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TOWN OF WESTFIELD

PLANNING BOARD

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

*\*Meeting held virtually via Zoom\**

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B E F O R E:

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

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

ASHENFELTER, TREMBULAK, MCDONOUGH, GOLIA &  
TREVENEN, LLP  
BY: ALAN TREMBULAK, ESQ.  
Attorney for the BOARD  
  
MCCARTER & ENGLISH, LLP  
BY: GARY HALL, ESQ.  
Attorney for the APPLICANT VILLA  
  
GARY S. GOODMAN LAW  
BY: GARY GOODMAN, ESQ  
Attorney for APPLICANT TXT PROPERTIES

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P R O C E E D I N G S  
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CHAIRMAN ASH: Good. Evening, and welcome to the Planning Board's regular March meeting. Hopefully, our last Zoom meeting as we return to in-person in Council Chambers on April 4th.

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

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

Roll call, please.

MR. SAMMET: Yes, Mr. Chairman.  
Chairman Ash.

CHAIRMAN ASH: Here.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Here.

MR. SAMMET: Mr. Ceberio.

MR. CEBERIO: Here.

MR. SAMMET: Councilman Dardia.

MR. DARDIA: Here.

1 MR. SAMMET: Ms. Harrison.

2 MS. HARRISON: Here.

3 MR. SAMMET: Mr. Goldstein.

4 MR. GOLDSTEIN: Here.

5 MR. SAMMET: Ms. Jansveld.

6 MS. JANSVELD: Here.

7 MR. SAMMET: Ms. Carreras.

8 MS. CARRERAS: Here.

9 MR. SAMMET: Ms. Freedman.

10 MS. FREEDMAN: Here.

11 MR. SAMMET: And Deputy

12 Chief Duelks. Welcome.

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

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

18 MR. DUELKS: Thank you.

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

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

24 MR. TREMBULAK: I wasn't aware of  
25 this.

1 MR. SAMMET: I have a cheat sheet,  
2 Alan.

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

5 MR. SAMMET: I'll do it.

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

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

12 MR. TREMBULAK: Welcome.

13 MR. DUELKS: Thank you.

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

19 MR. CEBERIO: I'll make the motion.

20 CHAIRMAN ASH: Thank you. And a  
21 second?

22 MS. HARRISON: I'll second it.

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

25 BOARD MEMBERS: Aye.

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

9 MR. CEBERIO: I'll make that motion.

10 CHAIRMAN ASH: Who would like to  
11 second?

12 MR. DARDIA: (Indicating.)

13 CHAIRMAN ASH: Mr. Dardia had his  
14 hand up. Roll call, please.

15 MR. SAMMET: Chairman Ash.

16 CHAIRMAN ASH: Yes.

17 MR. SAMMET: Mayor Brindle.

18 MAYOR BRINDLE: I'm abstaining. I  
19 had recused from that application.

20 MR. SAMMET: That's right.

21 Mr. Ceberio.

22 MR. CEBERIO: Yes.

23 MR. SAMMET: Councilman Dardia.

24 MR. DARDIA: Yes.

25 MR. SAMMET: Ms. Harrison.

1 MS. HARRISON: Yes.

2 MR. SAMMET: Mr. Goldstein.

3 MR. GOLDSTEIN: Yes.

4 MR. SAMMET: Ms. Jansveld.

5 MS. JANSVELD: Yes.

6 MR. SAMMET: Ms. Carreras.

7 MS. CARRERAS: Yes.

8 MR. SAMMET: And Ms. Freedman.

9 MS. FREEDMAN: Yes.

10 CHAIRMAN ASH: All right. Thank  
11 you. Don, any changes or revisions to the agenda  
12 tonight?

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

16 CHAIRMAN ASH: All right. Very  
17 good. And our first application tonight was  
18 carried from the last meeting. It was PB19-02,  
19 873 New England Drive, Block 5301, Lot 17 is an  
20 application for a subdivision. Let's add -- I see  
21 Gary Hall on the panel. Mr. Hall, the applicant's  
22 attorney, good evening.

23 MR. HALL: Good evening, everyone.  
24 Yes, Gary Hall with the law firm of McCarter and  
25 English in Newark appearing on behalf of

1 Ruth Villa for a minor subdivision, two lots with  
2 no variances.

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

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

21 This property at 873 New England  
22 Drive, as well as other properties on that street,  
23 were located in the RS-12 Zone district until  
24 February 2019 when the Town Council enacted a  
25 zoning ordinance changing the designation of the

1 New England Drive properties, changing the zoning  
2 designation from RS-12 to RS-16. That ordinance,  
3 which was really enacted shortly after this Board  
4 rendered its initial decision denying the  
5 subdivision application for 855 New England Drive.  
6 That ordinance, again, was enacted shortly after  
7 that and was adopted by the Town Council on  
8 February 12, and I believe the ordinance took  
9 effect two days later on February 14. On  
10 February 7, 2019, five days before the new zoning  
11 took effect, Mr. Hall, on behalf of  
12 Mr. and Mrs. Villa filed an application for minor  
13 subdivision approval for this property at 873 New  
14 England Drive.

15                   After Don Sammet reviewed the  
16 application and the materials submitted, along  
17 with the application and after discussions with  
18 me, it was determined that the application was  
19 deficient in various respects and a letter was  
20 sent out to the Villas or to Mr. Hall advising  
21 they had not submitted a complete application  
22 before the new zoning designation took effect and  
23 that therefore their application was subject to  
24 the new zoning for this property which was the  
25 RS-16 Zoning Regulations.

1           In response to that determination,  
2           the Villas filed a lawsuit in the Superior Court  
3           of New Jersey and ultimately which was assigned,  
4           and ultimately handled by Judge Karen -- the  
5           assignment judge at the time since retired, Judge  
6           Karen Cassidy who is the same judge who decided  
7           the Schnitzer case involving 855 New England  
8           Drive. Without going into great detail, which is  
9           not necessary, Judge Cassidy ruled in favor of the  
10          Villas. And she held that the Villas had filed a  
11          complete or a sufficiently complete application on  
12          February 7, 2019, and that, therefore, based upon  
13          the Time of Application Rule, they were entitled  
14          to have their application decided based upon the  
15          zoning regulations in place on February 7, 2019,  
16          namely, the zoning regulations for the RS-12 Zone  
17          District. She entered an order to that effect  
18          basically declaring, deciding that the Board must  
19          decide this application based upon the RS-12  
20          Zoning Regulations. And she also included in her  
21          final judgment a statement that the Board could  
22          not consider Section 806G, which she had ruled in  
23          the Schnitzer litigation to be invalid.

24                        So the case is now before the Board  
25                        to be decided based upon the zoning regulations

1 applicable to properties in the RS-12 Zone, and  
2 without any consideration to Section 806G of the  
3 Subdivision Ordinance which was determined to be  
4 invalid. That's what brings us here tonight  
5 Mr. Chairman and Members of the Board.

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

10 MR. GOLDSTEIN: Mr. Chairman?

11 CHAIRMAN ASH: Okay. Go ahead.

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

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

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

22 CHAIRMAN ASH: Any other members of  
23 the Board?

24 MS. HARRISON: Just for my own  
25 record. We're talking about Lot 17 in this

1 application? The Schnitzer lot was which two lots  
2 or which one lot was it on the tax map?

3 CHAIRMAN ASH: It was Lot 16.

4 MS. HARRISON: It was what?

5 CHAIRMAN ASH: Lot 16.

6 MS. HARRISON: Thank you.

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

9 MS. HARRISON: Eighteen is little.

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

11 CHAIRMAN ASH: All right. Mr. Hall?

12 MR. HALL: Thank you, and I agree  
13 with Mr. Trembulak's summary. And I know that  
14 Mr. Sammet also had a summary in his memo of  
15 October 25. But we'll be brief. I have one  
16 witness, Paul Fox, the engineer who prepared the  
17 plans. He'll be available -- I mean, he'll  
18 testify. Before I do that, real quick, I want to  
19 make a couple of comments. One important thing I  
20 think is that if you look at the zoning table on  
21 our chart on our plans, one of two lots actually  
22 complies with the RS-16 Zoning; from what I can  
23 tell. It's got more than 16,000-square feet and  
24 it's got a width of 104. The requirement for the  
25 RS-16 is only 90-feet. I believe the Schnitzer

1 application was I think 77 or so, the width. And  
2 during those proceedings, it seemed to me -- and  
3 I've watched a lot of them -- that lot width was a  
4 big concern to many of the neighbors. The minimum  
5 for the RS-16 is 90, and we're at 103 and 104. So  
6 I think that's an important point to have that  
7 this is a much different application, it's much  
8 closer, and at least one of the two lots actually  
9 conforms. And the main deviation is a little  
10 shortage of acreage, about 2,000-square feet, and  
11 that's because of the unusual shape, the curve of  
12 New England Drive so that on the one side, the lot  
13 has a shorter depth and that makes it contrary to  
14 the 140-foot depth requirement. The minimum on  
15 this lot is 126.92. So I think that's important  
16 to note that this isn't a clone of the Schnitzer  
17 application next door. We waited to hear what  
18 happened with that before we asked to go ahead.  
19 And they are bigger lots. I agree it would not  
20 fully conform with RS-16. I want to bring that  
21 out.

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

25                   MR. TREMBULAK: I can do it.

1 Normally, the Chair does.

2 CHAIRMAN ASH: I'm now unmuted.

3 Mr. Fox.

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

6 BY MR. HALL:

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

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

1 Planning Board in Chester Township, Morris County.

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

5 A. Yes.

6 Q. Frequently over the past, since  
7 1996?

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

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

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

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

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

24 BY MR. HALL:

25 Q. Mr. Fox, tell us all your role in

1 the subdivision process. Did you prepare the  
2 plans?

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

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

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

22 A. We want to be looking at the minor  
23 subdivision plan that was submitted for this  
24 application. This includes Sheet 1, it's an  
25 aerial photo of the property in the center and

1 showing all of the houses around there. It also  
2 shows the street in front. The tax map is  
3 provider here, 200-foot Owner List that was,  
4 again, established at the time of the application,  
5 as well as the zoning schedule for the property.

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

17 A. Moving on to Sheet 2 of the plans,  
18 this is the boundary and topographic survey map of  
19 the property. This includes the surrounding  
20 properties, the adjacent Lot 16 is off to the  
21 left. The Board will note that along this side of  
22 the property there's previously a street  
23 established as part of the original subdivision  
24 that created this neighborhood. The street was  
25 subsequently vacated by the municipality, and when

1 that is done, half of the property goes to the lot  
2 on one side, half of the property goes to the  
3 adjoining lot. This is what resulted in the  
4 existing Lot 17. The survey shows topography, all  
5 the existing structures, and improvements, as well  
6 as all of the trees and utilities.

