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(1) CHAIRPERSON VILLAGGIO This
(2) application is 484 Fourth Avenue. Case PB14-01.

(3) Mr. Hehl.

(4) MR. HEHL: Yes. Good evening.
(5) Stephen Hehl with the firm of Hehl and Hehl
(6) representing the Applicants, Sandro and Angela
(7) Villaruat.

(8) CHAIRPERSON VILLAGGIO Mr. Hehl,
(9) one second.

(10) MR. FRASER: Mr. Hehl, one
(11) second. We have a recusal at the outset.

(12) BOARD MEMBER CUCCARO I'll be
(13) recusing myself. I'm within 200 feet of the property.

(14) CHAIRPERSON VILLAGGIO Let the
(15) record reflect that.

(16) MR. HEHL: Appreciate that. We
(17) are here this evening for a multi-family project
(18) consisting of nine town homes on the property that I
(19) just mentioned over on Fourth Avenue. We are here on
(20) a bifurcated basis - and, Counsel, if you need to
(21) explain it more - essentially, what we're doing is
(22) we're looking for approval of the use and several of
(23) the variances associated with the application and then
(24) we would come back before the Board for site plan
(25) approval for more details with respect to layout and

(1) the like, so. And we're permitted to do that under
(2) the Municipal Land Use Law and that's how we would
(3) like to proceed before this Board.

(4) The variances that we are seeking are
(5) for the use because it's in a single-family zone and
(6) we are seeking multi-family residential and we also
(7) need a density variance and a height variance and,
(8) also, a floor area ratio, but we'll have our
(9) professionals, and in particular our professional
(10) planner, address those.

(11) The site does meet the requirements
(12) under the RSIS, which is the Residential Site
(13) Improvement Standard, but we do have adequate onsite
(14) parking. We have received the various departmental
(15) comments and we'll be able to address all of those.

(16) What I do plan to do this evening is to
(17) call upon our site engineer first to explain the
(18) layout and any plan that was submitted and then we
(19) would move onto our traffic engineer to explain the
(20) traffic and there was a traffic impact study and then
(21) move onto our architect and then our professional
(22) planner.

(23) There are proposed to have four
(24) three-bedroom units and five two-bedroom units as part
(25) of the application. As I mentioned, we would then

(1) come back for site plan approval. And in discussions
(2) with my clients, they also would be willing to commit
(3) to make this a 55 and over community; age-restricted,
(4) 55 and over.

(5) So that's an overview of the
(6) application. If there are no preliminary questions
(7) from the Board, I would like to then call upon Thomas
(8) J. Quinn who is our professional engineer to explain
(9) the plan and we'll go through and mark each of the
(10) exhibits. We're going to be relying mainly upon what
(11) we submitted to the Board in connection with the
(12) application, but we do have some mounted exhibits that
(13) we'd like to mark as we proceed.

(14)

(15) T H O M A S J. Q U I N N, PE, CME, with offices at
(16) 328 Park Avenue, Scotch Plains, New Jersey, being
first duly sworn, testified as follows:

(17) MR. FRASER: Please state and
(18) spell your name.

(19) THE WITNESS: Sure. Thomas J.
(20) Quinn, Q-U-I-N-N.

(21) MR. FRASER: Your address.

(22) THE WITNESS: Business address,
(23) 328 Park Avenue, Scotch Plains, New Jersey.

(24)

(25) DIRECT EXAMINATION BY MR. HEHL:

(1) Q. Now, Mr. Quinn, if you could please give
(2) the Board the benefit of your work experience, your
(3) area of expertise, whether you've testified before
(4) this or other Boards and been accepted as an expert in
(5) that field.

(6) A. Certainly. I'm a 1993 graduate of NJIT.
(7) Been a professional engineer in the State of New
(8) Jersey since 1997. I have served as Board Engineer
(9) for probably seven or eight Boards over the course of
(10) that time and now I only serve one Board doing mostly
(11) design work.

(12) I have been qualified through numerous
(13) Boards in this area, to name a few: Westfield, not
(14) Garwood yet, Cranford, Union, Hillside, Newark,
(15) Elizabeth, just to mention a few. I've testified
(16) before dozens and dozens of Boards in Union County
(17) alone.

(18) MR. FRASER:Your licenses are
(19) all current, Mr. Quinn.

(20) THE WITNESS:Yes, sir.

(21) MR. FRASERAnd solely in the
(22) field of engineering?

(23) THE WITNESS:That's correct.

(24) MR. FRASER:Madam Chairperson, I
(25) recommend Mr. Quinn be accepted as an expert by the

(1) Board in the field of professional engineering.

(2) CHAIRPERSON VILLAGGIO Okay.

(3) THE WITNESS: Thank you.

(4) MR. HEHL: Thank you very much.

(5)

(6) BY MR. HEHL:

(7) Q. Mr. Quinn, you've heard my opening
(8) statement. If you can give the Board an overview of
(9) the existing conditions and surrounding area and then
(10) we can move onto what's proposed by way of site
(11) improvements.

(12) A. Sure. Before I do that, I would make
(13) reference to the exhibits I've brought with me. The
(14) exhibits on the left really is a -- that's the set of
(15) plans that the Board has received. I don't believe,
(16) unless the attorney would like me to, that they
(17) require marking.

(18) The exhibit on the right is a colored
(19) rendering of the site plan which is one of the sheets
(20) in your plan set. Since that's been rendered I
(21) probably should color, it's already been colored, I
(22) should mark it.

(23) MR. FRASER: The colored
(24) rendering put A-1 with today's date.

(25) THE WITNESS: Yes, sir.

(1) (Colored rendering is received
(2) and marked A-1 for identification.)

(3) A. So the subject of the application for the
(4) record is Lot ten, Block 102. It's about a 45,000
(5) square foot lot which is slightly over one acre
(6) located in the RA single-family zone. It's currently
(7) developed by the Five Star Catering business that you
(8) may know located very near the road. It contains a
(9) small parking lot associated with it, access off
(10) Fourth Avenue very close to the Walnut Street
(11) intersection.

(12) The front or the southerly third closest
(13) of the property to Fourth Avenue is cleared out, the
(14) remaining two-thirds of the lot are largely wooded.
(15) The site contains a couple of other constraints:
(16) Besides the fact that it's long and narrow, rather
(17) challenging to develop, there is a portion of the
(18) Rahway River known as the Gallows Hill Road branch
(19) that cuts to the extreme northern corner of the
(20) property, it carries a small floodplain with it.

(21) There are also wetlands that have been
(22) delineated on this property by virtue of a previous
(23) application that will also be carried with this
(24) particular application. So due to the narrowness of
(25) the northern portion of the lot as well as some of the

(1) environmental constraints that I had just indicated,
(2) development is precluded from that northern-third
(3) roughly of that lot. And you can see that on our
(4) proposed rendering whereby the buildings are in a
(5) yellowish color, the pavement in the gray color and
(6) the green area represents the undeveloped or wooded,
(7) grassed area. And you can see roughly the rear
(8) one-third of the portion, the triangle portion of that
(9) lot, needs to remain undeveloped because of the
(10) regulated areas and, also, because of the shape of the
(11) property.

(12) We also, as you probably know, the
(13) property sits adjacent to the Brookside detention
(14) basin which is a regional basin that's actually
(15) located in Cranford. This property borders Cranford
(16) along the easterly property line. It also touches
(17) upon Westfield Township in the extreme northern
(18) portion of the property.

(19) Okay. In the proposed condition, as you
(20) heard, the Applicant's proposing nine three-story
(21) townhouses. They're all accessed via a single 24-foot
(22) wide driveway located off Fourth Avenue in the
(23) position you see there located relatively close to the
(24) Walnut Street intersection. Each unit comprises two
(25) garage spaces and, also, has room in the front of the

(1) unit for two spaces to park in front of the garage.
(2) So effectively there are four stalls available for
(3) each one of the units.

(4) There are also five additional parking
(5) stalls located on the easterly side of that parking
(6) lot essentially for visitors. There's also a refuse
(7) area located along that same curblin adjacent to
(8) those parking stalls and we have a striped turnaround
(9) area also adjacent to those stalls and that's meant to
(10) provide a means for garbage vehicles or larger
(11) vehicles that will be coming on the site. We modeled
(12) the garbage truck so that they can pull in, turn
(13) around and pull out of the site headfirst rather than
(14) backing into the site because the site is not on a
(15) straight unfettered road, it is on a bit of a
(16) curvilinear road. So we're trying to maximum site
(17) distance and safety and we certainly don't want
(18) vehicles backing out at this location which is kind of
(19) currently the way the site occupies now or is
(20) organized now.

(21) We have -- there's actually a fair
(22) amount of detail associated with this even though
(23) we're a bifurcated application, which means you're not
(24) voting on the site. Often times we find it difficult
(25) for Boards to make a decision about a use without

(1) seeing the site and, you know, seeing as much of the
(2) site as we can commit to. Even though I have not run
(3) the numbers for lighting and for drainage and such,
(4) the components that you see on the site plan are the
(5) components that the actual site plan will contain if
(6) this application moves forward. So there's a lot of
(7) detail here that you're seeing so that it helps you
(8) form an opinion about the use.

(9) We have all utilities that will be run
(10) from the existing utilities services provided on
(11) Fourth Avenue so there won't be any new utilities run,
(12) just new services. And as you heard the attorney
(13) indicate, we have some relief required from the
(14) ordinance. We have the use. We have the height
(15) whereby 30 feet is permitted, where currently
(16) proposing 36 feet the maximum height for the units.
(17) The maximum floor area we propose is about 20,000
(18) square feet whereas 3500 square feet is what would be
(19) max'd out for the single-family dwelling zone. We've
(20) also got a density, just barely a density issue
(21) whereby the ordinance requires no more than nine use
(22) per ache. We're at just under that. This property
(23) could contain between eight and nine acres so there
(24) will be a density variance as well.

(25) Those are, yeah, without getting into

(1) too much detail because the site has only been sort of
(2) conceptually designed, those are the highlights of the
(3) development plan and I'll gladly walk you through any
(4) additional detail you need or questions you may have
(5) without having me drone on about the site.

(6) Q. And, Mr. Quinn, we realize that we do
(7) have our professional planner to address the variances
(8) in more detail, but in your opinion, as an engineer,
(9) can the site accommodate the proposed development?

(10) A. Yes, sir.

(11) Q. Thank you.

(12) MR. HEHL:I have no further
(13) questions at this time of Mr. Quinn. Certainly, he
(14) will be available for various questions from the Board
(15) and the public after our other witnesses have
(16) testified.

(17) CHAIRPERSON VILLAGGIO Okay.
(18) Does any member of the Board have any questions for
(19) the engineer?

(20) BOARD MEMBER HAK:I have just
(21) one. You know, talking about, we just went through a
(22) lot of questions with the new building on South
(23) Avenue, is the site going to be maintained by the, you
(24) know, the original owners for snowplowing and things
(25) of that, things of that nature, you know, pruning and

(1) trees and things of that.

(2) THE WITNESS:I can let the
(3) Applicant address that. My understanding is that
(4) these are going to be for sale units so there may be
(5) an association developed as part of this that will
(6) maintain the common grounds.

(7) MR. HEHL:That's what is
(8) envisioned. It would be for sale, owned, with an
(9) association to deal with, maintenance, and with things
(10) such as garbage collection and the like.

(11) BOARD MEMBER HAK:I think we all
(12) know what we've gone through in the past, that's
(13) something that needs to be addressed.

(14) MR. VINEGRA:Actually, for these
(15) type of developments, I think it's over six units, has
(16) to abide by state law for a homeowners association so
(17) they would have to file with the state for an approved
(18) homeowners association. Under a certain amount of
(19) units you can draft it yourself, over a certain amount
(20) of units it has to be state-mandated homeowners
(21) association.

(22) Also, this would be, the way it's
(23) designed, it would have to remain private. It does
(24) not comply with our municipal standards for a roadway.
(25) So this driveway and parking area could not be turned

(1) over to the municipality, it would have to remain
(2) private.

(3) BOARD MEMBER HAK:The garbage
(4) would have to be brought out for that unit?

(5) MR. VINEGRA:It could be put our
(6) or picked up privately. That can be discussed at the
(7) site plan.

(8) BOARD MEMBER HAK:I don't mean
(9) to jump ahead, I'm sorry, it's just that we went
(10) through so many --

(11) MR. FRASER:No, the question is
(12) completely proper.

(13) MR. VINEGRA:This Board has the
(14) authority this application to have private trash
(15) pickup. They have to do private snow removal.

(16) CHAIRPERSON VILLAGGIO:Are we
(17) going to have Mr. Villaruat as one of your witnesses?

(18) MR. HEHL:We weren't planning on
(19) it, but certainly if there's a particular question --

(20) CHAIRPERSON VILLAGGIO:Because
(21) of the questions that may or may not be asked.

(22) MR. HEHL:But I can represent at
(23) this time, on behalf of the Applicant, that it is
(24) proposed to be, again, a for sale product with a
(25) private trash removal. There is a trash area

(1) designated on the plan so it wouldn't be brought out
(2) on to the street, it would go to that trash area and
(3) there would be snow removal done as far as the
(4) association.

(5) CHAIRPERSON VILLAGGIO: So you
(6) have answered the questions.

(7) MR. FRASER: And there will be a
(8) homeowners association, Mr. Hehl?

(9) MR. HEHL: Correct.

(10) BOARD MEMBER MacINDOE: I just
(11) want to get it straight in my mind. Homeowners
(12) associations are mandated for town homes as well as
(13) condo associations?

(14) MR. VINEGRA: Yes, an undersized
(15) roadway. Because this property, the homes, will not
(16) be fronting on an approved roadway, they have to be
(17) part of an association, because this is, the driveway,
(18) will not be an approved roadway the way its designed.

(19) MR. FRASER: Mr. Quinn, can you
(20) briefly, have you had a chance to review Mr.
(21) Underhill, the police chief's letter?

(22) THE WITNESS: Yes. I think the
(23) traffic consultant was going to opine on this in
(24) greater detail.

(25) MR. VINEGRA: Okay.

(1) THE WITNESS:But I have seen it.

(2) MR. VINEGRA:So it will be
(3) addressed by the traffic consultant?

(4) THE WITNESS:Yes, sir.

(5) MR. VINEGRA:How about the fire
(6) subcode official.

(7) CHAIRPERSON VILLAGGIO:Fire
(8) chief.

(9) MR. VINEGRA:The fire chief.

(10) THE WITNESS:I'm looking at it
(11) now.

(12) MR. VINEGRA:Nothing major.

(13) THE WITNESS:Truck signage, fire
(14) department connection, that shouldn't be a problem.

(15) MR. HEHL:I think most of the
(16) that will be addressed by our, the architect.

(17) THE WITNESS:Yeah, and this
(18) doesn't seem to be any issue. This is typical of
(19) multi-family units.

(20) MR. VINEGRA:Okay.

(21) MR. FRASER:So the architect
(22) will address the fire and Mr. Staigar will address the
(23) police?

(24) THE WITNESS:Correct.

(25) BOARD MEMBER JANNOTTI:You

(1) mentioned quickly this would be 55 and over
(2) restricted?

(3) THE WITNESS:That's my
(4) understanding, yes, sir.

(5) CHAIRPERSON VILLAGGIODoes any
(6) other member of the Board have any questions for this
(7) witness? Seeing none. Any member of the audience
(8) have any questions for this witness?

(9) MR. CORBIN:I have one question.

(10) CHAIRPERSON VILLAGGIOWill you
(11) please stand and state your name and address.

(12) MR. CORBIN:My name is Horace
(13) Corbin, 430 Union Street.

(14) MR. FRASER:Mr. Corbin, for the
(15) benefit of the Court Reporter, would you please spell
(16) your last name.

(17) MR. CORBIN:CORBIN. And Horace,
(18) HORACE.

(19) MR. FRASER:Go ahead, Mr.
(20) Corbin.

(21) MR. CORBIN:Okay. It's very
(22) difficult to view that property from the Fourth Avenue
(23) perspective looking back toward the creek towards
(24) Westfield.

(25) THE WITNESS:Okay.

(1) MR. CORBIN:You show the trees
(2) there in green -- have you been to the property?

(3) THE WITNESS:Yes, sir, I have.

(4) MR. CORBIN:And those trees
(5) exist?

(6) THE WITNESS:Yes, to the rear of
(7) the property, the one's shown in the triangle, yes,
(8) sir.

(9) MR. CORBIN:So all the other
(10) property which is adjacent which is 490 that goes
(11) straight back --

(12) THE WITNESS:On the right
(13) side?

(14) MR. CORBIN:490 is upper as you
(15) look at the plan.

(16) THE WITNESS:Oh, okay. Towards
(17) the west side of the property.

(18) MR. CORBIN:Correct. So none of
(19) those trees are on that 490 property?

(20) THE WITNESS:That's correct.

(21) MR. CORBIN:In your site plans I
(22) also notice that you show the wetlands on the 490
(23) property.

(24) THE WITNESS:Yeah, that was
(25) inherited by us, we did not do the wetlands

(1) delineation. The base mapping for this project, the
(2) survey base mapping that we utilized came from another
(3) project that was approved by this Board in 2011. It
(4) was the base map at that time for another subdivision
(5) that was being sought.

(6) MR. CORBIN:That eventually was
(7) withdrawn or did not go through.

(8) THE WITNESS:Yes. But those
(9) environmentally-regulated areas were identified at
(10) that time by that engineer.

(11) MR. CORBIN:When you show them
(12) on your drawings, you don't claim any inheritance --

(13) THE WITNESS:Ownership for them,
(14) yes.

(15) MR. CORBIN:Thank you.

(16) CHAIRPERSON VILLAGGIOIs there
(17) any other member of the public? Sir.

(18) MR. UZARSKI:Yes. My name is
(19) John Uzarski, U-Z-A-R-S-K-I. I'm a resident of 415
(20) Union Street. And my concern was detail of the
(21) traffic study, is that going to be discussed in
(22) detail?

(23) CHAIRPERSON VILLAGGIOThere's
(24) going to be testimony regarding that later.

(25) MR. HEHL:Yeah, that actually,

(1) Mr. Uzarski, will be our next witness.

(2) MR. UZARSKI:Okay.

(3) CHAIRPERSON VILLAGGIO Anybody
(4) else?

(5) MR. DOUGERT:Dave Dougert, 309
(6) Walnut. D-O-U-G-E-R-T.

(7) Looking at the plans there in the
(8) parking and design layout, is this going to be what
(9) it's going to look like?

(10) THE WITNESS:I don't know why it
(11) would change.

(12) MR. DOUGERT:Is there any
(13) handicap parking spaces there for anybody 55 and older
(14) who may need handicap including in this design if they
(15) want to live there.

(16) THE WITNESS:Actually, we did
(17) not contemplate handicap stalls for visitors. The
(18) architect may discuss how accessibility is provided by
(19) some of these units, but in terms of the site parking,
(20) he did not design it for accessible visitors.

