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TOWN OF WESTFIELD

PLANNING BOARD

IN RE
PUBLIC HEARING

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

1 B E F O R E:

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MICHAEL ASH, CHAIRMAN

3

MICHAEL LAPLACE, VICE-CHAIRMAN

4

MAYOR SHELLEY BRINDLE, MAYOR DESIGNEE

5

COUNCILMAN MICHAEL DARDIA, COUNCIL LIAISON

6

ANASTASIA HARRISON, MEMBER

7

ASIMA JANSVELD, MEMBER

8

MICHAEL DUELKS, FIRE DEPARTMENT CHIEF

9

ALEXANDRA CARRERAS, FIRST ALTERNATE

10

ANN FREEDMAN, SECOND ALTERNATE

11

12

DON SAMMET, TOWN PLANNER/BOARD SECRETARY

13

DAVID BATTAGLIA, TOWN ENGINEER

14

15

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

17

ASHENFELTER, TREMBULAK, MCDONOUGH, GOLIA &

18

TREVENEN, LLP

BY: ALAN TREMBULAK, ESQ.

19

Attorney for the BOARD

20

GOODMAN LAW

21

BY: GARY GOODMAN, ESQ.

Attorney for the APPLICANT 440 NORTH AVENUE

22

23

WILENTZ, GOLDMAN & SPITZER

BY: AMANDA CURLEY, ESQ

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Attorney for APPLICANT ADONI PROPERTY GROUP

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CARRIED

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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 regular meeting of the Westfield
Planning Board; April 4, 2022. Let's have a roll
call, please.

MR. SAMMET: Good evening, everyone.
Chairman Ash.

CHAIRMAN ASH: Here.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Here.

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

MR. DARDIA: Here.

MR. SAMMET: Deputy Chief Duelks.

MR. DUELKS: Here.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Here.

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

MS. JANSVELD: Here.

MR. SAMMET: Mr. LaPlace.

MR. LAPLACE: Here.

MR. SAMMET: Ms. Carreras.

1 MS. CARRERAS: Present.

2 MR. SAMMET: And Ms. Freedman.

3 MS. FREEDMAN: Here.

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

10 (Whereupon, the Pledge of Allegiance
11 was recited.)

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

18 MR. DARDIA: So moved.

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

21 MS. HARRISON: Second.

22 CHAIRMAN ASH: All those in favor.

23 BOARD MEMBERS: Aye.

24 CHAIRMAN ASH: Any opposed?

25 MR. LAPLACE: Mr. Chair, I'll

1 abstain because I was absent.

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

4 We have resolutions tonight.
5 Starting with a resolution for Application
6 Number PB 19-02. This is a subdivision for
7 873 New England Drive.

8 Can I have please a motion to
9 approve the resolution?

10 MS. HARRISON: I'll make a motion.

11 CHAIRMAN ASH: Thank you. And a
12 second?

13 MS. FREEDMAN: I'll second.

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

16 MR. SAMMET: Chairman Ash.

17 CHAIRMAN ASH: Yes.

18 MR. SAMMET: Mayor Brindle.

19 MAYOR BRINDLE: Yes.

20 MR. SAMMET: Councilman Dardia.

21 MR. DARDIA: Yes.

22 MR. SAMMET: Deputy Chief Duelks.

23 MR. DUELKS: Yes.

24 MR. SAMMET: Ms. Harrison.

25 MS. HARRISON: Yes.

1 MR. SAMMET: Ms. Jansveld.

2 MS. JANSVELD: Yes.

3 MR. SAMMET: Mr. LaPlace.

4 MR. LAPLACE: Abstain.

5 MR. SAMMET: Ms. Carreras.

6 MS. CARRERAS: Yes.

7 MR. SAMMET: And Ms. Freedman.

8 MS. FREEDMAN: Yes.

9 CHAIRMAN ASH: Thank you. Our next
10 resolution is for Application PB 22-01. This was
11 for a subdivision at 1060 and 1070 Rahway Avenue.
12 Motion to approve this?

13 MS. JANSVELD: So moved.

14 CHAIRMAN ASH: Thank you. Second?

15 MS. FREEDMAN: Second.

16 CHAIRMAN ASH: Thank you. Roll
17 call.

18 MR. SAMMET: Chairman Ash.

19 CHAIRMAN ASH: Yes.

20 MR. SAMMET: Mayor Brindle.

21 MAYOR BRINDLE: Yes.

22 MR. SAMMET: Councilman Dardia.

23 MR. DARDIA: Yes.

24 MR. SAMMET: Deputy Chief Duelks.

25 MR. DUELKS: Yes.

1 MR. SAMMET: Ms. Harrison.

2 MS. HARRISON: Yes.

3 MR. SAMMET: Ms. Jansveld.

4 MS. JANSVELD: Yes.

5 MR. SAMMET: Mr. LaPlace.

6 MR. LAPLACE: Yes.

7 MR. SAMMET: Ms. Carreras.

8 MS. CARRERAS: Yes.

9 MR. SAMMET: And Ms. Freedman.

10 MS. FREEDMAN: Yes.

11 CHAIRMAN ASH: One more resolution

12 tonight. That's PB 22-02. This was for the

13 application at 610 North Avenue East. Motion to

14 approve, please.

15 MS. HARRISON: I'll make a motion.

16 CHAIRMAN ASH: Thank you. Anyone, a

17 second?

18 MS. FREEDMAN: Second.

19 CHAIRMAN ASH: Ann is my second all

20 night. Roll call, please.

21 MR. SAMMET: Chairman Ash.

22 CHAIRMAN ASH: Yes.

23 MR. SAMMET: Mayor Brindle.

24 MAYOR BRINDLE: Yes.

25 MR. SAMMET: Councilman Dardia.

1 MR. DARDIA: Yes.

2 MR. SAMMET: Deputy Chief Duelks.

3 MR. DUELKS: Yes.

4 MR. SAMMET: Ms. Harrison.

5 MS. HARRISON: Yes.

6 MR. SAMMET: Ms. Jansveld.

7 MS. JANSVELD: Yes.

8 MR. SAMMET: Mr. LaPlace.

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

12 MR. SAMMET: Mr. LaPlace abstains.
13 Ms. Carreras.

14 MS. CARRERAS: Yes.

15 MR. SAMMET: And Ms. Freedman.

16 MS. FREEDMAN: Yes.

17 MR. SAMMET: Thank you.

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

22 MR. GOODMAN: Yes. Thank you. Good
23 evening. Gary Goodman on behalf of 440 North
24 Avenue, LLC. We were here previously in May of
25 2021 and received approval for a 10-unit

1 inclusionary development, 10 residential units
2 through Affordable. Since then, we have tried to
3 improve on the project and have made some
4 modifications for which we're here before you this
5 evening. We think we have improved access,
6 improved circulation, and some improved floor plan
7 based on recommendations that you all made. And
8 we're seeking a site plan preliminary final. It
9 may be termed "amended site plan." We're keeping
10 that 1-foot variance that was granted before. The
11 building coverage is a new variance. We're asking
12 for 40.28, where 40% is allowed. And that .28
13 actually is the width of the brick. And had we
14 better calculated last time, we would have asked
15 for the 40.28, but that was a mistake and we're
16 here to correct that, and so our percentage is
17 actually 40.28 is 500-and-change-square foot.

