local construction office. And any regulations or requirements, for example, the trucks arrive and depart in a certain direction; that would be handled locally.

MR. CAMPANELLO: Are there -- I assume there're rules that govern that?

MS. DOLAN: And I'm not familiar with those.

MR. CAMPANELLO: That's outside your purview --

MS. DOLAN: Correct.

MR. CAMPANELLO: -- that's outside your responsibility?

MS. DOLAN: That's correct.

MR. CAMPANELLO: I don't know whose
responsibility that is, but I assumed it has to be monitored and governed in some way. We do it all the time I assume in Westfield; right?

MR. SAMMET: I can answer. Very often, there will be a pre-construction meeting before work actually starts and involves the town engineer, the town construction official, representatives from police and fire to make sure that access is maintained to the site and everything is safe during construction.

MR. CAMPANELLO: Is there any estimate of the length of the construction period? No? Ballpark?

CHAIRMAN ASH: That's not part of our review.

(Speaking in the public audience.)

MS. CURLEY: Sixteen months.

MR. CAMPANELLO: Sixteen months.

All right. Thank you.

CHAIRMAN ASH: Mr. Dolan, did you do any analysis as to the trip generation of the existing uses?

MS. DOLAN: I did not. If, as I said, if this were a bigger development, we would be looking to take a credit on those trips for our
DOT permit. But because the numbers for the 40 units are so low, we didn't bother with that. I would expect with a pseudo-industrial-type use, we'd probably be generating roughly the same or maybe lower than the estimates that I've prepared for the 40 units.

CHAIRMAN ASH: Your opinion is, based on the existing uses, the trip generation for the future proposed use would be the same or lower?

MS. DOLAN: Yes. And specifically, there's another section of our access code that talks about a significant increase. And a significant increase is 100 or more trips in an hour. So below 100, ITE says you're kind of looking at a trip generation that's not likely to have a negative impact. On the DOT side, if we were to leave all the driveways as-is, we would be exempt from permitting because we wouldn't be creating a significant impact. So from my perspective, the biggest bonus traffic-wise is getting rid of all the driveways and having one conforming driveway. So you're eliminating a lot of vehicular conflict points. And if there's pedestrian activity, of course, then you've got
more pedestrian crossings under existing conditions than you do in the proposed condition. So the proposed condition is in line with traffic management and the redevelopment and the access code in terms of improving the overall state highway access system. We're reducing driveways.

MR. FAUST: If no one is using them, does it matter?

MS. DOLAN: Well, they were at one point.

MR. FAUST: But not anymore. But anyway, my name is Alex Faust, 550 Hillcrest. I asked a question about how many parking spots. And the reason I asked it is -- I mean, looking at the apartments, they look fabulous. I'm expecting some Teslas, maybe Ferraris parked there. I mean, they're gorgeous. I don't know that there will be any empty parking spots, frankly. In fact, I suspect some people will want to say, hey, can I have a third one. When they have visitors, they'll park on the street somewhere, North Avenue, I don't know where. On holidays, when they have 300 coming. You know, 100 of them, 200 of families and friends, where are all these people parking?
MS. DOLAN: Well, again, our attorney was talking a little bit earlier about the residential site improvement standards, and those RSIS standards are applicable to any residential development in New Jersey. And the parking ratios that are required include a half-of-visitor space per unit. So as Ms. Curley said earlier, the required parking includes the anticipated visitor demand. If there were some crazy high attendance, yeah, then they would have to park on the streets nearby.

MR. FAUST: Okay. So we're talking about a place that's going to have these pools and all these visiting places and mini-golf and everything, but we're only going to get one person visiting each family. I doubt it. I think it's going to be a lot more than that. And, frankly, they're going to start parking on the streets all around. The residents, because the residents, themselves, that's why I was asking the question, 80 spots and there're no visitor spots. Visitor spots are the Town of Westfield. Not just the Town of Westfield, the street surrounding that area will become -- that will be the visitor's parking area.
The other point I want to raise is your traffic study, again -- Ted, I'm with you buddy -- there's no way -- and Shelley, I agree with you emphatically -- there's no way you're taking into consideration what's really happening there. I understand that you have some formulas to follow, but you're not even taking into consideration the 10-unit building that's going to be going up just down the street from you. I mean what's the traffic flow coming out of that place, in addition to your place, in addition to the Montessori, and then all the local residents. I mean you see; you've parked outside of Shoprite and seen all the traffic going through, there's got to be more than 100 cars going through there an hour. I mean I don't think your numbers are really based on reality, and I really ask that a traffic study be done because I think to everybody's concern I think here, there's a real safety issue. Making that left-hand turn, I do the same thing you do; I drive down to Chestnut, wait at the light to make my turn because I cannot make a left-hand turn at the bottom of Hillcrest.

MS. CURLEY: I just want to do a point of clarification about even if we wanted to
install something, DOT is the one who determines what goes there; correct?

MS. DOLAN: That is true. And just a point of clarification; I wasn't suggesting that there're fewer than 100 vehicles on North Avenue in an hour. I was talking about the trip generation for the proposed development would be less than 100 an hour. There's certainly more than 100 an hour on North Avenue.

MR. FAUST: Okay. So I don't what the formula is then to determine because North Avenue is a single-lane, realistically, single-lane one-way two ways because you always have parked cars. So what's the volume that corridor can really handle where, you know, you're not really putting some safety aspects at risk. And I don't know the answers to that.

MAYOR BRINDLE: Let me just address this because, clearly, I have some traffic concerns, right, as a resident.

MR. FAUST: Yeah.

MAYOR BRINDLE: It is not fair to put all of our traffic concerns on one project. It's not.

MR. FAUST: Absolutely.
MAYOR BRINDLE: And so, what I do hear you, and I completely understand, it's a corridor problem; right? And it stems all the way from Garwood -- Cranford, Garwood, Westfield, Scotch Plains; and all that development is happening. And so I just want you to know what we're doing because in light of -- you know, the development is not just happening in Westfield, you see it happening and there's a compounding effect; right?

MR. FAUST: Yeah.