(21) MR. DOUGERT:Okay.

(22) MR. HEHL:But I will say that
(23) and we will be back for the site plan portion, that we
(24) need to comply with ADA and it certainly would be both
(25) the buildings if required and the lot and parking and

(1) the like.

(2) MR. DOUGERT:Okay.

(3) CHAIRPERSON VILLAGGIO Any other
(4) member of the public? Seeing none, that portion is
(5) now closed.

(6) MR. FRASER:Your next witness,
(7) Mr. Hehl.

(8) MR. HEHL:Yes. I'd like to call
(9) upon Mr. Joseph Staigar. Thank you, Mr. Quinn.

(10) (Witness excused.)

(11)

(12) J O S E P H J. S T A I G A R, being first duly
sworn, testified as follows:

(13) MR. FRASER:Please state and
(14) spell your name for the record and give your address.

(15) THE WITNESS:Yes. My name is
(16) Joseph Staigar, S-T-A-I-G-A-R.

(17) MR. FRASER:And Mr. Staigar will
(18) be undoubtedly providing testimony as an expert in the
(19) field of traffic engineering; is that correct, Mr.
(20) Hehl?

(21) MR. HEHL:Yes, that is correct.

(22) MR. FRASER:And, Mr. Staigar,
(23) your licenses are all still current, I assume?

(24) THE WITNESS:Yes, they are.

(25) Professional engineer's license in the State of New

(1) Jersey.

(2) MR. FRASER:Mr. Staigar's
(3) credentials are painfully familiar to all of us and I
(4) recommend that he be accepted as an expert in the
(5) field of traffic engineering.

(6) THE WITNESS:Thank you.

(7) MR. HEHL:Thank you very much.

(8)

(9) DIRECT EXAMINATION BY MR. HEHL:

(10) Q. Mr. Staigar, again, you've heard the
(11) testimony so far of Mr. Quinn and my opening statement
(12) and you did prepare a traffic impact study. If you
(13) could please provide to the Board and the public a
(14) general overview of your findings and then, also,
(15) please discuss the report that was issued by the
(16) police department.

(17) A. Yes. We prepared a traffic impact study.
(18) It is an evaluation of what the potential impacts
(19) would be on traffic conditions by the proposal. It's
(20) broken down into three parts: The first part is we
(21) analyze existing conditions; we go out and take
(22) traffic counts and measure roadway widths and turning
(23) lanes and so forth. We take an inventory of existing
(24) conditions.

(25) The second part is the projection of how

(1) much traffic the proposal would generate and
(2) superimpose that onto the existing conditions to
(3) determine what the impacts may be. And than the last
(4) part being evaluation of the site plan in terms of
(5) ingress and egress, internal circulation and parking.
(6) First part was we went out we went out in this past
(7) January on Thursday the 16th and Thursday the 23rd to
(8) take traffic counts. We took traffic counts at the
(9) obvious intersection of Fourth Avenue and Walnut
(10) Street between the typical peak hours of roadway; 7 to
(11) 9 a.m., 4 to 6 p.m. which are the peak hours of a
(12) residential use as well. We found out that the peak
(13) hours occur between 8 and 9 a.m. and actually 4:45 to
(14) 5:45 p.m. When we take counts, we take them in 15
(15) minute increments over the two hours in the a.m. and
(16) two hours in the p.m. and the four consecutive 15
(17) minute period give us our absolute peak hour during
(18) that two-hour time period.

(19) Across the site on Fourth Avenue traffic
(20) volumes, two-way volumes give the Board a magnitude of
(21) volume of 400 vehicles per hour in both directions;
(22) that's two-way volume during the a.m. peak hour and
(23) during the p.m. peak hour a little bit heavier at
(24) about 500 vehicles per hour. Now on average those
(25) numbers are one vehicle every nine seconds in either

(1) direction. There are 3600 seconds in an hour and if
(2) you have 400 vehicles per hour traveling either north
(3) or south on Fourth, that equates of an average of
(4) about one vehicle every nine seconds, again, to give
(5) the Board a perception of order of magnitude of the
(6) type of volume that we're dealing with on the
(7) roadways.

(8) The intersection of Walnut and Fourth
(9) Avenue operates at a good level. It's a level of
(10) service. We have level service A for the left turn
(11) from Fourth traveling southbound onto Walnut and we
(12) have Walnut operating at B in the morning and C in the
(13) evening peak hour.

(14) Now the Board has heard me as well as
(15) other traffic engineers talk about levels of service
(16) and maybe the public not so familiar with it, but
(17) levels of service deal with the operational conditions
(18) of a roadway network or an entity of the roadway
(19) whether it's an intersection or a freeway, ramp or any
(20) type of element of a roadway. And in this case we
(21) have an unsignalized intersection that's controlled by
(22) a stop sign. Traffic on Walnut needs to stop in order
(23) to make a left or a right turn, wait for a gap in
(24) traffic on Fourth Avenue. In order to make the left
(25) turn traveling southbound on Fourth you have to wait

(1) for a gap in traffic traveling northbound. And that
(2) all takes time and that's a function of what the
(3) volume of traffic is on those roadways and it's
(4) modeled, there's a computer model of the intersection
(5) and what we can analyze and determine is what the
(6) average delay is in making those movements either
(7) rights or lefts. And we categorize the delays into
(8) levels of service just like in grade school A through
(9) F, A being the best condition, minimal delay. F being
(10) congestive, worse condition, with long delays. And we
(11) are in that upper range of A through C at this
(12) intersection telling us that it operates at good
(13) levels of service. These are all very acceptable
(14) levels of service for peak hour conditions.

(15) And, again, to relate it to delay such
(16) as calculated delays of zero to ten seconds as level
(17) of service A, ten to 20 is B and so forth. And we're
(18) in that, as I said, A to B -- A to C range.

(19) The next aspect of the study was to
(20) analyze and project how much traffic these nine
(21) townhouses will generate. Townhouses -- well, in
(22) order to establish that what we utilize is the
(23) Institute of Transportation Engineers - the ITE is the
(24) acronym - trip generation manual and this the bible in
(25) trip traffic engineering that the DOT uses, that your

(1) county engineer and even your borough engineer
(2) utilizes in determining what the trip generation would
(3) be for various land uses. One of the land uses that
(4) is study quite extensively by the ITE there are
(5) townhouse units. Nine townhouse units during the peak
(6) hour, just that one hour in the morning, the peak
(7) hour, will generate four trips in the morning peak
(8) hour and five trips in the evening peak hour.

(9) The question I'm always asked is, well,
(10) how does nine townhouses only generate four trips in
(11) the morning, well, that's just an hourly volume.
(12) Residents leave their home anywhere from say 5:30 in
(13) the morning until 9:30 or ten o'clock in the morning
(14) in order to commute at the reverse over a two or
(15) three-hour period as well. So people work at
(16) different locations, they start at different times,
(17) they have different times of commutation as well. So
(18) their start and stop times in these nine units will be
(19) varied throughout those time periods. Statistically,
(20) those numbers come out for nine townhouses four in the
(21) morning, five trips in the evening peak hours.

(22) Now what I did not -- and those are the
(23) numbers I included in my report which, again, relate
(24) to good levels of service. When I superimpose that
(25) relatively low volume of traffic onto the roadway

(1) network, we still operate in that same realm of level
(2) of service, A through C. The application, as I
(3) understand it, is now changed to an age-restricted of
(4) 55 and older development which is a lessor intensity
(5) than a non age-restricted. We, our firm, has studied
(6) this pretty extensively existing 55 and older
(7) developments in northeast Jersey, particularly in
(8) Union County as well, and what we find is that the
(9) trip generation intensity is about one half for
(10) age-restricted from non age-restricted. And I get the
(11) same kind of question, also, is, hey, 55 years, that's
(12) a young age, people are still working at that age.
(13) Well, these are 55 and older; some may be retired,
(14) some may not be retired. And what we find is that the
(15) daily volume certainly may remain the same, meaning
(16) the 24-hour volume for age-restricted units versus non
(17) age-restricted units, but they're not particularly
(18) working that nine to five job or leaving, everybody
(19) leaving in the morning to drop their kids off at
(20) school or go to work and then the reverse flow in the
(21) evening, that it's more of a, I'll call it, a
(22) leisurely pace of exiting in the morning and returning
(23) back in the evenings so that the volumes are about
(24) half of what they are for non age-restricted. So that
(25) four trips per hour relates to about two trips per

(1) hour for age-restricted and the five trips relate,
(2) again, to about two to three trips per hour.

(3) I bring this out not that the magnitude
(4) makes much difference at all because we're still
(5) talking about very low volumes, but I understand that
(6) this parcel, this property has most recently been
(7) approved for a three single-family development and the
(8) single-family development trip generation is three,
(9) excuse me, one trip per unit per peak hour. So three
(10) single-family units generates three trips compared to
(11) the two to three trips that these nine age-restricted
(12) townhouses will generate. So the magnitude of traffic
(13) that will be generated by this site is very similar,
(14) if not identical, to a three single-family residential
(15) development in terms of trip generation.

(16) So the impacts, the point is that just
(17) by taking the shear numbers, finding that there is no
(18) impact, that the levels of service remain the same for
(19) existing and proposed conditions, but, also, making a
(20) comparison to an approved use on this property which
(21) generates the same amount of traffic than the nine
(22) townhouse age-restricted units would generate.

(23) The last part of the analysis was an
(24) evaluation of the site plan. As you heard from Mr.
(25) Quinn and Mr. Hehl, we are a bifurcated application.

(1) We don't have a fine-tuned or fully engineered site
(2) plan, but the elements of the layout are certainly
(3) provided to the Board to get a clear understanding of
(4) where the driveway is going to be, how the driveway
(5) will operate, what the internal circulation will be as
(6) well as the parking.

(7) One of the key safety aspects that this
(8) proposal will have is that everyone will enter the
(9) site and exit the site will do it fronting in and
(10) fronting out. If the existing site, the catering
(11) facility has its driveways that unless there's no
(12) other cars parked or minimum cars parked in the
(13) parking lot that front up to the building, you have to
(14) backout onto Fourth Avenue in order to leave the site.
(15) The two single-family homes to the north of the site
(16) operate the same way; you front up into the driveway
(17) where the garages are on the two abutting or adjacent,
(18) northerly properties and you have to back out onto,
(19) onto Fourth Avenue. The key factor is that further
(20) north of the site there is a curve in the road such
(21) that those driveways, all three driveways, the two
(22) single-family homes and the existing catering facility
(23) very difficult to see. Now if you can imagine trying
(24) to -- if a vehicle traveling on Fourth Avenue has
(25) difficulty seeing you, certainly if you're trying to

(1) backout of those driveways, you can't see those
(2) vehicles on Fourth Avenue. That situation will be
(3) eliminated by the reorganization of the site so that
(4) the driveway operates as a front in and a front out.

(5) There is about 150 feet of site
(6) visibility as one tries to leave the proposed site
(7) looking to their left into the curve. There is 150
(8) feet which relates to a speed limit of 25 miles per
(9) hour. The stopping site distance for 25 miles an hour
(10) is 150 feet so there is adequate site distance at this
(11) driveway. The regulating factor here is that while
(12) the curvature of the road impedes or impairs I should
(13) say, impairs site visibility further to the south, it
(14) also controls the speed of vehicles. That curve is a
(15) 150 foot radius, a centerline radius, which relates to
(16) 25 mile an hour maximum speed. If you travel at a
(17) higher speed than 25 miles per hour through that
(18) curve, you're going to feel very uncomfortable.
(19) You're going to feel like the car is going to want to
(20) slide off due to the centrifugal force and, therefore,
(21) you're going to slow down. So there is a controlling
(22) speed factor such that people traveling at 35 or 40
(23) miles an hour, although they might be inclined to
(24) speed through this intersection will not be able to
(25) because of that controlling factor through that speed.

(1) So the point I'm trying to make here is
(2) that while there is some impairment to site visibility
(3) due to the speed, and I understand there are hidden
(4) driveway signs prior to approaching this site, at our
(5) site, which is the third property into the curve, you
(6) have your two single-family homes and then the
(7) Applicant's property is the third property furthest
(8) from the intersection. There is a site visibility
(9) that matches the speed limit of the roadway such that
(10) it will operate safely.

(11) We will design, certainly they're in
(12) site plan, so that any vegetation within our sight
(13) that we can control will be trimmed and/or removed.
(14) Anything above say 30 inches will be removed. Any
(15) limbs that might be hanging over less than seven feet
(16) will be removed and within the right-of-way as well.
(17) Obviously, needing the township's permission within
(18) the right-of-way that the Applicant will be willing to
(19) remove or trim or whatever needs to be done that
(20) vegetation that impairs site visibility at the
(21) driveway. I believe there is some vegetation
(22) currently, not on the Applicant's property, but within
(23) the right-of-way that could be trimmed or removed to
(24) enhance site visibility.

(25) The site, as Mr. Quinn has pointed out,

(1) has been designed to accommodate service vehicles; the
(2) garbage truck that would come in say twice a week,
(3) fire apparatus and other emergencies as well would be
(4) able to utilize this site as well. A hook and ladder
(5) truck if it happens to come in would have to backout.
(6) But, again, it can front in and get to the emergency
(7) immediately, put out the fire that it needs to. After
(8) the fire is over, it would have to backout of the
(9) site, it wouldn't be able to turn around. But a
(10) pumper truck would be, just as a garbage truck would
(11) be and all other service vehicles that would be
(12) intended on the site.

(13) Adequate excess area for snow piling,
(14) pushing the snowplowing and pushing the snow to the
(15) rear or to the sides of the site so that there's no
(16) -- there's more than ample room to accommodate that
(17) which is somewhat, I would say, unusual in many
(18) multi-family developments that I've seen and have
(19) analyzed. Many times we've had to have the snow
(20) removed because there is no place to pile the snow,
(21) but this site certainly has that capability. That's
(22) primarily the traffic report.

(23) Q. Alright. And if you could now turn to
(24) the letter that was issued by Chief Bruce Underhill.

(25) A. Yes. And I'll go through the items. The

(1) first item talks about the blind curve traveling I
(2) would call it southbound on Fourth Avenue that there's
(3) two caution signs warning of hidden driveways and a
(4) school crossing at Walnut Streets. These signs shall
(5) be upgraded with flashing yellowing LED lights above
(6) and below the sign to provide maximum warning to
(7) approaching motorists. Well, we can handle that
(8) during site plan approval, but I think the key here is
(9) that we're fixing our driveway. The reason why there
(10) are hidden driveway signs there because the two
(11) single-family homes that are further to the north are
(12) closer to the or closer to the curve and that you have
(13) to backout of those driveways just as you have to
(14) backout of the existing site driveway. The existing
(15) catering driveway does not have sufficient site
(16) visibility for a driver backing out being able to see
(17) 150 feet down the road. We're fixing that, our
(18) situation, by providing a means to front out of that
(19) and so that the driver is forward of the vehicle and
(20) then able to see out of their left window in order to
(21) see ample time or ample time and distance on Fourth
(22) Avenue.

(23) So I would say that our proposal does
(24) not warrant the need for these signs to be enhanced.
(25) We're willing to pay for our fair share, if that's the

(1) case. I think our fair share would be a certain
(2) percentage, a proportionate number, but certainly
(3) we're not creating a hidden driveway or a school
(4) crossing concern, we're actually fixing that concern
(5) by revamping the driveway alignments.

(6) Number two deals with foliage being
(7) removed and to maximize site lines and we will be
(8) willing to do that. That's a yes for sure.

(9) Fourth Avenue talks about a fixed
(10) barricade opposite Walnut Street and that's probably a
(11) good idea. That would protect our, certainly our
(12) residents. The only concern that I have is that that
(13) barrier if it was to be a barricade would have to be
(14) out of what's called a clear zone of Walnut Avenue.
(15) When you put a barricade which what the intent is
(16) this: Someone traveling on Walnut Street, they don't
(17) see the stop sign and they just go barreling right
(18) through the intersection and into the property.
(19) That's a very unlikely situation that may happen. And
(20) if you put a barricade along Fourth Avenue to stop
(21) that vehicle, it also becomes an obstacle for people
(22) on Fourth Avenue as well. If there was ever a driver
(23) that came off the road and was able to recover;
(24) travel, come off the road on Fourth Avenue for
(25) whatever reason and then able to recover to get back

(1) on Fourth Avenue, that's what we call the clear zone
(2) and there's a way of defining what that clear zone is
(3) based on ASHTO and other means. So that barricade
(4) would have to be out of the clear zone in order to be
(5) safe or we can do it with just signage which I think
(6) the officer or the police chief alluded to as well.
(7) Again, I think it's something we can work out during
(8) site plan, but something that we would certainly
(9) entertain.

(10) The fourth one deals with a flashing
(11) light at the intersection of Walnut and Fourth and,
(12) typically, you don't see blinker lights at a T
(13) intersection because it's obvious. The Fourth Avenue
(14) would have the yellow as it has now the right-of-way
(15) and the red light, blinking light, would control
(16) Walnut Street. But it's obvious Walnut Street being
(17) the stem of the T intersection, it's an obvious feel
(18) that I need to stop at that location. If we do put
(19) the signs opposite Walnut Street, warning signs that
(20) it is a stop condition, that may help causing those
(21) people to stop or creating a condition that would have
(22) them stop. But, again, a flashing yellow light would
(23) not be warranted at this location.

(24) And then lastly, number five, again, I
(25) think the Chief kind of alludes to that it may not be

(1) feasible. If it's not feasible, a blinking stop sign
(2) northbound on Walnut Street replacing the current stop
(3) sign should be considered and this would control or
(4) reduce rolling stops. I don't think it would control
(5) or stop or reduce rolling stops if you put the
(6) flashing light there versus a non flashing light.
(7) Again, I don't think -- I don't think it's really
(8) relative to our application in terms of us having an
(9) impact on the operation of Walnut and Fourth Avenue,
(10) but, again, it's something we would entertain if there
(11) is a means or appropriate means to make things safer.
(12) But I think the fact that we are changing the geometry
(13) significantly of our driveway certainly makes the
(14) intersection much safer than what exists today.

(15) MR. HEHL: Thank you, Mr.
(16) Staigar. I have no further questions of Mr. Staigar
(17) at this time.

(18) MR. FRASER: So ultimately, Mr.
(19) Staigar, it's your opinion that there's into negative
(20) impact on traffic that would be created by this
(21) application, correct?

(22) THE WITNESS: That is correct.
(23) Actually, a positive impact by changing the driveway
(24) configuration.

(25) MR. FRASER: I agree with that,

(1) but I'm not even on that part yet.

(2) THE WITNESS:Okay.

(3) MR. FRASER:And, ultimately,
(4) you're saying at worse there's four or five additional
(5) cars per hour that get added to what's presently an
(6) acceptable level of service and it's not going to
(7) materially negatively impact that, correct?

(8) THE WITNESS:Yes. It won't
(9) degrade the levels of service.