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

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

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

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

19 Q. Okay. Thank you.

20 A. Moving on to Sheet 3. This shows  
21 the proposed lot line that would be established  
22 between the two proposed lots. The building  
23 envelope is shown for the two lots. There is the  
24 easement across the one lot. So the structure on  
25 this new lot would be able to have sanitary sewer

1 lateral going out to the existing sewer line in  
2 New England Drive.

3 The proposed subdivision creates one  
4 lot with the size of 13,887-square feet and  
5 another lot that is 16,064.71-square feet in size.

6 Q. The other one is 13,887; isn't it?

7 A. I'm sorry. You're correct, 13,887.

8 Q. I mentioned before on the easterly  
9 side there because of the curve and New England  
10 Drive there's a shorter lot depth; is that  
11 correct?

12 A. That is correct. On this lot here.

13 Q. So it's equal distance in the back  
14 line -- you said you divided it in half -- but  
15 that results in a slight deviation in acreage; is  
16 that correct?

17 A. That's correct. It still conforms  
18 with the RS-12 zoning requirements.

19 Moving to Sheet 4, this includes a  
20 limit of disturbance associated with demolishing  
21 the existing home and removing the improvements on  
22 that property. It includes also the topography as  
23 well as the existing trees. We've noted where the  
24 sewer line serving the new lot here would go  
25 across the adjacent lot and out to the existing

1 sewer off of New England Drive here. There are no  
2 proposed homes here because we're not proposed to  
3 construct any homes at this time. We're simply  
4 proposing to demolish the existing home and create  
5 two vacant lots. There's no construction proposed  
6 at this time.

7 Q. And as a professional engineer doing  
8 subdivisions, is there adequate room within the  
9 building envelope for a reasonably sized house.

10 A. Yes, there is. There's also  
11 reasonable room to provide the required parking as  
12 noted in the Westfield code.

13 Q. Thank you. Is that the last plan  
14 sheet?

15 A. Yes. The next sheet is just some  
16 details related to soil erosion. Otherwise,  
17 there's nothing more to testify to the plans.  
18 Going back to Sheet 3, I can certainly, at this  
19 time, entertain any questions that the board  
20 members may have.

21 Q. And before you do that -- allow me  
22 to just jump in -- you've been provided with the  
23 comment memoranda from Mr. Sammet and also  
24 Mr. Battaglia, the town engineer?

25 A. Yes, I have.

1 Q. And you've read them.

2 A. Yes.

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

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

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

14 BY MR. HALL:

15 Q. You've seen the memorandum, Mr. Fox,  
16 from Mr. Sammet, the town planner?

17 A. Yes. I did have an opportunity to  
18 review this memorandum dated October 25, 2021. A  
19 couple of items that I did want to note. On  
20 Page 3 of his memorandum notes that the existing  
21 dwelling has a nonconforming front-yard setback of  
22 48.9-feet, where 42.97-feet is required. In other  
23 words, the existing home is too far away from the  
24 roadway from what the code would currently  
25 require.

1           Q.           I was going to say, on the next  
2 page, he also flags a slight error in calculation.

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

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

20          A.           No, nothing else.

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

25          A.           That is correct. It specifically

1 states that per the Municipal Land Use Law at  
2 40:55D-37a states: "Subdivision or individual lot  
3 applications for detached single-family dwellings  
4 are exempt from site plan review and approval by  
5 the Board. Building floor plans and elevations  
6 are not required to be submitted for minor  
7 subdivision applications involving detached  
8 single-family dwellings."

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

12 A. That is correct.

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

16 A. Sure. My only comment with  
17 Mr. Battaglia's memo, some of the comments appear  
18 to be addressed towards proposed home  
19 construction. There is no proposed home  
20 construction at this time. Most of these comments  
21 appear to be applicable to when somebody does  
22 apply to build a home on these lots' and  
23 certainly, I would agree that those comments that  
24 are applicable to Westfield's requirements for  
25 individual home developments would be applicable

1 to the proposed lots that are being created as  
2 part of the subdivision.

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

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

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

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

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

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

24 Q. But there's no sewer in front, so  
25 that seems unlikely; is that correct?

1           A.           Correct.

2           Q.           But you'll adjust it.  There's  
3 nothing magical about the alignment you showed; is  
4 that correct?

5           A.           That's correct.  There's nothing  
6 that would preclude having a sewer lateral running  
7 across the adjacent lot at that point.  It's far  
8 in front of the required home setback, so there  
9 certainly wouldn't be any conflict there.

10          Q.           I think that covers it all.  And you  
11 have no problem providing CAD or PDF copies of the  
12 corrected, revised, updated plan; is that correct?

13          A.           Correct.

14          Q.           I think that's all I have -- well,  
15 that is all I have for Mr. Fox.  He's open for  
16 questions.

17                       CHAIRMAN ASH:  Thank you.

18                       MR. SAMMET:  Mr. Hall, just  
19 acknowledge to comments that I made in my report  
20 on Pages 4 and 5, Numbers 1, 2, and 3 about would  
21 the applicant be willing to obtain the necessary  
22 tree removal permit from the Tree Preservation  
23 Commission.  And also acknowledging that two new  
24 homes built side-by-side would be subject to the  
25 requirements in Section 12.11 of the Town Land Use

1 Ordinance.

2 MR. HALL: Yeah. I mean we're not  
3 proposing to have pull building permits at this  
4 point. Whoever wants to pull building permits,  
5 they're going to have to comply with everything.  
6 We're not asking for relief, escape, or avoidance  
7 of anything. So whatever applies, will apply to  
8 the person, individual, entity that applies for a  
9 building permit. So the answer is, yes, those  
10 will apply. I'm just not sure my client will be  
11 the one doing that. That's all. The goal would  
12 be to subdivide and sell because my understanding,  
13 the way the thing works now is developers don't  
14 build spec homes anymore or rarely do. And  
15 usually, they have a contractor to buy a lot, and  
16 then contract with a purchaser to build a  
17 purchaser's dream house. If that's the way it  
18 works. So that would all be up to them. Whatever  
19 applies, applies at that point in time. I don't  
20 disagree at all.

21 And one other thing before I forget  
22 I didn't mention it before but just for the  
23 record, the reason Mr. Villa hasn't been mentioned  
24 is that he passed away last year. So now,  
25 Ruth Villa is the sole owner of this property. At

1 the time of the filing three years ago, he was  
2 still alive. That has changed. Just if people  
3 were wondering why he hasn't been mentioned,  
4 that's the reason. Did I answer your question,  
5 Mr. Sammet?

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

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

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

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

1 enough pitch to do that I think not having an  
2 easement is a benefit.

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

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

11 MR. BATTAGLIA: Thank you.

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

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

24 MR. HALL: Do you want to leave the  
25 shared screen up? I mean that's up to you.

1 MR. SAMMET: Mr. Chairman, perhaps  
2 we move on to Gerri and Jeremy Rothfleisch. And  
3 then we'll give Ms. Butchko another shot.

4 CHAIRMAN ASH: Okay.

5 MR. SAMMET:  
6 Mr. and Mr. Rothfleisch, we should be able to hear  
7 you.

8 MS. ROTHFLEISCH: Hello.

9 MR. SAMMET: Yes. We can hear you.

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

18 MR. FOX: No. The --

19 MS. ROTHFLEISCH: That's my first  
20 question. And my second question is how will --  
21 if you could just explain a little more to the  
22 group, how the depth will affect the new homes  
23 that are there. How it will look from the  
24 existing home to what it will be with the new  
25 homes?

1                   MR. FOX: Sure. So the issue wasn't  
2                   the depth of the existing lot, but rather the  
3                   front setback of the existing home. As Mr. Sammet  
4                   noted in his review memorandum, at the top of I  
5                   believe Page 3, he noted that the existing home  
6                   has a setback of 48.9-feet where 42.97-feet is  
7                   required; approximately 6-feet. He's saying that  
8                   the home is technically required to be 6-feet  
9                   closer to the street. Insofar as the home is  
10                  being demolished as part of this application, that  
11                  nonconformity will be eliminated. The new homes  
12                  have to comply with Westfield's requirement for  
13                  averaging between adjacent lots on either side.  
14                  Mr. Sammet calculated that the required setback  
15                  for the two new lots would be 42.97-feet. So  
16                  that's where the new homes would be constructed.  
17                  That's designed to maintain an average setback  
18                  along the street so no home is much closer to the  
19                  street than the adjoining properties or much  
20                  further from the street than the adjoining  
21                  properties.

22                   MS. ROTHFLEISCH: So will that now  
23                   be more consistent with the street or less  
24                   consistent with the existing homes that are there,  
25                   that are currently there?

1                   MR. FOX: It will be more  
2 consistent.

3                   MS. ROTHFLEISCH: Okay. Thank you.

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

6                   MR. FOX: Sure. Go ahead.

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

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

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

24                   MR. SAMMET: Actually, yeah. Yeah.

25                   MS. ROTHFLEISCH: So setback is not

1 based on zoning requirements, it's based on the  
2 existing home there?

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

8 MR. ROTHFLEISCH: Thank you.

9 CHAIRMAN ASH: Should we try  
10 Ms. Butchko again?

11 MS. BUTCHKO: Can you hear me.

12 MR. SAMMET: Yes.

13 MS. BUTCHKO: I took out the  
14 headphones. Maybe that made a difference. Mr.  
15 Fox, I have two related questions or two parts.  
16 First of all, one of the major concerns of the  
17 neighbors is flooding. Will having this  
18 subdivision increase the risks of flooding? I  
19 mean we talked about tree removal, a double sewer  
20 line, parking, additional structures. And if so,  
21 what steps can be taken to mitigate any risks of  
22 potential flooding as a result of the subdivision?  
23 And then the second part is since the Schnitzer's  
24 lot next door will also be subdivided, will having  
25 two lots being subdivided right next to each

1 other, will that increase the risk of flooding to  
2 say the Schnitzer's property and surrounding  
3 properties, and if so, what can be done looking at  
4 the bigger picture of both Schnitzer's property  
5 and the Villa's property to try to mitigate any  
6 potential flooding.

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

21 Finally, as a municipal engineer, I  
22 can certainly speak to my own experience in  
23 reviewing and approving plans. We don't propose  
24 plans or approve plans that would negatively  
25 impact adjoining properties. We try to make sure

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

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

17                   MR. FOX:  Certainly there is a  
18      requirement that when you install dry wells to  
19      manage runoff you have to do a soil log to make  
20      sure that the soil conditions are suitable for  
21      having dry wells.  That's something that has to be  
22      done at the time of applying for approval to build  
23      a new home.  So if there was an issue with adverse  
24      soil conditions or an adverse groundwater table,  
25      those issues would be addressed at that time.

1 MS. BUTCHKO: Our soil, at least in  
2 our yard, has a lot of clay. It's a very  
3 thick-type of -- you know, deep down it's a very  
4 clingish-type of soil. Is that one of the things  
5 you're looking at because, you know, it's probably  
6 hard to absorb a lot of water?