MAYOR BRINDLE: So to ask one project to say you need to do a traffic impact study isn't really fair.

MR. FAUST: Well, I'm not asking them to do it, I'm looking at you guys.

MAYOR BRINDLE: And that's what I'm about to tell you. So what I have done as mayor is we've created a Route 28 consortium, corridor consortium with Scotch Plains, Fanwood, Garwood and Cranford, and Westfield. And what we're doing is with all the information we've gathered; traffic impact studies, the bike and ped plan, and everything else -- and it is a state highway, by the way, I might add, Route 28 -- so what we're
asking is help from the county to come and do and
overall corridor study that takes into account all
the traffic flow and everything going from one end
to the other; this Route 28 corridor that we've
talked about. So I just want to assure you that
we get the problem.

MR. FAUST: And I'm just trying to
flip it around. I agree with you, it's not their
problem --

MAYOR BRINDLE: Yes.

MR. FAUST: -- but they are affected
by, that's the problem.

MAYOR BRINDLE: Exactly. And that
was my point; they are affected and their
residents are going to quickly find out how
complicated that is. And if I was there, I'd only
be living there if I was a commuter, quite
frankly, and I could walk to the train or jump on
the bus.

MR. FAUST: I wouldn't walk to make
a left-hand turn out of that facility.

MAYOR BRINDLE: And just personally,
I don't worry about the parking. So that's not a
concern of mine. And I think it is --

MR. FAUST: Well, it is of ours
because we have cars --

    MAYOR BRINDLE: I have cars parked
in front of my house all day every day to go to
the bus, my entire street. You have two-hour
parking on Hillcrest; we don't.

    MR. FAUST: Well, they still park
there.

    MAYOR BRINDLE: They do. So I
experience it as well, but I don't believe that
this project and the parking that's in there is
going to exacerbate it, in my personal opinion and
my personal experience.

    MR. FAUST: I have a different
opinion, it's okay.

    MAYOR BRINDLE: The traffic, I get.
And I think that's a larger issue, and we're
taking steps to address that as a consortium of
mayors.

    MR. FAUST: But I still think
they're affected by it.

    MAYOR BRINDLE: They will be.
Absolutely. Yup.

    MR. FAUST: And that's why I'm
bringing it up.

    MAYOR BRINDLE: Yup. Yup.
MR. FAUST: Thanks.

CHAIRMAN ASH: Any other members of the public have questions for Ms. Dolan? Please come forward.

MS. SALERNO: Claudine Salerno, 549 North Avenue East, Westfield. S-a-l-e-r-n-o. As far as parking goes on North Avenue, is parking allowed? I know it's a state highway, but what is the regulation?

MS. DOLAN: I think in front of the site it's no parking when the road is snow-covered.

MS. SALERNO: Okay. So then there is parking on it.

MS. DOLAN: Yeah.

MS. SALERNO: Way back when TD Bank came to us, there was an issue with parking and nothing happened with that. So I live -- literally, there's a strip of I guess eight, two-family homes, I'm kind of in the middle. There's a lot of parking on that street. It makes it very difficult for me to get out of my driveway onto North Avenue. It makes it very difficult for people that are trying to get into TD Bank -- well, it's not TD Bank, it's a liquor store now --
Stuart's Audio, all of the other, you know, businesses that are there. If there's going to be parking for visitors on North Avenue, it's going to be a real big issue. Safety, parking. I mean we've had tenants' side-view mirrors you know knocked off. We had someone literally drive up on our neighbor's lawn. The traffic, the parking, the visual issues. Something has to be done.

MAYOR BRINDLE: Line of sight.

MS. DOLAN: And again, the visitor parking is incorporated into the parking requirement, so we're not anticipating that there would be a heavy reliance on the North Avenue cart way for parking. And just as somebody may have company, other people may be leaving for the weekend. So there's that kind of activity that may balance out the parking. But I think you've heard from the mayor that there's a need and a process beginning to look at this overall corridor.

MS. SALERNO: And that, I appreciate that. Because not only will we have 40 units here, we'll have 10 units, we'll have another two-family home, we're going to have a liquor store, we're going to have the Redcom; it's a lot.
It's just a lot.

MAYOR BRINDLE: Yeah. And actually, you bring up a good point, though. Let me ask this question about -- and I'm sorry, as you can tell, I'm very familiar with it -- about the parking, and I know you mentioned people will be gone on the weekends, but earlier they said that there's going to be assigned parking per unit. So that implies that there's not an opportunity for shared parking on the weekends?

MS. CURLEY: That's the interior. The garage spaces will be assigned underneath the building. We do not anticipate assigning the exterior parking.

MAYOR BRINDLE: Okay. So that will be the opportunity. Go it. Thank you for clarifying that.

MS. CURLEY: And that's why we're also exploring perhaps relocating some of those interior EV stations so that people without assigned parking can use it.

MAYOR BRINDLE: Got it. I see. Got it.

MS. CURLEY: So we're giving 13 EV stations. The locations are not set in stone yet.
MAYOR BRINDLE: Got. Thank you for clarifying that.

MS. SALERNO: And then just for clarification, is it going to be a parking entranceway on the right side of the building in and out, or is it going to go around?

MS. DOLAN: It's one driveway that will accommodate inbound and outbound movements.

MS. SALERNO: On the right side of the building, which is towards town.

MS. DOLAN: Yes. Correct.

MS. SALERNO: Thank you. I appreciate the traffic studies because it's a problem. Thank you.

MAYOR BRINDLE: Very well aware.


MS. CURLEY: We only have one witness left, but I want to really just quickly bring up my architect because we have some answers to fire again for the chief. So Matt Martinique, if you can come back up.