18 My witnesses tonight have been
19 impacted by Covid. So I have an architect out and
20 I have my principal with Covid. So the fact that
21 we're all here at the end of the epidemic/pandemic
22 is -- I don't know, I guess it's a little bit odd.
23 So my witness is Ed Dec from Guarriello and Dec.
24 And I would ask that he be sworn in and we can
25 begin.

1 CHAIRMAN ASH: Hold on, Mr. Goodman.
2 Before we proceed, I know you did provide us with
3 that notice that your architect was not available
4 to testify this evening. We don't have the means
5 for him to join us remotely or by phone. I've
6 conferred with our Board Counsel and our Board
7 Planner; we do believe that the testimony of the
8 architect is certainly important to your
9 application.

10 MR. GOODMAN: My thinking was that
11 you have a Site Plan Subcommittee that could be
12 made contingent on their being able to ask any
13 questions of the architect. The changes,
14 architecturally, the floor plan, there was a
15 recommendation that the apartment in the front be
16 moved to the rear; and the plans did that. There
17 were, as you will hear from Mr. Dec, with regard
18 to the circulation, we were able to establish
19 green area when by residing the building on the
20 property. With regard to the, I guess texture of
21 the skin of the building, they a recommendation
22 and made it lighter. It was dark, we made it
23 light. It would seem to me that the actual
24 textures or color could be inquired further at the
25 subcommittee level. There was no change really to

1 the building. It's a 10-unit, 2 affordable. It's
2 really the same building repositioned on the site
3 allowing for better circulation, better access,
4 safer access, a green area. It's an improvement
5 on many of the areas. The variances, as I said,
6 remain the same. Obviously, it's your choice
7 whether you want to proceed.

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

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

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

22 MR. LAPLACE: Mr. Chair, I was just
23 going to concur in that if this was an amended --
24 the same site plan but amended and we were coming
25 back to it, I would think there would be a little

1 latitude. But this is a brand-new application and
2 if we had any questions for the architect, we
3 wouldn't be able to ask them.

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

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

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

13 MS. HARRISON: Or an amendment.

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

25 CHAIRMAN ASH: I think given those

1 circumstances if we could accommodate you, if we
2 could have had the remote testimony of your
3 architect, we would have made that accommodation.
4 Since we're unable to do so, I think it makes
5 sense to have you back.

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

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

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

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

16 MR. SAMMET: Your may meeting is
17 May 2.

18 CHAIRMAN ASH: The application for
19 440 North Avenue East will be adjourned to May 2,
20 our regular meeting with no further notice.

21 MR. GOODMAN: Thank you, Chairman.

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

24 UNNAMED PUBLIC SPEAKER(1): Can I
25 ask a question?

1 CHAIRMAN ASH: Yes.

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

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

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

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

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

24 CHAIRMAN ASH: I understand your
25 frustration, and we're just as frustrated. This

1 is not my job. I'm a volunteer. We're all
2 volunteers. We're all Westfield citizens.

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

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

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

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

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

18 (Crosstalk.)

19 UNNAMED PUBLIC SPEAKER(1):
20 (Indiscernible.) I'm just trying to make a point
21 that sometimes -- I don't know if it's always this
22 way or not I don't attend a lot of these, but it
23 would be nice if the people that came here did
24 have an opportunity to present the information
25 they wanted to provide and not be hamstrung by

1 procedures that somebody can't attend. And I
2 understand he's a critical individual, but our
3 comments are here now.

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

8 UNNAMED PUBLIC SPEAKER(1): Okay.
9 So they don't have a 1-foot setback, it's still
10 15-feet?

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

15 UNNAMED PUBLIC SPEAKER(1): Okay.
16 Thank you.

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

19 MS. CURLEY: Good evening.
20 Amanda Curley from the law firm of Wilentz,
21 Goldman and Spitzer on behalf of the Applicant,
22 Adoni Property Group. The Applicant is seeking
23 preliminary and final major site plan approval and
24 two bulk variances to construct a 40-unit
25 multi-family inclusionary building at

1 516-540 North Avenue. The property is also
2 identified as Lots 13, 14, 15.01, 15.02, and 16 in
3 Block 3202. 15% or 6 of the 40 units will be
4 affordable housing units consistent with the
5 Town's settlement agreement with Fair Share
6 Housing. The property is located in the General
7 Business-2 Affordable Housing Overlay District
8 which permits multi-family. The residential
9 building will contain three floors of residential
10 units over a ground floor parking and amenity
11 space, and the top two floors of the building will
12 be these beautiful duplex units. The building is
13 full of amenities including a roof deck that we
14 will discuss at length tonight. Two bulk
15 variances are triggered by the roof amenity deck.
16 They are from the Town's general zoning
17 regulations and not from the overlay district.
18 They are for maximum committed height of rooftop
19 structures and maximum allowable square footage.
20 This is for the access to the roof deck. That's
21 what requires the variance relief.

22 In support of this project, we have
23 three expert witnesses. We have Gerry Gesario who
24 is our site engineer. Matthew Martinique who is
25 our architect. And we have a professional planner

1 by the name of Irwin Kizel. Collectively, their
2 testimony will support the applicant's request for
3 site plan approval, as well as the two bulk
4 variances. I also have our traffic engineer and
5 applicant's representative in the audience to
6 answer any questions as they may arise. So
7 finally, as a matter of recordkeeping, I have two
8 reports that were given to me by Westfield. I
9 have the Board Planner's letter which was dated
10 March 29, 2022, and I have the Board Engineer's
11 letter, which was dated today, April 4, 2022. And
12 with that, I would like to call my first witness;
13 Gerry Gesario.

14 MR. GESARIO: Good evening.

15 CHAIRMAN ASH: Good evening,
16 Mr. Gesario. Please raise your hand.

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

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

21 MS. CURLEY: Background and
22 qualifications.

23 MR. GESARIO: Sure. I'm a 1988
24 graduate of the New Jersey Institute of Technology
25 with a Bachelor of Science in Civil Engineering

1 Degree. I've been a licensed professional
2 engineer in the State of New Jersey since 1994.
3 My license is in good standing. Has always been
4 in good standing. Employed as a Director in Civil
5 Engineering for the firm Jarmel Kizel Architects
6 and Engineers. Business address 42 Okner Parkway,
7 Livingston, New Jersey. I have not appeared
8 before this Board, but I have appeared to roughly
9 50 boards in my seven-plus years with the firm of
10 Jarmel Kizel.

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

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

16 MS. CURLEY: Thank you.

17 BY MS. CURLEY:

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

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

22 CHAIRMAN ASH: A-1.

23 MS. CURLEY: I'll mark it.

24 (Whereupon, Applicant's Exhibit A-1,
25 DRAWING E-100, was marked for identification.)