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

13 MS. BUTCHKO: Thank you.

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

19 MS. ROTHFLEISCH: Hi. Just one more  
20 question. I know it was stated for the trees that  
21 they'll follow the tree preservation and I think  
22 you know that definitely has been improved in the  
23 last few years, but it's definitely not perfect.  
24 So, Mr. Fox, I don't know if this is for the  
25 engineer or if this is for Mr. Hall, but will

1 anyone be showing anything regarding the trees as  
2 to how many they'll be taking down, what the plans  
3 are? Will the residents see anything tonight  
4 regarding the trees?

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

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

15 MR. FOX: Sure.

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

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

1 MR. ROTHFLEISCH: Okay. Thank you.

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

5 MS. HANLON: Can you hear me?

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

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

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

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

24 MR. SAMMET: How can the neighbors  
25 ensure?

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

9 MR. SAMMET: Right.

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

13 MR. SAMMET: That's a good question.  
14 The Tree Preservation Commission and the  
15 administration of the Tree Preservation Ordinance  
16 actually goes through our public works director.  
17 I'm really not familiar with the noticing  
18 requirements that would be required for tree  
19 removal application. It actually does not go  
20 through my office. I wish I had an exact answer  
21 for you as to noticing requirements for that. So  
22 I actually don't have an answer for you.  
23 Councilman Dardia, were you involved at one point  
24 with the Tree Preservation Commission or  
25 Mr. Goldstein?

1                   MR. GOLDSTEIN: Yeah. The  
2 requirement for public notice would be prior to  
3 assuming that somebody had applied for a permit to  
4 take down a tree hadn't met the town's tree  
5 preservation requirements for tree replacement  
6 plan and then had received their actual permit to  
7 remove the trees, at that point, there would have  
8 to be a public notice to any adjacent properties  
9 which are literally defined by touching the side  
10 of the property, would have to be given notice.  
11 But it's not a notice to have the opportunity to  
12 object to it. It's more of a notice that there  
13 will be equipment that will be removing a tree  
14 adjacent to your property.

15                   MS. HANLON: Okay.

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

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

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

25                   MS. HANLON: I was just using trees

1 as an example. You know, but sewage drainage and  
2 different expectations whether they're actually  
3 done or not, that's what I was curious about is  
4 how does one really know.

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

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

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

24 MS. HANLON: Okay. Thank you.

25 MR. GOLDSTEIN: And from a tree

1 preservation perspective, in addition to them  
2 having to apply for any trees that they would take  
3 down as part of their construction permitting  
4 process, the Tree Preservation Committee also has  
5 the opportunity to put in protection requirements  
6 for an existing trees. So in addition to them not  
7 taking down trees, they would have to have a plan  
8 to protect the existing trees so that the  
9 construction process didn't damage them in any  
10 way. So there's protection things that have to  
11 take place, and that is inspected. And if for  
12 some reason there were required to protect a tree  
13 that they then damaged, there would be potential  
14 penalties for that which would either require  
15 financial fines or the replanting of additional  
16 trees.

17 MS. HANLON: Right. Something other  
18 than arborvitae.

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

24 MS. HANLON: Thank you.

25 MR. SAMMET: Ms. Foltz. Ms. Foltz

1 if you unmute yourself we should be able to hear  
2 you now.

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

7 MR. FOX: I saw your question posted  
8 on the chat and I gave that some thought. And we  
9 never really evaluated what the area would be if  
10 we extended the lot line to the curb line; I guess  
11 is what you're suggesting. I'm sure it would be  
12 fairly close because, as you can see, the total  
13 size of the existing lot is 29,952-square feet,  
14 and two conforming lots in the new zoning would  
15 require only 32,00-square feet. So when you look  
16 at that, we're less than 10% off what would be  
17 required under the new zone. But to answer your  
18 question, we really didn't evaluate that because  
19 that's simply not a normal configuration for  
20 evaluating lot area.

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

25 MR. SAMMET: I don't know that I

1       could answer that question other than to say that  
2       would be highly unusual and unlikely.

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

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

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

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

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

20                  MR. FOLTZ:  I'm just saying.

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

1 MR. FOLTZ: Okay. Thank you.

2 MR. BATTAGLIA: You're welcome.

3 CHAIRMAN ASH: Any other questions  
4 from the public?

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

7 CHAIRMAN ASH: Thank you. Mr. Hall.

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

23 CHAIRMAN ASH: Okay. Thank you.  
24 Any members of the public have comments about this  
25 application at this time? Please raise your hand.

1 MR. SAMMET:

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

4 MR. ROTHFLEISCH: And it's going to  
5 be Jeremy speaking first. Gerri would like to say  
6 a few words after I'm finished. I just want to  
7 state for the record that the home that I  
8 purchased at 940 New England Drive was also from a  
9 Villa family member, and it was exactly the same  
10 house at the time when I purchased it in 2004. I  
11 was competing with builders to buy my property and  
12 the builder actually outbid us by a little bit,  
13 and the Villa family, the adult children --  
14 because it was an estate sale, being the older  
15 generation had passed on -- but the adult children  
16 of the estate wanted to see a young family move in  
17 and build roots and you know maybe make some  
18 improvements, which we did, and raise our family  
19 here, which we did. And what's upsetting to me  
20 and I just want to state for the record is why  
21 couldn't this property have been just put on the  
22 market to see if someone was interested. And with  
23 everything that's going on in the last year or so,  
24 it's very very possible that the economics may  
25 have been just as good to sell to somebody or even

1 better to sell to somebody who wanted to come in  
2 and have a nice, large piece of property which is  
3 now not going to be so large. It's just very  
4 upsetting to me because we were that family in  
5 2004, and the adult children of the Villa estate  
6 -- so these would be cousins of Mrs. Ruth Villa --  
7 they came to a different conclusion, and they put  
8 it on the market. They sold it to our family and  
9 we've raised two boys here who went through  
10 Tamaques, and then Edison, and then Westfield High  
11 School. And that's just what I wanted to state  
12 for the record. And now Gerri would like to  
13 speak.

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

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

20 MS. ROTHFLEISCH: Gerri Rothfleisch,  
21 940 New England Drive.

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

24 MR. HALL: Okay. It sounded like it  
25 was going to be testimony, but I defer to you. I

1       erase the question.

2                       CHAIRMAN ASH:   Please continue,  
3       Ms. Rothfleisch.

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

22                      So I just want to state for the  
23      record that she was ahead of the time, at least of  
24      the state, because, you know, the state, it's all  
25      about a mathematical equation.   There is no:   How

1 does this look with the street? How is this going  
2 to conform? And to Mr. Hall's point, yes, from  
3 the street, it absolutely will look better than  
4 the Schnitzer's. The depth of the home, though.  
5 Every home on our street, we have nice-sized  
6 backyards. These homes will not because the depth  
7 is not there. So it would be different. We won't  
8 see it from the street, but it will be different  
9 for those families. It will be different for  
10 people who are living on Village Green and are  
11 backing them. So I just wanted to state, I wanted  
12 to give some history. And it just makes me sad  
13 because, you know, this Villa family cared so much  
14 about the street, built three beautiful homes, and  
15 I just don't understand why Ruth Villa just will  
16 not just entertain the idea of someone trying to  
17 fix up that home. Because it is a special home.  
18 People comment all the time. I mean,  
19 unfortunately, she hasn't been taking care of it  
20 recently, but it has so much potential and it  
21 could be so beautiful. Thank you.

22 CHAIRMAN ASH: I see Ms. Hanlon.

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

25 MS. HANLON: Can you hear me?

1 MR. SAMMET: Yes.

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

21 As Gerri said, I know  
22 Fugeros(phonetic) built the house on New England  
23 Drive in I want to say the early '80s, and they  
24 had to meet with the Villas to get approval for  
25 that. And it's a large house on a large lot. And

1 that wasn't that long ago that that happened. So  
2 both of those families have taken advantage of a  
3 clerical error and our neighborhood has to pay for  
4 it. And, you know, I just think -- I don't know  
5 if the law could stop them, and I don't think  
6 council can stop them, but I would hope their  
7 conscience would stop them. Because like I said,  
8 they've enjoyed raising a family and they've  
9 enjoyed a lifetime in their home, and they're not  
10 looking back at the rest of us, thank you.

11 MR. SAMMET: I see no other hands  
12 raised, Mr. Chairman. Oh, excuse me.  
13 Ms. Butchko, we can hear you.

14 MS. BUTCHKO: I actually remember  
15 when Schnitzer's house was being built. And as  
16 everybody said, it's a very special neighborhood.  
17 And it really hurts to see it change. My name is  
18 Leslie Wederich Butchko, and my family has owned  
19 the property at 898 Village Green for 60 years. I  
20 attended the February 7th virtual planning board  
21 meeting, and I want to thank this Board for  
22 insisting that the public has a right to be heard  
23 and refusing to rush a vote on this matter. I  
24 think that was -- we really appreciate that. My  
25 concerns regarding the Villa application are

1 similar to those that I voiced in my public  
2 comment regarding the Schnitzer subdivision  
3 application. First, the subdivision may cause  
4 flooding in our neighborhood and to our property.  
5 And second, it likely will exacerbate the  
6 disrepair of the street and create a dangerous  
7 condition for the many seniors who use walkers and  
8 canes to walk around the block. The subdivision,  
9 you know, as we heard Mr. Fox talk about, the  
10 subdivision may increase the surface runoff and  
11 the groundwater saturation, especially, during  
12 rain and snowstorms, and there have been many of  
13 those. It may cause flooding on the street nearby  
14 property if appropriate measures are not taken to  
15 minimize the direct and indirect surface runoff  
16 and the groundwater saturation. I'm very  
17 concerned that additional runoff and groundwater  
18 saturation may put the neighborhood at even  
19 greater risk for flooding because you have the two  
20 properties right next to each other and you're  
21 going to have, you know, parking and structures  
22 and tree removal and all of that.

23 I'm very glad to hear that  
24 Mr. Battaglia will scrutinize all the plans and  
25 conduct inspections to ensure that there's

1     adequate drainage and confirm that all reasonable  
2     efforts have been taken to redirect runoff away  
3     from nearby properties. And I request that  
4     Mr. Battaglia render an opinion on those  
5     drainage-related issues.

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

1 get stuff out so that some of the seniors wouldn't  
2 trip on the rocks.

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

9 CHAIRMAN ASH: Thank you.

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

12 CHAIRMAN ASH: Thank you. Members  
13 of the board, your comments on the application.  
14 Ms. Harrison.

15 MS. HARRISON: The last application  
16 I felt very strongly in opposition to it even  
17 though our hands were tied with it because it was  
18 with a much narrower lot. It was creating a sense  
19 of division on the street that was changing the  
20 rhythm of the whole. Sort of, in opposite of  
21 that, I feel that Lot 17 has a very very large  
22 house that's not in relationship to the other  
23 houses on the street. I mean, yes, there are a  
24 few beautiful houses, beautiful homes that I never  
25 ever ever want to see torn down. But in all the

1 subdivisions that are sort of being pushed through  
2 on this street, I feel this is the one that makes  
3 the most sense if those are words that sort of  
4 leave a little bit of peace. It is the widest  
5 lot. It gives us two very decent lots that are  
6 very in kind to the lots adjacent to the property.