BY MS. CURLEY:

Q. I'm just going to open his testimony just to fire. And why don't you discuss.
A. I was just speaking with the Applicant, and these buildings -- I don't know how familiar the Board is with -- but a building like this, that parking garage is considered a 1A structure which is noncombustible and has to be a full NFPA-13 system. The upper floors are residential wood structure, and they're allowed to be an NFPA-13R system which is the same system, but a little bit less strict. It doesn't require as much sprinkler heads or as much protection here and there. Speaking with the Applicant, he's willing to go up to the full NFPA-13 system to increase the safety of the building. It will require like -- one of the things right now with an NFPA-13 system I had mentioned the 18-inch deep floor trusses, right now, there's no sprinkler head, there's no protection up there. There will be some insulation in there for sound quality, but other than that, nothing. Under an NFPA-13 system, either we will need upright heads in that truss space to protect them or they will have to be filled with a noncombustible insulation fully to negate any kind of fire spread up there.

MR. DUELKS: So you're going to fully sprinkler the whole building even the voids
and storage spaces; the whole building?

MR. MARTINIQUE: Yeah. Per the NFPA-13 guidelines.

MR. DUELKS: And originally, the plans which I didn't see the sprinkler in here, that wasn't included?

MR. MARTINIQUE: Well, we haven't done the sprinkler design. But that, normally, the way this building would go since it's a residential structure, up above, we're allowed to do the NFPA-13R system, but we will do the full NFPA-13 system here.

MS. CURLEY: So this is to...?

MR. MARTINIQUE: To increase the safety of the building.

MR. DUELKS: Thank you.

MS. CURLEY: To any concern that you had previously about that one --

MR. DUELKS: And along with the water source --

(Crosstalk.)

MS. CURLEY: Along with moving the water source, moving the building up, and then putting those pavers in the front so that a truck can go in the front. Good?
MR. DUELKS: Very nice.

MS. CURLEY: Thank you. And last but not least, my professional planner.

MR. KIZEL: Good evening.

CHAIRMAN ASH: This is?

MS. CURLEY: This is Irwin Kizel.

IRWIN KIZEL, having been duly sworn, was examined and testified as follows:

MS. CURLEY: Mr. Kizel, can you please give us your background and qualifications?

MR. KIZEL: Yes. My name is Irwin Kizel or Kizel. However you wish to pronounce it.

CHAIRMAN ASH: Well, you tell us. How do we pronounce it?

MR. KIZEL: I go by Kizel, but I answer to anything.

MAYOR BRINDLE: That's how it is.

MR. LAPLACE: Duly noted.

MR. KIZEL: I am a licensed professional planner in the State of New Jersey since 1981. I'm a principal in the firm of Jarmel Kizel Architects and Engineers Incorporated. We are located at 42 Okner Parkway, Livingston, New Jersey. I have a Bachelor of Architecture Degree
from Pratt Institute. Parenthetically, I'm also a licensed architect. I have appeared before planning and zoning boards on the subject of planning. Since I've become licensed in 1981, throughout the State of New Jersey where I've been accepted as an expert in the subject of professional planning. And my license is in good standing.

MS. CURLEY: I ask that Mr. Kizel be qualified as an expert in professional planning.

CHAIRMAN ASH: Any questions? All right. We'll accept him. Can I just -- I guess a point of order; will his planning testimony address the relocated building and any variances that are created by that new condition?

MR. KIZEL: Yes.

MS. CURLEY: Yes. For record-keeping, I have three variances now. I have a variance for maximum allowable square footage of rooftop structures. I have a variance for maximum height of rooftop structures. And my third variance will be for minimum front-yard setback.

CHAIRMAN ASH: Okay. And are we satisfied that we will not implicate impervious
coverage?

MS. CURLEY: Yes.

MR. TREMBULAK: I think that would have been to be a condition of the approval that the impervious not exceed what's permitted.

MS. CURLEY: I think up to 90% is permitted; we're at 77.

MR. TREMBULAK: But we don't know what it's going to be.

MS. CURLEY: Yes.

MR. TREMBULAK: But it's got to be below 90.

MS. CURLEY: Yes.

CHAIRMAN ASH: Go ahead, Mr. Kizel.

MR. KIZEL: So by way of an overview, we have what in my opinion is a very nice project for Westfield. And by the give-and-take between ownership; the developer of the project and the Board, we've improved the project. We've increased the fire safety of the building, we've increased the setback -- we've decreased the setbacks. So between the fire safety and the wishes of the Board, we have resulted in an overall building that's mostly compliant from a planning point of view and that's
more satisfactory to the Board.

As we indicated earlier, we came in tonight with two variances, but we now have three variances. The first variance has to do with the rooftop space. The second variance has to do with the height of the elevator. And the third variance is the setback. We came in fully compliant with the 40-foot setback, but due to the wishes of the Board, we have pulled the building forward by 15-feet, so we now have a 25-foot setback in contravention of the ordinance which required the 40-feet. But I'd like to reiterate as we know all from what we heard tonight; the Board is more desirous of the 25-foot setback rather than the 40-foot setback. And ownership is agreeing to do this.

Now, let me go back to my prepared testimony. Just to summarize; we're proposing to construct an inclusionary multifamily residential development wherein 6 of the 40 units will be COAH housing. The building will consist of three stories of residential units above a ground-floor parking area. Four stories in total; three habitable stores. As you also heard, the lowest level, the parking level, is a three-hour
construction. It's a completely fire-rated construction sprinklered so on and so forth. I would also add, I believe you've heard this, but the building has two-hour fire-rated stairways. It has the central corridor; it's fully fire-rated. The divisions between the apartments, you know, both horizontally and laterally, are fire-rated so that any potential fire in the unit will be contained to that unit. Also, the doorways to the apartments have self-closing doors, so in the evening -- in the hopefully, unlikely event -- that someone has to egress their apartment in the case of a fire, the door will automatically close and keep the smoke from that fire contained within the apartment.

Moreover, because you have two stairways; you have an egress stair and you have a firefighting stair. The firefighters use one stair, come up one way. The residents leave via the other set of stairs. So the building, in my opinion, wearing both hats, is an extremely safe building that embodies the latest requirements of the code. And, in fact, what we've heard tonight goes beyond the requirements of the code by going with an NFPA-13 system. So we have a very safe
building.