(10) MR. FRASER:Degrade. Thank you.

(11) CHAIRPERSON VILLAGGIO:Does
(12) anybody else on the Board have any questions for this
(13) witness?

(14) BOARD MEMBER HAK:I have one
(15) question, just because I do pick up my child and it's
(16) kind of a crazy turn, would the people who are looking
(17) into this be willing to look into a flashing red light
(18) or flashing yellow light just to, you know, because it
(19) is kind of a crazy turn during peak hours with
(20) children it gets, I don't think it would be such a bad
(21) idea.

(22) THE WITNESS:Mm-hmm. No, I
(23) understand that. I think we would be willing to look
(24) at it. We're not unwilling to look at it, but.

(25) BOARD MEMBER HAK:That's my --

(1) you know, be open-minded.

(2) MR. VINEGRA:Mr. Hak, I think if
(3) they were to come back, if this Board would deem this
(4) affirmative and they would come back with a site plan,
(5) I would like to have a meeting with Bruce Underhill,
(6) myself and the developer's traffic engineer to, at a
(7) minimum, at a minimum, create a safe crossing at this
(8) location, painted, delineated and with handicap ramps
(9) on both sides of the street to give us a safer
(10) crossing over there with some warning signs. So I
(11) think that would be something that I would want to see
(12) there, too, I think you're right about that, because
(13) now you have nine units, people who may want to walk
(14) across the road to go to --

(15) BOARD MEMBER HAK:They may want
(16) to go across the street.

(17) MR. VINEGRA:- go to Shop Rite
(18) or to go elsewhere and we want a safe crossing over
(19) there. I think that's a good recommendation. I agree
(20) with you.

(21) CHAIRPERSON VILLAGGIO Mr.
(22) Paterson.

(23) BOARD MEMBER PATERSON A yield
(24) sign, would that be a reasonable sign to have coming
(25) up on the curve, it sounds like it's inappropriate.

(1) THE WITNESS:No, a yield sign is
(2) where you may have to come to a stop if someone else
(3) is in your way. So it's telling you you don't have to
(4) stop, but you have to yield to whoever. So, no, a
(5) yield sign would not be appropriate for Fourth Avenue.

(6) BOARD MEMBER PATERSON:
(7) Psychologically, though, at least make people think,
(8) right?

(9) THE WITNESS:No, confuse people,
(10) I think.

(11) CHAIRPERSON VILLAGGIO Only
(12) thing you would yield to over there are the deer.

(13) THE WITNESS:I think the hidden
(14) driveway, the purpose of the hidden driveway is that
(15) it may become an expected event as opposed to an
(16) unexpected event. What happens is as you're driving
(17) and all of a sudden a deer jumps in front of your car,
(18) your time to react from your eye to your brain to your
(19) foot takes longer than if you're sitting there waiting
(20) for a deer. So once you see that hidden driveway, it
(21) alerts you there may be somebody coming out of that
(22) driveway so that your reaction time -- you may slow
(23) down, that may be one thing, hey, there's a potential
(24) danger here, but your reaction time also decreases
(25) when you expect an event.

(1) BOARD MEMBER PATERSON Annually,
(2) the police do like an accident study per intersection,
(3) did you get ahold of that?

(4) THE WITNESS: No, we didn't, but
(5) I think based on Victor's point meeting with the
(6) police chief that would be one thing that we would
(7) look at. Two, if there is a series of events of
(8) accidents that are occurring that may have an ability
(9) to be rectified, then that's something that absolutely
(10) should be looked into.

(11) MR. VINEGRA: Bruce, we would
(12) look into that because you don't want to propose a
(13) crosswalk if we're having high frequencies of
(14) accidents, now you're just introducing more trouble.
(15) If the site distance isn't good coming off Fourth
(16) Avenue and you include a crosswalk, you could be
(17) jeopardizing the people stepping in the crosswalk. So
(18) we would have to look at that at the design phase and
(19) possibly do some signage warning people pedestrian
(20) crosswalk proceed, you know, slow down, and we would
(21) like into that at the design phase, not really at the
(22) zoning. We would look into that at the design phase.
(23) This is not the design phase.

(24) BOARD MEMBER PATERSON And we
(25) all basically come around that bend, but we turn on

(1) Walnut. But, anecdotically, I mean, you know, I
(2) listened to Mel Shay a lot back when he was a crossing
(3) guard there and it sounded like the people were going
(4) a lot crazier than 25 miles an hour.

(5) MR. VINEGRA:And the problem,
(6) too, if you introduced something new and someone has
(7) been driving that way for twenty years and they're not
(8) used to a crosswalk, that becomes an issue. So we
(9) would look into that if the Board so thought that we
(10) could go ahead as a townhouse development site . That
(11) would be looked into in the future. This is not a
(12) site plan application whatsoever.

(13) BOARD MEMBER PATERSONThis
(14) sounds like a crazy concept. This whole thing was
(15) like flipped and the driveway was then closer to
(16) Walnut.

(17) BOARD MEMBER VENA:Then you're
(18) creating an intersection.

(19) BOARD MEMBER PATERSONWell,
(20) wouldn't that be more advantageous because that's what
(21) you're trying to actually do is create an
(22) intersection, it's not an offset.

(23) MR. VINEGRA:This is not a
(24) municipal roadway. This is a conceptual. This is
(25) only conceptual, the layout. What we're really

(1) looking at is the amount of units and how we would
(2) particularly look in that area. We would look more
(3) into that. But if it was a roadway, yes, you want it
(4) aligned. This is a driveway with only nine units, so
(5) there's a big difference.

(6) BOARD MEMBER PATERSON Okay.

(7) Thank you very much.

(8) CHAIRPERSON VILLAGGIO Mr.

(9) McCarrick.

(10) BOARD MEMBER McCARRICK Mr.

(11) Staigar, is there any concern about a car making a
(12) left out of the proposed driveway at the same time a
(13) car is making a right off Walnut?

(14) THE WITNESS: No. They see one
(15) another and it's separated far enough.

(16) BOARD MEMBER McCARRICK By -- do
(17) you know the distance?

(18) THE WITNESS: I did measure that
(19) at one time.

(20) BOARD MEMBER McCARRICK It's
(21) about 30 feet?

(22) THE WITNESS: At least 30 feet.
(23) At least. From centerline to centerline, it's more
(24) like 50 feet. Let me get the right number for you.

(25) BOARD MEMBER McCARRICK The

(1) scale is one to 30.

(2) MR. FRASER:If the centerline is
(3) 50, it's edge to edge, it's probably close to 30,
(4) right?

(5) THE WITNESS:You're right.
(6) You're exactly right.

(7) MR. VINEGRA:It's actually about
(8) 50 feet from edge to edge. It's about 50 feet.

(9) MR. FRASER:You're saying
(10) centerline to centerline, though?

(11) MR. VINEGRA:No, edge to edge.

(12) BOARD MEMBER McCARRICKVictor,
(13) can you give me the southeast corner of Walnut to the
(14) western side --

(15) MR. VINEGRA:Again, it's not so
(16) much the distance. See, if you don't have it
(17) perfectly aligned, you want it offset as much as you
(18) can --

(19) BOARD MEMBER McCARRICKOkay.

(20) MR. VINEGRA:-- to permit a car,
(21) to see the other car stop and let it pull out. The
(22) biggest key is site distance. So when it comes to the
(23) design phase, I'd want to see this driveway have clear
(24) site distance with only low-growing shrubs, no trees,
(25) no barriers --

(1) BOARD MEMBER McCARRICK The
(2) distance on Walnut is not great either. That's
(3) rolling stops all the time.

(4) MR. VINEGRA: The problem is
(5) people roll through the stop sign and that's not --

(6) BOARD MEMBER HAK: You know,
(7) they're breaking the law when they do that.

(8) MR. VINEGRA: Right. But what we
(9) can do is possibly produce a crosswalk with a striped
(10) line earlier and maybe do a raised section, a raised
(11) crosswalk, but that, again, is something to be
(12) discussed --

(13) BOARD MEMBER McCARRICK At the
(14) next go around.

(15) MR. VINEGRA: -- at the next go
(16) around. If the Board doesn't so see fit tonight, all
(17) this discussion is moot because --

(18) BOARD MEMBER McCARRICK They
(19) brought their traffic expert here though, so.

(20) MR. VINEGRA: We're going to make
(21) him stay involved with the design throughout the
(22) project if this Board so sees that this housing fits
(23) in the neighborhood. So that's what we're looking at;
(24) do these types of housing units fit the neighborhood,
(25) we'll go into that.

(1) CHAIRPERSON VILLAGGIO Mr.
(2) Jannotti.

(3) BOARD MEMBER JANNOTTI I just
(4) have a question. On the dates, you did a study on the
(5) 16th and the 23rd, were they school days?

(6) THE WITNESS: Oh, yeah. Yes.

(7) MR. JANNOTTI: Because there was
(8) a lot of snow and things going on.

(9) THE WITNESS: We watch the
(10) weather as well and we watch the holidays and we watch
(11) the weather so we're not going to be out there in a
(12) snowstorm.

(13) MR. JANNOTTI: I assume that but
(14) I wanted to hear it from you.

(15) THE WITNESS: Good question.
(16) Other traffic engineers may do that, but not us.

(17) BOARD MEMBER McCARRICK You did
(18) not study during school hours, the p.m. time?

(19) THE WITNESS: No, we didn't, no.
(20) Typically what we always find is the commuter peak
(21) hours are always the highest, unless you're right next
(22) to a school or on a quiet street.

(23) BOARD MEMBER JANNOTTI You're a
(24) block away from it.

(25) THE WITNESS: Yeah, but you're on

(1) a, I wouldn't call it an arterial road, but you're on
(2) a commuter road.

(3) CHAIRPERSON VILLAGGIO Do any
(4) other members of the Board have any questions of this
(5) witness? Seeing none, I open it up to the public.
(6) Does anybody, does any member of the public have any
(7) questions for this witness?

(8) Sir, state your name and address.

(9) MR. UZARSKI:I'm John Uzarski.
(10) 415 Liberty Street, I'm on the corner.

(11) MR. FRASER:Could you please
(12) spell your last name.

(13) MR. UZARSKI:Sure.

(14) U-Z-A-R-S-K-I. Your study was very good. But did you
(15) study any impact when you're coming around from
(16) Cranford then the speed limit is 25, but most people
(17) don't go 25, how are they going to slow down and make
(18) that turn into the development, like was there any
(19) impact on that? And then the same, because this other
(20) gentleman had raised the question, when you come out,
(21) if you're going to come out of this new town home
(22) development, you're going to go to the left towards
(23) Cranford, you're dealing with Walnut Street, Fourth
(24) Street and Benson Place all at the same time. Was
(25) there a study on that?

(1) THE WITNESS:When you say a
(2) study on that, was the site distance -- the only thing
(3) I'm concerned about --

(4) MR. UZARSKI:I'm confused about
(5) that drawing. I know the gentleman said that's a
(6) rendering and I just don't understand -- I'd like to
(7) see where the driveway is, but that's coming around
(8) from the Cranford side, how are people going to slow
(9) down and make that sharp right into the development
(10) when people are going 35 miles an hour on the average?

(11) THE WITNESS:There's a curve in
(12) the road from the east.

(13) MR. UZARSKI:Yes.

(14) THE WITNESS:If Fourth Avenue is
(15) east west and you're saying how are people going to --

(16) MR. UZARSKI:If I may, if I may
(17) approach that. I live right over here, I walk my DOG
(18) here like three times a day, if you're coming from
(19) here 35 miles an hour and here's Walnut, I can't
(20) possibly imagine stopping going 35 and making a right.
(21) And then the worse part when someone is coming out
(22) like this and these people are turning right and the
(23) traffic continues to go this way, these people have
(24) two ways here and a third there so that's the only
(25) thing.

(1) MR. FRASER:We couldn't see any
(2) of that because the questionnaire was in the way. But
(3) I think the question is, Mr. Staigar, for the record,
(4) if people are coming in a westerly direction on Fourth
(5) Avenue, the question was expressly concerned about how
(6) those cars are going to have sufficient time to slow
(7) down and turn into the development, is that correct?
(8) That was the question?

(9) MR. UZARSKI:It takes me a good
(10) five minutes just to crossover when I want to walk
(11) towards the school with my dog just to wait for the
(12) traffic to stop.

(13) MR. FRASER:We're on questions
(14) so the question is how are they going to have enough
(15) time or are they going to have enough time to make a
(16) right-hand turn off of Fourth Avenue into the
(17) development?

(18) THE WITNESS:Yeah, I mean you
(19) know you're turning into that driveway, you're going
(20) to start to slow down. You're not going to be
(21) traveling at 35 miles an hour and then make a quick,
(22) sharp turn.

(23) MR. UZARSKI:You're not, but the
(24) people behind you are.

(25) THE WITNESS:They're not

(1) turning, they're watching you slow down. It's the
(2) same situation that any other driveway along Fourth
(3) Avenue or any other driveway throughout the borough or
(4) throughout the State of New Jersey. If someone wants
(5) to make a right turn into a driveway and you're
(6) following behind them, obviously, you can't be
(7) traveling at the same higher speed, you have to slow
(8) down when you see those brake lights go on and the
(9) blinker goes on.

(10) MR. UZARSKI:Okay.

(11) THE WITNESS:It will operate the
(12) same as any other driveway.

(13) CHAIRPERSON VILLAGGIO:Is there
(14) any other questions from the audience? Seeing none,
(15) this portion is closed.

(16) MR. HEHL:Now I'd like to move
(17) onto testimony from our architect, Mr. Glenn Potter.
(18) Thank you, Mr. Staigar.

(19) (Witness excused.)

(20) MR. FRASER:We just marked A-2
(21) which is --

(22) MR. POTTER:These are actually
(23) drawings, copies of drawings that are already in
(24) the --

(25) MR. FRASER:But A-2 is the

(1) colored, not the colored, it's the artist's rendering
(2) of the proposed townhouses.

(3) (Artist's rendering of proposed
(4) townhouses is received and marked A-2 for
(5) identification.)

(6)
(7) G L E N N P O T T E R, with offices at 410 Colonial
(8) Avenue, Union, New Jersey 07083-7347, being first
(9) duly sworn, testified as follows:

(10) MR. FRASER:Alright. Please
(11) state and spell your name and give your address.

(12) MR. POTTER:Glenn Potter. 410
(13) Colonial Avenue, Union; Potter Architects.

(14) DIRECT EXAMINATION BY MR. HEHL:

(15) Q. And, Mr. Potter, if you could please
(16) give the Board and the public the benefit of your work
(17) experience, your area of expertise, educational
(18) background, licenses that you hold and confirm that
(19) those licenses are in full force and effect.

(20) A. I am graduate from NJIT 1984 and I'm a
(21) licensed architect since 1988. I've been in the
(22) architectural field for about 27 years. And I've
(23) testified before Westfield, Cranford, Union,
(24) Mountainside, Cedar Grove, Springfield, Scotch Plains,
(25) Millburn, Summit, Highland Park, Somerset and

(1) that's --

(2) MR. FRASER:We get the picture.

(3) THE WITNESS:Yeah.

(4) MR. FRASER:Are your licenses
(5) current?

(6) THE WITNESS:My licenses are
(7) current.

(8) MR. FRASER:And you've been
(9) accepted as an expert architect in those various
(10) municipalities?

(11) THE WITNESS:I have.

(12) MR. FRASER:Madam Chairperson, I
(13) recommend that Mr. Potter be recognized as an expert
(14) in architecture.

(15) THE WITNESS:Thank you.

(16) CHAIRPERSON VILLAGGIO Okay.

(17) MR. HEHL:Thank you very much.

(18) Q. Mr. Potter, again, you've heard the
(19) testimony so far of Mr. Quinn and Mr. Staigar if you
(20) could now give the Board an overview of the elevations
(21) and the floor plans for the proposed structures.

(22) A. Okay. The artist rendering that we see over
(23) here is a view of the townhouse unit from Fourth
(24) Avenue looking northerly and our proposal, as was
(25) stated previously is for two three-story wood frame

(1) townhouse buildings. The first building located on
(2) the southerly end of the site will have two
(3) three-bedroom town homes flanking three two-bedroom
(4) town homes. So essentially it will be a
(5) three-bedroom, two, two, two, three. And then
(6) northerly there will be four unit which will have a
(7) three-bedroom and then a two, two and a three. The
(8) height of those buildings will be 35 feet in this
(9) proposal.

(10) The breakdown of the units are as
(11) follows: There will be no basements, there'll be all
(12) slab on grade units. Each will have a two-car garage
(13) with two interior parking spaces. And as Mr. Quinn
(14) stated previously, they also will have two exterior
(15) parking spaces directly outside the garage doors.
(16) We'll have a covered entry and foyer on that level
(17) which is at the grade. We'll have a family room, an
(18) optional bath area, stairs and these units, every unit
(19) will have an elevator. There was question previously
(20) about ADA and accessibility. By law we're not
(21) required to provide ADA based on town homes as
(22) designed here, but we are taking into account 55 and
(23) older aspect of the project and we are providing
(24) variable accessibility from the garage level up to
(25) we're calling it the upper floor level, but, in fact,

(1) I guess technically it would be your third floor
(2) level. So we have accessibility through all three
(3) areas.

(4) Also, in the rear of the grade level
(5) areas we're going to have exterior patio area. And as
(6) we move up onto the main level, main level living
(7) area -- let me backup. On the grade level slab area
(8) our living area for that level is 484 square feet
(9) proposed. It's a total gross living area of 1062. As
(10) we move up to the main level, our gross living area
(11) for that level will be 1014 and our gross floor area
(12) will be 1082. And on that level we have a living
(13) room, fireplace, kitchen, dining area, half bath,
(14) stairs, elevator and a small exterior rear deck
(15) approximately 10 by 16 is in this proposal.

(16) And then we move to the upper level,
(17) again, we're talking about right here's the three
(18) bedroom unit, we're going to have the master bedroom,
(19) master bath, two bedrooms, house bath, laundry area on
(20) that level, elevator and the stairs.

(21) The two bedroom is essentially exactly
(22) identical. It's slightly smaller in footprint. It's
(23) two feet shallower than the proposed three units.
(24) There will actual be a recess in the middle portions
(25) of both buildings, but the main difference being the

(1) third floor will only have two bedrooms as opposed to
(2) three. But all the other elements essentially are the
(3) same.

(4) As far as exterior finishes, we tried to
(5) give you a sense of how this would look primarily
(6) moving, as you said, down Fourth Avenue. The exterior
(7) finishes themselves are going to be a step above on
(8) what you would typically find on most homes today. By
(9) that I mean we're going to use a timberline shingle,
(10) it's not going to be straight asphalt shingle, there's
(11) going to be Hardy Plank on the outside. I'll just go
(12) through a list of things for you just so you have an
(13) idea. The siding will be Hardy Plank and, again, we
(14) tried to stick with earth tones here. It's a very
(15) good representation of what our final product will
(16) look like. And so we're looking at like what they
(17) call a Navajo beige and a khaki brown for the siding.
(18) Again, it's a Hardy Plank material; it's a fibrous
(19) board. It's much different than a vinyl siding, it's
(20) a much higher quality. Shutters will be a Hardy Plank
(21) and mountain sage, again, is the color we're using,
(22) but it's a hunter green or it's a dark green. The
(23) roof will be GAF timberline shadow as opposed to a
(24) straight asphalt-look roof. Again, we're going to go
(25) with a dark gray on that.