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

24 CHAIRMAN ASH: Thank you.

25 MAYOR BRINDLE: Mr. Chairman.

1                   CHAIRMAN ASH:   Yes.

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

20                  So I just want to give my  
21                  reassurance to the neighbors who have been such  
22                  incredible advocates and very inspiring advocates  
23                  for their neighborhood.   The town and the  
24                  administration's reassurance that we're going to  
25                  watch these very very closely and making sure that

1 everything that is done is in full compliance with  
2 the expectations of all of our ordinances. I just  
3 wanted to put that on the record.

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

16 I want to talk about the conditions  
17 noted in Don Sammet's memo. There's been a  
18 commitment by the applicant's attorney to comply  
19 with all requirements that may be in effect at the  
20 time when a building permit is submitted.  
21 Obviously, I'm aware, this Board is aware, that  
22 this is an application for a minor subdivision  
23 where two homes are not proposed. But we all know  
24 two homes will be proposed. They're not part of  
25 this application. They're not treated as included

1 in this application. This will not remain two  
2 lots of open space, I think we can all concede to  
3 that. I just want to be clear that this  
4 subdivision application, I would recommend  
5 including the conditions noted in Mr. Sammet's  
6 report. And I would just put on the record that  
7 when building permits are filed that all  
8 requirements of building single-family lots are  
9 complied with to the letter of the law. And I  
10 also ask that the town professionals and employees  
11 who routinely inspect make sure that this  
12 application, the eventual houses are also viewed.  
13 And with that, I would ask if anyone has a motion  
14 to approve.

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

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

19 MS. CARRERAS: I'll second it.

20 CHAIRMAN ASH: Thank you, all.

21 Let's have a roll call, please.

22 MR. SAMMET: Chairman Ash.

23 CHAIRMAN ASH: Yes.

24 MR. SAMMET: Mayor Brindle.

25 MAYOR BRINDLE: Yes.

1 MR. SAMMET: Mr. Ceberio.  
2 MR. CEBERIO: Yes.  
3 MR. SAMMET: Councilman Dardia.  
4 MR. DARDIA: Yes.  
5 MR. SAMMET: Ms. Harrison.  
6 MS. HARRISON: Yes.  
7 MR. SAMMET: Mr. Goldstein.  
8 MR. GOLDSTEIN: Yes.  
9 MR. SAMMET: Ms. Jansveld.  
10 MS. JANSVELD: Yes.  
11 MR. SAMMET: Deputy Chief Duelks.  
12 MR. DUELKS: Yes.  
13 MR. SAMMET: Ms. Carreras.  
14 MS. CARRERAS: Yes.  
15 MR. SAMMET: Ms. Freedman.  
16 MS. FREEDMAN: Yes.  
17 MR. SAMMET: It's approved.  
18 MR. HALL: Thank you for your time.  
19 MAYOR BRINDLE: And I do want to  
20 make one comment that Dave Battaglia said. The  
21 road is scheduled to be paved in 2024.  
22 MR. FOX: Thank you.  
23 CHAIRMAN ASH: Move along on the  
24 agenda. There's a new appeal tonight PB22-02,  
25 610 North Avenue East, Block 3305, Lot 4. It's an

1 application seeking approval to renovate the  
2 existing building to house a hydroponic farm and  
3 accessory retail shop, restaurant, and teaching  
4 kitchen. I think that might be a first before  
5 this board or any board in New Jersey.

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

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

13 MR. SAMMET: Very well.

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

16 CHAIRMAN ASH: Please proceed.

17 MR. HEHL: Thank you, and great to  
18 see everyone again. I hope you're all doing well.  
19 And I long for the days to be back in the  
20 municipal building for these hearings. As  
21 Chairman Ash, indicated, it's a very exciting  
22 project. And thank you so much, as usual, Don,  
23 did an excellent report outlining this  
24 application. And I know this Board was involved  
25 in the review and the consistency of the Handler

1 Building Redevelopment Plan, and what we've  
2 proposed here this evening. I'll be short because  
3 I know Greg can explain it much better than I can.  
4 But it's an exciting redevelopment of the old  
5 manufacturing building incorporating a vertical  
6 farm, plant-based restaurant, a retail farm store,  
7 teaching kitchen, a small banquet hall. We've had  
8 an opportunity, obviously, to work and go over the  
9 redevelopment plan. They are the designated  
10 redevelopers of this property. And we come before  
11 this Board with a submission that is consistent  
12 with the redevelopment plan does not require any  
13 deviations or variances. Mr. Sammet did note some  
14 items that he requested testimony on, and we'll  
15 cover that during our presentation. But again,  
16 it's exciting to see this redevelopment project in  
17 the Town of Westfield.

18                   What I'd like to do again is the  
19 husband and wife team of Greg Redington and  
20 Michele Modestino; they're going to talk. First,  
21 we're going to have Greg take us through -- he's a  
22 professional engineer, a professional planner --  
23 take us through the vision for this property and  
24 then talk about the site items and then conform  
25 the consistency with the redevelopment plan.

1 Mr. Sammet did note on Page 9 of his report a  
2 number of items. So Mr. Redington will touch upon  
3 most of those, and then the ones that deal with  
4 architecture Michele while then touch on.  
5 Mr. Chairman, if you like, they're on the screen  
6 together. Perhaps if we want to have them both  
7 sworn in and then I can separately qualify them.

8 CHAIRMAN ASH: Thank you.

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

12 BY MR. HEHL:

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

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

24 Q. And you've been qualified as both a  
25 professional engineer and a professional planner

1 over the years?

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

4 BY MR. HALL:

5 Q. And then Michele.

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

18 Q. Thank you, Ms. Modestino.

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

22 CHAIRMAN ASH: Any questions? All  
23 right. Proceed.

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

1 background on the acquisition of this property and  
2 the vision that he and his wife have for the  
3 property, and then touch on the civil aspects.  
4 And if there're certain items that they'll cover  
5 on Mr. Sammet's report.

6 BY MR. HEHL:

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

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

12 Q. Sure.

13 A. Okay. Great. So even before we get  
14 started -- so you guys can see a bunch of pictures  
15 and PDFs and that sort of thing on the screen?  
16 You can? Okay. Than you. What we're doing down  
17 the street is similar to what we have done  
18 already. So this was our office building when we  
19 initially purchased the building. And the office  
20 likes like this at this point. And on the inside  
21 of the building, the inside of the building that  
22 we purchased look liked like; an old car  
23 dealership shop area. And currently, the inside  
24 of the building looks this. So we've done this  
25 once before, and we're really excited about the

1 opportunity to do it again down the street, which  
2 is a very very exciting opportunity for us. Let  
3 me see if I can find a proper site plan. I want  
4 to try to enlarge this a little bit so we can all  
5 see this a little better.

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

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

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

15 MR. HEHL: Sure.

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

18 (Whereupon, Applicant's Exhibit A-1,  
19 EXHIBIT RENDERING, 610 NORTH AVENUE EAST, DATED  
20 02/08/22, WITH NO REVISION MARKS, was marked for  
21 identification.)

22 A. And I think there's a way to get rid  
23 of all this other stuff. Either way, this is the  
24 building. You guys will be happy to hear that we  
25 are not proposing to subdivide, nor are we

1 proposing to demolish the existing building. It's  
2 an existing warehouse -- not warehouse -- an  
3 industrial building that was built 100 years ago;  
4 as of next year, as a matter of fact. And it was  
5 built initially as an industrial facility for a  
6 commercial Laundromat. Since then, it had been  
7 used as a number of different types of industry,  
8 but always as an industrial building. And in the  
9 last 50 years, Handler Manufacturing. And Handler  
10 Manufacturing manufactured machines for the dental  
11 industry in it. We are going to continue its life  
12 and a manufacturing building, but we are going to  
13 manufacture food in it through hydroponic vertical  
14 farming that's going to provide fresh food for all  
15 of Westfield and Union County 12 months a year,  
16 and we are very excited about this opportunity.  
17 In addition to that, it's going to have some  
18 sister uses which will include a restaurant, event  
19 space, a teaching kitchen, a retail store, as well  
20 as -- what I'm really excited about -- which is an  
21 education part which that element will be 501C3.  
22 So, hopefully, our school children in Union County  
23 can come learn about the new modern farms.

24 Adaptive reuse and sustainability is  
25 very important to Michele and I, and that's why

1 we're maintaining this building and we're going to  
2 bring it back to its grandeur, and probably past  
3 its grandeur. And we're going to leave this site  
4 as it has been primarily utilized. On the western  
5 side, it's always been a parking lot where my  
6 cursor is, and that will continue to be the main  
7 parking lot for the facility. On the eastern side  
8 is a smaller parking lot that was originally the  
9 loading dock area, but now we are not going to be  
10 requiring as much loading area so we're going to  
11 provide parking for the store which is going to be  
12 on this side. North Avenue is across in front of  
13 it. We have about six spaces along North Avenue  
14 that we're going to utilize as well.

15           The bulk areas of the property have  
16 all been maintained and, if any, anything, we're  
17 reducing a few things. We've reduced, we've  
18 removed a large canopy that was in this loading  
19 area here, and in its place, we've introduced a  
20 smaller canopy. We've introduced a very small  
21 vestibule area on this side on the west side of  
22 the property so we can have an environmentally  
23 friendly pair of doors that's common these days in  
24 a small -- also, a small canopy. And in the back,  
25 we had a little notch that was a continuation of

1 this ally, and so we're proposing to close that  
2 in. But in terms of bulk variances, they all are  
3 remaining the same. And three of them that are  
4 changing are all reduced which is building  
5 coverage, the FAR, as well as the impervious  
6 coverage. We're also cleaning up this front  
7 western access point. Up until about two months  
8 ago, there was a telephone pole right smack-dab in  
9 the middle of the property line access point, and  
10 so the access to the parking lot was very awkward.  
11 We had that pole luckily pushed aside and removed  
12 with all the new work that PSE&G has been doing on  
13 North Avenue. And so we're excited about opening  
14 up this new entrance. The light color green is  
15 new landscaping grass area that was previously  
16 impervious. We're also going to be cutting away  
17 the asphalt that runs up against the building  
18 right now, and we're providing a three-foot area  
19 for planting. And on the eastern side, we've  
20 identified the parking lot a little better. We're  
21 also including a little bit of landscaping and  
22 such.

23 And that is pretty much the outline  
24 of the building that I want to talk about. Are  
25 there any questions before I get into Don's

1 report? Okay. So hearing none, Don wrote a  
2 report that is an excellent report. I appreciate  
3 him for bringing up all the points that he did  
4 bring up, and we'll go through them. In short, he  
5 summarizes most of the points on the last page,  
6 which is Page 9.