With that being said, the relief that is required tonight is triggered by the fact that we're using the roof as a communal amenity space; a communal rooftop amenity space. And also, the bulkhead height of the elevator, which I will address both in more detail. But my opinion is that the ordinance that creates the variance for the rooftop space is a blanket ordinance across all zoning districts in the municipality. So this item, which results in only 250-square feet of allowable rooftop space could not have envisioned the trend and the amenities occurring in today's residential development, which is, take advantage of the rooftop space and providing more amenities for the people of the building. By making the building a more attractive building to the residents, it reinforces the planning principles of the building itself. And by making the building more attractive to residents, it's also making the building more attractive to Westfield.

Specifically, Ordinance Section 12.05C1 states: "The area occupied by such rooftop structure shall not exceed 10% of the
total roof area, or 250-square feet; whichever is less." So we have the 250-square feet. The total roof area is 27,870-square feet. If we take the staircase, elevators, lobby, penthouse structures; they amount to 2,382-square feet, and they, therefore, exceed the 250-square foot maximum standard but are well below the 10% of the roof area or 2,787-square feet. This is a C Variance.

Then we come to the subject of the bulkhead height. Ordinance 12.05C3 states that: "The height of such rooftop structures aboveground shall not exceed the maximum height permitted for the principal building by more than 8-feet, and shall not exceed the actual height of the building by more than 8-feet; whichever is less." Our bulkhead is 9-foot-6-inches. In height, it violates the rooftop height allowance by 1-foot-6-inches. My opinion is that this is a de minimus violation. The reason as you've heard earlier tonight for this is because of the elevator mechanics. The top of the elevator needs to have some free space above that requires a hoist beam. Between these technical requirements, we need that extra 18-inches to make the elevator work. If we can't get the elevator to go to the
roof, you know, we're violating the Americans with Disabilities Act by, in effect, discriminating against those that can't walk a stair up to the roof. So it's very important that we have the elevator to the roof.

BY MS. CURLEY:

Q. And then can you just discuss the C1 and C2 standards and our entitlement?

A. Yes. C1 and the C2 standards under entitlements is the C1 standard is basically undue hardship due to unique and exceptional characteristics of the property. The C2 standard is that the purpose to advance the purposes of the Municipal Land Use Law where the benefits of the law -- of the variance, substantially outweigh the detriments. We must also deal with the negative criteria or showing that the benefits of granting of the variance will substantially outweigh any detriment that may result from approving the variance.

So let me start with the will and testament C1 Variance. And I would say the setback, the mandated setback is a C1 Variance because it's a bulk variance. And the haw basically says by reason of an extraordinary and
exceptional situation uniquely affecting the property, a variance can be granted. And I think this is a classic situation where we have extraordinary and unique and exceptional circumstances affecting the property. Namely, that the Board has an ordinance that requires a 40-foot setback, but in their current wisdom, they believe that 40-feet is too far. So even if we're able to -- we're able to meet the 40-foot, but the Board is it requiring 25, consequently, we have unique and exceptional circumstances affecting this property.

MS. HARRISON: Excuse me. From the property line to the curb, it's an additional 12-feet; correct? Is that what you said before?

MS. CURLEY: Yes.

MS. HARRISON: So the public understands; 40-foot, plus 12 --

MS. CURLEY: Fifty-two.

MS. HARRISON: -- 52-feet setback from the street.

MS. CURLEY: So I think we're going to move it up to 25.

MS. HARRISON: When we say 25, it really means 32.
MS. CURLEY: Yes.

MS. HARRISON: Just for clarity.

They might not understand.

MS. CURLEY: Absolutely.

MR. KIZEL: Thank you. So let me go back to the other C2 variance. The standard for the C2 variance is that by granting the variance, the purposes of the Municipal Land Use Law will be advanced and it will substantially outweigh the detriments. We talked about this just a minute ago. In my opinion, the relief can be granted under both the C1 standard and the C2 Flexible C standard. And as I said earlier, the relief is de minimus. This is an application for a permitted use. The rooftop amenity space is a benefit to the residents. And as I also said before, the relief requested is not from the specific zone district regulations, but the general provisions that apply to all districts throughout the town. These provisions were not meant to limit rooftop space in connection with these new parcels zoned for multi-family housing.

The application furthers the purposes of a Municipal Land Use Law. Purpose One; to encourage municipal action to guide the
appropriate use or development of all lands in this state in a manner which will promote the public health, safety, morals, and general welfare. Purpose Two: To provide adequate light, air, and open space. 3E: To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions, and preservation of the environment. G: To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to the respective environmental requirements in order to meet the needs of all New Jersey residents. And I: To promote a desirable visual environment through creative development techniques and good civic design arrangements.

I believe that everything you've heard this evening from our engineer to our architect to our traffic engineer all reinforces these purposes of the MLUL. In my opinion, there's no negatives associated with this project. I think everything associated with this project is beneficial. Yes, we've heard concerns
about traffic, but we've also heard that those
concerns are regional rather than
project-specific. The traffic on the street is
the traffic on the street. And what I interpreted
from the traffic engineer is the contribution of
traffic from this one project is small given the
extent of the traffic on the street in total.

With respect to the rooftop space,
two criteria in the ordinance; the 250-feet and
the 10%. The ordinance says "the lower of."
Well, don't meet the 250, but we do meet the 10%.
We are under 10% of rooftop space. As to the
height; it's an increase of 1-foot-6-inches.
Imperceptible or unperceptable(sic) from the
street or perceptible only to maybe the folks who
heard about this application tonight or a trained
eye. But as far as the general public is
concerned, the 18-inch variation in height is
unimpactful(sic) to the overall beauty of the
project.

In conclusion; it's my professional
opinion that the purposes of the Municipal Land
Use Law will be advanced by a deviation from the
zoning ordinance. And the benefit of said
deviation will substantially outweigh the
That concludes my testimony for tonight.

CHAIRMAN ASH: Thank you. Members of the Board, and questions for Mr. Kizel? All right. Are there any members of the public that have questions for Mr. Kizel?

MR. FAUST: I do.

CHAIRMAN ASH: Mr. Faust.