(1) All our gutters and downspouts will be
(2) white aluminum. All downspouts and drainage will be
(3) directed to an area as we develop the site plan with
(4) Victor and the township for retainage, we're going to
(5) have to have site retainage. And we're also providing
(6) a base here of stone veneer. It's, again, it's called
(7) a sterling color, but that is depicted here, again, on
(8) the rendering. All of our exterior deck areas will be
(9) Azek composite decking as opposed to treated wood
(10) decking. It holds up much better, it lasts longer, it
(11) looks better for years. It's nearly indestructible.
(12) Exterior railings will be the same; composite white
(13) Azek railing systems. Our widow accents will be Azek
(14) white which will be like your sunbursts or your
(15) keystones above your windows. Exterior columns,
(16) instead of just being wood columns, it will be wrapped
(17) and it will have Azek white trim on those, also, and
(18) that was also well-depicted here on the rendering.
(19) We've also indicated a few little wing walls just to
(20) add interest and make it blend better with the
(21) surrounding landscaping, if you will.

(22) As far as trash and recyclables, we need
(23) to workout those details. There's be a discussion
(24) about having trash in the units themselves or
(25) utilizing an outside dumpster. The garages are large

(1) enough where we can have internal garbage storage.

(2) MR. FRASER:You mean garbage
(3) cans?

(4) THE WITNESS:Right, just like a
(5) garbage can. And, you know, recyclables and all that,
(6) we have plenty of room for all that to be handled. So
(7) discussion on that will continue.

(8) Utilities: Each unit will have
(9) their own gas meter, electric meter, HVAC forced air
(10) and so forth. Condensers for the HVAC will be located
(11) in the rear of the building on the grade.

(12) MR. FRASER:Mr. Potter and Mr.
(13) Hehl, this is wonderful stuff really for a site plan
(14) application, I just wondered if we're getting a little
(15) too detailed for the use variance application which
(16) you've elected to bifurcate.

(17) MR. HEHL:Well, we thought that
(18) because of the quality that the Applicant is committed
(19) to give here, that that would be a fact that the Board
(20) would like to hear. I think he's at the end.

(21) THE WITNESS:I'm almost done.

(22) MR. FRASER:I'm just saying we
(23) got the gist of it.

(24) CHAIRPERSON VILLAGGIOWe got
(25) the gist of it.

(1) MR. FRASER:If there is a
(2) question that the Board has, so be it, but if we're
(3) down to the composition of the shutters.

(4) THE WITNESS:I have samples if
(5) you'd like to see them.

(6) Q. Now, Mr. Potter, if you could also
(7) address the comments from the fire department. I
(8) believe you looked at them prior to our meeting --

(9) A. I just saw them.

(10) Q. -- and had no problems with complying --

(11) A. Yes, but we'll meet all these requirements
(12) without any problems. We're fully suppressed. I
(13) would register with the Division of Fire and Safety as
(14) a light hazard use. There will be a supervised fire
(15) detection system throughout. Appropriate signage in
(16) the stairwells. I'm not sure he commented, he may
(17) have been confused about the layout, whether it was a
(18) public stairwell or private, it's really private, but
(19) I'll work with him and make sure that he's satisfied
(20) and we'll comply. And, like I said, the complex will
(21) be fully suppressed with sprinklers, fire sprinklers.

(22) MR. HEHL:Okay. Alright. Thank
(23) you very much. I have no questions, further questions
(24) at this time of Mr. Potter. But, again, as with the
(25) other witnesses, he will be available here to answer

(1) any further questions of the Board or the public.

(2) MR. FRASER:I have a question
(3) and, Mr. Hehl, maybe this will be somewhat related to
(4) you, so I'm not sure a bifurcated application is
(5) something you're seeking approval on now or something
(6) you want to wait for the site plan, so I'll ask the
(7) question directly. Why are the units 35 feet high?

(8) THE WITNESS:Because the basic
(9) -- we're going with a three-story structure is where
(10) we are. If you can take a look at this, we went
(11) through great pains to try to make it appear to be a
(12) two-story structure. There's 35 feet only for a very
(13) small area and it's probably depicted very accurately
(14) on that triangular portion on the southerly end of
(15) that front building there, that's about the area that
(16) will be above the 35 feet area. Probably from that
(17) white board with those three trim pieces down would be
(18) your 30 foot mark.

(19) MR. FRASER:What's the height of
(20) the majority of the structure?

(21) THE WITNESS:The majority of the
(22) structure is under 30 feet. Now let me from this
(23) point -- from this point down is 30 feet.

(24) BOARD MEMBER PATERSONBut the
(25) whole roof line is 35.

(1) THE WITNESS:No, the entire only
(2) in here.

(3) MR. FRASER:On the top floor --

(4) THE WITNESS:Yes sir.

(5) MR. FRASER:-- what is the
(6) height from the ground of the ceiling of the top
(7) floor?

(8) THE WITNESS:Probably 31 feet.

(9) I'm guesstimating, but it's close to that. We have an
(10) attic area above that. Aesthetics were a big part of
(11) it. We could flatten it out, but a lot of it was
(12) built. That's why I say I don't think we're going to
(13) have roof trusses because it's being built within the
(14) structure itself. We're using attic area to actually
(15) formulate and develop living area. So we'll have
(16) slope ceilings up there, that kind of thing. We're
(17) trying to really keep it low key, if you will, and
(18) make it delightful.

(19) MR. VINEGRA:Just to address
(20) that briefly, we do have a townhouse permitted
(21) ordinance map that when we performed the work for The
(22) Pointe, we created a redevelopment plan and then we
(23) rolled that redevelopment plan into an ordinance. So
(24) now we do have a permitted area with the town. We
(25) call it the mud and mixed use development.

(1) MR. FRASER:What's the height?

(2) MR. VINEGRA:35 feet. I don't
(3) know if they knew they matched.

(4) THE WITNESS:I knew that.

(5) CHAIRPERSON VILLAGGIO>You
(6) testified about some of that you'll not be using,
(7) vinyl, and I know that if the plans that were
(8) submitted to us have on it a vinyl, was that only like
(9) a sample or is that --

(10) THE WITNESS:Since then
(11) discussion has occurred and what I am testifying to
(12) right now is what the final plans will show.

(13) CHAIRPERSON VILLAGGIOOkay. I
(14) just wanted to be sure.

(15) THE WITNESS:Absolutely. You're
(16) a hundred percent right.

(17) CHAIRPERSON VILLAGGIOThat what
(18) was in our packet is not, you know, what you're
(19) testifying to is in fact --

(20) THE WITNESS:We've upgraded
(21) materials most definitely since those plans were
(22) submitted. I think they may be three months old at
(23) this point. I think the last date was 2/18 or 2/25.

(24) MR. FRASER:So you have amended
(25) it?

(1) THE WITNESS:We've amended.

(2) CHAIRPERSON VILLAGGIO Okay. I
(3) just wanted to make sure that that was the case even
(4) though, you know, you testified to the materials.

(5) Does anybody else have any --
(6) does any other member of the Board have any questions
(7) for this witness? Seeing none, how about the
(8) audience, does the audience have any questions for
(9) this witness.

(10) MR. CORBIN:I do. My name is
(11) Horace Corbin.

(12) I presume there's downspouts and
(13) all that kind of stuff to collect the rainwater.

(14) THE WITNESS:Correct.

(15) MR. CORBIN:Where does it go?

(16) THE WITNESS:Well, as I stated
(17) we're going to have to work with the site engineer for
(18) site retainage. Retainage is going to be required on
(19) the site we believe and --

(20) MR. CORBIN:What do you mean by
(21) "retainage"?

(22) THE WITNESS:Underground
(23) retainage; detention basin, underground retainage pit
(24) and so forth.

(25) MR. CORBIN:And then where does

(1) it go?

(2) THE WITNESS:I think that's
(3) probably a better question to be answered by Tom. But
(4) you have an invert on it, it slowly matriculates back
(5) into the system, recharges the system at a controlled
(6) rate as opposed to a sudden discharge of water and
(7) it's probably more controlled than the way it is
(8) presently at this time.

(9) MR. CORBIN:I'm seriously
(10) concerned about the wetlands back there, just so you
(11) know. Somebody's clear-cutted the wetlands back
(12) there, the engineer said it wasn't him, I just need
(13) who it was because it's illegal.

(14) THE WITNESS:Okay. I can't help
(15) you with that one.

(16) CHAIRPERSON VILLAGGIO Does any
(17) other member of the audience have a question for this
(18) witness? Sir.

(19) MR. LOBE:My name is David Lobe,
(20) L-O-B-E, 900 Union Street, Westfield.

(21) Based on these renderings what do
(22) you expect the pricing to be on these units?

(23) THE WITNESS:I couldn't answer
(24) that for you, I'm sorry. It's a question for a
(25) realtor. I don't know what the marketing is going to

(1) be on them, I really don't know.

(2) MR. LOBE:Do you have a sense of
(3) what the cost to build them?

(4) THE WITNESS:Oh, the cost to
(5) build them?

(6) MR. LOBE:Yes.

(7) THE WITNESS:Yeah, I would say
(8) they're probably in the area of \$150 to \$200 a square
(9) foot structure cost.

(10) MR. LOBE:So project that out to
(11) size of the unit that you measured.

(12) THE WITNESS:3000 square feet
(13) times 200, \$600,000 per unit.

(14) MR. FRASER:Not to build.

(15) THE WITNESS:No, no.

(16) CHAIRPERSON VILLAGGIO Does
(17) anybody have any other questions? Seeing none, this
(18) portion is closed.

(19) MR. HEHL:Alright. I'd like to
(20) call upon now - and thank you very much, Mr. Potter -
(21) John McDonough, our professional planner and landscape
(22) architect.

(23)
(24) J O H N M c D O N O U G H, with offices at 101
(25) Gilbralter Drive, Morris Plains, New Jersey, being
first duly sworn, testified as follows:

(1) MR. FRASER:Please state your
(2) name and spell it and give us your address.

(3) MR. McDONOUGH:Hello. My name
(4) is John McDonough. That's spelled M-C capital
(5) D-O-N-O-U-G-H. My address is 101 Gilbralter Drive in
(6) Morris Plains, New Jersey.

(7) MR. FRASER>Welcome.

(8)

(9) DIRECT EXAMINATION BY MR. HEHL:

(10) Q. Mr. McDonough, I know you've appeared
(11) before this Board, but, again, briefly give the Board
(12) the benefit of your work experience, educational
(13) experience and degrees that you hold and confirm that
(14) they are in effect.

(15) A. My degree comes from Rutgers where I have a
(16) bachelors in environmental planning and design with a
(17) landscape architecture option. I hold a landscape
(18) architecture license, but, more importantly, this
(19) evening I'll be testifying in the capacity of a
(20) professional planner where I've appeared before this
(21) Board before and I've been qualified and, also, in
(22) your neighboring communities including Westfield and
(23) Cranford. We're right on the confluence of those
(24) three towns. And this is essentially what I do on a
(25) nightly basis and during the day I testify in courts

(1) sometimes.

(2) MR. FRASER:And your licenses
(3) are all current?

(4) THE WITNESS:All current, in
(5) good-standing, continuing education, all met, yes.

(6) MR. FRASER:So the field is
(7) professional planning and landscape architecture, did
(8) I get that correct?

(9) THE WITNESS:Yes. I'll probably
(10) deal more with landscape architecture when we get into
(11) site planning, but really looking at the variance
(12) proofs here from a professional planning --

(13) MR. FRASER:But right now you're
(14) going to be qualified as an expert in both of those
(15) fields just in case we need it?

(16) THE WITNESS:Yes.

(17) MR. FRASER:I recommend the
(18) witness be so qualified Madam Chairperson.

(19) CHAIRPERSON VILLAGGIO Okay.

(20) MR. HEHL:Thank you very much.

(21)

(22) BY MR. HEHL:

(23) Q. Mr. McDonough, again, now you've heard
(24) the testimony, my opening statement and the testimony
(25) of other professionals, if you can now provide the

(1) overview of the site along with the planning criteria
(2) for both the use variance and the other variances
(3) associated with the application.

(4) A. Okay. My testimony will follow the roadmap
(5) that our Courts have given us with respect to the test
(6) for a traditional use variance, here a use not
(7) permitted in the zone. We're looking at multi-family
(8) in a single-family zone. We're going to look at the
(9) positive criteria, we're going to look at the negative
(10) criteria. And the three main things that we need to
(11) find a nexus with this application is our Municipal
(12) Land Use Law, the local Master Plan and zoning
(13) ordinance and, of course, the neighborhood that
(14) surrounds it.

(15) So what I'd like to do, Madam Chair, is
(16) just start with a couple of visuals just to take us
(17) around the neighborhood and I'll set that as the
(18) foundation for planning proofs.

(19) CHAIRPERSON VILLAGGIO: You can
(20) mark that.

(21) MR. HEHL: That would be, I
(22) believe, A-3.

(23) MR. FRASER: Is this going to be
(24) handed out?

(25) CHAIRPERSON VILLAGGIO: Is it

(1) going to be handed out to each one of us.

(2) THE WITNESS:This is going to be
(3) a handout, Counselor. It's going to be a three-part
(4) exhibit, three pages stapled together, file size 11 by
(5) 17. They're all photographs.

(6) CHAIRPERSON VILLAGGIOAnd it's
(7) marked A-3.

(8) THE WITNESS:We have one marked
(9) which I'll give to the Chair.

(10) CHAIRPERSON VILLAGGIOTo the
(11) secretary.

(12) (Three photographs reflective of
(13) existing conditions of the site are received and
(14) marked A-3 for identification.)

(15) MR. FRASER:Are there one or two
(16) extras so the audience can have a few.

(17) THE WITNESS:There's twenty
(18) copies here so there should be plenty.

(19) But, for the record, it's
(20) reflective of existing conditions which I'm sure the
(21) surrounding neighborhood knows.

(22) CHAIRPERSON VILLAGGIOGo ahead.

(23) A. So, for the record, we'll start with the
(24) first page of A-3 which is going to be an aerial
(25) photograph that I downloaded from the Bing website.

(1) We like to use this not only because it gives us a
(2) sense of the pattern of the neighborhood, but the mass
(3) and scale as well and a look at how the site and how
(4) the building that's going on it will blend with the
(5) surrounding neighborhood.

(6) We've outlined the property in question
(7) in yellow which does have that irregular shape. We've
(8) identified municipal boundaries and, again, we're at
(9) the confluence of three towns here; your town, the
(10) Borough of Garwood, we've got the Township of Cranford
(11) which would be to the east and then we've got the
(12) township of Westfield which extends to the north. For
(13) orientation purpose, north is going to be to the right
(14) in this particular photograph.

(15) And then we've got the property fronting
(16) on a T intersection along Fourth Avenue and along
(17) Walnut Street as well. Their local roads under your
(18) ordinance, your police chief actually did call Fourth
(19) Avenue out as an arterial road or a collective road in
(20) your community. All of those characteristics, the
(21) fact that we are on a well-traveled roadway, the fact
(22) that we are within a thousand feet of the Garwood
(23) train station all implies from a planning standpoint a
(24) higher intensity of use. This is an area where our
(25) state plan and where planning in general would target

(1) a greater intensity of development as support for the
(2) train stations. This is one of 250 train stations
(3) that we have here in New Jersey and our state plan
(4) looks for positive development around those particular
(5) train stations. So we're at T intersection. We're
(6) within that magic quarter-mile ring of a train station
(7) which would imply a higher intensity of development
(8) and we're looking at a property that is somewhat of an
(9) anomaly compared to the surrounding area; presently, a
(10) commercial use in the heart of what is an expanse of a
(11) residential neighborhood. The Applicant is looking to
(12) take this non compatible use and pull it into more
(13) conformity with the surrounding context going from non
(14) residential to residential in a residential zone.
(15) We're looking at a slightly different housing type of
(16) product here, but, again, the nature of the use going
(17) from residential to a residential district, certainly
(18) moves this site more into conformity with the intent
(19) of your zoning ordinance.

(20) The site is also an anomaly in the area
(21) simply by virtue of its size. We're looking at a
(22) property that is nine times greater than what the
(23) zoning requirement allows and you can see that this is
(24) a neighborhood that has established itself with a lot
(25) of small lot, residential development dwellings. Here

(1) we're looking at the potential subdivision of up to
(2) nine based on strict geometry of the site. We know we
(3) have some environmental constraints at the back and I
(4) think the Applicant has done a good job of responding
(5) to those constraints by creating a more compact
(6) development where we get the efficiency of shared
(7) walls and just a better overall housing product.

(8) The condition of the property, as I
(9) said, is unique as well. Not only is it commercial,
(10) we have an apartment there as well, an apartment which
(11) is conducive to even a larger scale family because it
(12) is a larger apartment. The front is also somewhat
(13) unique as we've heard in the context of this
(14) residential neighborhood where we have a full string
(15) of parking along the front, a 75 foot wide open
(16) channel to Fourth Avenue which you've heard about that
(17) being on the inside of the turn, limited sight
(18) distance and cars backing straight out onto the
(19) roadway. The Applicant is looking to fix that by
(20) having cars now face out and channelizing that 75 foot
(21) wide free-for-all into a single access roadway. So
(22) from a planning standpoint that's an improvement as
(23) well. All of these qualities make this site
(24) particularly suitable for the multi-family development
(25) that's before you.

(1) Just to run through the characteristic
(2) of the site in terms of the ground photographs, I took
(3) these photos I'd say within the last month or so.
(4) Frames one and two are panoramic, give us a sense of
(5) the structure on the property. That front parking
(6) entirely paved; cars backing up without any landing
(7) area whatsoever, but for the roadway. We have a
(8) broken up sidewalk along the front. The Applicant is
(9) looking to come in and completely repair and put in a
(10) new sidewalk, so we not only have the improvement of
(11) vehicular circulation, but pedestrian circulation as
(12) well.

(13) Frame number three gives us a sense,
(14) again, of the completely paved condition of the
(15) property which the Applicant is going to replace with
(16) nice greenery along the frontage.

(17) Frames five, six, seven and eight give
(18) us a sense of the surrounding context and the
(19) residential development around us. On the one side in
(20) particular frame number six you can see that the
(21) adjoining residence has absolutely no windows that
(22) would face the property, so that's important from a
(23) use standpoint as well.