7                   So going through 3.a, I already  
8 commented that we've matched all the bulk  
9 standards, if not, We've reduced some of the  
10 standards for the area. Michele will address the  
11 building which is the B Section. C Section, the  
12 regulations in Westfield say that any HVAC  
13 equipment, equipment that is visible from the  
14 street level will be screened; and we'll comply  
15 with that section. D asked about the exterior  
16 wall material for an elevator. An elevator is  
17 required for our use, so we're going to be putting  
18 an elevator in the building. It does pop up above  
19 the roof about 24-inches, but it won't be visible  
20 from the street because it's hidden by the  
21 existing parapet. So the walls of that will  
22 probably be very similar to the roofing material  
23 just like it is going up the side of the inside of  
24 the parapet walls of the existing building. On E,  
25 he asked me to discuss the parking. Currently, on

1 the property, we have 33 spaces on the west side,  
2 and another 9 spaces on the east side, with 6  
3 spaces across the front. The property has been  
4 designed, and we spent a lot of time with this  
5 during the redevelopment plan to make sure the  
6 property is safe and provided adequate parking for  
7 all of its customers. So all the uses during the  
8 day are going to be satisfied by the on-site  
9 parking. In the evening, when the restaurant is  
10 in use, all the on-site parking will be  
11 satisfactory to comply. And in evenings when the  
12 event space is in action along with the restaurant  
13 and/or the teaching kitchen is in action along  
14 with the restaurant, we have agreed to have a --  
15 what is it called -- what's the parking called? I  
16 just drew a total blank.

17 Q. You have your valet.

18 A. Valet parking. Thank you, Steve.  
19 We have a valet parking agreement to provide valet  
20 parking nearby on the Redcom property line --  
21 property building -- that's just down the street  
22 about a third of a mile. And that will provide  
23 another 48 spaces. So when we have all the uses  
24 working for the building, we will require 93  
25 spaces and we have 96 at our disposal. So I think

1 that answers E.

2                   Going to F, the facade elevation of  
3 the building -- and in the interest of time, I  
4 have a pile of exhibits -- but in the interest of  
5 time, I'm going to try and shorten it. We show  
6 some sconces on the exterior of the building side,  
7 on the west side, on the north side, and as well  
8 as a few on the east side. These sconces are just  
9 very very light building accents. We did not show  
10 on the isometric plan that shows the parking lot  
11 lighting ranges for footcandles because there's no  
12 impact to the lighting on the parking lot or on  
13 any adjacent properties. It's just very very  
14 small building accent lights. And if you go by  
15 our current office buildings in the evening you  
16 can notice the type of lights there are. So we  
17 didn't mention them on the engineering plan for  
18 that reason. G, they talk about a pole-mounted  
19 light. So we only have -- all of our lighting for  
20 all our parking lots is accommodated by building  
21 mounted lights. The only exception is we're  
22 proposing one pole-mounted light here. It  
23 complies with the township ordinance of 15-feet.  
24 And Don brought up an interesting point which is,  
25 "Hey, Greg, can you use the downtown lighting

1 fixtures that we're using now"? And a copy of  
2 those lighting fixtures has been enclosed in Don's  
3 letter. The answer is, although I'd like to, it's  
4 really feasible in this particular case. We're  
5 using this light bulb to throw light towards the  
6 rear of the parking lot to make it a safe area for  
7 the people who are using our property. And the  
8 light fixture that we are proposing is 15-feet  
9 high and it is an LED, a very efficient fixture,  
10 which has the equivalent of about 400 watts. It's  
11 also a downward-facing fixture that has shields on  
12 it so it doesn't have any glare out into the  
13 street or on the neighboring properties. It  
14 shoots the 400 watts where it needs to be down the  
15 parking lot. The proposed lighting, which is very  
16 attractive that's being used in Downtown Westfield  
17 and actually Garwood, it's 12-feet tall, it's only  
18 got 175 watts, it's not LED, it's metal allied,  
19 and it doesn't have any containment, so it just  
20 kind of throws light everywhere. So for all those  
21 reasons, while it would be a little more  
22 decorative, it wouldn't serve our purpose.  
23 However, you can notice that the location of the  
24 light fixture is right up against the actual  
25 parking lot. In the future, if Westfield at any

1 point decides to do all of North Avenue with these  
2 streetlights, by all means, ours could be  
3 included. And our streetlight fixture does not  
4 impose the additional fixtures that Westfield may  
5 choose to put on at any time. So that addresses  
6 Number H, I think. No. That addresses Number G.

7           Number H, asked me to clarify one  
8 area of landscaped area. So in the light green  
9 areas, Don is asking me, and rightly so, is this  
10 lawn or landscaping. So we're going to have some  
11 perimeter landscaping, some very low shrubs along  
12 the curb here, and then lawn in front on either  
13 side of the sidewalk. And it's going to be  
14 similar in all of the new green areas. Then the  
15 next question is: "Can additional pedestrian  
16 pathways between the sidewalk and building entries  
17 be designed into the project?" So Don is asking  
18 about this area in general and also this area in  
19 general, and if we can provide additional  
20 sidewalks into the building from these two areas.  
21 So Michele and I spent a great deal of time trying  
22 to design the entrance points to this building so  
23 that they worked safely, very friendly to use  
24 because if we're going to be a successful business  
25 we need to provide safe and easy access to our

1 building. For that reason, we did have -- we did  
2 maintain the front entrance which has a direct  
3 access off the sidewalk which satisfies all of the  
4 needs that need to be met.

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

25 From over on the east side where we

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

18 Finally, Don asked me how we felt  
19 about street trees or street furniture. I'm very  
20 impressed with all the street trees Westfield's  
21 been planting throughout the town. If the public  
22 works official -- who I guess is the street tree  
23 guru -- feels that he'd like to have some street  
24 trees in front of our property, we're more than  
25 amenable to it. I think he's got different types

1 because we have a very narrow and we've got guide  
2 wires. But at his recommendation, we're open to  
3 street trees. We're not open to street furniture.  
4 We don't want people sitting in front of our  
5 building, we only have 3- or 4-feet. It's not  
6 like it's a big courtyard in front of the  
7 building, and we don't know street furniture is  
8 applicable in this location. That's all I have to  
9 say.

10 MR. HEHL: That you very much.  
11 Mr. Chairman, I don't have any further direct  
12 questions to Mr. Redington. If you like, do you  
13 to have the architectural testimony, and then we  
14 can open it up to questions on both?

15 CHAIRMAN ASH: Yeah. We can proceed  
16 that way.

17 BY MR. HALL:

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

21 A. As I'm speaking, I'll just be going  
22 through some of the floor plans and the photos  
23 that will be applicable to what I'm saying. Our  
24 design space goes to and actually enhances the  
25 historical nature of the building maintaining the

1 industrial feel while updating the modern features  
2 such as new windows, lighting, new entrances, and  
3 solar panels. We want to put the rendering up.

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

10 A. Okay.

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

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

16 MS. MODESTINO: We're learning.

17 Throughout the facility, we're  
18 trying to leave as much of the history as possible  
19 such as the overhead doors and store on the east  
20 which served as a former use for a laundry  
21 facility 100 years ago. We also plan to salvage  
22 and reuse unique materials found within the  
23 building and intend to leave the steel trusses  
24 exposed as we did in our Redcom office building,  
25 which Greg had showed you earlier. We will have

1 strategically placed interior windows within the  
2 building where one can view the growing area as  
3 our intention is to have full transparency raising  
4 the awareness of where our food comes from, how to  
5 prepare it, and education on why a plant-based  
6 diet is good for our body as well for our planet.

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

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

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

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

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

24 MS. MODESTINO: And then, just to  
25 the right of the entrance, lies the restaurant.

1 We'll go to the plan and show you that.

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

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

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

8 MS. MODESTINO: And like I said, to  
9 the right of the main entrance lies the  
10 restaurant. We're proposing to remove part of the  
11 existing wood ceiling and replacing it with glass  
12 allowing the steel tresses to remain, creating a  
13 private outdoor courtyard feel within the brick  
14 exterior walls. Two of these windows will be  
15 replaced with large overhead glass doors allowing  
16 the existing openings maximum exposure to the  
17 outside during the nice weather. The center  
18 window we are planning to block in order to allow  
19 an architectural feature on the inside, either a  
20 fireplace or a fountain; we haven't decided yet  
21 which. And then turning the corner to North  
22 Avenue, we plan to clad a portion of the building  
23 with a metal trellis to serve as a structure for  
24 growing plants hoping to draw attention to the  
25 main entrance and hinting at what is housed

1 within. The rest, the front facade, will  
2 primarily be left unchanged with the exception of  
3 new energy-efficient windows and the removal of  
4 the colonial entrance that will be replaced with a  
5 simpler more modern industrial canopy.

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

21 MR. HEHL: Let me just interrupt.  
22 The plan that you showed before was part of the  
23 package that was submitted with the application?

24 MS. MODESTINO: Yes. The floor plan  
25 was, yes. It's just the renderings, I believe.

1 MR. HEHL: So the last rendering  
2 that you showed with the restaurant entrance,  
3 we'll request that to be marked as A-4. Sorry for  
4 interrupting.

5 MS. MODESTINO: The store entrance.

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

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

11 BY MR. HALL:

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

15 A. Materials.

16 Q. -- materials. Yeah.

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

25 Then on the back side, we plan to --

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

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

12 MS. MODESTINO: The second-floor  
13 elevation.

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

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

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

25 MR. REDINGTON: And Don, there was

1       some other questions about what we're going to do  
2       when we blocked it up. We're just going to block  
3       it up with concrete block and then paint it the  
4       same color as the brick.

5                   MR. SAMMET: You say you can't --  
6       it's tucked away, it's not --

7                   (Crosstalk.)

8                   MS. MODESTINO: It's tucked away.

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

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

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

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

22                   MR. SAMMET: Same material?

23                   MR. REDINGTON: Yeah. Very similar  
24       material, just a lot nicer looking because it's a  
25       mess now.

1                   MR. HEHL:  And that will be A-6,  
2                   which is the shed area photo.

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

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

12                  MR. SAMMET:  Thank you.

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

19                  MS. MODESTINO:  But what we are  
20                  doing too is where these windows were stuck into  
21                  -- they closed it up on the inside and just put  
22                  these residential windows here -- we're taking  
23                  that out and replacing this with nice storefront  
24                  windows which match what we're doing in the front  
25                  of the building.

1                   MR. SAMMET:   And that window  
2                   opening, that top left there, that's where the  
3                   corrugated metal you're proposing?

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

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

10                  MS. MODESTINO:   No.

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

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

25                  MR. REDINGTON:   These are all

1 windows that were hiding. This is behind vinyl  
2 siding. This is behind this corrugated metal.  
3 And we opened them all up, and to see the great  
4 light inside.

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

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

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

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

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

1 can get down to the market if you can't utilize  
2 the stairs?