MR. FAUST: I don't even know where to start. Alex Faust, 550 Hillcrest. So as a resident, I have to comply with the variance -- with the regulations of the building code. I know when I built my house I wanted my attic to be all finished off, but the floor area ratio or whatever they call it. I'm sure somebody here knows the right term.

MS. CURLEY: That's a density thing.

MR. FAUST: Yeah.

MS. CURLEY: Different board.

MR. FAUST: Well, it doesn't matter. The point being is I couldn't do it because I had to abide by the rules. I would like a widow's peak on my roof just so I had this great view, but I don't do it because it's not visually appealing to my resident neighbors. I appreciate you're
saying the residents of that building have a great benefit from it, but the residents around them may not. And none of that came out in your testimony, and I don't know why. So I feel that there's a misconception that there's no impact. There is a huge impact. We have a view there. Not in a great view, but we have a view. We'll have less of a view with a building that stands four stories tall versus three stories tall, but it's still a better view at three than four. So I disagree with that.

MS. CURLEY: Just a point of clarification. The four stories is permitted.

MR. FAUST: Whatever. The other thing about this is, you know, they don't have any place to play. Gumbert Park is around the corner. We have green space. I mean Miswatgin(sic) Miswagin Park, whatever. Central Park is there.

MS. CURLEY: Mindowaskin.

MR. FAUST: Mindowaskin. Thank you. It's not a very far walk, in fact, people like the area because you can walk into town and you can walk to all the parks that are in the area. There are swimming pools; right? We have our Westfield Swimming Pool, we have the club swimming pools,
and there're lots of those around. So you know I think Westfield is just a wonderful family place because of this availability of places to go and enjoy and play. It's all there for the residents. So building this little wonderland of excitement for just these residents, I don't think is the Westfield-way. I'm just curious as to what everybody else thinks. But I didn't think we are looking to build little islands of seclusion and this is my camp versus what are we building, a community or not? I don't know. So that's kind of my point of view. So I don't agree that there's no impact. I think there's a big impact on the residents, and I think that the residents want to feel that they're bringing somebody into our community not necessarily excluding from our community. And that's the way this feels. Thank you.

CHAIRMAN ASH: Any other members of the public have questions for Mr. Kizel? All right, back to you, Ms. Curley.

MS. CURLEY: That ends our direct testimony for this evening. Would you like for me to do my closing or would you like to do public comments?
CHAIRMAN ASH: We'll have your closing and then we'll have public comments.

MS. CURLEY: In closing, I just wanted to thank the Board for their participation. This area of North Avenue is an eyesore; let's be honest. This is not a nice area of North Avenue. I pass by it all the time, it's not attractive. The buildings are all discombobulated. I don't even know what was in them. And here, we're going to put a permitted use, a new development, and it's going to be a great improvement of the existing condition. Even with the revision and pushing the building up, we're still going to be under that 96% impervious coverage that exists because the maximum in the zone is 90. So, no matter what, we're under that 96 right there. So that's a benefit. We're adding more greenery, we're adding trees, we're adding amenities, we're adding a truly gorgeous building here. We have asked for two variances, and as I noted, those variances really relate to the access to the roof deck. It's not the building that we're asking for the variance. The principal structure, that's 40-feet; that complies. It's just the trellis -- not trellis -- the penthouse here to get the
elevator up. (Indicating.) And as you can see, it doesn't look substantially higher than what we're proposing at 40-feet. And the benefit there is that people are going to be able to access this roof deck. ADA, people in wheelchairs, it's going to be a communal space for residents.

Then we have an additional variance which was for the front-yard setback at the request of the Board. We're happy to make that revision. All these variances are pretty de minimus. They're really just so that we can provide the best building for residents here in Westfield for people who come to move here. And so can give you a safer building with more ability for the fire to access the building.

In closing, I hope tonight that we grant this application. I think it's going to be a great improvement to what's there. And I thank the Board very much for their time and consideration. Thank you.

CHAIRMAN ASH: Thank you. At this time, are there any members of the public who have comments or opinions about this application?

MR. CAMPANELLO: (Indicating.)

CHAIRMAN ASH: Please approach the
microphone.

MR. CAMPANELLO: Ted Campanello, 556 Hillcrest. First of all, I would agree I think North Avenue -- we've been here 17 years -- has been improving. The structures on the county buildings have improved it; whether it was the food store and now Karma. You know, those things have improved the look. Redcom has improved the look of it. It was kind of downtrodden. I agree with that point. That doesn't mean we just let anything go; right? I think Alex's points were great in terms of the communal aspect of it. I think we did concentrate a lot on about 18-inches of a bulkhead of an elevator setback. And I'm still concerned about the traffic impact that seems like there may not be a full study done. I'm a little worried about the sewer; the accumulative effect. And Mayor Brindle, you mentioned the fact that it's a corridor issue, not a site issue or a specific site issue. But you know again, that flooding that occurred, lucky, yes, that we didn't get our basement flooded, but a lot of people did. And I can't imagine that these -- these things have to be factored in when we're doing multiple building sites along that
corridor. So that flooding is I think there're a lot of concerns to people when I see it because that's a bad event. But I just think -- and I'll actually raise the issue that no one else has raised, and I'm sure you'll be shocked why I raised this fact -- is this a property tax-neutral project? I don't know if that's determined here. Maybe that's the tax -- you know will property taxes go up on a net from a standpoint on educating kids who are going to be in these apartments. Things like that. Has that study been done? What is the impact from a property tax perspective?

CHAIRMAN ASH: That's not relevant to this Board's determination.

MR. CAMPANELLO: Which Board or where does that get determined or where does that get calculated?

CHAIRMAN ASH: The tax assessor will assess the --

(Crosstalk.)

MR. CAMPANELLO: So that's not a factor when thinking about whether this is a good project or a bad project, we don't think about the tax impact, the property tax impact? I assume you
think about the impact on schools? For example, Washington School, in this case, presumably.

CHAIRMAN ASH: This Board evaluates the land use and zoning criteria.

MR. CAMPANELLO: Where does the presumed increase in population in Washington School, for example, where does that get determined and analyzed to see if that's a problem or not?