1 MR. TREMBULAK: Do you just want to
2 identify that?

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

5 A-1 is an aerial image from Google
6 Maps dated March 30, 2022, and it shows the
7 development track outlined in the yellow line.
8 There's also an inset with a zoomed-in version on
9 it. As Counsel, mentioned, this development is
10 made up of five tax lots 13, 14, 15.01, 15.02, and
11 16 in Block 3202 with the physical address of
12 516-540 North Avenue. As you can see, it's
13 located on the south side of North Avenue between
14 Hillcrest and Fourth Avenue. North Avenue East is
15 a state highway, State Route 28, so the project
16 will require a minor access permit from NJDOT.
17 This permit is in process. I believe it's going
18 to get submitted next week as we're getting all
19 the signatures from the various tax lot owners.
20 So that approval is pending.

21 All total, the five parcels work out
22 to 70,962-square feet, which is just over 1.6
23 acres. We have frontage along North Avenue just
24 shy of 355-linear feet, and the lot depth is at
25 200-feet. Surrounding our site to the south, we

1 have the railroad. To the east and west are
2 commercial, small industrial uses. And across
3 North Avenue to the north, there's a Montessori
4 School and single-family residential homes.

5 The site currently, is fully
6 developed. There are four buildings, they're all
7 vacant most recently. There're asphalt parking
8 areas. There was large metal containers scattered
9 about the rear of the property. The existing site
10 is over 95% lot coverage, which exceeds the
11 ordinance allowable lot coverage. There're also
12 currently five curb cuts along our frontage. At
13 one time or another, they served the existing
14 businesses that were there. With respect to the
15 topography, in the front of the existing buildings
16 drain towards the Route 28, but most of the site
17 slopes from north to south towards the railroad.
18 There's actually about a 10-foot elevation
19 difference from the front to the rear of the
20 property. All these buildings' site
21 infrastructure will be demolished. Actually,
22 demolition, as far as I know, is underway. I'm
23 not sure how far they got, but everything will be
24 demolished for the proposed development. I'm just
25 going to switch exhibits.

1 MS. CURLEY: We'll mark this one as
2 A-2. This is a colorized site plan.

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

6 MR. GESARIO: A-2 is drawing E-200.
7 IT'S also dated March 30, 2022. It's basically a
8 colorized version of the landscape plan. So it's
9 not included in your package. It has a zoning
10 table and parking table and a plant list. What
11 the applicant's proposing is a 40-unit residential
12 building. It's going to be a three-story of
13 residential over one level of garage parking. It
14 will have a footprint of 28,380-square feet. That
15 is 40 percent of the lot area, and 40% building
16 coverage is allowed by ordinance. Overall, the
17 lot coverage will be 77% where 90% is permitted.
18 And as I mentioned, over 95% exist today. The
19 project, regarding side setbacks, rear setbacks,
20 yard lot area meets all the other bulk zone
21 requirements for those items. As Counsel
22 mentioned, there are two areas of relief. The
23 height of the main structure is 40-feet, but
24 relief for the height is sought due to the
25 elevator bulkhead that extends up to the roof

1 which provides access to the rooftop amenities,
2 which the architect will go into detail on. I
3 think the other relief sought is for the square
4 footage of the rooftop amenity, which will also be
5 discussed in greater detail by the architect and
6 the planner.

7 As far as the access; along North
8 Avenue we're going to be replacing all the curbs,
9 new 5-foot sidewalk, there'll be -- yeah, I have
10 little thing I can use. (Indicating.) So we have
11 a 5-foot sidewalk, new curb, and the pedestrian
12 access right from North Avenue to the main
13 entrance on the front of the building. We're also
14 maintaining the crosswalk across North Avenue.
15 Vehicle access; we'll be closing off all the curb
16 cuts. We'll have a new 24-foot wide driveway,
17 ingress/egress driveway, on the west side of the
18 site. The driveway does narrow down to 22-feet
19 where the building starts, but in talking with the
20 architect, this was a comment in the Planner's
21 letter. They're going to reconfigure their
22 columns in the front, so we'll provide 24-feet all
23 the way through and around the rear of the site
24 for access.

25 BY MS. CURLEY:

1 Q. And Gerry, we'll also be adding a
2 crosswalk; correct?

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

20 Parking for the project; there are
21 80 spaces in total provided. Of those 80 spaces,
22 35 will be exterior, some along the entry aisle
23 under the drive-thru feature, and the rest in the
24 rear of the site. The remaining 45 will be garage
25 parking, 10 of which are tandem spaces, and those

1 will be assigned to the two-bedroom units. The 80
2 parking spaces provided meet both the Westfield
3 Ordinance Requirement, which is 61 stalls; and the
4 Residential Site Improvement Standards
5 requirements for apartments, which was 54 units.
6 Sticking with parking, the Applicant also intends
7 to comply with the new Electric Vehicle Statute
8 which requires 15% of the total parking to
9 accommodate electric vehicle charging stations.
10 So we designate -- we actually have 13 shown, most
11 in the garage and one outside. Those aren't set
12 in stone yet. We're probably going to put more
13 outside and less in the garage, but we are going
14 to comply. As part of that statute, you're
15 actually allowed to get a -- it's up to 10%
16 reduction in the ordinance requirement for
17 parking, although, we don't need it. But by
18 complying, technically, we only need 55 spaces for
19 this development when again, 80 are provided.
20 Let's see what else. Trash --

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

22 A. Trash; a question was raised in the
23 Planner's report. There is no external trash
24 enclosure. Garbage will be handled within the
25 garage and rolled out on pick-up days. We've

1 provided a loading area, which is 40-feet long
2 plus two, 7-foot striped islands. So there's
3 actually 54-feet available in here so they can --
4 the super will roll out garbage on pick-up days,
5 so it will get picked up and they can leave the
6 site. We've done turning templates. That was a
7 comment in the Engineer's letter. We will submit
8 them. I actually have an exhibit. That will be
9 A-3. That is a vehicle analysis also dated March
10 30, 2022.

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

14 A. What this shows is a typical garbage
15 truck, and the way it has to work is they will
16 come in, they enter under the drive-thru feature,
17 come around, and they will have to utilize a
18 K-turn. They would come in, use the driveway
19 entrance to the garage, back up into the loading
20 zone, and back out. But the width of that loading
21 zone and the entry to the garage accommodates a
22 garbage truck and it also accommodates a box
23 truck, a 30-foot box truck, which we think would
24 be you know a typical moving vehicle for someone
25 moving into or moving out of an apartment. So

1 picture a U-Haul with a 20-foot box, it can
2 accommodate that with one K-turn, simple K-turn
3 movement.

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

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

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

23 A. Affordable housing; there is an
24 affordable housing component. It's 6-units to
25 comply with the requirements, and 15% of

1 affordable housing set aside, which equates to
2 6 units to be reserved. The remaining 34 units
3 will be the market rate.

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

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

16 Landscaping; we think we've done --
17 we think the site has a comprehensive landscape
18 plan. Certainly, much more than what's there
19 today. What's being proposed overall is 27
20 deciduous trees, 61 evergreens, about 180 shrubs
21 plus perennials. Most of the deciduous trees are
22 proposed for the front yard between the building
23 and North Avenue. And I forgot to mention,
24 there's kind of a brick paver path and some
25 sitting features along the front of the building.