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

8 MR. CEBERIO: No, that was mine.

9 CHAIRMAN ASH: Ms. Carreras.

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

1 that would be my question.

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

22 MR. HEHL: If I could add to that.  
23 That's one of the advantages of this being a  
24 redevelopment area that's subject to a  
25 redevelopment plan and subject to a redevelopment

1 agreement that incorporates a valet plan is that  
2 they're bound to those revisions.

3 MS. CARRERAS: Thank you.

4 CHAIRMAN ASH: Councilman Dardia, I  
5 see you next.

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

22 MR. SAMMET: Well, the valet parking  
23 plan required them to show a clear path between  
24 the offsite parking location and the development  
25 site. In their valet parking plan, they did note

1 the presence of sidewalks. There is an existing  
2 crosswalk as well on North Avenue between the  
3 Redcom site and the Handler Building site as well.  
4 But there's no plan for additional lighting to be  
5 placed along North Avenue as part of this project.

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

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

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

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

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



1 have a bike rack here in our office in Westfield  
2 at Redcom, it works great. It's fine. I don't  
3 know if it's old-school or new-school, but it's of  
4 the school that it works fine and it provides bike  
5 parking. I think it will be fine.

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

23 MR. REDINGTON: We provide the bike  
24 rack here with nine spots. If you need me to put  
25 two bike racks with 18 spots, it's my pleasure to

1 do it. Is that what you're talking about, Mike?

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

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

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

19 MR. DARDIA: Thanks. We're good.

20 CHAIRMAN ASH: Ann Freedman.

21 MS. FREEDMAN: Hi. Thanks very  
22 much. This is a great project. I have two small  
23 questions. Could we go back to the rendering that  
24 we were looking at a minute ago that showed the  
25 entrance; Greg or Michele? I know we talked about

1 parking, and the Mayor was just talking about our  
2 discussions with House of Wine, and what we did  
3 there was to encourage a parking design so that  
4 there wouldn't be too many cars right in front of  
5 the entrance. And I know that you said you would  
6 have these two, the first two, be reserved for  
7 electric vehicles, and then followed on the right  
8 by the handicap spots. But do you think there is  
9 are a way to manage the parking in your reserved  
10 electric spots so that they would be used  
11 infrequently? I say that because -- and you had  
12 mentioned electric trucks even -- if you have  
13 large vehicles parking in those first two spots  
14 people coming in will miss the beautiful entrance.

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

21 MR. REDINGTON: As I said, we spent  
22 a great deal of time trying to figure out the best  
23 balance here. You know we are promoting a farm;  
24 is what we're promoting. And right now, it's an  
25 ugly industrial building full of asphalt. And so,

1 but we're also trying to balance it with  
2 usability, and having a safe number of parking  
3 spaces for our staff and our clients.

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

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

11 MR. REDINGTON: Yeah. Now, we could  
12 flip it -- Nah, I don't know if we can. No, we  
13 can't. We don't have room to put two handicap  
14 spaces there with a walkway between them. You  
15 know, if I put an electric car with electric only,  
16 it is going to limit the density there because --  
17 you know, hopefully, it will change. But I think  
18 that more often than not those spaces are going to  
19 be empty. We can obviously manage it so we don't  
20 have employees parking there. From an image, we  
21 want people to see this amazing green wall that  
22 we're proposing in the corner of the building. So  
23 by management, I can put on the record to ask our  
24 employees not to park there. I could even  
25 relocate the electric spaces to another location.

1 And in the evening when it's dark and the lot gets  
2 full customers of the restaurant will hopefully,  
3 you know, they will be used.

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

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

25 MS. FREEDMAN: Understood. I have

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

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

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

23 MR. REDINGTON: Yeah. All our water  
24 to grow our plants is all recyclable and  
25 everything. We have solar panels up on the roof.

1 I was blown away by many yeses we were able to get  
2 on that green checklist. I'm very proud of the  
3 ones we hit, and we are very happy to offer that  
4 to you; the ones we hit.

5 MS. FREEDMAN: Okay. Thank you.

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

13 MS. FREEDMAN: Oh, that's good.  
14 Okay. Thanks, Anastasia.

15 CHAIRMAN ASH: Mr. Goldstein.

16 MR. GOLDSTEIN: Yeah. Thank you. I  
17 had one comment on the bicycle parking and one  
18 question. But prior, I want to acknowledge your  
19 continued investment to the community, the  
20 adaptive reuse, the educational aspects,  
21 sustainability, farm-to-table. You know your  
22 commitment to what you're doing, and frankly, what  
23 I think is an extremely wise investment, as well  
24 because I think it will be very successful. It's  
25 very exciting to see this come to fruition. You

1 know, just back to the bicycle piece just quickly.  
2 If you look at those first two parking spaces --  
3 and I understand compromises are necessary in  
4 order to bring a project like this forward -- but  
5 if you were to be able to consider one of those  
6 current EV spots to be a bicycle rack, not in the  
7 back, which would be used for perhaps employees,  
8 but in front, further promoting really what's  
9 going to be a change in the way this corridor is  
10 used by the people that live in the community.  
11 You're sort of fulfilling, you know, fulfilling  
12 that in the sense that you're now encouraging it  
13 and you're also showing that great living wall,  
14 which is really the hallmark of your design, is  
15 now not being blocked because, obviously, there's  
16 a maximum height on any sort of bicycle. So it's  
17 something you might want to consider despite the  
18 requirement for the additional parking spaces.

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

25 MR. REDINGTON: Sure. I can pull up

1 that image. So we're proposing a dumpster in the  
2 enclosed dumpster area, the eastern side of the  
3 property. It will also have additional containers  
4 for recycling and that sort of thing. But a large  
5 part of our program with sustainability is  
6 composting which will be happening within the  
7 building. And also, we're really minimizing our  
8 packaging, so that's going to minimize it as well.  
9 So the restaurant as well as the farm compost  
10 inside the building. And outside, we'll have a  
11 licensed trash hauler take care of our recycling  
12 and our everyday trash.

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

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

20 MR. REDINGTON: Well, again, it goes  
21 back to if this was a vacant lot and you were  
22 going to build a building with new materials that  
23 are coming from unnatural resources in this world,  
24 and demoing this place and filling up more  
25 landfills, would we have designed a better

1 location for that; probably. But because we're  
2 trying to utilize what we have, yeah, our kitchen  
3 workers are going to have to walk a little. It's  
4 okay. It's healthy.

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

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

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

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

24 MR. GOLDSTEIN: Thank you.

25 CHAIRMAN ASH: Mayor.

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

10                   MS. MODESTINO: It actually is.

11                   MR. REDINGTON: I never thought of  
12 that.

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

24                   But I do want to ask: Did you guys  
25 show us the second floor, the renderings of the

1 second-floor plan? Because I just wanted to  
2 remind how and to see the event space, the  
3 cooking, kitchen school.

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

15 And then, the teaching kitchen is  
16 here. And what's really neat about this design  
17 that Michele laid out is we were very fortunate to  
18 find these two interior windows that look down  
19 into the growing area. So what we're going to do  
20 is take an old barn door that was down in the  
21 shipping area, save it, open up this brick wall,  
22 and after you're done learning how to cook this  
23 amazing plant-based meal, you're going to slide  
24 open this big 10-foot-wide barn door and eat your  
25 meal with a view with the place where it was all

1 grown. You're going to have an elevator here with  
2 stairs up to the event space so if anyone wants to  
3 have a birthday party or a rehearsal dinner or you  
4 know a yoga event or a special speaker comes in,  
5 they're going to have nice access.

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

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

19 MAYOR BRINDLE: Very cool. Thank  
20 you.

21 CHAIRMAN ASH: Ms. Harrison.

22 MS. HARRISON: In the site plan, I  
23 know you've got a lot of coverage and it's  
24 unavailable. Have you thought about maybe -- if  
25 you could just go to your overall plan -- have you

1 thought about if you could do some sort of  
2 bioswale or something across the front next to the  
3 sidewalk that might -- it's not going to save you  
4 any groundwater, maybe it's a little teaching  
5 moment that you can add near the front door.  
6 Instead of just lawn or something, you could just  
7 do like a depression, maybe the sidewalk can come  
8 over it just a little. I've worked a lot on lead  
9 projects, I've worked at Gessler doing a lot of  
10 sustainable projects and lead, and we found that  
11 those bioswales worked really well for just  
12 showing people what they can be as opposed to --  
13 you don't have like the overall width for a huge  
14 one, but maybe just a small little teaching moment  
15 one.

16 MR. REDINGTON: Right. So that's a  
17 good comment. Right now, we really want to  
18 beautify the front of the building. We have so  
19 many teaching opportunities about sustainability,  
20 global warming, and lack of pesticides, and  
21 healthy eating that happens inside this building  
22 and we're highlighting that. And the corner  
23 element, it's all green. That I don't think we  
24 need anymore. And we have such little bit of  
25 greenery that we would really love to have the

1 freedom to plant it lushly and to bring some green  
2 to North Avenue. So we'd like to maintain all our  
3 teaching moments from the inside of the building.

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

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

15 MS. HARRISON: Understood.

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

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

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

23 MR. SAMMET: I see a hand raised by  
24 Mr. Stillufsen. Good evening, Mr. Stillufsen. We  
25 should be able to hear you now.

1                   MR. STILLUFSEN: Hello. Can you  
2 hear me?

3                   MR. SAMMET: Yes, sir.

4                   MR. STILLUFSEN: Great. This is  
5 Andrew Stillufsen, 667 Fourth Avenue. I live  
6 right up the street from the Handler Building.  
7 And I just want to say off the bat that this is a  
8 really creative reuse of this historic industrial  
9 property. Not a lot is known about Westfield's  
10 industrial past, but this is a very creative, very  
11 cool reuse. So I just want to get that out off  
12 the bat. But my question is also about bikes. Is  
13 there a way to add a bike rack maybe on the other  
14 side of the building by the store side to  
15 encourage more bike use? Because it would be a  
16 pretty long walk from where the bike rack is right  
17 now. Maybe it can be moved closer to the  
18 entrance. So that's kind of my first question.  
19 And the second part of that isn't really a  
20 question, but I wanted to thank the Mayor for  
21 updating us on the proposed safety improvements  
22 including bikes on North Ave. There's a lot of  
23 redevelopment going on-on North Avenue. All of it  
24 looks pretty good to me. So a lot of new people  
25 living there. And since I've been working from

1 home the last two years I've been riding my bike  
2 into town a lot more. So I think it would be  
3 really helpful to have way more bike lanes, way  
4 more bike infrastructure. So that's kind of  
5 leading to my question of maybe adding a bike rack  
6 on the store side of the building.