CHAIRMAN ASH: This is a permitted use for this property.

MR. CAMPANELLO: I got it. I'm asking you --

CHAIRMAN ASH: So that means that residences are permitted under the overlay zone. And that is the end of that inquiry.

MR. CAMPANELLO: So it's built into the --

MAYOR BRINDLE: When the zoning was done for affordable housing, and that was agreed to by a court-ordered settlement that came into agreement in 2017, all of these things that are being approved are a result of that court-ordered settlement in which they would have taken into account population, density -- as Don described is
a big part of it -- so that would have been reflected back when that was done back in 2017.

(Crosstalk.)

MR. CAMPANELLO: That's where it got accounted for?

MAYOR BRINDLE: I'm sorry?

MR. CAMPANELLO: That's where it got accounted for?

MAYOR BRINDLE: Well, potentially.

I wasn't here then.

MR. CAMPANELLO: Procedurally, that's where it would have got accounted?

MAYOR BRINDLE: Yeah. And just as mayor, I meet with the school administration pretty regularly talking about these types of things. And school children have been on the decline, and Westfield is actually one of the slowest growing towns in all of Union County. Actually, we talk about that. We see their school projections to see if there's any consideration with the development going on. Up to this point, it's not a factor.

MR. CAMPANELLO: Okay. All right.

MAYOR BRINDLE: And more importantly, up to this point, any of the
developments that have happened are not bringing
kids. They're bringing in half the children that
have been projected. So I think 150 apartments
that have been built so far, I think there're 9
children. And if you talk to Cranford or any of
the other surrounding communities, these types,
especially in our towns, are not bringing
children. And we find in a community like this,
people who are coming into apartments, it might be
new couples that are looking for an entryway to
buy a house; they typically have a kid, go buy a
house. And actually, the apartments, are filling
up with, quite frankly, over 55. The owner of
501 South Avenue -- which is the new one where the
old dry cleaners was -- said he had no idea that
he was building an over-55 apartment building.
Because there's no place in Westfield for
down-sizers to go. And I think that is who is
filling up a lot of the apartments in Westfield.
And they also have the means to do it. And a lot
of these, as you can see, are very high-end, and
they are all booked. The 501 South Avenue was
filled up before it even opened its doors. So as
someone with a kid and with kids, I am not worried
about the impact of kids on our schools to date,
and there's been nothing that indicates that that will be the case.

MR. CAMPANELLO: I mean I think I would ask you guys -- and I appreciate the fact that you guys all volunteer, and I wouldn't want to do anything you guys are doing, I appreciate it, I don't mean to be hard on you -- but just help protect us. You know what Alex said, something that I've been saying and other folks are just kind of saying. To me, my focus is infrastructure; the traffic, the stormwater. Things like that. Certainly from a safety standpoint. And again, I appreciate the efforts that you guys do on a volunteer basis, but hopefully can protect us. And I don't begrudge people trying to put projects that are going to be aesthetically good-looking, but again, may have a negative quality of life impact, may have a property value impact, may have --

MAYOR BRINDLE: We all live here.


MAYOR BRINDLE: I live in your neighborhood.

MR. CAMPANELLO: I know.
MAYOR BRINDLE:  This is my hood. So when we talk about wanting to protect the neighborhood, there's nobody more vested in this than me.

MR. CAMPANELLO:  Fair enough.

MAYOR BRINDLE:  And we also have the same, and I'm particular of the realities of where we are and what's allowed. Personally, I'm thrilled with the investments that are happening on North Avenue. It's quite remarkable that we've got everything from the hydroponic farm to a wine store to what I do think is going to be a huge improvement on North Avenue. Our obligation is to mitigate the impact on the quality of our lives. And that, full stop, you have our commitment to make it so. And that's the assurance that we want to give the public. None of us up here as long-term residents have any interest in seeing a diminish in our quality of life; period.

MR. CAMPANELLO:  All right. Thanks a lot.

CHAIRMAN ASH:  Thank you. Next, please.

MS. BOUFADEL:  My name is Sylvia Boufadel. B as boy, o-u-f-a-d-e-l. I live
on 155 East Dudley. And my question would be:

Does the town have a plan about the redevelopment
of North Avenue or what's going to happen with all
these small businesses that are existing there?

What about McIntyre's? It's just in between this
gorgeous building and the other 10-unit building
that you are planning to build. So what about the
businesses that exist there now?

MAYOR BRINDLE: I don't think I
understand the question.

MS. HARRISON: She asking about
what, sort of, the development plan -- I think you
are; right?

MS. BOUFADEL: Yes.

MS. HARRISON: The development plan.
And it's not a town-driven development plan, it's
a property-owner driven. Like the owners of this
property are driving this development. It's not
us.

MAYOR BRINDLE: We're not involved
in --

MS. HARRISON: We don't get involved
in that. And so, the small businesses that are
there can survive as they're there. But if they
choose to sell their small business to someone who
wants to buy individual properties and put them
together and make big development, then that's up
to them.

MS. BOUFADEL: So as you see this
drive to redevelopment the area, probably they are
going to sell their properties. Do we have a plan
then? You're talking about a unified look for the
neighborhood or for the street, is the town
developing any kind of plan that will say --

MAYOR BRINDLE: We just completed
our first major master plan just two years ago.
And that is really the instruction manual for all
of the development that we want to happen in town.
I don't know you were here when we did that. It
was the first really publicly-driven master plan
that we did. It was adopted by this Board in
2019, right Don?

MR. SAMMET: The master plan was
just last year.

MAYOR BRINDLE: Gosh. Just last
year. I'm in Covid time. We just adopted a
master plan for the entire town just last year
which pretty much lays out what's the vision, the
goals, the objectives for all the development
town-wide.
MS. BOUFADEL: And then I would like to reiterate to the gentleman before me. When you talk about the downsizing; so it's great people will downsize and they will have places to go, but all my old neighbors around me who sold their houses, they sold it to families with children. And I moved here from Bryn Mawr, in Pennsylvania, which is a Philadelphia suburb. It's the best suburb around, the best school district, and these things happened there too. And all the elementary schools had to have metal-like buildings attached to the actual buildings because there were no places. Parents got a letter saying that their children cannot go to their regular school because maybe there is no space. And now, they are building a new middle school. So does the town have as much money to build, for example, a new school if we continue the development of the town at such a high rate?