1 Again, most of the trees will be in that front
2 yard along North Avenue. The site will be lit,
3 obviously, in accordance with the ordinance.
4 There're 7 pole fixtures mounted at 15-feet that
5 will be slightly supplemented with wall packs.
6 The pedestrian area in the front will be lit by
7 decorative bollards. And all lighting will be
8 LED, and we comply with the ordinance as far as
9 the min or max light levels at the property lines.

10 A couple of other items. Utilities;
11 all new utility services, obviously, will be
12 brought into the site. They're all readily
13 available from North Avenue. We'll need a Road
14 Opening Permit, obviously, to get them, but that
15 will be done with DOT. And the drainage; this is
16 a major development per the NJDEP definition
17 because it's more than an acre. But because we
18 are greatly reducing impervious coverage on the
19 site and what they call "motor vehicle surfaces"
20 it's exempt from water quality standards because
21 we're adding more green than exists. We also meet
22 the groundwater recharge standards. And again,
23 simply by the significant reduction of impervious
24 surface, we meet the reduction in peak flows as
25 well. We are coordinating with the railroad. We

1 had intended to use -- there're existing inlets
2 back here. One of which discharges towards the
3 railroad property, but it's only a 6-inch pipe,
4 unfortunately. During demo, they cleared the
5 inlet, cleared the pipe, but, unfortunately, it's
6 only a 6-inch pipe. I've reached out to the
7 railroad, so we're starting to make contact.
8 Initially, I was informed it was a Conrail line,
9 so I wasted a few days finally getting Conrail to
10 tell me that it's a New Jersey transit line. So
11 now, I have a name and some phone tag with New
12 Jersey Transit. The hope is to get permission to
13 replace that pipe; the discharge. I think the
14 worst-case scenario is we go with an infiltration
15 system and just an overflow into there. The
16 Engineer's letter mentions the drainage. I
17 haven't had a chance to talk to him, we just got
18 the letter this afternoon. It's something I want
19 to talk to him about regarding the drainage and
20 let him know where we are with that.

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

23 A. Yes. I think from a sight, there
24 were two comments. The crosswalk at the
25 underpass, and what was the other one? There were

1 two we said we agreed to. Oh, yeah, he asked for
2 some additional landscaping. I guess that would
3 be the northwest corner just to further hide this
4 parking that sits under here, and we have no issue
5 with adding landscaping and working with him and
6 any other suggestions they have regarding
7 landscaping.

8 Q. The crosswalk.

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

13 Q. The engineer report.

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

17 Q. Item 4.2.

18 A. 4.2 in his report; and it's in
19 regards to the sanitary. The Engineer is
20 requesting we do a 60-day flow study of the sewer
21 on North Avenue. We respectfully request this
22 comment be waived. We feel as this site was
23 designated for redevelopment with other sites, our
24 hope was that the sewer system was looked at and
25 was deemed appropriate for these developments, and

1 not for us to do a 60-day study to see the
2 condition of the existing sewer line. I haven't
3 -- again, getting this letter this afternoon and
4 we haven't had a chance to discuss this with the
5 Engineer. It's something we'd like to talk to him
6 about as well.

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

9 CHAIRMAN ASH: Okay. Thank you.
10 Members of the Board, questions for Mr. Gesario.
11 Mr. LaPlace.

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

1 the street. So could you talk about why it's
2 40-feet?

3 MR. GESARIO: Sure. And I'm glad
4 you brought that up, it was in my notes and I
5 forgot to mention it. The building is setback
6 40-feet from the right-of-way line. The ordinance
7 requires 1-foot of setback for every height of the
8 building. So it's a 40-foot height building, the
9 main building, 40-foot setback. It's setback
10 52-feet from the curb line. So that is why it's
11 40-feet.

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

14 MR. GESARIO: Yes.

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

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

1 trees.

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

12 MR. GESARIO: Less landscaping?

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

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

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

24 CHAIRMAN ASH: Not for that.

25 MS. CURLEY: Not from the district

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

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

14 MR. GESARIO: The parking is in the
15 back.

16 MS. CURLEY: Parking is in the back.

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

19 MAYOR BRINDLE: Oh, the party in the
20 back.

21 MS. CURLEY: I would say that the
22 rooftop amenity space is a little different than
23 the ground-floor amenity space. And there are
24 ground-floor amenities already. The point is to
25 provide a lot of amenities to the residents who

1 live here. And then in the front with the
2 landscaping, there are benches there, so it is
3 meant for space. So I have a dog, I need to take
4 my dog for a walk; this is where I could go. It
5 provided a nice buffer from North Avenue which is
6 relatively utilized, and you're also going to be
7 seeing more multi-family on North Avenue because
8 you now have redevelopment in overlay zones in
9 this area. So what it looks like today is not
10 what it's going to look like 10 years from now.

11 MS. HARRISON: Not that I'm trying
12 to -- to put my head around it is all of the
13 applications that have been in front of us --
14 maybe Don can help. I think one of the items that
15 Michael LaPlace has brought up in the past is sort
16 of continuity, street face, identifying a true
17 corridor so it doesn't feel like a mishmash. You
18 know, one building is 40-feet, the other building
19 is 15, another one is 12. In my opinion, it would
20 feel much nicer if there was a semblance of an
21 overlay there that just -- if someone is walking a
22 dog down North Avenue or walking to the bus, they
23 know what to expect. They know where the
24 buildings are. It gives a better sense of place
25 when it sort of feels like that. I don't remember

1 -- there're too many applications these past three
2 years -- Don, do we have any idea of where we are
3 with setbacks? Because we have another
4 application that was just sent home earlier which
5 is just down the street from this, and that one is
6 much closer to the street.

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

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

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

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

23 MR. SAMMET: Well, there're -- the
24 ones that I think of on North Avenue that this
25 Board had seen is the Handler Building, which is

1 an existing structure closer to the street. There
2 was the old TD Bank to be House of Wine; that's
3 set from the skeet. There's the old -- I always
4 refer to it as "Vine Right." It was once an auto
5 dealership, then Vine Right Market, and now it's
6 Karma. That's an existing building which is
7 closer to the street. This Board did request of
8 the applicant at 440 that they -- and they
9 originally came in with a compliant front-yard
10 setback which was set back from the street. This
11 Board encouraged them to request a variance and
12 move closer to the street. This particular
13 application, the Applicant is choosing to adhere
14 to the required setback. So, yeah, I mean it's a
15 growing corridor. We're seeing a mix of the use
16 of existing buildings as well as new construction.
17 So you can wind up with that "sawtooth effect" as
18 you call it, but the intent is that -- the intent
19 of the way the ordinance is written is that there
20 be a consistent setback. But I think it's that
21 mix of the use of the existing buildings with some
22 introduction of some new construction that's
23 causing different setbacks for each property.

24 MR. LAPLACE: Don, do you recall why
25 this overlay zone had what turns out to be a

1 40-foot front-yard setback requirement?