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

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

25 MS. MODESTINO: Thank you.

1 CHAIRMAN ASH: Any other questions?

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

5 CHAIRMAN ASH: Okay. Thank you.  
6 Mr. Hehl.

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

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

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

25 CHAIRMAN ASH: We've got one?

1 MR. SAMMET: They're back.

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

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

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

9 MS. FOLTZ: Go Michele and Greg.

10 MR. REDINGTON: Thank you.

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

14 MR. CEBERIO: I'd like to I guess  
15 start and say this is a really exciting project,  
16 it's something different. I work in a number of  
17 municipalities in New Jersey and you know I think  
18 many towns would love to see something like this  
19 come to the town. You have a family here that you  
20 know is enthusiastic about not only have one  
21 business, but now, two businesses in the town that  
22 they live. I think that means something. I think  
23 that means something for Westfield and the  
24 downtown of Westfield. And I think it's great  
25 that this is on a site that's going to be torn

1 down for another use that we're able to find  
2 something. And again, an exciting use that, you  
3 know, utilizes part of Westfield's history. I  
4 think it's a great project.

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

7 MAYOR BRINDLE: I'll just add a huge  
8 thanks -- also, if the Board remembers, this was  
9 not an easy project for us to get moving forward.  
10 It involved a renegotiation or small negotiation  
11 of our affordable housing settlement to relocate  
12 what was going to be only allowed I think a 26 or  
13 28 unit apartment building. And thanks to the  
14 efforts of Don Sammet and this Planning Board that  
15 helped move that forward we were able to relocate  
16 those affordable units to enable this project to  
17 happen for all the right reasons. It's a project  
18 that is a broad community benefit. I think it  
19 really models and supports the values that we  
20 talked about do we want to be about  
21 sustainability. I'm so happy we're not having a  
22 conversation about tearing something down, but  
23 instead, building something up. I just want to  
24 remind everybody why we're having this  
25 conversation tonight is because of the work of

1 Don Sammet and this Planning Board, quite frankly,  
2 I guess almost a year ago. So I just want to say  
3 thanks to you to all you for enabling us to be  
4 here this evening. And, obviously, to Greg and  
5 Michele for their vision and tenacity and making  
6 this happen. We can't wait for your guys to get  
7 started.

8 MS. MODESTINO: Thanks.

9 MR. SAMMET: Thank you, Mayor.

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

12 MR. GOLDSTEIN: I'll motion.

13 MS. HARRISON: Second.

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

16 MR. SAMMET: Chairman Ash.

17 CHAIRMAN ASH: Yes.

18 MR. SAMMET: Mayor Brindle.

19 MAYOR BRINDLE: Yes.

20 MR. SAMMET: Mr. Ceberio.

21 MR. CEBERIO: Yes.

22 MR. SAMMET: Councilman Dardia.

23 MR. DARDIA: Yes.

24 MR. SAMMET: Ms. Harrison.

25 MS. HARRISON: Yes.

1 MR. SAMMET: Mr. Goldstein.

2 MR. GOLDSTEIN: Yes.

3 MR. SAMMET: Ms. Jansveld.

4 MS. JANSVELD: Yes.

5 MR. SAMMET: Deputy Chief Duelks.

6 MR. DUELKS: Yes.

7 MR. SAMMET: Ms. Carreras.

8 MS. CARRERAS: Yes.

9 MR. SAMMET: And Ms. Freedman.

10 MS. FREEDMAN: Yes.

11 MR. SAMMET: It's approved.

12 MR. HEHL: Thank you, guys. Thank

13 you very much.

14 MR. REDINGTON: Thank you.

15 MS. MODESTINO: Thank you so much.

16 MAYOR BRINDLE: Congratulations.

17 MR. HEHL: Thank you and have a

18 great night.

19 MR. SAMMET: Can we take a

20 five-minute break, Mr. Chairman?

21 CHAIRMAN ASH: Five-minute break.

22 Let's take a recess.

23 (Break taken.)

24 CHAIRMAN ASH: Looks like we are

25 almost all back.

1                   MR. SAMMET: Mr. Goodman, will your  
2 client be speaking tonight as well? I can bring  
3 him into the room here.

4                   MR. GOODMAN: Mr. Sammet, please do.

5                   CHAIRMAN ASH: Are we ready to  
6 proceed?

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

21                   CHAIRMAN ASH: Go ahead.

22                   MR. DEC: I'm here, although, my  
23 picture isn't showing. I don't know why. For  
24 some reason, I'm not able to connect. Can you all  
25 hear me?

1 CHAIRMAN ASH: Yes. We can hear  
2 you.

3 MR. GOODMAN: Can you hit your video  
4 button?

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

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

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

11 BY MR. GOODMAN:

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

14 A. That is correct.

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

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

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

21 MR. DEC: I should be able to, I  
22 know. There we go. Let me go back to the cover  
23 sheet. What we see here is my cover sheet,  
24 Sheet 1 of 4. It's the same set of plans that are  
25 in front of the Board. It's the subdivision as

1 Mr. Goodman said, of two lots, Lots 9 and 10, 1060  
2 and 1070, respectively in Block 4603. We're  
3 combining these two lots and creating three  
4 conforming lots. Sheet 1, title sheet again, is  
5 comprised of a 200-foot radius map. As you can  
6 see, the two lots are hashed marked 9 and 10.  
7 Just for orientation purposes, north is to the top  
8 and that would be the same on all the sheets,  
9 south at the bottom, east is to the left -- I'm  
10 sorry -- east is to the right, west is to the  
11 left. We're bounded by Willow Grove to the west  
12 and I think it's Norwood Drive, I believe, to the  
13 east. We have a separation in zone lines as you  
14 can see on the zone map. The two lots again are  
15 hash marked. To the west, we are in the R-12  
16 Zone. To the east immediately to the right of our  
17 property begins the RS-8 Zone. We are also  
18 bounded to the south by the Tamaques Grade School  
19 property. And to the north, we have Rahway Avenue  
20 which runs east to west. The site, if you're to  
21 look at it jointly, we have Lot 9 at  
22 37,000-square, and Lot 10 at 33, roughly, combined  
23 together just a little bit over 70,000  
24 thousands-square feet. We're taking those two  
25 lots and creating three.

1           The first, which would be 9.01 which  
2           is the lot to the left, we're going to create a  
3           lot that's going to be 112-feet wide. And the  
4           other two, which would be a combination, a portion  
5           of Lot 9.01 and all of Lot 10 at 75-feet wide. As  
6           you can see in the zoning chart, we meet all of  
7           the bulk requirements for the RS-12 Zone. The  
8           width is 75-feet. We have an extremely long  
9           length of the lots, they're 268-feet/267-feet  
10          deep. So we're able to not only create lots that  
11          meet the zoning criteria but they exceed the  
12          zoning in every aspect except the 75-feet, the two  
13          new lots that are at the allowable 75-foot wide  
14          bulk width.

15                 And then we go further on into the  
16          zoning chart and we go into lot coverages. And  
17          the buildings coverages, what I tried to do on the  
18          coverage aspect is to show that the total lot  
19          pervious between existing Lots 9 and 10 are the  
20          same as the three new lots using the FAR as our  
21          controlling point for a building footprint. In  
22          other words, we would expect two, two-and-a-half  
23          story, two-story buildings in the two new lots  
24          which would require us to maintain about  
25          2,500-square foot building footprint. So with

1 those kinds of bulk requirements and constraints,  
2 we feel that we can create a very good  
3 subdivision, which matches very well with the  
4 adjoining properties as far as the sizes of the  
5 lots. And I'll take to you to the next sheet, but  
6 before I leave that, just to show you on the tax  
7 map portion on the zoning sheet. The lots to the  
8 west, immediately to the west and adjoining our  
9 property, that lot is 63-feet wide. Lot 7 is 75,  
10 Lot 6 is 54, then we have a larger lot that's,  
11 approximately, 85-feet, and then we go back down  
12 to 50 next to that, and then we have lots that are  
13 a little bit larger than 75-feet. So even in our  
14 own zone, the two 75-foot wide lots are I would  
15 say in the minority, as far as lot widths go.  
16 We're very close to being half of the existing lot  
17 widths, we exceed them. And the other lot, which  
18 will be 9.01, exceeds all the lots on that side of  
19 our property.

20 We go to the right of our property  
21 or to the east, we have the RS-8 Zone, of course.  
22 All those lots except for the one really to our  
23 east at 75-feet, but every other lot from there to  
24 Norwood is less than our two proposed 75-foot wide  
25 lots. Now, I'll take the Board to Sheet 2.

1 Sheet 2 shows the existing condition of the two  
2 lots. Lot 9, which is the lot where we are  
3 proposing to leave the existing structure. And  
4 Lot 10, is the lot we're proposing to remove that  
5 structure and provide two new structures. The two  
6 lots here are a total of 150-feet which means that  
7 we have to take 26-feet out of the existing Lot 9.

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

22           I'll go to Sheet 3, which is a plan  
23 that shows the subdivisions of the lots. It gives  
24 you the dimensions of each of the new lots. Lot 9  
25 will become Lot 9.01, and be reduced in width to

1 112-foot wide. The combination of using the  
2 leftover portion of 9 which will be created as  
3 Lot 10.01, along with 10.02, will both be 75-foot  
4 wide. The areas are 20,000 -- almost 20,100 for  
5 Lot 10.02; 20,115 for 10.01; and be 30,000 almost  
6 100-square feet for 9.01. The reason there's a  
7 little bit of difference is because the distances  
8 get a little bit longer -- I'm sorry, a little bit  
9 shorter -- as we go from west to east, and that's  
10 why there's a little bit of discrepancy -- not  
11 discrepancy, but difference -- in the areas of the  
12 two 75-foot wide lots.

13 Other than that, we are proposing to  
14 be within all of the bulk requirements as far as  
15 front yard, rear yard, and side yard. We're not  
16 going to exceed any of the bulk requirements nor  
17 would be asking for any variances. To Sheet 4,  
18 which is now what we're proposing to do as far as  
19 improvements go. Again, the existing structure  
20 that was on Lot 10 will be removed. Lots 10.01  
21 and 10.02 will be where two new house houses will  
22 be constructed. Lot 9.01, the existing structure  
23 will remain. We are proposing to put a driveway  
24 in. If there was some way I could superimpose  
25 this, I wish I could because what happens is the

1 existing driveway is parallel somewhat to the west  
2 side of this proposed driveway. And what we're  
3 doing is we're going to eliminate that driveway,  
4 reconstruct the driveway alongside of it which  
5 will service the existing structure and service  
6 the garage doors.

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

12 BY MR. GOODMAN:

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

24 A. That is correct. The houses that  
25 will be constructed will meet all of the

1 requirements for that zone as far as FAR, the  
2 building coverage, the lot area coverage,  
3 setbacks. We will be able to provide the proposed  
4 utilities, particularly for Lot 10.01. Lot 10.02,  
5 we'll investigate whether or not the existing  
6 utilities will be useable. If not, we'll have to  
7 put in new ones. But, yes. As far as the two at  
8 this point vacant or empty lots, they are suitable  
9 for new homes to be placed and will meet all the  
10 requirements. They would be reviewed by the  
11 Engineering Department and the Planning Department  
12 before any construction permits will be issued.