MAYOR BRINDLE: As I said, that's a conversation we would have with the school district. It's not an issue at the moment, and nor is it anticipated to be an issue in the foreseeable future. And again, we have conversations ongoing. And if it ever looks like
it may be, of course, that's a conversation that
we would have with them. But right now, it's not
something even on their projections. We actually
had significantly more students 30 years ago than
we have today. It's significantly more.

MS. BOUFADEL: Just because of the
pandemic, it created this big movement out of New
York City, so there is a possibility of...

MAYOR BRINDLE: I understand. Yup.

MS. BOUFADEL: Thank you.

MAYOR BRINDLE: Thank you.

MR. JOHNnidis: John Johnnidis,

915 East Broad Street. So I just wanted to
reiterate the previous point. I wanted to commend
the counselor for a persuasive presentation. And
there's certainly going to be a number of
significant positives. Councilman, Council
Members, Mayor, you've written in the past very
compellingly about the paucity of
intergenerational and inclusionary housing in
Westfield that's been driving a narrowing of the
socioeconomic diversity in this town. And I
strongly believe that's a significant long-term
problem that needs to be addressed. And to that
extent, I'm pleased that this project and other
projects like it are in the works and are solely addressing that problem. So that's great.

I still do have the concern that I tried to articulate a little while ago; maybe not very successfully. In her closing statement, the counselor mentioned once again the amenities that the residents would be able to enjoy. But I think unfortunately we need to append a qualifier, an asterisk so that the amenities that the residents who are able to afford it are able to enjoy. And just want to ask, kind of rhetorically; do we really want a Westfield in which there are new fancy buildings and residences where there're two classes of residents who live next door to each other and are forced to watch some people working out in the gym, putting on the green, enjoying the latest Star Wars movie, hanging out on the roof? It sounds weird. So I know this is a very limited scope of jurisdiction in your panel tonight, and this is probably a larger issue that may apply not very specifically to this one particular project. But I just ask you to consider that aspect to whatever extent appropriate now and in the future. I think there's a lot of room for improvement. Thanks.
CHAIRMAN ASH: Thank you.

MAYOR BRINDLE: May I comment on that? First of all, I want to thank you for that comment. And I absolutely take that to heart. I'm a big proponent of affordable housing. I actually think it's necessary and it's good for communities. And I too very much worry about the narrowing of socioeconomic status in Westfield. We are much less economically diverse than we were many years ago, and I think we'll all be worse off for it. And you're absolutely right; there's a reason why affordable housing is not called "affordable housing" it's called "inclusionary housing." And it's so that everybody of all socioeconomic classes could feel included in a community. And there's a reason why affordable housing does not want separate affordable housing units; they want it included in market-rate buildings so people can feel they're part of the community and included in the community regardless of their economic status. And so I take your comment to heart. I agree with you. It would be my desire that everybody has the benefit of amenities, and there's some maybe sliding scale based on economics. But it's not just related to
this project. I think it's related, as you said, to it all. And I'm very committed to pushing forward our affordable housing obligations. I'm incredibly proud that Westfield is a very proud COAH town, and we're in really good shape and at the forefront of our affordable housing. And I look forward to continuing to push that forward and advocate for doing our part. And I absolutely one-hundred percent take your comment to heart and think it's right.

MR. JOHNNIDIS: Could I just ask a quick --

MAYOR BRINDLE: I just want to clear. These comments are not in the jurisdiction of this Board. So I just want to be clear.

MR. JOHNNIDIS: Does the Board or the Town in some other capacity have the power to ask a developer to, for example, implement a sliding scale for amenities?

MAYOR BRINDLE: Not necessarily and not in this capacity. If we have redevelopment agreements and so forth that were specific, we could do potentially things that, but not in a capacity like this. But oftentimes we find the developers we work with are interested in doing
the right thing.

MR. JOHNNIDIS: It seems like it might be a little bit of a loophole.

MAYOR BRINDLE: Well, maybe, you know. But thank you for your comment.

MR. JOHNNIDIS: Thank you.

CHAIRMAN ASH: Anyone else with comments? All right, seeing none. Members of the Board, what are your opinions about this application?

MR. LAPLACE: I'll go first. Chair, I'm very impressed that the Applicant came this evening with a plan that in spirit was conforming to our affordable housing plan and what we envision with the overlay zone for the site. But when the Board voiced some concerns about the placement of the building on the site, what we're trying to do along North Avenue, the character that we're trying to build, a more pedestrian-oriented street, and some other safety concerns, the Applicant was open to those, you know, listened to those concerns and agreed to make some changes. So all of that impressed me. And I'd be inclined to support the application.

CHAIRMAN ASH: Thank you.
MR. DUELKS: I agree with you one-hundred percent. The building was already in compliance with the fire code. It was just recommendations to just help, you know, with the fire department that we currently have to help assist if something was ever to happen in that parking deck. So it was just to request or possibly to look at it, and you went over and beyond what the traditional fire needs of that and you already met the requirements. So I really appreciate that you've done or did changes. I really appreciate it. Thank you.

MAYOR BRINDLE: Sorry. I've spoken quite a bit tonight. I do want to thank Mr. Adoni most importantly for his investment in Westfield. Really grateful for that. And just to echo what everybody has said, and your flexibility and your willingness to accommodate, I think what this Board had said, I really appreciate it. And I just want to remind the public and I know I just said it is that you know this building is one of many that were part of our affordable housing settlement that was reached in 2017, and with the Board -- well, I should say the council -- supported ultimately by the Planning Board was
zoned for in 2018. So the role of this Board is really trying to make these developments work in the best interest of the community. We are not able to say you can or cannot do a project. We're just here to help make sure -- as you've hopefully witnessed tonight -- move it along to create a better outcome for the community. I do think it is quite remarkable the investment that's happening in North Avenue. I don't know why all of a sudden it's gone from one end of North Avenue to another. I think it's going to be ultimately a terrific improvement to the town. Not to underscore how challenging the traffic issues are already. And I can promise you that we're committed to addressing them along the entire corridor. I'm excited about this project. I think it's going to be great. We will take care of the traffic mitigate. And I think as we saw with the Applicant and his willingness to adapt tonight, I feel confident that if issues arise that maybe we didn't anticipate in this Board meeting that we can have a productive conversation to address them. And I do look forward to collaborating with you on the walkability and safety issues that we have planned for North
Avenue and that maybe you can help us bring them to fruition. So with all of that, and I think the Applicant's willingness to work with us tonight, I also will support this application.