2 MR. SAMMET: Yeah. The overlay zone
3 -- when the overlay zones, all of them just about
4 were adopted by the ordinance, the bulk
5 requirements which were in place for the
6 underlying zone districts pretty much stayed
7 intact. There were some minor design standards
8 put in, but the bulk standard setback's height;
9 they really remained the same. And the thought
10 was that, well, we can have development under the
11 underlying zone, in this case, the GB-2 Zone,
12 which is exclusively non-residential. Or, we
13 could have a residential, exclusively residential
14 development; so let's keep the setback's
15 requirements for either use. And part of it was
16 it was a quick turnaround for the Affordable
17 Housing Plan. And the other part was that we were
18 basing the overlay zone requirements on the bulk
19 standards that were in place. If they were
20 appropriate for the commercial use that would
21 still be permitted, wouldn't they not be
22 appropriate for the residential use permitted
23 under the new overlay zone?

24 MS. HARRISON: I mean the
25 application that just heard last month was when

1 Redcom, Redcom is going to take the existing brick
2 building and they're going to make it a hydroponic
3 farm, it's going to be beautiful, and it's right
4 on the street. We have 440, which is going to be
5 right on the street. We have another application
6 which is the old art place.

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

9 MS. HARRISON: Not yet.

10 MAYOR BRINDLE: There's no
11 application for that.

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

17 MR. SAMMET: Understood. I think
18 the Board should consider also that this North
19 Avenue is a very heavily traveled roadway, and I
20 think you would want to accommodate some buffer
21 between the ground-floor residential uses and the
22 roadway itself and that public area; if you will.
23 We notice on the 440 Application; their revised
24 plan shifts the bedroom away from that North
25 Avenue frontage. We could ask the Applicant for

1 that, but my guess would be that they did that so
2 the residential unit was not close to the avenue.

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

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

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

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

20 CHAIRMAN ASH: How does that
21 40-feet, the setback relating to the height, how
22 is that height measured? Is that to the top of
23 the highest point of the elevator bulkhead or is
24 that the average roofline?

25 MR. GESARIO: That's from average

1 grade around the building to the roofline.

2 CHAIRMAN ASH: The roofline?

3 MR. GESARIO: Yeah.

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

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

14 MS. CURLEY: Thirteen.

15 MR. DUELKS: -- 13 underground. And
16 I know you said you spoke with somebody from the
17 fire department about apparatus in the rear, about
18 going there. I'm not sure whom you spoke with
19 about that. But what I would like to touch on
20 about the electric vehicles is I know with today's
21 day and age, they're becoming a lot more popular
22 and popular, and, obviously, they're popping up
23 all over the place. But on the fire service side
24 of it, they're also getting harder and harder to
25 extinguish. A perfect example; a basic car fire,

1 1,000 to 2,000-gallons of water. It's easy to
2 stretch a line off an apparatus, extinguish a car
3 fire without hitting a hydrant and using it, you
4 know, the amount of water. Average electric
5 vehicle; we're learning in fire service, 40 to
6 50,000-gallons of water to put out one electric
7 vehicle car. So now, we get a deep-seeded car
8 fire underneath this structure that's built-in
9 there, and getting apparatus to the area that
10 you're saying is 13-feet high and 22-feet wide to
11 get an engine in there, it all depends about rig
12 placement, the way the hose comes off the
13 apparatus. You're telling me a garbage truck is
14 going to have to do a K-turn back there, an engine
15 with a full parking lot in the back, it's going to
16 be extremely hard to get multiple apparatus in
17 there, not only one apparatus in there, even if
18 I'm going to commit an apparatus to the rear of
19 this area. Because once it's committed, your
20 log-jamming everything else, and if it's not
21 positioned the right way, you're not going to be
22 able to attack the fire the correct way as well,
23 and then people will be in a different situation.

24 A few things I'd like to propose. I
25 know you said you're looking to put some

1 electronic charging stations outside. I don't
2 know if you're going to put all of them out there
3 or if you're still going to keep some inside the
4 structure. If you're going to do that, what I
5 would like to do -- I know this is the starting
6 point -- but I'd like to discuss about additional
7 hydrants and additional water sources for the rear
8 of that structure. Because what's going to happen
9 here is your apparatus is going to stay on the
10 front of the street, the guys are going to lay
11 hand lines down this driveway and they're going to
12 need additional water sources. So we can put
13 different standpipes underneath in the ground so
14 we'll be able to supply the water and it will be a
15 lot easier. Because you're talking about a
16 labor-intensive -- I know you're going to have
17 sprinklers down there and this building is going
18 to be sprinklered and it's going to be down there,
19 but that's only going to keep it in check. And
20 like I said, for an electric vehicle fire, you're
21 looking at the amount of water that you're going
22 to be putting down there. So you're going to need
23 additional standpipes and different water supplies
24 coming into the structure if we're going to have
25 -- you know, in case of electric vehicles.

1 The next problem or the next thing I
2 see here is access to the third floor. You know
3 we have one aerial truck in town, and once again,
4 like I said, to commit it to this area, you're
5 talking about the space of a garbage truck and a
6 box truck to reach certain building heights of the
7 third floor, you're talking 35, 40-feet to the
8 windows up there, to the third bedroom apartments,
9 from what I see on the plans. So our largest
10 ground ladder is 35-feet that you carry besides
11 your aerial ladder. Well, when you have a pool
12 here and trellises here, there're multiple
13 apartments over to the back structure, that
14 35-foot ladder is not going to reach the
15 third-floor apartment, especially, with the angle
16 and the way you set up and having multiple areas
17 that a ladder truck will not be able to reach. So
18 have you ever thought about putting fire escapes
19 around the building to help occupants get down as
20 well, being that the ladder truck wouldn't be able
21 to reach certain areas in the rear?

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

25 MS. CURLEY: Can we just wait until

1 we get our architect up maybe?

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

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

7 MR. DUELKS: Sure.

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

11 MR. DUELKS: Fire escapes are not
12 allowed where?

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

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

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

22 MR. DUELKS: You know the safety of
23 the occupants on the third floor for me to access
24 them or to have the department access them
25 sufficiently with a letter at that point, just

1 seeing the way it's set up, it's a concern that I
2 have.

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

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

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

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

20 MR. GESARIO: I'm not an architect.

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

24 MS. HARRISON: I would much rather
25 ask you to move a building to be nonconforming

1 than to see the lives of someone or the integrity
2 of the whole structure. You know sometimes
3 something conforming doesn't mean it's right. So,
4 the question?

5 MR. GESARIO: Would it improve
6 circulation --

7 (Crosstalk.)

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

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

12 MS. HARRISON: A loop around the
13 whole building?

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

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

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

23 MS. HARRISON: Do you know?

24 MR. DUELKS: To do a complete
25 circle, I mean, you'd have to do a K-turn and

1 back. I mean if you just have an access road of
2 20-feet wide to go around the whole outside or
3 15-feet wide, he's correct what he said by the
4 height of the apparatus is just under 13-feet, but
5 you're 12--feet wide. So if you can do one
6 continuous movement going around, absolutely. You
7 know if you're going to have to put an apparatus
8 back there to keep jockeying and moving, once you
9 pull a hose line, you can't move that apparatus
10 for placement anymore. Once something comes off
11 and is deployed, you can't move it anymore.