(24) Frame number seven we have residences on
(25) the other side. And frame number eight I give a sense

(1) of what has been a real world market example of this
(2) type of a product, that multi-family development right
(3) by the train station has been a model of success that
(4) planners look to mimic. And you can see, looking at
(5) this photograph compared to the photograph in frame
(6) number eight, that we're looking to pull in a product,
(7) a high end product that's certainly going to have the
(8) same elements of quality that you see down here by the
(9) transit hub.

(10) The proposal before you is what I would
(11) call a boutique multi-family development; a very
(12) compact multi-family development. Age 55 or over is
(13) an important enhancement that I think the Applicant
(14) has pulled in as well. We're looking at very
(15) attractive buildings as you can see: Three stories,
(16) nine units; five of which would be two bedroom, four
(17) of which would be three bedrooms and approximately
(18) 3000 square feet in size; a range from 2900 to 3100.
(19) And to answer the gentleman's question, I think the
(20) architect was close, we're looking at price points of
(21) in the high five hundreds, if we could get to six
(22) hundred that would be great, but I think more
(23) realistic is probably in the high fives here.

(24) The site has 41 parking spaces which is
(25) twice what the criteria would be under the RSIS.

(1) We've got 18 two-car garages, we've got 18 two-car
(2) driveways and then we've got that added amenity of
(3) visitor parking that you saw on Tom Quinn's plan with
(4) respect to visitor parking. In terms of the
(5) amenities, these floor plans will have elevators in
(6) each one of the units. We're looking at decks or
(7) patios off the back and high end materials including
(8) granite countertops, hardwood floors and the like that
(9) would lend itself to a high quality, high end product.

(10) That's the background that's associated
(11) with the site and lays the foundation for the
(12) variances that are before you. We're in the RA
(13) single-family zone which is aimed at moderate density
(14) residential development at eight units per acre. The
(15) permitted uses include single-family dwellings,
(16) accessory uses, home occupations and special needs
(17) housing. So there's a variety of housing that can go
(18) here and, importantly, when we look at a single-family
(19) use, and I'll talk about this a little bit later,
(20) there are things that come with single-family use that
(21) don't come with townhouse development that could
(22) create nuisances that you won't see with a townhouse
(23) development.

(24) In terms of the relief, the primary
(25) relief that we're here for is a D1 use variance to

(1) allow for that multi-family product in a single-family
(2) zone. Interrelated with that, we pull in a density
(3) variance; it's a de minimus variance from a density
(4) standpoint. We're looking at 8.8 dwelling units per
(5) acre versus the eight units per acre that would be
(6) allowed under the zoning ordinance and the
(7) interrelated D5 floor area variance which is really a
(8) technicality because the ordinance threshold is 3500
(9) square feet for single-family dwelling, each one of
(10) the units here are less than 3500 square feet. Again,
(11) approximately 3000 square feet. The reason why we're
(12) looking for 28,000 square feet in aggregate is because
(13) we're looking at nine units here. But if there were
(14) multiple single-family dwellings here at that 3500
(15) foot threshold, we'd be looking at a similar floor
(16) area ratio as well. And I think we just resolved the
(17) D6 issue with respect to the height and the fact that
(18) those buildings will peak at 35 feet, whereas 30 feet
(19) is allowed in the zone. Interrelated with that is
(20) what we call a C variance, not a D variance, for the
(21) number of stories and the fact that we have three
(22) stories here, whereas, 2.5 would be allowed in the
(23) zone.

(24) I'll run through the positive criteria
(25) associated with the use variance and I think I'll

(1) spend most of my time on that because there are a
(2) number of benefits associated with this. We'll flip
(3) over to the negative, I'll spend a little time on
(4) that, I don't think there are lot of negatives
(5) associated with this and then we'll pull in the proofs
(6) that are associated with some of those ancillary
(7) variances as well.

(8) On the positive side, we look for a
(9) nexus with the Municipal Land Use Law and I see the
(10) application advancing multiple purposes here. Purpose
(11) A which is the promotion of the public good is
(12) addressed here with new housing stock that responds to
(13) demand. And if we look at some of the core indicators
(14) of demand for this type of housing product here in New
(15) Jersey, some of the key indicators would be the time
(16) to sale in terms of all the types of residential
(17) submarkets or residential sectors. The townhouse
(18) product, the multi-family product is the one that we
(19) see quickest in terms of time to sale and the time
(20) that it goes up to sale. In terms of its selling
(21) price, the multi-family product is going to hold 95
(22) percent of what that asking price is. We don't see
(23) that with residential as well. And the absorption
(24) rates are extremely high. We're looking at a five
(25) percent vacancy rate here in the county which is

(1) really, from a planning standpoint, an indicator of
(2) undersupply in terms of this particular product.

(3) Here in Garwood, the housing stock, this
(4) type of housing stock is less than one percent of the
(5) stock available and your own Master Plan encourages a
(6) variety of residential type of housing products. So
(7) this, I think, addresses the demand and the
(8) undersupply of this type of land use. And, again, I
(9) point to that photograph number eight and the success
(10) of the Mews product just down the street, less than
(11) 700 feet from this particular development.

(12) I also see the advancement of purpose D
(13) which is to encourage development that advances state
(14) policies. And here in New Jersey are cornerstone
(15) planning document is the state plan and under the
(16) state plan this site has been designated as a PA1,
(17) planning area number one district, which is the
(18) district where the state wants us to redirect the
(19) population growth. Again, one of those 250 transit
(20) hubs in the state where we want to have a ridership
(21) and lessen the reliance on the automobile.

(22) Advancement of state policy has been
(23) found to be a special reason under our case law. I
(24) also look at purpose E which is to provide for
(25) appropriate population densities. Your Master Plan

(1) from 2009 recognizes the importance of density around
(2) transit. The state plan encourages higher density
(3) around transit hubs as well. The recommended density
(4) in the Master Plan for townhouse development is ten
(5) dwelling units per acre, we're looking at nine units
(6) here on the site that's approximately an acre. So
(7) we're meeting the ordinance, I'm sorry, we're meeting
(8) the recommendations under your Master Plan in that
(9) regard.

(10) I also look at compliance with your
(11) parking requirements. I doubled the parking
(12) requirement as an indicator that this is an
(13) appropriate density as well.

(14) Importantly, residence population also
(15) pulls in wallets and spends money here in town. The
(16) Nielsen reports, which is a market study, indicates
(17) that approximately \$5000 per capita are spent in the
(18) local environment so we're looking at a substantial
(19) amount of annual earnings being put here into the
(20) local economy as well.

(21) Purpose G is to provide for a variety of
(22) uses in appropriate locations according to the needs
(23) of all of New Jersey citizens and here, in Garwood,
(24) the good news is people are aging, people are living
(25) longer, and the cohort shows that your older

(1) visual environment. I think that board speaks for
(2) itself that this is going to be an attractive
(3) development that will certainly not only provide a
(4) positive image of the site, but as the community as a
(5) whole. Reinvestment indicates confidence in the
(6) community and the many amenities that you have here.

(7) Lastly, purpose M is the efficient use
(8) of land. Redevelopment of underutilized sites is
(9) favored by our state plan. Our state plan favors
(10) compact, clustered, walkable developments which is
(11) exactly what this would be here. There are economic
(12) efficiencies with those shared walls and that all
(13) leads to lessening the cost of development which
(14) ultimately gets transformed over to the buyer.

(15) Lastly, on the positive side, the site
(16) is particularly suited for the use by virtue of its
(17) condition; an oversized lot that provides an
(18) opportunity for a more cohesive form of development.
(19) A unified development. It's a linear piece of
(20) property which would mean a road has to punch in and
(21) structures have to be associated with it. I think the
(22) multi-family product is much more conducive to this
(23) type of a linear development.

(24) And then, lastly, again, the site is
(25) particularly suitable by virtue of its context within

(1) that magic quarter mile radius that would constitute
(2) transit-oriented development. The location at the T
(3) intersection and the historic use as a commercial site
(4) all make this particularly suitable for transformation
(5) to multi-family residential.

(6) On the negative side we counterweigh
(7) what we see on the positive side. The negative
(8) attributes of the project are very minimal. In terms
(9) of public safety, the use creates nothing
(10) substantially detrimental to public health, public
(11) safety, public welfare. In terms of safety, we're not
(12) looking at any substantially dangerous traffic
(13) conditions, again, pointing out the improvement to the
(14) intersection and, also, the fact that Mr. Staigar
(15) testified that the traffic generation would be a wash
(16) compared to what we'd see from a single-family
(17) standpoint. No substantial detriment from a security
(18) standpoint, from a fire safety standpoint, from an
(19) emergency access standpoint. No substantial detriment
(20) to public health. The use creates no substantial air
(21) pollution, water pollutions, solid waste. A lot of
(22) these issues will be dealt with at the site plan, but,
(23) in particular, the use is not substantially
(24) detrimental to the public health. And, of course,
(25) public welfare, the so-called nuisance criteria. The

(1) site and the use itself will not generate
(2) objectionable glare, objectionable noise, vibrations,
(3) odors or the like. Bearing in mind we have a
(4) commercial kitchen there right now with the range and
(5) with the hood, with the vent and the odors that would
(6) be associated with that, that would go away, that
(7) vested right would go away as part of this
(8) redevelopment proposal.

(9) All the variances can be granted without
(10) substantial impairment to your zone plan and
(11) ordinance. The site is zoned for development. It is
(12) wooded at the back. It's not zoned for a park. I
(13) think that's important here. I think it's also
(14) important that development on this particular piece of
(15) property is inevitable. There's a resolution that I
(16) saw for a development of single-family on this
(17) particular piece of property. So something is going
(18) here and I think this is a better zoning alternative
(19) than what I saw in that resolution as a single-family
(20) development. Multi-family development is certainly
(21) much more compact. It has, what I would call, a
(22) better defined edge than we see in the single-family
(23) product. And what I mean by that is you're dealing
(24) with an association that will control the limits of
(25) disturbance that are associated with this site and we

(1) won't get that what I'll call creep that would be
(2) associated with a single-family development. You
(3) build a house, you get the pool, you get the
(4) trampoline, you get the fire pit, the grill, all these
(5) things start to add on, these accessory uses, that you
(6) don't see with the traditional townhouse-type
(7) development. Generally, less controlled than we would
(8) see in a multi-family environment, certainly
(9) controlled by the association.

(10) So the benefit then of this residential
(11) land use is that it takes what I call the unknown out
(12) of the equation. What the public sees in the plans
(13) that have been provided before you is what the public
(14) gets. You're not necessarily sure what you're going
(15) to get with single-family development except for what
(16) you see cutup in the terms of the subdivision lines.

(17) The Medici reconciliation, that's a
(18) requirement when we're dealing with a use variance and
(19) the fact that the zoning ordinance recognizes
(20) development on this site or recognizes single-family
(21) development, I think the reconciliation here can be
(22) based on the fact that this Board has a lot more
(23) information before it than the governing body did when
(24) it rendered this site for single-family use. When we
(25) carve out zones in our Master Plans and in our zoning

(1) ordinances, we generally do that in broad strokes and
(2) planners recognize that we can't capture everything.
(3) We can't catch everything. And I think this site is a
(4) classic textbook case of not being able to catch
(5) everything. It's a large site and certainly
(6) appropriate to multi-family development. We're not
(7) looking to change the whole RA zone. This is a very
(8) small portion of the RA zone, it's a very unique piece
(9) of property and in that regard I think we can conclude
(10) from a planning standpoint that a use variance here
(11) would not be tantamount to a rezone that only the
(12) governing body can do.

(13) That's the use variance. I think the
(14) weight is clearly on the positive side, very little on
(15) the negative side. Interrelated with that, the
(16) density relief, the core question is not the use per
(17) se, but whether the site can accommodate that density.
(18) Parking is a key indicator of whether a site can
(19) accommodate density and we have more than double here.
(20) So in that regard I believe we're also consistent with
(21) the Master Plan intent and recommendation for
(22) townhouses at ten dwelling units per acre. So density
(23) runs or is inherent to the nature of the use that's
(24) proposed here.

(25) Interrelated, as I said, floor area,

(1) we're looking for approximately 28,000 square feet in
(2) floor area in aggregate, but each one of those units
(3) are only 3000 square feet less than the 3500 threshold
(4) for a single-family use.

(5) The last part of the test looks at the
(6) height relief and I think all the aspects of height
(7) relief are met as well. The fact that we do have a
(8) zoning ordinance that would allow for 35 feet in
(9) redevelopment zone. None of the purposes of height
(10) control are violated. The added height is not
(11) triggering additional population, additional density.
(12) Added height is not giving one property owner another
(13) height advantage over another property owner. The
(14) added height here is not blocking any scenic views.
(15) It doesn't create any negative runoff effect and
(16) landscaping can be pulled in to soften the mass of the
(17) building and mitigate any visual effect associated
(18) with that additional roof line.

(19) The roof line, as proposed, actually
(20) creates a very nice balance product here. I think the
(21) benefit of that added five feet outweighs any
(22) detriment that would be associated with it.
(23) Co-mingled with that is the story relief and the fact
(24) that with all the in's and out's of this building, all
(25) the articulation, it's not going to look like a

(1) massive structure, it's certainly not going to look
(2) like a mid-rise structure which I think is what the
(3) ordinance was looking to control.

(4) That covers all the variance proofs and,
(5) in conclusion, I think this is, simply put, a very
(6) positive, attractive investment in your community.
(7) The overall project is consistent with positive
(8) planning principles for orderly growth, community
(9) development. The statutory test for use are met under
(10) the Medici standard; for density under the Grub
(11) standard; for height under the Grasso standard and for
(12) floor area under what we would call the Randolph Town
(13) Square standard. From a professional planning
(14) standpoint, approval is warranted for all the reasons
(15) that I've given.

(16) MR. HEHL: Thank you very much,
(17) Mr. McDonough. I have no further questions at this
(18) time.

(19) MR. FRASER: I didn't hear a lot
(20) of questions, Mr. Hehl.

(21) MR. HEHL: I did start him out
(22) with --

(23) CHAIRPERSON VILLAGGIO: I didn't
(24) hear one question.

(25) MR. FRASER: I heard one; what do

(1) you have to say, Mr. McDonough.

(2) CHAIRPERSON VILLAGGIO Mr.

(3) Paterson.

(4) BOARD MEMBER PATERSON I didn't
(5) hear any negatives. Was there a negative in there?

(6) MR. FRASER: He said basically
(7) there none.

(8) THE WITNESS: Nothing

(9) substantial. Any development is going to have some
(10) sort of impact, but in terms of the criteria that we
(11) have to hit, the safety criteria, the health, the
(12) welfare. It's certainly not undermining the integrity
(13) of the ordinance for the reasons that I've.

(14) BOARD MEMBER McCARRICK I have a
(15) question, Kathy.

(16) CHAIRPERSON VILLAGGIO Go ahead.

(17) BOARD MEMBER McCARRICK Can you
(18) tell me the usable acreage on the property?

(19) THE WITNESS: That may be more or
(20) less an engineering question. I know the back third
(21) of the property is constrained by environmental
(22) constraints. I can get that number for you. I don't
(23) have it.

(24) BOARD MEMBER McCARRICK You
(25) spoke about density. Would you say the limit of

(1) disturbance which is .77 acres would be the usable
(2) portion?

(3) THE WITNESS:It could well be,
(4) yes.

(5) BOARD MEMBER McCARRICKSo if
(6) you put nine units on that, you're actually at about a
(7) density of 12 units an acre?

(8) THE WITNESS:Yes. But the
(9) definition of density under our Municipal Land Use Law
(10) is based on gross land area, so we look at the big
(11) picture. Density is dwelling units per gross acre.

(12) MR. VINEGRA:That's true,
(13) Craig. Based on an analysis of home builders laws and
(14) litigation about twenty years ago, when you calculate
(15) density you calculate the whole density.

(16) BOARD MEMBER McCARRICK:
(17) Wetlands, everything included?

(18) MR. VINEGRA:Yeah, because what
(19) is happening, twenty years ago towns were making
(20) buffers, municipal buffers, that made the parcels
(21) smaller and smaller and smaller. So the Courts came
(22) out and said you have to include the entire density.
(23) When you calculate density you include the entire
(24) site.

(25) BOARD MEMBER McCARRICKSure.

(1) Okay.

(2) CHAIRPERSON VILLAGGIO Does
(3) anybody else have a question?

(4) MR. JANNOTTI: I have a question.
(5) I'm not a wetlands expert at all and I just wanted --
(6) I note it's there and there are barriers that I see
(7) and some protection or whatever and I just wanted to
(8) be sure what's in the plans that's going to ensure
(9) that the wetlands are protected?

(10) THE WITNESS: Typically, the
(11) state regulation will require that they're deed
(12) redirected; that that is a deed restriction on the
(13) property and that's something that has to go in as
(14) part, part of the contract.

(15) MR. VINEGRA: To further answer
(16) that again because I'm a surveyor also, the DEP
(17) requires when you do the proposed technically a buffer
(18) averaging plan, once that boundary line is set it has
(19) to be demarcated in the field and it has to be marked
(20) now, so they ask you to mark it like a surveyor
(21) demarcation for the buffer. So you can't build up to
(22) a wetland, you have to buffer it about 50 feet and
(23) that buffer has to be natural vegetation that you're
(24) not supposed to mow it, it's supposed to be a natural
(25) buffer of non wetlands before the wetlands and that's

(1) about 50 feet deep.

(2) MR. JANNOTTI:And you're
(3) satisfied --

(4) MR. VINEGRA:Yeah, that was
(5) already approved by another, yeah, and the DEP has
(6) already adopted it. I think they're seeking in the
(7) future if they come back to do a proposed buffer
(8) averaging, they'd have to go back down to DEP, get an
(9) approval for that buffer averaging and then part of
(10) the permit with DEP, we would get a copy which say
(11) they would have to demarcate that in the field. They
(12) just can't go there and put -- you can't put a jungle
(13) gym in there, so.

(14) MR. JANNOTTI:Okay.

(15) CHAIRPERSON VILLAGGIO Anybody
(16) else?

(17) BOARD MEMBER PATERSON Yeah.
(18) Unfortunately, you did give us this Bing layout and
(19) you were talking about where you wanted to compare
(20) massive structures in the very beginning when you
(21) started introducing this. You know, it would have
(22) been nice if you actually put the mass of that
(23) townhouse setup on the layout. I mean I just
(24) hand-sketched something similar and I'll tell you that
(25) would be a big negative is that the mass does not fit

(1) into this neighborhood at all, not even close. It's
(2) just --

(3) THE WITNESS: Bear in mind, if we
(4) were to strike a line of single-family houses along
(5) the development as well, I'll go back to Mr. Quinn's
(6) site plan, this is where the single-family dwellings
(7) would manifest. You would have a roadway and we'd
(8) have a massive structure as well. Maybe not
(9) interconnected, but this certainly would be a
(10) continuous mass along that back portion of the
(11) property as well.

(12) BOARD MEMBER PATERSON: Yeah,
(13) that goes back to actually a comment that you made
(14) where it was the governing body that agreed to three
(15) single-family homes.