CHAIRMAN ASH: Thank you. Anyone else? Okay. Thank you for the testimony this evening. Thank you, everyone, in the public who had questions and comments that the Board has taken under advisement. I think the Applicant is presenting an attractive project that complies with our affordable housing overlay. It will provide the inclusionary affordable housing that the town committed to in its settlement with Fair Share Housing. And I think the flexibility that the Applicant demonstrated when the life safety issues were identified, as well as planning concerns with the front setback. That's appreciated by the Board. I would move to approve the project. I would include as conditions of that approval compliance with the memo from town planner, Don Sammet, in his March 29, 2022 memo. As well as compliance with the memorandum of David Battaglia, town engineer, in his memo April 4, 2022. Specifically, a requirement to conduct a sanitary sewer flow metering both
upstream and downstream of the site for a minimum of 30 days was agreed to. I would also move to approve the application with the two variances identified in the application, and a third variance for the front setback to be 25-feet instead of 40-feet as agreed to by the Applicant this evening. Any other conditions?

MR. TREMBULAK: I have a couple that I think probably should be added based upon what was discussed. I think the Applicant needs to submit revised plans showing the 25-foot front-yard setback, along with the 35-foot aisle width in the rear of the building. And also showing no more than 90% lot coverage, also with the pavers in the front of the building as was represented.

CHAIRMAN ASH: And that will be reviewed by the Site Committee.

MR. TREMBULAK: Yes. I should have said that. It will be reviewed by the Site Plan Sub-Committee. That an NFPA-13 sprinkler system will be installed throughout the entire building. Obviously, DOT access permit and any other required governmental approvals. And a couple of additional ones that were referenced in Don's
report and agreed to by the Applicant. Namely, additional landscaping to be provided to screen the surface parking area from North Avenue.

Installation of the striped crosswalk between the westerly parking area and the front of the building. Limitations on the use of the rooftop space: Limited to residents and visitors, no TVs or video equipment, no cooking equipment, no live music or entertainment. And then lastly, I believe that the Applicant will provide additional water sources, which I assume will be subject to approval by the fire department.

MR. SAMMET: I believe also on the rooftop the Applicant has stipulated the roof deck will only be utilized between 7:00 a.m. and 11:00 p.m. I think I heard that correctly.

MS. FREEDMAN: And that NFPA-13, it was sprinklers or more than sprinklers? I got the impression it was broader than that.

MS. HARRISON: I think it's compliance with that fire rating.

MR. DUELKS: Yeah. It's the sprinklers, they're going to sprinkle their entire building in areas that were originally not sprinklered in the first place in different
directions. And then the water source we're requesting is basically an additional FDC in front of the building that gets supplied standpipes in the basement of the parking deck. Additional standpipes --

MS. FREEDMAN: Do we need to say that or it's assumed?

MR. DUELKS: -- for the water supply.

MR. TREMBULAK: Say?

MS. FREEDMAN: The details about this standpipe. You mentioned about --

MR. DUELKS: It will be inspected by the fire official and the fire inspector --

MS. FREEDMAN: Oh, okay.

MR. DUELKS: -- on the site plan review when we go out there.

MS. HARRISON: Excuse me. You had said a 30-foot right-of-way in the back of the building, but we discussed 15.

MR. TREMBULAK: The aisle would be increased -- I thought the Applicant had represented that there'd be a 30-foot wide aisle in the rear of the building.

MS. CURLEY: Yes. So that it's a
bigger space for a truck. It goes from 24 to 30.

MR. TREMBULAK: And they'll

obviously be additional landscaping in the rear of
the building.

MS. CURLEY: Yes.

MR. TREMBULAK: But they'll have to

be a minimum 30-foot aisle width as represented
and as long as that doesn't cause an increase in
impervious coverage to exceed the 90% limitation.

MS. CURLEY: Yup.

MR. DUELKS: And a major reason

because of that to explain to the Board and
everything is an aerial truck doesn't just set up
the way it is. It has outriggers that have to be
placed out. So when you put two outriggers out
8-feet/8-feet, now you're starting with your
original 10-feet, now you're at that 24-foot limit
were at. Now we have 30-feet, so we can actually
set up outriggers to extend an aerial ladder. So
that gives us the room in the rear for the purpose
of the extra space in the back.

MS. CURLEY: So just in the rear,

we're going to make it from 24 to 30.

CHAIRMAN ASH: That's my motion. Do

we have a second?
MR. LAPLACE: Second.

CHAIRMAN ASH: Roll call, please.

MR. SAMMET: Chairman Ash.

CHAIRMAN ASH: Yes.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Yes.

MR. SAMMET: Councilman Dardia.

MR. DARDIA: Yes.

MR. SAMMET: Deputy Chief Duelks.

MR. DUELKS: Yes.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Yes.

MR. SAMMET: Ms. Jansveld.

MS. JANSVELD: Yes.

MR. SAMMET: Mr. LaPlace.

MR. LAPLACE: Yes.

MR. SAMMET: Ms. Carreras.

MS. CARRERAS: Yes.

MR. SAMMET: And Ms. Freedman.

MS. FREEDMAN: Yes.

MR. SAMMET: It's approved.

MAYOR BRINDLE: Very nice job.

MS. CURLEY: Thank you very much.

CHAIRMAN ASH: And with no other business of the Board, we are adjourned.
(The meeting was adjourned at 11:00 p.m.)