12 MR. LAPLACE: Thank you, Chair.
13 Chief, I have a question. From a safety
14 standpoint, if the building was closer to North
15 Avenue, wouldn't that be advantageous for
16 equipment being on North Avenue to access the
17 building as opposed to it being set back?

18 MR. DUELKS: 40-feet, so if you have
19 your aerial ladder and then you know you're
20 looking at the curb line and then you're looking
21 at the wires that are going across North Avenue
22 for access, you know, your aerial ladder in
23 Westfield we have a 105-foot aerial ladder, so on
24 positioning, you're taking 40-feet right there,
25 your access, you're probably not going to hit a

1 roof from North Avenue. You're correct with our
2 aerial ladder going between the wires and whatever
3 angle we can hit it at that height of the
4 structure. So if you moved it closer, you would
5 get a better advantage point, yes.

6 MR. LAPLACE: Thank you.

7 MS. FREEDMAN: Mr. Chairman?

8 CHAIRMAN ASH: Yes.

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

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

23 MS. FREEDMAN: Because?

24 MS. CURLEY: Because the building
25 was designed purposefully and it's beautiful.

1 It's meant to have that grass area in the front
2 for people to walk and stroll. It's full of
3 amenities. The exterior, we have amenities all in
4 the corner, so we certainly don't want to have an
5 access road, you know, going through that. And
6 then moving the building up, it's just not
7 something that we really think would be a good
8 design choice.

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

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

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

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

21 MAYOR BRINDLE: We're all very
22 aware. We're all very well aware. And we're just
23 saying I think there are some significant safety
24 concerns, and I just think in the spirit of
25 cooperation and collaboration, it might be

1 something you would want to consider.

2 MS. CURLEY: We can consider it, but

3 --

4 MAYOR BRINDLE: That would be
5 terrific.

6 MS. CURLEY: Any other questions?

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

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

12 CHAIRMAN ASH: Go ahead, Don.

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

21 MR. GESARIO: It shouldn't be.

22 MR. SAMMET: Shouldn't be. Okay.
23 If you could see if you could use that decorative
24 fixture style as well by that driveway entrance.

25 MR. GESARIO: Yeah. It should

1 match.

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

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

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

16 MR. GESARIO: You're welcome.

17 CHAIRMAN ASH: Mr. Battaglia.

18 MR. BATTAGLIA: Yes.

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

22 MR. BATTAGLIA: The flow meter?

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

25 MR. BATTAGLIA: To the Applicant's

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

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

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

23 CHAIRMAN ASH: And as our Town
24 Engineer, you're not aware of this examination or
25 study taking place recently?

1 MR. BATTAGLIA: No. I would have to
2 take a look through my predecessor's records.

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

6 MR. BATTAGLIA: Okay.

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

9 MR. BATTAGLIA: Correct.

10 CHAIRMAN ASH: That this capacity
11 exists?

12 MR. BATTAGLIA: Yes.

13 CHAIRMAN ASH: Thank you.

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

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

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

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

24 MR. BATTAGLIA: Backed up into the
25 basement.

1 MR. GESARIO: The Applicant said
2 he'd agree to a 30-day study. If that's --

3 MR. BATTAGLIA: Acceptable.

4 CHAIRMAN ASH: Is that acceptable?

5 MR. BATTAGLIA: It is.

6 CHAIRMAN ASH: Because you were
7 mandating at 60-day. Will you be satisfied with
8 30 days?

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

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

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

19 MR. LAPLACE: Are we proposing a
20 specific setback?

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

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

25 CHAIRMAN ASH: Do you want to take

1 the time to plan? Do you want to come back with
2 your plans?

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

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

8 (Cross discussion.)

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

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

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

17 MR. DUELKS: For access.

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

24 MR. DUELKS: So the truck can drive
25 onto the front of the building and set up from

1 there; is that what you're saying.

2 MS. CURLEY: Yes. Uh-huh. Exactly.

3 MS. HARRISON: What happens with the
4 landscaping?

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

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

15 (Crosstalk.)

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

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

25 MR. DUELKS: Yeah. You still need

1 to make it larger in the back so we can put proper
2 apparatus or positioning back there. If you keep
3 it the way it is, we're not going to be able to
4 still access the area by the pool and the trellis
5 for those apartments on the third floor with a
6 ground ladder because we don't have anything high
7 enough. I think that we were proposing if we can
8 try and get some sort of access. And that's the
9 same thing if you're facing the building, it would
10 be on the -- if you're facing it, it would be on
11 the east side of it, there's no access, you're
12 right up to the property line right there for that
13 middle apartment. It's not the front corner
14 because you can access that from the street. And
15 in the rear corner, you can access that from the
16 rear if we can make access. It's the middle
17 apartment from what I see. It's the two-unit,
18 two-bed duplex that has a balcony off the back
19 right here (indicating) so that's kind of
20 sandwiched between both corners for access, that's
21 why I was proposing would we be able to get over
22 --

23 MR. GESARIO: (Indicating.)

24 MR. DUELKS: Nope, the other way,
25 right in the corner right there because you're

1 right on the property line; correct? Okay. And
2 right next to that I believe that's Stuarts Audio.
3 Am I correct by saying that? The building that's
4 right next door. So we can't put a ladder right
5 on that building. So that's what I was proposing
6 at one point; can we have access for a fire escape
7 for that building for them to come down and in
8 that corner, back there?

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

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

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

21 MR. DUELKS: But thank you for
22 suggesting the patio pavers on the front so we can
23 put an apparatus underneath the wires and access
24 the ladder a lot closer to the structure if needed
25 for a rescue purpose. But just remember, if a

1 structure is on fire, its collapse zone is
2 one-and-a-half times the height, so that also puts
3 us would I jeopardize putting an apparatus in the
4 rear of this structure, you're in the collapse
5 zone. That was another reason why when you first
6 started saying you spoke to a fireman about
7 putting an apparatus in the back, it would be
8 concerning for me to put an apparatus back there
9 in the collapse zone.

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

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

21 MR. GESARIO: Understood.

22 MR. DUELKS: And just seeing that
23 your parking deck is only accessible from the rear
24 of the structure; so that would be the only way.
25 Besides, I see you have a fence on the one

1 picture. It looks like you can access it from
2 coming down there. It looks like it's a fence you
3 can see through. Is that correct? Worst case,
4 that can be removed to access it another way. But
5 to get any kind of deploying of anything on fire
6 underneath the parking deck would have to through
7 the rear of the structure.

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

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

15 MS. CURLEY: Okay.

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

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

22 UNNAMED PUBLIC SPEAKER(3): I have
23 questions about the traffic and stormwater and
24 things like that. I'm not sure at what point in
25 this proceeding that's appropriate. But traffic

1 is a concern (indiscernible) is that now or later?
2 When do we talk about that?

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

5 MS. CURLEY: We have a traffic
6 engineer.

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

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

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

24 UNNAMED PUBLIC SPEAKER(3): What's
25 that? I don't know how the (indiscernible) but

1 certainly sewage and the drainage as well.
2 Hopefully, we're going to look at that very
3 closely.