(16) THE WITNESS: I didn't say that.

(17) CHAIRPERSON VILLAGGIO: He did
(18) not say that. The Planning Board --

(19) BOARD MEMBER PATERSON: Yeah, but
(20) the Planning Board -- right.

(21) CHAIRPERSON VILLAGGIO: It was
(22) just a proposal back a couple of years ago.

(23) BOARD MEMBER PATERSON: That was
(24) to, at least, have developers interested in the land.

(25) CHAIRPERSON VILLAGGIO: It would

(1) give the owner of the property the ability to
(2) whatever.

(3) MR. FRASER:What's the question,
(4) Bruce?

(5) CHAIRPERSON VILLAGGIOThe
(6) question is to the witness.

(7) BOARD MEMBER PATERSONI guess
(8) the question is how did it go from the three houses to
(9) the nine townhouses?

(10) MR. FRASER:Because this is the
(11) application. The Applicant is putting forth this
(12) application for a use variance to build this
(13) development.

(14) BOARD MEMBER PATERSONBut it's
(15) just that we deemed that it would be nice to see three
(16) homes.

(17) MR. FRASER:But that's why they
(18) need the variance. They need a variance because the
(19) ordinance does not permit this, so that they're
(20) requesting a variance.

(21) BOARD MEMBER PATERSONThat
(22) makes perfect sense, that they're here for a variance.

(23) MR. FRASER:That's what we do as
(24) a Planning Board.

(25) MR. PATERSON:Sometimes.

(1) CHAIRPERSON VILLAGGIO Anybody
(2) else have any further questions for this witness?

(3) MR. FRASER: Bruce, that's what
(4) we do as a Planning Board, we consider the application
(5) as they come before us.

(6) BOARD MEMBER PATERSON Yes, I
(7) agree.

(8) CHAIRPERSON VILLAGGIO We're
(9) done up here. If there is no further questions from
(10) members of the Board, now I'll open it up for any
(11) other questions of the public to this witness.

(12) MR. DUGERT: Dave Dugert.
(13) D-U-G-E-R-T. Will this structure, as beautiful as it
(14) is, gonna bring down our, the property value in our
(15) neighborhood? Because our houses are about 50, 60,
(16) maybe 70 years-old and we're concerned -- well, I'm
(17) concerned if I want to sell my house who wants to buy
(18) that old, crappy thing with that nice, new structure
(19) down there. The would be a negative to me and other
(20) owners in our area.

(21) THE WITNESS: Your own Master
(22) Plan here talks about development around you. First
(23) of all let me just say, I'm not a real estate expert,
(24) but as from a planning standpoint, typically we see
(25) development transit hubs improving property values and

(1) your own Master Plan talks about that as well, about
(2) development around transit enhancing property values.

(3) MR. DOUGERT:It's a good thing.

(4) THE WITNESS:Yes.

(5) MR. DOUGERT:And I'm worried
(6) about the environment itself with the animals and
(7) things that usually roam in this area, where are they
(8) going? At this point with the Master Plan where are
(9) the animals and critters in that area going?

(10) THE WITNESS:Oh, you mean the
(11) displacement of the animals that are on the property
(12) now? They will relocate, that's what they do.

(13) CHAIRPERSON VILLAGGIO Any
(14) further questions?

(15) MR. DOUGERT:No, that'S fine.

(16) CHAIRPERSON VILLAGGIO Is there
(17) any further questions? Yes.

(18) MS. McCOMB:Lauren McComb. 419
(19) Brookside Place, Cranford. I was just wondering are
(20) there any plans to put vegetation around the perimeter
(21) of the property so that when we come out of our
(22) backyard, we're not staring at nine other families
(23) looking at us directly into our backyard from the
(24) third floor.

(25) THE WITNESS:The answer is yes.

(1) And, again, I'm pointing at the site plan. Basically,
(2) we put three colors on there; the tan is the building,
(3) the gray is the pavement. The green will be wooded by
(4) the triangular pit to the right. The balance will be
(5) vegetated, yes.

(6) MS. McCOMB:Wooded. So a full
(7) barrier because right now it's all woods so you're
(8) going to knock down a majority of that to build the
(9) structure.

(10) THE WITNESS:I'm not sure where
(11) your house is, ma'am.

(12) MR. FRASER:Miss McComb, if you
(13) can show us where your house is so we can all
(14) understand.

(15) MS. McCOMB:So we're right here
(16) so when I come out of my backyard, when I come out of
(17) my backyard here, I'm used to seeing all trees, now
(18) I'm going to be staring at --

(19) CHAIRPERSON VILLAGGIO>You're
(20) going to see a lot of trees.

(21) MS. McCOMB:No, I know, because
(22) I can see my house on that.

(23) MR. FRASER:What she's saying is
(24) you're going to see, where you presently see all
(25) trees, you're going to see some trees, then a parking

(1) lot, then a building, correct?

(2) MS. McCOMB:If they're going to
(3) plant very high trees here, yes, but I mean I don't
(4) know how high they're going to go.

(5) MR. FRASER:But I think the
(6) first part of the question is if the green part of
(7) that, Mr. McDonough, on the easterly side of the
(8) proposed project, between the parking lot and the
(9) property line is the Applicant proposing to leave the
(10) trees that are in that green part or to take them
(11) down?

(12) THE WITNESS:To the northern
(13) part of the property the answer is the trees will
(14) remain. To the eastern portion, to the extent that
(15) they can be preserved they will, but in all practical
(16) reality, they'll be planted with an evergreen buffer,
(17) which is a requirement of the ordinance. So when we
(18) get to site plan, we'll deal with that. Again, we do
(19) show little circles which will be trees along that
(20) border. Bear in mind, of course, there's woodlands at
(21) the back of the property as well as on the adjacent --

(22) MS. McCOMB:Yeah, this backs up
(23) into my backyard. I'm just asking because I know that
(24) you used the rendering number eight on that sheet that
(25) we all got.

(1) THE WITNESS:Yes.

(2) MS. McCOMB:So when you look at
(3) those town homes that are now on North Avenue, where
(4) they backup they backup to those fields and the
(5) baseball field, they're all part of one another, so
(6) there's trees there, yes, but they're not very high.
(7) You can see still see into the second and third floor
(8) and when you're walking right below that you can see
(9) directly into our property, so it's going to impact
(10) our property.

(11) THE WITNESS:The Applicant has
(12) given enough of a green belt around the property that
(13) we can get a nice screen around the edge.

(14) MS. McCOMB:Okay.

(15) CHAIRPERSON VILLAGGIOIs there
(16) any further questions?

(17) MR. SOUSA:Roger Sousa,
(18) S-O-U-S-A, 490 Fourth Avenue, Garwood. Before you
(19) said two homes, one on each side you said had no
(20) windows?

(21) THE WITNESS:The photo that I
(22) showed was a house on this side that had no windows,
(23) there's a house on this side that has a long backyard,
(24) very long backyard, that's predominately wooded.

(25) MR. SOUSA:And there's no

(1) windows in this house?

(2) THE WITNESS:No, I was talking
(3) about this.

(4) MR. SOUSA:So there's four big
(5) windows in that house that's going to be viewing the
(6) back of one, two, three of these town homes.

(7) THE WITNESS:Yes, that house is
(8) right here. And, as I said, there is going to be a
(9) green belt along the property so there will be a
(10) buffer.

(11) MR. SOUSA:So from the back of
(12) that patio to the driveway line or the property line,
(13) how many feet is that?

(14) THE WITNESS:Your ordinance
(15) requirement is ten feet.

(16) MR. SOUSA:From the back of the
(17) house or from the back of the patio?

(18) THE WITNESS:A Minimum ten-foot
(19) buffer is required along the back perimeter of the
(20) property.

(21) MR. SOUSA:Now that's the back
(22) of the town home or is that the back of the patio?

(23) THE WITNESS:The back of the
(24) town home will be further away.

(25) MR. SOUSA:So the patio is ten

(1) feet so it will be about 20 feet?

(2) THE WITNESS:The actual
(3) structure is measuring 20 plus feet to the building.

(4) MR. SOUSA:Alright. And that's
(5) not going to block no views?

(6) THE WITNESS:No scenic views,
(7) no. Again, bear in mind, these three colors here,
(8) again, the tan, the dark gray and the green are very
(9) similar to the form of development that we would see
(10) with single-family housing. Same colors --

(11) MR. SOUSA:Now this very
(12) beautiful, it's very nice, but does that fit on Fourth
(13) Avenue? Is that something that belongs on Fourth
(14) Avenue I would say because I moved -- I lived in a
(15) community just like this, it looked exactly the same.
(16) I moved away from that to have the pool, to have the
(17) trampoline, to have my kids go to his house or his
(18) house or his house to play in their pool or
(19) trampoline. I didn't move here basically like to live
(20) next to 55 and over which is better than anybody I
(21) would say, but I don't think that belongs in this part
(22) of the neighborhood, plain and simple. You come
(23) around that bend and you're going to have this huge
(24) structure.

(25) CHAIRPERSON VILLAGGIO:Is there

(1) any questions, questions of the witness?

(2) MR. SOUSA: That was my question
(3) about windows and everything else because there are
(4) four big windows and he kind of skipped over that when
(5) he got to that point.

(6) CHAIRPERSON VILLAGGIO: Horace.

(7) MR. CORBIN: I just need the date
(8) of this aerial photograph because I see stuff on here
(9) that I don't think it exists.

(10) THE WITNESS: Bing photographs
(11) are dated several years; maybe three or four years.

(12) MR. CORBIN: So that's not really
(13) representative of the existing condition.

(14) THE WITNESS: From a planning
(15) standpoint for my purposes in terms of the form of
(16) development --

(17) MR. CORBIN: Well, what about for
(18) my purpose and the Board's purpose?

(19) THE WITNESS: I'm the one
(20) testifying.

(21) MR. CORBIN: Have you been there?

(22) THE WITNESS: Multiple times.

(23) MR. LOBE: David Lobe, L-O-B-E,
(24) 900 Union Street. The positive factors that you laid
(25) out for this parcel to up-zone it, would you say that

(1) those would also apply to the neighboring parcel which
(2) has a very similar lot; long and skinny and goes into
(3) the back?

(4) THE WITNESS:I'd have to look at
(5) the particular attributes of that site. I don't know.
(6) There's a distinct difference; this property is
(7) presently a commercial piece of property which is
(8) clearly in contrast to the neighborhood. The
(9) adjoining property is presently residential which is
(10) compatible with the neighborhood. That non conforming
(11) use that's there now could continue for perpetuity.
(12) It's a lawfully protected land use. It can go on and
(13) on. I think, again, within the context of the site
(14) and its historic use. This is an appropriate rezone
(15) of the property. I don't know if I can say that for
(16) the property next door, I don't know.

(17) MR. LOBE:Some more questions,
(18) may I continue?

(19) THE WITNESS:Yes.

(20) MR. LOBE:So I've read the
(21) Garwood Master Plan and I know that for a zoning
(22) variance the Board has to consider or you have to
(23) consider all the factors, the purposes and the intent
(24) of the zoning plan. So you talked about how this plan
(25) would incorporate, or, sorry, this new construction

(1) would not create undue disruption to the established
(2) character of Garwood and considering the neighboring
(3) areas don't have any townhouses, single-family homes
(4) several blocks around.

(5) THE WITNESS:I'm repeating
(6) myself, but I think in the terms of the character and
(7) the area of this site, this redevelopment pulls the
(8) site more into conformity with the character of the
(9) area which is a residential area where we now have a
(10) non residential use. So I think that goal does
(11) enhance it.

(12) MR. LOBE:What about the goals
(13) you've provided affordable housing opportunities for
(14) Garwood residents?

(15) THE WITNESS:Okay. Again, the
(16) sharing of the walls, the efficiency of the space I
(17) think provides for an affordability element as well.
(18) We're dealing with a full market here. I was just
(19) involved with a low income housing product, this is
(20) another type of housing product here. I do believe it
(21) met that market demand and create am affordable full
(22) market development.

(23) MR. LOBE:Can you talk a little
(24) bit about how this would conflict with the zoning in
(25) the neighboring communities in Westfield and Cranford?

(1) THE WITNESS: The zoning in the
(2) surrounding communities are also residential,
(3) single-family residential. Again, we're looking at
(4) sort of the hole in the donut; this is an oddball lot
(5) right now being non residential so making it
(6) residential, I think, pulls it into conformity with
(7) those surrounding town zoning.

(8) MR. LOBE: But those towns don't
(9) have town homes on the border of Garwood, they have
(10) single-family homes.

(11) THE WITNESS: Not all -- they're
(12) zoned for single-family, there's woodlands. This
(13) property as it shows on my photographs backs up to
(14) woodlands.

(15) MR. LOBE: Okay. What about
(16) limiting development in environmentally sensitive
(17) areas because you'll be building up to the areas of
(18) the wetlands.

(19) THE WITNESS: All of that is
(20) according to state regulations. We're not asking for
(21) any relief from the state regulations that we're not
(22) allowed to. We're allowed to buffer average around
(23) the wetlands and that's what the Applicant is doing
(24) here.

(25) MR. LOBE: Okay. Thank you.

(1) CHAIRPERSON VILLAGGIO Any other
(2) questions for this witness?

(3) MS. BANNICK: Debra Bannick, 421
(4) Fourth Avenue, Garwood. I just have a question. Does
(5) anybody know when that piece of property became
(6) commercial? I know it was Mr. and Mrs. Heidi's home
(7) for years back in the 19, mainly 1900s, and it was
(8) always residential and then it did become commercial
(9) when she opened the little store there.

(10) THE WITNESS: I know from the
(11) resolution in 2011 it talked about the former use at
(12) least 16 years ago it being a deli.

(13) MS. BANNICK: Right.

(14) THE WITNESS: I don't know when
(15) the deli started. I didn't go back in historical --

(16) MS. BANNICK: That's when it
(17) probably became a commercial piece of real estate in
(18) the middle of the residential area.

(19) THE WITNESS: At least twenty
(20) years I'd say, yes.

(21) MS. BANNICK: Okay. Thank you.

(22) THE WITNESS: You're welcome.

(23) MR. McCOMB: Joe McComb, 419
(24) Brookside Place, Cranford. M-c-C-O-M-B.

(25) Mr. McDonough, during your

(1) presentation you both did ample time about double use
(2) of the parking. I would assume a lot of that is
(3) attributed to the fact that you have a garage with two
(4) spaces, why the need for that, and that, also, would
(5) help alleviate the height restriction. If you rid
(6) yourself of the garages, you still have parking in
(7) front. You need a road to get in, you're not going to
(8) have people drive on the lawn so any thought about
(9) that.

(10) THE WITNESS:Well, the garage
(11) becomes an amenity for this type of, again, we're
(12) talking about a high end housing product. We some
(13) weather protection for the vehicles, for the drivers.
(14) It's something that goes with this time of product.

(15) CHAIRPERSON VILLAGGIOAny other
(16) questions?

(17) MS. McCOMB:Lauren McComb. 414
(18) Brookside Place. M-c-C-O-M-B.

(19) Are there any lights planning,
(20) like planning for landscape lights that are high?

(21) THE WITNESS:We'll come back to
(22) that on site plan.

(23) MS. McCOMB:Okay. Sorry.
(24) That's not yet. Okay.

(25) THE WITNESS:To ensure that the

(1) lights are shielded, they don't cast glare on the
(2) neighboring properties.

(3) MS. McCOMB:Okay.

(4) CHAIRPERSON VILLAGGIO: Any
(5) further questions from the audience, from the public
(6) to this witness? Seeing none, this portion is now
(7) closed.

(8) MR. HEHL: We have no further
(9) witnesses at this time. Again, all of our witnesses
(10) that have testified so far are available for further
(11) questions from the Board.

(12) MR. FRASER: At this time,
(13) members of the public who wish to testify or provide
(14) argument either in favor of or opposed to the
(15) application or comments about the application are
(16) welcome to do so. You're not limited to questions
(17) now. Anybody from the public who wants to speak.

(18) CHAIRPERSON VILLAGGIO: Ileen.

(19) MS. CUCCARO: Ileen Cuccaro. 348
(20) Third Avenue. This property, I guess, for the last
(21) almost twenty years --

(22) MR. FRASER: Ileen, are you going
(23) to provide testimony? I have a feeling you're going
(24) to be providing testimony.

(25)

(1) I L E E N C U C C A R O, residing at 348 Third
(2) Avenue, Garwood, New Jersey, being first duly sworn,
testified as follows:

(3) MR. FRASER: Spell your last name
(4) for the Reporter.

(5) MS. CUCCARO: C-U-C-C-A-R-O. For
(6) the past twenty years I have been trying to sell this
(7) property without much success and, finally, before it
(8) was purchased, they got a three-house subdivision
(9) which I really felt would really enhance the property
(10) values around where we live which was a good thing and
(11) then all of a sudden this came up. I just don't
(12) understand why it was changed from a three-family, you
(13) know, three single-family homes to a big, huge
(14) property that does not fit in within the landscape of
(15) our neighborhood at all, number one.

(16) The traffic studies, they can make all
(17) kinds of testimony about how it does not impact, the
(18) Shop Rite traffic study did not impact, the strip mall
(19) did not impact, the Pointe did not impact, in the
(20) meantime you can barely pull out on Walnut Avenue from
(21) Third Avenue. Fourth Avenue the traffic goes from
(22) Fourth Avenue out past the light, up North Avenue all
(23) the way from Westfield into Cranford. So the traffic
(24) studies to me are meaningless.

(25) But the main thing is Garwood redid the

(1) Master Plan and changed a lot of the single-family
(2) streets to multi-family streets into single-family
(3) which was what the town wants. Now you're asking it
(4) to be reverted for this one specific piece of property
(5) when the rest of the whole area is residential. I
(6) feel like that's going against what the town just did
(7) with the Master Plan. And I really, I just, I really
(8) can't see how it's going to enhance the neighborhood
(9) at all.

(10) Now like I said, no negative impact for
(11) traffic studies. Doesn't happen, you know, it just
(12) doesn't. So I just don't think that it will enhance
(13) where we're at. And if the Master Plan was just
(14) changed to get rid of the multi-family streets and
(15) this just counteracts what they voted on two years ago
(16) or whenever the Master Plan was changed. That's
(17) pretty much all I have to say on that.

(18) CHAIRPERSON VILLAGGIO Thank
(19) you.

(20) MR. FRASER: Mr. Hehl, do you
(21) have any questions?

(22) MR. HEHL: I have no questions.

(23) CHAIRPERSON VILLAGGIO Is there
(24) any other comments or testimony?

(25) MS. McCOMB: Yes.