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

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

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

21 A. Yes. Mr. Sammet made a good comment  
22 as far as the driveway goes and the turning  
23 patterns to ingress and egress the garage area.  
24 The comment Mr. Sammet made was to extend the  
25 driveway where we're showing it ending here to go

1 beyond that a little bit to act as back-up space  
2 for like a K-turn maneuver where someone could  
3 enter the garage and enter the driveway, head in,  
4 come in and park in the garage, back out into the  
5 back out area, which would be the extension of  
6 this driveway, and then pull out in a forward  
7 direction. They would not be backing out onto the  
8 street at all. Also, I'd like to comment on the  
9 two new houses and also the existing house. We  
10 will be meeting the requirement of having two-car  
11 garages in all three of the proposed lots. So we  
12 would be meeting the parking requirement. There  
13 also is available space on all three driveways.  
14 Because of the setback from the street  
15 right-of-way, we have that availability, but all  
16 three of these units would have two-car parking  
17 spaces.

18                   There's also another comment that  
19 Mr. Sammet made which was as you can see the tree  
20 that's shown here in the proposed driveway area,  
21 that tree would have to be removed. We have some  
22 other trees, particularly with what would now be  
23 10.02. I'm not sure how those would interact or  
24 interface with a proposed driveway coming from the  
25 proposed house here, but that would have to be

1 addressed at the time when the plans are submitted  
2 to both Zoning and the Construction Departments as  
3 to which trees would have to be removed; if any.  
4 But certainly, one will be removed and we will get  
5 that permission from the Tree Commission for that  
6 removal.

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

9 CHAIRMAN ASH: Anyone with  
10 questions?

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

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

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

23 CHAIRMAN ASH: Councilman Dardia.

24 MR. DARDIA: Yes. My question has  
25 to do with the comment that was just made about

1 removing the tree for I guess that's Lot 9.01,  
2 removing the tree I guess to allow for the  
3 driveway. When that is about to occur or whether  
4 it's planning, there are steps. I'm sure there  
5 are other folks on this Board that could chime in  
6 here about this I guess putting in an application  
7 to remove the tree.

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

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

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

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

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

25 MR. GOODMAN: Yes. If I could just

1 have Mr. Pinelli sworn in.

2 CHAIRMAN ASH: All right.

3 MR. GOODMAN: Is he on?

4 CHAIRMAN ASH: He's on mute.

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

7 CHAIRMAN ASH: Try now.

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

10 BY MR. GOODMAN:

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

14 A. Yes.

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

20 A. Yes, I'm aware.

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

25 A. Yes.

1 Q. And you currently reside at  
2 1060 Rahway Avenue; is that not correct?

3 A. That is correct.

4 MR. GOLDSTEIN: Questions for  
5 Mr. Pinelli?

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

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

11 CHAIRMAN ASH: Okay. Mr. Goodman.

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

1                   CHAIRMAN ASH: Thank you,  
2 Mr. Goodman. Any members of the public have a  
3 comment on this application?

4                   MR. SAMMET: Yes. Mr. Lampariello.  
5 Mr. Lampariello, you should be able to speak.

6                   MR. LAMPARIELLO: Hey, everybody.  
7 How are you?

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

10                  MR. LAMPARIELLO: I live directly  
11 next to 1070. So, Mr. Pinelli, nice to meet you.  
12 I'm a couple doors down. It's a shame we say hi  
13 in these venues instead of knocking on doors.  
14 I'll knock on your door next time. I  
15 fundamentally have no opposition to the division.  
16 I think I have general oppositions of dividing of  
17 lots in general, but I think as this one goes, it  
18 compiles. And I don't have complaints about how  
19 it looks with the other houses. Just a couple of  
20 points; one regarding the trees. 1070 Rahway  
21 Avenue has been abandoned for at least the six  
22 years that I've lived here. Over 12 years it's  
23 been abandoned to other neighbors; right? And the  
24 prior owner took down several trees until someone  
25 called on him, and you know that was stopped as he

1 was swiping away trees from that property; right?  
2 So I would just emphasize the importance of trees.  
3 If you look at this neighborhood, there're several  
4 trees there; right? And that lot was already  
5 being cleared for development; right? So let's  
6 make sure whatever is happening here, the trees  
7 are taken care of. Number two is around the trees  
8 in this area as well. The drainage is very poor.  
9 As those trees go away, it becomes a bigger issue  
10 putting more things onto these lots. So if we can  
11 keep those two things in mind as we go forward  
12 with the two lots, that would be great. The other  
13 thing, as Mr. Goodman just said, in terms of the  
14 current state of the property, it's atrocious. If  
15 you guys look at the pictures, which you can see,  
16 it's boarded up, the drainage is falling off, the  
17 windows are broken. We've called the police  
18 because people are hiding things in the back,  
19 picking it up, and walking out the driveway. It's  
20 unacceptable the way the house currently is. So  
21 while this is being approved and we're moving  
22 forward and whatever development is being done, I  
23 would expect that the current state of the  
24 property is significantly upgraded while we're  
25 working on this. But again, other than that, no

1 material concerns with the divisions. Looking  
2 forward to looking out my window at something  
3 better than a boarded-up garage.

4 CHAIRMAN ASH: Thank you.

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

9 MR. DARDIA: I think so.

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

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

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

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

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

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

25 MR. SAMMET: Right. Right. Yeah.

1 MR. TREMBULAK: That's the story.  
2 Let's see if the Chair can find his way back into  
3 the meeting. Otherwise, I think the Board can act  
4 on the application.

5 MS. HARRISON: Do we have a quorum?

6 MR. TREMBULAK: Yes.

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

9 MR. SAMMET: No.

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

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

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

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

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

21 CHAIRMAN ASH: Sorry. I'm back.

22 MS. HARRISON: There he is.

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

25 MS. HARRISON: We only need your

1 voice; right? Oh, there you are.

2 CHAIRMAN ASH: So comments?

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

10 CHAIRMAN ASH: Thank you. Anyone  
11 else?

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

14 CHAIRMAN ASH: Would someone like to  
15 make a motion?

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

18 MS. CARRERAS: I'll second it.

19 CHAIRMAN ASH: Okay. Roll call,  
20 please.

21 MR. SAMMET: Chairman Ash.

22 CHAIRMAN ASH: Yes.

23 MR. SAMMET: Mayor Brindle.

24 MAYOR BRINDLE: Yes.

25 MR. SAMMET: Mr. Ceberio.

1 MR. CEBERIO: Yes.  
2 MR. SAMMET: Councilman Dardia.  
3 MR. DARDIA: Yes.  
4 MR. SAMMET: Ms. Harrison.  
5 MS. HARRISON: Yes.  
6 MR. SAMMET: Mr. Goldstein.  
7 MR. GOLDSTEIN: Yes.  
8 MR. SAMMET: Ms. Jansveld.  
9 MS. JANSVELD: Yes.  
10 MR. SAMMET: Deputy Chief Duelks.  
11 MR. DUELKS: Yes.  
12 MR. SAMMET: Ms. Carreras.  
13 MS. CARRERAS: Yes.  
14 MR. SAMMET: And Ms. Freedman.  
15 MS. FREEDMAN: Yes.  
16 MR. SAMMET: Approved.  
17 MR. PINELLI: Thank you.  
18 MR. GOODMAN: Thank you.  
19 CHAIRMAN ASH: Thank you, good  
20 night.

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

1 Westfield.

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

18 The second part of the ordinance  
19 permits the zoning officer to charge their time  
20 spent on reviewing development applications that  
21 are before our boards; the escrow. There's a  
22 provision in our existing ordinance now that  
23 prevents them from doing so which really doesn't  
24 work for us today for a couple of reasons. One,  
25 our zoning officer is a licensed planner. Two,

1 the department is actually doing more for the  
2 Zoning Board than it ever has in the past. We're  
3 now also preparing planner reports on all  
4 applications that go before them even things  
5 involving single-family homes. So there's a lot  
6 of time spent by staff on the review of zoning  
7 board applications, in particular by the zoning  
8 officer.

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

19 CHAIRMAN ASH: Any question?

20 MS. HARRISON: I'm sorry. I have a  
21 question. We have a lot of new projects that are  
22 going to be hitting the Building Department/Zoning  
23 Office. What are our plans to help? I don't  
24 think the current team we have can handle it. I  
25 don't know if they can or can't, but do we have to

1 plan for that expansion in this whole  
2 conversation?

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

15 MAYOR BRINDLE: Anastasia, I can  
16 answer because, certainly, from the budget  
17 perspective and conversations with Jim Gildea, we  
18 recognize the growing need in the building and  
19 planning department. One thing that maybe people  
20 aren't aware of is how much automation has been  
21 implemented in our building and construction.  
22 Everything has been moving online. And so the  
23 beauty of that is it enables our people to do  
24 things that really only people can do, or should  
25 do, and not have to worry about doing so many

1 things manually. There's been tremendous turnover  
2 that people may not even be aware of in that  
3 entire building department. And people have come  
4 with some really great technical and automation  
5 skills. In addition to first, running a much more  
6 efficient department, we're also looking at what  
7 the skills should be. But it's not left on any of  
8 us that we need to really be up in our game for  
9 what we see is up on the horizon; in terms of  
10 talent and people.

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

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

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

22 MR. TREMBULAK: Yes.

23 CHAIRMAN ASH: Would anyone like to  
24 make that motion?

25 MR. CEBERIO: I'll make that motion.

1 MS. FREEDMAN: I'll second it.

2 CHAIRMAN ASH: Roll call, please.

3 MR. SAMMET: Mr. Ceberio.

4 MR. CEBERIO: Yes.

5 MR. SAMMET: Ms. Freedman.

6 MS. FREEDMAN: Yes.

7 MR. SAMMET: Deputy Chief Duelks.

8 MR. DUELKS: Yes.

9 MR. SAMMET: Ms. Carreras.

10 MS. CARRERAS: Yes.

11 MR. SAMMET: Mr. Goldstein.

12 MR. GOLDSTEIN: Yes.

13 MR. SAMMET: Ms. Harrison.

14 MS. HARRISON: Yes.

15 MR. SAMMET: Ms. Jansveld.

16 MS. JANSVELD: Yes.

17 MR. SAMMET: Mayor Brindle.

18 MAYOR BRINDLE: Yes.

19 MR. SAMMET: Councilman Dardia.

20 MR. DARDIA: Yes.

21 MR. SAMMET: And chairman Ash.

22 CHAIRMAN ASH: Yes.

23 MR. SAMMET: Thank you.

24 CHAIRMAN ASH: Thank you. And that

25 just basically leaves us with our last motion;

1 right? Motion to adjourn.

2 MAYOR BRINDLE: So moved.

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

5 BOARD MEMBERS: Aye.

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

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10 (The meeting was adjourned at  
11 10:48 p.m.)

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