4 MS. MARTINDILL: (Indicating.)

5 CHAIRMAN ASH: Please approach.

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

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

11 MS. MARTINDILL: I'm
12 Heidi Martindill. I'm a resident of 543 Hillcrest
13 Avenue. And I guess you guys are all -- and I'm
14 actually one of the people who walk along North
15 Avenue with my dog and when decide to walk my
16 children to preschool rather than drive. The idea
17 of it being a corridor, you guys are all very
18 adamant on getting the buildings closer, but I can
19 tell you as somebody who actually utilizes this
20 space, and when I worked in New York City walking
21 back along there, it's not necessarily -- I mean
22 asking somebody to go against what's actually
23 proposed and on the setback, having more setback
24 there, makes it nicer to walk along. It might
25 change the appearance of what you want it to be --

1 I guess the business corridor or I guess like you
2 called it, the "sawtooth" -- in my opinion, that's
3 not necessarily a bad thing. It gives a little
4 more variance.

5 And as somebody who regularly walks
6 it, asking -- I mean having a building that's
7 1-foot up I think which can't be commented on at
8 this point because it wasn't presented is a pain
9 in the tuchus(sic) when you're actually walking
10 with small kids and when it snows. And I actually
11 want to be able to walk my kids to preschool
12 rather than taking a car and you have snow piled
13 up and then you have the building right there;
14 it's not walkable. And although it's not to the
15 sanitation; the street floods. And so on days, I
16 have to just be able to walk my kids to school I
17 have to put on rain boots to walk the dog because
18 there is no drainage. So asking for less green
19 space or not necessarily a green space, but for
20 the buildings to be right up and get rid of the
21 40-foot setback I think is actually doing a
22 disservice to the future aspect of what you hope
23 the street looks like as opposed to where you want
24 it to go; if you really do want it to be the
25 walking corridor and being able to use.

1 I can tell you, I'm probably one of
2 the few people who use the crosswalk right there
3 to get across the street rather than going --
4 having people stop is a rarity. I mean can't tell
5 you how many times I've almost been hit, how many
6 times my kids have almost been hit. And so asking
7 for less visibility for the spaces and less
8 setback, I think you're just contributing to it
9 away from what, in my opinion, would be the
10 ability to making it a walking corridor which I
11 think was some of the ideas for that street. So
12 when you're asking them to ignore the ordinances
13 that have been in place and move their building
14 forward, I think you're doing the town and the
15 future look of that street and that area a
16 disservice. And I certainly hope to continue to
17 make that area a long-term place. But if you keep
18 building up, I mean, you're asking for this huge
19 building that's already going to be 5-stories
20 high, and I look over four with the additional
21 space on the roof.

22 MS. CURLEY: From North Avenue?

23 MS. MARTINDILL: From North Avenue,
24 but you go from where my house is -- so I walk
25 outside now, and I see blue sky. And now, I'm

1 going to look over and see a building. And now
2 you're moving -- our own town council people are
3 asking them to move it even closer to the street
4 so it's even less sky that we see. Although I
5 appreciate that you want it on some perspective to
6 be continuous, I think it adds -- it changes the
7 personality and the appeal to me. So although you
8 find that a wonderful incentive, I don't, and I'm
9 the one that has to look at it all the time, as I
10 know some people also live very close to that
11 thing and you turn out.

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

24 MAYOR BRINDLE: As you know, I live
25 around the corner from you, so I also walk North

1 Avenue. So I cross North Avenue probably five
2 days a week and I commuted across the street from
3 Art Lab for 20 years.

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

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

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

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

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

1 lost a tire on it.

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

6 MS. MARTINDILL: Where McIntyre's
7 is.

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

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

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

19 MS. MARTINDILL: Yes.

20 MS. HARRISON: I never suggested a
21 1-foot setback. What I was talking about was
22 giving them 15 -- like just out of the 40, maybe
23 take 15 away. So it would have been, it's 25-feet
24 from the sidewalk back, so it's 25-feet, plus the
25 sidewalk.

1 MS. MARTINDILL: So it's -- yes, but
2 you would -- so I guess --

3 MS. CURLEY: 52-feet from the curb.

4 MS. HARRISON: Thank you.

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

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

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

20 MR. LAPLACE: You're generating some
21 good points. What I wanted to ask you is; first
22 of all, I'm glad Ms. Harrison stated we weren't
23 asking for the building to be right up to the
24 property line. We're asking maybe half the
25 distance or something. So it wouldn't be a

1 40-feet from the right-of-way, which is inside the
2 sidewalk there. But also, do you feel
3 uncomfortable when you walk in downtown where the
4 buildings are right up to the sidewalk or on South
5 Avenue or North Avenue in the --

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

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

11 MS. MARTINDILL: No. So you're
12 talking about an industrial building that had not
13 40 people living there, right, with the traffic of
14 people coming in and out.

15 MS. HARRISON: It's much less
16 density.

17 MS. MARTINDILL: -- and you think
18 about, so, yes, downtown, but that's downtown;
19 right? It's not an area where you have what is
20 coming in a liquor store with ample parking and a
21 green hydroponic plant where there might be a
22 restaurant. But again, it's not going to be the
23 same as a residential area of 40 people where you
24 have people coming in and out of the garage all
25 the time; right? So there's a difference between

1 what you talk about in downtown where it makes
2 some sense, right, because it's storefronts. It's
3 made for more pedestrian-friendly versus an
4 apartment area.

5 MR. LAPLACE: Right. We were just
6 talking about maybe half the distance not 40, but
7 20 or 25. Something like that.

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

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

13 MS. MARTINDILL: You're right.

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

16 MS. MARTINDILL: Which I think is
17 wonderful, but think of it two ways; right? I
18 mean that's what they're building and that's
19 great. And they're building to the space and
20 specifications that are in place, and fire safety
21 is, of course, important. But ordinances we have
22 in place are for a certain look and a certain
23 style and you're asking them to break it. And so
24 if you ask that of them, so when the next, I
25 guess, variance comes up to ask for instead of a

1 15-foot setback for a 1, then it's going to be
2 passed very quickly. And this is an opportunity
3 for us to voice our opinion and that's my opinion.

4 MAYOR BRINDLE: Of course.
5 Absolutely. Thank you.

6 CHAIRMAN ASH: Thank you.

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

9 MAYOR BRINDLE: All good.

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

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

23 MAYOR BRINDLE: You're all good.

24 MS. CURLEY: It's all right. I'm
25 just impressed that you walk along North Avenue.

1 I'm also a Westfield resident, so I'm very
2 familiar with the sites as well. Thank you.

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

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

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

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

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

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

1 something we can do.