(1) L A U R E N M c C O M B, residing at 419 Brookside
(2) Place, Cranford, New Jersey, being first duly sworn,
testified as follows:

(3) MS. McCOMB:I'm just very
(4) concerned that, you know, something that we have
(5) sacrificed living on Brookside Place in Cranford is we
(6) know our street whether or not it's 25 miles per hour
(7) it's like a highway, people are sipping in and out.
(8) Every time I pull in and out of my driveway I have two
(9) kids in the car and it's not a very safe turn.
(10) However, the one thing that we do love is that our
(11) backyard backs up to woods and a basin and, you know,
(12) there's kids playing back there all the time, ice
(13) skating and playing like with the paint balls and
(14) stuff, so when we're coming out of our backyards that
(15) we have tried to make beautiful for our own living
(16) arrangements because our front yard is terrible, I am
(17) very concerned that we're going to lose a lot of the
(18) privacy, we're going to lose a lot of the homey feel
(19) that we have and it's going to be knocked down by a
(20) huge structure. It is beautiful, I'm not saying that
(21) it's not beautiful, I just don't think that it belongs
(22) in the area that it is proposed to be placed. That's
(23) it.

(24) CHAIRPERSON VILLAGGIO Thank
(25) you.

(1) MR. FRASER:Mr. Hehl, any
(2) questions?

(3) MR. HEHL:I have no questions,
(4) no.

(5) CHAIRPERSON VILLAGGIO:Is there
(6) any others? Okay.

(7)
(8) D A V I D L O B E, residing at 900 Union Street,
(9) Westfield, New Jersey, being first duly sworn,
(9) testified as follows:

(10) MR. LOBE:I think if this
(11) variance is approved the Board would have a hard time
(12) turning down and requesting for a variance on an
(13) adjacent property that has a similar layout, maybe not
(14) exactly the same, but a similar layout or similar
(15) variances in adjoining or neighboring parcels. I
(16) think this would set the Board on a slippery slope
(17) towards really fundamentally changing the character of
(18) the neighborhood and I think the proposed plan does
(19) not conform with the neighborhood at all. So I would
(20) caution the Board to think carefully about the
(21) implications of approving this variance.

(22) MR. FRASER:Mr. Hehl?

(23) MR. HEHL:No questions.

(24) CHAIRPERSON VILLAGGIO:Horace.

(25)

(1) H O R A C E C O R B I N, 430 Union Street,
(2) Westfield, New Jersey, being first duly sworn,
testified as follows:

(3) MR. CORBIN:Are we going to have
(4) a chance to testify in the future on this issue?

(5) MR. FRASER:Not on the use
(6) variance.

(7) CHAIRPERSON VILLAGGIO:Not on
(8) the use variance.

(9) MR. FRASER:This is the hearing
(10) on the use variance. In the event that the use
(11) variance is denied, this is over. In the event that
(12) the use variance were to be granted, there will
(13) subsequently be a future hearing on the specifics of
(14) the site plan.

(15) MR. CORBIN:So this is all or
(16) nothing right now?

(17) MR. FRASER:If you want to
(18) oppose that there is going to be nine townhouses,
(19) now's the time.

(20) MR. CORBIN:I have photographs
(21) that show that the aerial photograph that Mr. So and
(22) So said is what existed indeed does not.

(23) MR. FRASER:Do you wish to put
(24) those photographs into evidence?

(25) MR. CORBIN:I do, since this is

(1) my last chance. And it shows that whole area back
(2) there has been clear-cut all the way back to the creek
(3) and it's a mud hole, so.

(4) MR. FRASER: Could I make a
(5) suggestion?

(6) MR. CORBIN: Yes.

(7) MR. FRASER: How many photographs
(8) do you have that you wish to put into evidence?

(9) MR. CORBIN: Seven.

(10) MR. FRASER: Why don't we mark
(11) those. Give them to Adele and we'll mark them. Your
(12) last name, sir?

(13) MR. CORBIN: Corbin.

(14) MR. FRASER: We'll mark them
(15) Corbin one through seven.

(16) BOARD MEMBER TARANTINO: I think
(17) we should also know the date of these photos.

(18) MR. FRASER: I'll ask him. Mark
(19) them Corbin one through seven.

(20) Mr. Corbin, why don't we lay a
(21) foundation for the photographs. Did you personally
(22) take the photographs?

(23) MR. CORBIN: I did or my son did.

(24) MR. FRASER: When were the
(25) photographs taken?

(1) MR. CORBIN:Over the Memorial
(2) Day weekend and today.

(3) MR. FRASER:So within the last
(4) week --

(5) MR. CORBIN:Correct.

(6) MR. FRASER:- either you or your
(7) son took the seven photographs.

(8) MR. CORBIN:That's correct.
(9) Took a lot more, but this is all I brought with me.

(10) MR. FRASER:And the seven
(11) photographs that you took or your son took that you're
(12) handing to Adele which are being marked into evidence
(13) or momentarily going into evidence, do they accurately
(14) reflect the condition of the property in question as
(15) it sits today?

(16) MR. CORBIN:It's hard to tell
(17) what the property actually is, the property line back
(18) there, and I don't have direct access to it. So I'm
(19) not exactly sure where the property line is that was
(20) discussed here versus what the adjacent property is.
(21) So I can't say that I know exactly where the property
(22) line is.

(23) MR. FRASER:Well, the question
(24) is are these the pictures, and for them to go into
(25) evidence I think we need to know, are these pictures

(1) that you're putting in pictures of the Applicant's
(2) property. Because if they are --

(3) MR. CORBIN:They are at least in
(4) the background and maybe in the foreground, but I
(5) don't know exactly where the property line is.

(6) MR. FRASER:Alright.

(7) CHAIRPERSON VILLAGGIOCan I ask
(8) where did you take these pictures from?

(9) MR. CORBIN:From my property
(10) which is adjacent.

(11) CHAIRPERSON VILLAGGIOWhich
(12) it's my understanding is you live at the last house --

(13) MR. CORBIN:Right on the creek.

(14) CHAIRPERSON VILLAGGIO:- on
(15) Union Street; is that correct?

(16) MR. CORBIN:Yes.

(17) BOARD MEMBER PATERSONRight
(18) next to the dotted line.

(19) MR. CORBIN:What I'm trying to
(20) show with these photographs is that all this wooded
(21) area that's shown on that aerial photograph doesn't
(22) exist, it's been clear-cut all the way back to the
(23) creek.

(24) MR. FRASER:Now hold on, just
(25) hold on.

(1) (Photographs are received and
(2) marked Corbin-1 through Corbin-7 in evidence.)

(3) MR. CORBIN:And that's what
(4) these photographs show.

(5) MR. FRASER:I understand that
(6) part, but the question would be the part that you
(7) claim is clear-cut, is it on the Applicant's property
(8) or is it not on the Applicant's property.

(9) MR. CORBIN:I can't tell and I
(10) asked the engineer that today and he said what he
(11) showed on his drawings the trees were there. I can't
(12) tell from the actual visual whether that's true or
(13) not, that's point one. The other point is all the
(14) water that's going to runoff from the proposed
(15) development is going to go right to the mud hole that
(16) exists there now because all this is clear-cut and
(17) then it goes right into all the properties over there.
(18) And, by the way, cutting all these wetlands is illegal
(19) so I don't know who actually did it.

(20) MR. FRASER:Alright. Do you
(21) have anything further?

(22) MR. CORBIN:I don't believe that
(23) there's any way they can get any of the water and
(24) everything else that happens from this property. If
(25) you recall I asked the other guy where does water go

(1) and he says it goes into a holding pit and then I said
(2) then what, there was no answer. And I have to say I'm
(3) you also an engineer, if that water is going to go
(4) anywhere, it's going to go down toward that creek and
(5) right through the mud hole and guess what, right
(6) through the wetlands which they say they're not going
(7) to touch. So you have some serious problems here.

(8) MR. FRASER: Alright. Anything
(9) further?

(10) MR. CORBIN: I'm done before I
(11) get too mad.

(12) CHAIRPERSON VILLAGGIO: Mr. Hehl.

(13) MR. HEHL: I just have a couple
(14) of questions. I'd like you to take a look at Corbin-1
(15) in this area which appears to be, I'm not sure what
(16) that purple is. Do you know where that is a picture
(17) of?

(18) MR. CORBIN: Yes.

(19) MR. HEHL: Do you know who's
(20) property that is?

(21) MR. CORBIN: I'll show you where
(22) it is on this -- on these other photographs.

(23) MR. HEHL: I'm just asking you to
(24) look at Corbin-1, do you have any idea where that is,
(25) whether it's the Applicant's property or the

(1) adjacent --

(2) MR. CORBIN:How about this.

(3) MR. HEHL:It's a simple
(4) question.

(5) MR. CORBIN:It's right there.
(6) You tell me where the property line is.

(7) MR. HEHL:If you're pointing to
(8) there, you're pointing to property that is not on the
(9) Applicant's property.

(10) MR. CORBIN:Okay. So you're
(11) saying it's not on the Applicant's property, where is
(12) the Applicant's property here?

(13) MR. HEHL:I don't know, I'm
(14) asking you, you're the one who took --

(15) MR. FRASER:Excuse me. Excuse
(16) me. We're not going to do this.

(17) MR. CORBIN:Well, he's asking me
(18) specific questions and he won't answer any.

(19) MR. FRASER:Okay, and that'
(20) correct, because right now, Mr. Corbin, you're the
(21) witness and he's the attorney cross-examining you. So
(22) right now, with all due respect, the way it works you
(23) don't get to ask him questions, he gets to question
(24) you on testimony you just gave. And it's a legitimate
(25) question where, if you know, was the area --

(1) MR. CORBIN:Well, give me copy
(2) of the engineering drawings that are going to be
(3) produced on this and I'll show you exactly where it
(4) is. But without any of the engineering drawings and
(5) without any elevations or anything else, I'm only
(6) guessing with pictures on the wall and attorneys on
(7) the table.

(8) MR. FRASER:So the answer is
(9) you're guessing or you're not positive?

(10) MR. CORBIN:No, I am showing you
(11) the photographs in my backyard and exactly where the
(12) property line is I don't know.

(13) CHAIRPERSON VILLAGGIO And
(14) that's okay.

(15) MR. FRASER:"I don't know" is an
(16) okay answer.

(17) CHAIRPERSON VILLAGGIO Because
(18) we're not sure, you know, because you're testifying
(19) that this application --

(20) MR. FRASER:So that the record
(21) is clear, the response to Mr. Hehl's question as to on
(22) who's property is reflected on Corbin-1 the answer is
(23) that you don't know.

(24) MR. CORBIN:That would be fair.

(25) MR. FRASER:That's a legitimate

(1) answer. Next question, Mr. Hehl.

(2) MR. HEHL:And would that be the
(3) same answer to question --

(4) MR. CORBIN:For every one of
(5) those photographs.

(6) MR. HEHL:Okay. Fine.

(7) MR. FRASER:Anything further,
(8) Mr. Hehl?

(9) MR. HEHL:I have nothing
(10) further. Thank you.

(11) MR. CORBIN:You're welcome.

(12) MR. FRASER:They're going to go
(13) into evidence. They go to Adele.

(14) Does any other member of the
(15) public wish to provide testimony either positive or
(16) negatively on the application or argument.

(17) MR. DEL CONTE:Al DelConte, 545
(18) Locust Avenue, Garwood. D-E-L capital C-O-N-T-E.

(19)
(20) A L D E L C O N T E, residing at 545 Locust Avenue,
(21) Garwood, New Jersey, being first duly sworn, testified
as follows:

(22) MR. DEL CONTE:I think this
(23) project here is beautiful. Whether it fits in the
(24) neighborhood or not is a little bit better than what's
(25) there right now. I know in the past I believe it was

(1) somebody had come in front of the Board to do five
(2) homes and then walked away from it. You changed it to
(3) the three homes and it's been that way now for a few
(4) years. The real estate market has picked, builders
(5) are building all over. Nobody is biting on this piece
(6) of property. The Applicant has done a couple of
(7) projects in town already, very nice I must say they
(8) turned out to be. He's going to move forward
(9) hopefully with this and it will be a beautiful project
(10) when it's finished. If this is knocked down I guess
(11) we could have a deli open back up over there again,
(12) maybe a little bit more traffic like a 7 Eleven or
(13) Quick Chek you can have back there again. If there's
(14) anybody here who remembers when it used to be Heidi's
(15) when it was open. Maybe if it's not a deli -- we all
(16) kind of know what happened to us or some of us might
(17) know what happened to us over on the St. Ann's
(18) property where it became senior citizens housing. And
(19) if you want to talk about overpopulation density, you
(20) probably will get something that's two times, maybe
(21) three times larger than what you're looking at right
(22) here and it's not going to look anything like this.
(23) Or I think maybe we could get affordable housing that
(24) could get thrown in there and then I think that
(25) becomes like more controlled of what the state says

(1) that gets done there rather than what this Board can
(2) say that can be put there. Now it's not in Garwood,
(3) but it's in Westfield, it borders Spruce Avenue and
(4) Myrtle, they're putting affordable housing in down
(5) there. The site is wetlands. The neighbors have
(6) complained about water runoff and they met all the
(7) requirements, but there's many, many units going in
(8) there. For the density it's way over the top. Here,
(9) again, I think this is a nice project for the town.

(10) To move forward with, I'd like to see it
(11) be approved, hopefully tonight, so we're not dragged
(12) on like we have been on previous meetings. And you
(13) all see me, I usually sit here and mind my own
(14) business, but I think tonight it was something that
(15) needed to be brought up that I hope and I know that
(16) the Board realizes what they're up against, what could
(17) go there. I don't know that the public really knows
(18) what could go there if this gets denied. I look
(19) forward to an approval here tonight hopefully. Thank
(20) you.

(21) MR. FRASER:I'm sure, Mr. Hehl,
(22) you don't want to cross-examine.

(23) MR. HEHL:No.

(24) CHAIRPERSON VILLAGGIO Is there
(25) any other member of the public that wishes to testify?

(1) MS. CUCCARO:Just on your case,
(2) I mean the property is purchased and three homes are
(3) approved to go on there, so that's what's already
(4) approve. What else could go on there if that's
(5) already approved currently.

(6) MR. DEL CONTE:I agree with you,
(7) yes, but you're a real estate agent.

(8) MS. CUCCARO:Correct.

(9) MR. DEL CONTE:You see builders.

(10) MR. FRASER:The purpose of
(11) providing testimony is not to provide an
(12) opportunity --

(13) MS. CUCCARO:Because I just
(14) wanted to make sure that they understand. They can
(15) assume that there was nothing approved there yet or
(16) anything else could go there so I just wanted to make
(17) sure that the people understood that.

(18) MR. FRASER:The point is that
(19) ever member of the public has the opportunity to
(20) provide their testimony of their opinions about this,
(21) it's not designed to provide a forum for one --

(22) MS. CUCCARO:No, I understand
(23) that, but some people may not know that it's already
(24) been purchased and there's already been an approval,
(25) that's all I was trying to clarify. That's it.

(1) MR. FRASER:Very well.

(2) MS. CUCCARO:I'm done.

(3) CHAIRPERSON VILLAGGIOOkay. Is
(4) there any other member of the public that wishes to
(5) have testimony? Sir.

(6) MR. FRASER:We do have a bylaw
(7) of the Board. The hearing closes at 11 o'clock. So
(8) I'm not going to suggest that you should be cutoff.
(9) I'm going to make a suggestion because what we keep
(10) doing is we keep being redundant and then there's one
(11) more hand and that's fine. Could we just get a show
(12) of hands of how many more people wish to comment on
(13) this application so that the Board can make an
(14) intelligent decision as to what we're going to do in
(15) terms of time. How many more people after this
(16) gentleman want to make a statement or testimony?

(17) MR. UZARSKI:John Uzarski. 415
(18) Union Street.

(19)
(20) J O H N U Z A R S K I, residing at 415 Union Street,
(21) being first duly sworn, testified as follows:

(22) MR. UZARSKI:If this gets
(23) denied, what will happen to the property?

(24) MR. FRASER:That's not really
(25) testimony, but I'll answer it anyway. The answer is
they don't have approval for this. If there's an

(1) approval for three single-family houses, I guess
(2) somebody could build that or they can come back with
(3) some other application to do something else at some
(4) point in the future.

(5) MR. UZARSKI:And you guys make
(6) the final decision?

(7) MR. FRASER:Depending on what it
(8) is.

(9) MR. HEHL:Other than again, if
(10) there is a preexisting commercial use --

(11) MR. FRASER:Nobody has to do
(12) anything, it could stay as it is or there could be
(13) some other application.

(14) Is there anybody else now from
(15) the public who wants to still have a say on this.

(16) BOARD MEMBER McCARRICKI just
(17) have a question, I guess it's more of a legal
(18) question.

(19) MR. FRASER:Then I would suggest
(20) that you consult your lawyer.

(21) BOARD MEMBER McCARRICKWhat
(22) determines the current use of the building because it
(23) was partial residential and partial commercial, does
(24) the commercial supersede by law, is that why we're --

(25) MR. FRASER:I'll answer it

(1) partially, okay. It's in a single-family zone, right.
(2) However, the commercial use is what we call a
(3) preexisting non conforming use, in other words, it's
(4) there long enough and it may have predated the zoning
(5) ordinance, there may have been a variance dozens of
(6) years ago, but the point is if it's there long enough,
(7) in layperson's terms, it might be grandfathered and
(8) that gets to stay. And even though it's in a
(9) single-family zone, that commercial use is legal. And
(10) if this doesn't get approved, as Mr. Hehl was just
(11) pointing out, the commercial use can continue and
(12) that's one of the things that Mr. McDonough was
(13) arguing. Does that answer your question?

(14) BOARD MEMBER McCARRICK: Yes.
(15) Thank you. Alright.

(16) CHAIRPERSON VILLAGGIO: Can I say
(17) that this portion of the meeting has been closed?

(18) MR. FRASER: The public portion
(19) is closed. Now we have a decision to make.
(20) Ordinarily, the Board would now -- Mr. Hehl, are you
(21) summing up further or are you done?

(22) MR. HEHL: Very briefly.

(23) MR. FRASER: You still have the
(24) right to sum up. As soon as Mr. Hehl's sums up, the
(25) Board will take it under advisement, the Board will

(1) discuss amongst itself and the Board will make its
(2) vote. So the question is it's 11 o'clock. The
(3) Board's rule is we don't go past 11 o'clock unless we
(4) want to change that. I'll make one other
(5) observation -- you know, what I'm not going to.

(6) CHAIRPERSON VILLAGGIO So we
(7) would need a motion to extend the time of the meeting;
(8) a motion and a second to exceed the time limit of 11
(9) o'clock.

(10) MR. FRASER: Right.

(11) BOARD MEMBER VENA: Madam Chair,
(12) I've been sitting on this Board a long time and we
(13) visited the Heidi properties a long time and we've
(14) spent a lot of hours on it so I would like to get the
(15) Heidi properties behind us tonight. So I would make a
(16) motion.

(17) BOARD MEMBER TARANTINO: And I
(18) would second that.

(19) BOARD MEMBER VENA: I would make
(20) a motion that we stay as long as it takes to complete
(21) this application.

(22) MR. FRASER: Well, not as long as
(23) it takes.

(24) BOARD MEMBER VENA: It's not
(25) going to take that long.

- (1) CHAIRPERSON VILLAGGIO We have a
(2) motion. We have a second. Adele, take a roll call.
(3) BOARD SECRETARY LEWIS Bruce
(4) Paterson?
(5) BOARD MEMBER PATERSON Yes, to
(6) extend the hour.
(7) BOARD SECRETARY LEWIS Gene
(8) Jannotti?
(9) MR. JANNOTTI: Yes.
(10) BOARD SECRETARY LEWIS Georgia
(11) MacIndoe?
(12) BOARD MEMBER MacINDOE Yes.
(13) BOARD SECRETARY LEWIS Kathy
(14) Villaggio?
(15) CHAIRPERSON VILLAGGIO Yes.
(16) BOARD SECRETARY LEWIS Robert
(17) Scherer?
(18) BOARD MEMBER SCHERER Yes.
(19) BOARD SECRETARY LEWIS Michael
(20) Vena?
(21) BOARD MEMBER VENA: Yes.
(22) BOARD SECRETARY LEWIS Timmy
(23) Hak?
(24) BOARD MEMBER HAK: Yes.
(25) CHAIRPERSON VILLAGGIO Motion

(1) carried. Mr. Hehl, you can do your summation.

(2) MR. HEHL: Yes. And I will, in
(3) view of the hour and the testimony, I'll be very
(4) brief. I don't think I can sum it up any better than
(5) the testimony of the witnesses that testified here
(6) this evening on our behalf, Mr. Quinn. And we
(7) recognize, again, we are here on a bifurcated basis so
(8) we would, this Board so kind as to grant this
(9) application, we're going to be back and we're going to
(10) address issues of drainage, of lighting of further --
(11) we've already committed to meet with the fire
(12) department, with our architect to address any issues
(13) there to meet with your police department and our
(14) traffic engineer and our site engineer and Mr. Vinegra
(15) to address any questions with respect to traffic
(16) safety and ingress/egress on the site.

(17) And, again, we're here on a bifurcated
(18) basis. I think we've established the proofs for the
(19) grant of this variance. It's a beautiful structure
(20) that's proposed here. There's going to be extensive
(21) landscaping and buffering. There's going to be safety
(22) improvements. We're eliminating the non conforming
(23) commercial use. The property has sat vacant for many
(24) years in that rear portion, but we are going to honor
(25) the buffering and the wetlands that are in place there

(1) and comply with the state regulations.

(2) So I think for all of the reasons and
(3) the reasons that Mr. McDonough highlighted and both
(4) the positive criteria and negative criteria and the
(5) need for this type of housing, the concession of the
(6) Applicant that it would be an age-restricted 55 and
(7) over, I think for all of those reasons that we would
(8) request that the Board grant, again, the bifurcated
(9) application which would be the use variance and the
(10) associated variances and that we come back here before
(11) this Board so this beautiful project can proceed at
(12) site plan approval. So thank you very much.

(13) CHAIRPERSON VILLAGGIO Okay.

(14) Thank you, Mr. Hehl. Members of the Board, do you
(15) have any comments?

(16) BOARD MEMBER PATERSON I'll
(17) comment.

(18) CHAIRPERSON VILLAGGIO Okay.

(19) Mr. Paterson.

(20) BOARD MEMBER PATERSON I
(21) understand that this property and the hardship due to
(22) the size and Mike Vena is right. I mean the Heidi
(23) property came in front of the Board many times, I was
(24) a resident most of the time, but it seemed like we
(25) were moving forward. When Sandy came in and, you

(1) know, she wanted to know what exactly we could do with
(2) the property so she could sell it because, obviously,
(3) she wanted to sell it and the Board kind of agreed
(4) with three homes. There was a flag lot for the third
(5) house, but we kind of have had a direction going on
(6) that and now we're looking at a very massive structure
(7) much like previously came in front of the Board many
(8) times. Like Mike said --

(9) CHAIRPERSON VILLAGGIO But those
(10) were a lot more denser --

(11) BOARD MEMBER PATERSON Well, and
(12) you're looking at a three-story building, and many
(13) three-story buildings. And the trick here is I mean
(14) -- maybe two blocks away John Monna came with a home
(15) that he wanted similar and it was knocked down, you
(16) know, that three-story was incorrect. Not to mention
(17) other names, but I thought three-story buildings were
(18) not really acceptable in Garwood.

(19) I understand, you know, the townhouse
(20) ordinance and to me it seems like townhouses, you
(21) know, the higher density side-by-side townhouses
(22) really should be within the main roads or maybe a
(23) block away, but stuck in the back of a small, quaint
(24) neighborhood, some of the residents did say, it
(25) doesn't fit in there. I tend to agree. I understand

(1) the property shape, you know, not conducive to proper
(2) development.

(3) I don't know if Mr. Villaruat actually
(4) owns the property outright. If he did, I mean I would
(5) be maybe more conducive in thinking of trying to, you
(6) know, validate some of his project that he would like.
(7) I mean to me it just seems too big the ten yards --
(8) the ten-foot backyard is a major issue.

(9) At this point, you know, I don't, I
(10) can't accept it the way it is. It's unfortunate, like
(11) Mike said, you know, the Heidi property came in front
(12) so many, so many times and I would like to see this
(13) get resolved. But just for me, just voting yes to at
(14) least make it go away --

(15) MR. FRASER:Mr. Paterson, you
(16) said you don't know if Mr. Villaruat owns the
(17) property, it's right in the application.

(18) BOARD MEMBER PATERSONIs it
(19) really?

(20) CHAIRPERSON VILLAGGIOThe
(21) application says it.

(22) BOARD MEMBER PATERSONIt's so
(23) much paperwork.

(24) MR. FRASER:He owns it.

(25) BOARD MEMBER PATERSONI'm going

(1) to suggest possibly if he comes back with something
(2) better. You know, maybe not the three homes, but
(3) something in between let's say then maybe I would vote
(4) yes. At this point I can't see it.

(5) CHAIRPERSON VILLAGGIO Thank you
(6) very much for your comments. I've been on this
(7) Planning Board for twenty years maybe, as a regular
(8) member, as a Zoning Board member, as an elected
(9) official person up here and now I'm back again. I've
(10) seen applications come in here with 18, 19, 22
(11) apartments, you know, different sections of the
(12) property itself. Having where it would be hard for a
(13) fire engine to even back into a spot, you know, or
(14) even go in there I feel that what we have here is
(15) something that's going to be done smart. It will look
(16) nice. Not just nice, it will look great. But I think
(17) that it has met the burden of use and I am going to
(18) vote for it. Thank you. Any other comments?

(19) BOARD MEMBER MacINDOE I came
(20) here tonight and after reading everything, you know, I
(21) thought it was not going to be a good place and
(22) wouldn't fit in the neighbor, but then I heard about
(23) the quality of the materials they're using I changed
(24) my mind. I'll also vote for it.

(25) CHAIRPERSON VILLAGGIO Alright.

(1) Thank you.

(2) BOARD MEMBER HAK:I'm of two
(3) minds. I heard the people who live around there and
(4) their proofs made some very good points. I also
(5) recognize that when someone wants to spend money to
(6) develop it, you know, they're putting themselves out
(7) there and it's going to cost them a lot of money to do
(8) so and they kind of have the right to make money doing
(9) such a project. As much as this small community is
(10) concerned, but it's an odd-shaped piece of property
(11) and I think what could go in there could be the wrong
(12) thing and this seems to me done correctly with the
(13) Counsel's advice and, you know, it could be the best
(14) way to handle this situation. So I'm going to vote
(15) yes on this.

(16) CHAIRPERSON VILLAGGIO Mr.
(17) Scherer, I haven't heard from you at all today.

(18) BOARD MEMBER SCHERER I'm going
(19) to stick to my old resolution for the three houses.
(20) We spent a long time on that.

(21) CHAIRPERSON VILLAGGIO Do you
(22) have any comments?

(23) BOARD MEMBER TARANTINO I would
(24) say with my architectural planning and construction
(25) experience, I think this is the appropriate project

(1) for the odd shape piece of property. I hope residents
(2) understand that what you're going to perceive from
(3) Fourth Avenue is the end elevation. The architecture
(4) of this mass is going to make it much smaller than I
(5) think what people are going to, what they experience
(6) from reading the drawings. And if I had the
(7) opportunity tonight, I would vote yes for this
(8) project.

(9) CHAIRPERSON VILLAGGIO Thank you
(10) very much, Paul. Gene.

(11) MR. JANNOTTI: Well, it's an
(12) interesting thing. I'm probably one of the newest
(13) members on the Planning Board and I spend a lot of
(14) time listening to the other more experience Planning
(15) Board members and listening to the audience and
(16) listening to the testimony, as I look at this and I go
(17) back to maybe the three houses, but if I look at the
(18) drawing and I see a house here and if I were to put
(19) like three homes back in here, even if you took the
(20) smaller, little smaller one's, I'm just not
(21) visualizing how that would actually fit. And so I
(22) look at this drawing and I look at what's here and I
(23) think, as you said, what you're going to see from the
(24) street or from Walnut Street is the end of the
(25) building and it's not like that one drawing where

(1) there was on North Avenue where they're all right on
(2) the street. And I look at the shape of this building
(3) and my main concern is the wetlands, but I think the
(4) testimony is that they would conform to all of the
(5) legal requirements to guarantee that the wetlands are
(6) protected. That is probably the most important thing
(7) to me besides the character of the neighborhood.

(8) So based on the testimony that that is
(9) going to be satisfied, then I'm looking at, well, I
(10) think that this is a worthy project and one that I
(11) would, at this point, have to, I would go along with,
(12) so.

(13) CHAIRPERSON VILLAGGIO Mr.
(14) McCarrick, would you like to make a comment.

(15) BOARD MEMBER McCARRICK I
(16) recognize that I would be voting on this tonight. If
(17) I was, I would say that my major issue with this
(18) project is that it's in an RA zone and, Kathy. A lot
(19) of the projects that you talked about are in either
(20) the central business zone or general business zone.

(21) CHAIRPERSON VILLAGGIO That was
(22) proposed here, by the way. What I said before, they
(23) were for this property, that's why I mentioned that.

(24) BOARD MEMBER McCARRICK I
(25) thought one that came previously.

(1) CHAIRPERSON VILLAGGIO It was
(2) way back.

(3) BOARD MEMBER McCARRICK I really
(4) feel that it's surrounded by single-family properties
(5) and if there is any way possible that it could remain
(6) single-family property and a little more green space I
(7) think that would be better, but it's just my opinion,
(8) so.

(9) CHAIRPERSON VILLAGGIO Vic, do
(10) you have anything?

(11) MR. VINEGRA: I'll just go into
(12) that the Applicant is proposing 55 and older and that
(13) is, you know, that stems from HUD had a law in 1988,
(14) fair housing amendments and then that was revised in
(15) 1995. What all that said was that someone in the home
(16) had to be 55. That's 80 percent. It's actually the
(17) first time where HUD acknowledged you can have
(18) discrimination in housing. It's age discrimination
(19) that you can't have anyone younger. So someone has to
(20) be 55 and older within the home, no children of school
(21) age can be in the home, but there can be caregivers
(22) and the like, but they can't be of school age, below
(23) 17. But twenty percent of the units by federal law
(24) can be less than 55.

(25) And so the federal law came out, the

(1) federal government came out and set standards in 1995
(2) saying that to discriminate 80 percent had to be. So
(3) 55, that doesn't mean that the ownership has to be it,
(4) it means you can buy one for your parent and your
(5) parent can live there, but that parent has to be 55
(6) years-old. And I agree with some of the testimony
(7) earlier with Mr. Staigar with traffic, that it's a far
(8) less trip generation because you don't have school-age
(9) children or you don't have -- people who could buy a
(10) home, will buy a home. You don't have people moving
(11) into a housing stock that have children, they'll buy
(12) single-family home for the pool and for the amenities.
(13) And the only thing I'd say is with this Board we, you
(14) know, the first time we experimented we townhouse
(15) uses, with townhouse development was the Pointe and I
(16) think we tipped our toes in the water on the Pointe.
(17) And I've done some subsequent investigation about
(18) housing in Garwood and just as a planner for your
(19) town, just has nothing to do with, just in general
(20) about townhouses, The Pointe has the highest resale of
(21) any residential's in town and they have the highest
(22) tax ratable. So even though they have self-governance
(23) with their homeowners association, they have
(24) self-plowing and self-garbage, they actually have the
(25) highest resales in town. I find that a little odd

(1) because other towns where I'm a planner it's vice
(2) versa; the single-family homes in Garwood actually
(3) sell less than the townhouses. That's telling me that
(4) this market hasn't been fully built-out. That there
(5) is a market in this general, not just Garwood, but in
(6) Westfield and Cranford for a new townhouse development
(7) and that people will overpay for -- to be within an
(8) association, to be within an area where it's
(9) controlled and to not have kids. It seems like the
(10) people who want to live here, they don't want children
(11) running around and they'll overpay. It's just
(12) something I've experienced looking into demographics
(13) and resales within the borough.

(14) So, you know, this Board really has to
(15) look at, as a planner, this type of housing is in
(16) need. Now this Board has to decide is it the proper
(17) location, do you feel this is the proper location for
(18) this type of development. I've been at the Pointe,
(19) I've used The Pointe as a litmus test, and I've been
(20) to the residential homes that backup to The Pointe and
(21) I have a close friend that lives backed up to The
(22) Pointe; he was not the happiest when it was being
(23) built, but when it was all said and done it benefited
(24) his home, so. That's the only thing. And because of
(25) that, we have now introduced an ordinance that permits

(1) townhouses, and our ordinance that does permit
(2) townhouses and not in this area, permits up to 12 to
(3) 15 an acre where they're going nine an acre. So we do
(4) have a townhouse ordinance. The Pointe ss built at
(5) about 14 units an acre from what I remember and that
(6) was highly successful. And, hopefully, if this
(7) project does go through it becomes as successful as
(8) The Pointe because I think that's been a super project
(9) for the municipality because it brought new people
(10) into town and they seem to enjoy living there and I've
(11) been dealing with them ever since and, you know, it's
(12) been a positive, in my opinion, The Pointe.

(13) BOARD MEMBER VENA:I'll tell you
(14) what, expanding on The Pointe, I remember going down
(15) North Avenue when the mattress factory was there and
(16) all those old buildings before The Pointe came in and
(17) before Shop Rite came in and it was just, it was an
(18) ugly site. We used to go down there and there was
(19) nothing to look at, you just wanted to rush through
(20) town to get into Westfield. Now when you make that
(21) turn at the Hess station and you go down North Avenue,
(22) it's a majestic sight. It's nice. You see people
(23) milling about. There might be a little more traffic,
(24) but it's just a nice feature. Now when you we go down
(25) Walnut Avenue and you stop at that stop sign, you're

(1) going to see an expanse of a neighborhood in there,
(2) you're not going to look at ugly buildings. If I'm
(3) looking at that from that vantage point at the end of
(4) Walnut Avenue, I'm going to stop a couple of more
(5) seconds at that stop sign and take a look at that.
(6) I'm not going to make a rush right or a rush left. I
(7) think it's going to enhance the neighborhood, so I'm
(8) all for it.

(9) CHAIRPERSON VILLAGGIO: Alright.
(10) Everybody had a chance to comment?

(11) MR. JANNOTTI: I also want to
(12) comment on the 55 and older. I think if this was not
(13) a 55 and over development we'd be talking about
(14) families and children and the effect on the Board of
(15) Education and schooling and all the rest of that which
(16) is would take it completely out of the discussion
(17) because the owner has decided to come in with 55 and
(18) older and that's another reason why I support this.

(19) CHAIRPERSON VILLAGGIO: Okay. I
(20) guess it's time for a motion. Can I have a motion?

(21) BOARD MEMBER VENA: I'd like to
(22) make a motion that we grant the variances and we
(23) accept this application and send this forward.

(24) MR. FRASER: So grant the use
(25) variance to allow the construction of the nine

(1) townhouses plus the associated bulk variances that the
(2) Applicant has requested obviously on a bifurcated
(3) basis subject to a later site plan approval.

(4) BOARD MEMBER VENA: Obviously.

(5) CHAIRPERSON VILLAGGIO: We have a
(6) motion, can I have second?

(7) BOARD MEMBER MacINDOE: I second.

(8) BOARD MEMBER VENA: Is
(9) age-restricted part of the motion?

(10) CHAIRPERSON VILLAGGIO: That's
(11) part of the testimony.

(12) MR. FRASER: That was part of
(13) your motion, too, right, Mr. Vena?

(14) BOARD MEMBER VENA: Yes, it was.

(15) CHAIRPERSON VILLAGGIO: Adele,
(16) roll call, please.

(17) BOARD SECRETARY LEWIS: I'm
(18) sorry, who made the second?

(19) CHAIRPERSON VILLAGGIO: Georgia.

(20) MR. FRASER: Alright. There's a
(21) seven member Board voting, five affirmative votes are
(22) necessary to pass.

(23) BOARD SECRETARY LEWIS: Bruce
(24) Paterson?

(25) BOARD MEMBER PATERSON: No.

- (1) BOARD SECRETARY LEWIS Gene
- (2) Jannotti?
- (3) MR. JANNOTTI:Yes.
- (4) BOARD SECRETARY LEWIS Georgia
- (5) MacIndoe?
- (6) BOARD MEMBER MacINDOE Yes.
- (7) BOARD SECRETARY LEWIS Kathy
- (8) Villaggio?
- (9) CHAIRPERSON VILLAGGIO Yes.
- (10) BOARD SECRETARY LEWIS Robert
- (11) Scherer?
- (12) BOARD MEMBER SCHERER No.
- (13) BOARD SECRETARY LEWIS Michael
- (14) Vena?
- (15) BOARD MEMBER VENA:Yes.
- (16) BOARD SECRETARY LEWIS Tim Hak?
- (17) BOARD MEMBER HAK:Yes.
- (18) BOARD SECRETARY LEWIS Motion
- (19) carries five to two. It passes.
- (20) MR. HEHL:Thank you very much
- (21) for the time and we appreciate you staying late.
- (22) (Hearing is concluded at 11:40
- (23) P.M.)
- (24)
- (25)

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CERTIFICATE

(8)

(9)

(10)

I, DEBRA-ANN BALSAMO, a Certified

(11)

Shorthand Reporter and Notary Public of the State of

(12)

New Jersey, certify that the foregoing is a true and

(13)

accurate Computerized Transcript of the proceedings as

(14)

taken before me stenographically on the date

(15)

hereinbefore mentioned.

(16)

(17)

(18)

DEBRA-ANN BALSAMO, C.S.R.

(19)

(20)

(21)

Dated: June 4, 2014

(22)

My Commission Expires on

(23)

December 6, 2016

(24)

License No. X101161

(25)

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