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

10 MAYOR BRINDLE: Thank you very much.

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

13 CHAIRMAN ASH: Yes, please.

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

16 MR. MARTINIQUE: Good evening.

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

19 MR. MARTINIQUE: Matthew Martinique.

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

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

24 CHAIRMAN ASH: Could you qualify
25 Mr. Martinique, please?

1 MS. CURLEY: Background and
2 qualifications.

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

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

17 CHAIRMAN ASH: Any questions?
18 Please proceed.

19 BY MS. CURLEY:

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

23 A. The Applicant is proposing a 40-unit
24 multi-story building, four stories, three
25 habitable floors per the ordinance. There will be

1 parking underneath. Amenities disbursed
2 throughout the building on the first floor. And
3 then rooftop amenities.

4 Q. And what do you have up here?

5 A. Now, we have up the elevations.

6 MS. CURLEY: Do you have this or do
7 you want me to mark it as the next exhibit?

8 MR. TREMBULAK: You don't need to
9 mark it if it's included in the package.

10 A. As was already said, there're
11 40-units, 15% will be affordable so that's
12 6-units. They are primarily located on the ground
13 floor. At the ground floor, we mainly have
14 one-bedroom units. All the one-bedroom units are
15 here on the ground floor. We have 17 two-bedroom
16 units, four of them are the COAH units. There are
17 12, two-bedroom units -- sorry -- four,
18 two-bedroom units with a den; four two-bedroom are
19 COAH units; three-bedroom COAH units, and two,
20 three-bedroom units. All these units have either
21 private balconies or terraces, and there's
22 3,000-square-feet of amenity space on this floor.
23 BY MS. CURLEY:

24 Q. So Matt, this is the first floor.

25 But how about we get started with the ground floor

1 and work our way up? So this is the ground floor,
2 it should be in your packets. And Matt, why don't
3 you go through what's on the ground floor, what's
4 proposed and touch upon all of the amenity spaces?

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

16 CHAIRMAN ASH: Yeah.

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

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

23 MR. MARTINIQUE: These are the level
24 -- these show the level of amenity that Sonny
25 would like to provide in this building. It's not

1 necessarily the final layouts, but he wanted to
2 give something so you can actually see, you know,
3 what it's going to be.

4 BY MS. CURLEY:

5 Q. So how much basement amenity space
6 or ground floor amenity space will we have? And
7 then touch upon what's on the exterior.

8 A. Well, the basement amenity is about
9 3,000-square feet. It will be a TV/fireplace
10 lounge area, billiards table with access out to
11 the pool area. Outside, there's a putting green,
12 the barbecue areas. All this will be gated only
13 accessible to the residents of the building and
14 their guests. It's not a public use at all.

15 Q. And then can you touch upon the bike
16 storage?

17 A. There is a bike storage room inside
18 and as well as outside.

19 Q. That's just a rendering of the
20 amenities area -- is that just the back?

21 A. Correct. This is just the ground
22 floor amenities. We also have --

23 Q. Exterior.

24 A. The inside and also the rooftop.

25 Q. And while everyone is looking at the

1 amenity space, we'll move onto the first floor
2 which we already touched upon but just briefly go
3 through it.

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

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

16 A. Yes. Correct.

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

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

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

25 A. The first-floor proposed units --

1 MS. HARRISON: I'm sorry. What am I
2 looking at?

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

5 MS. HARRISON: Community room.
6 Thank you.

7 MS. CURLEY: Amenity space.

8 MR. MARTINIQUE: It's an amenity
9 space.

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

12 MR. MARTINIQUE: Fifteen units on
13 the ground floor.

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

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

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

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

24 MAYOR BRINDLE: That would be great.

25 MS. HARRISON: Is that a photograph

1 of a putting green somewhere?

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

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

8 MR. MARTINIQUE: Yes.

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

12 BY MS. CURLEY:

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

16 A. The second floor and third floor are
17 duplex units. So they're two-story units.
18 There's 13 two-bedroom units, 8 two-bedrooms with
19 dens, 4 three-bedroom units. Ten of these units
20 have private terraces on the rooftop at the back
21 of the building. They're accessible by a
22 staircase from within the unit. And the average
23 size of these terraces is about 805-square feet.
24 The typical unit size for this floor, these
25 duplexes are around 1,800-square feet.

1 Q. Why don't we go to what's the
2 average square footage of a one-bedroom?

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

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

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

13 MS. CURLEY: Do you want these
14 additional packets?

15 MS. CARRERAS: Sure.

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

19 BY MS. CURLEY:

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

22 A. As you can see in the elevations,
23 the maximum building height is the conforming
24 height of 40-feet. The variance sought is just
25 for the elevator bulkhead. Since we have a

1 rooftop amenity we have to provide accessibility
2 up there which requires the elevator. Elevators,
3 from the last stop, require a certain amount of
4 head height, and that's why we need this variance.
5 The overall aesthetic of the building is a very
6 modern building. We chose...

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

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

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

21 MS. HARRISON: You said this is
22 silver metallic?

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

1 color.

2 BY MS. CURLEY:

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

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

8 Q. Great.

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

11 MR. MARTINIQUE: I have more
12 renderings.

13 MS. CURLEY: We have more
14 renderings.

15 CHAIRMAN ASH: Okay. You can
16 continue.

17 BY MS. CURLEY:

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

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

1 feet.

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

4 (Indicating.)

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

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

18 A. Correct.

19 MR. DARDIA: Can you repeat that?

20 MS. CURLEY: Mr. Sammet, in his
21 report, asked for no TVs, music, or cooking
22 equipment. And then he pointed us -- so right
23 now, the ordinance doesn't have a general rooftop
24 amenities provision, but you did implement them in
25 other redevelopment plans, so we're going to kind

1 of mimic the other redevelopment plans to make
2 sure that we don't put something up there that's
3 not desirable from the Town. So it's really going
4 to be lounge space.

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

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

12 MAYOR BRINDLE: Okay. Yup. Got it.

13

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

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

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

1 lighting just to provide egress.

2 CHAIRMAN ASH: Those are
3 front-facing?

4 MR. MARTINIQUE: They're actually
5 rear-facing. They're facing the railroad.

6 I don't know if I mentioned; on the
7 communal terrace, there will be a fire pit, as you
8 can see in the renderings.

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

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

15 MS. HARRISON: Starting at the
16 ground.

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

20 MS. HARRISON: It's below-grade?

21 MR. MARTINIQUE: It's below-grade,
22 yeah, except for the back. The next floor up,
23 we're at ten-ten from ground to the floor of the
24 next floor above. These trusses are about
25 18-inches deep. So to keep a 9-foot ceiling,

1 that's what you need. And that just goes all the
2 way up. The roof; it gets thicker because the
3 roof is sloped, you know, at the ends. At the
4 corridor of the building, it might be 16-inches
5 deep, but at the end, it's 3-feet deep. So by the
6 time you get to the end and the parapet, that's
7 where our 40-feet comes from for those three
8 floors.

9 BY MS. CURLEY:

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

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

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

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

25 BY MS. CURLEY:

1 Q. So the variance that we are
2 requesting as to the bulkhead structure height?

3 A. Is just for the elevator.

4 Q. Is just for the elevator. So the
5 rooftop amenity space, itself, does not require
6 the variance. What requires the variance is;
7 access to?

8 A. Correct.

9 MS. HARRISON: The elevator.

10 BY MS. CURLEY:

11 Q. The elevator?

12 A. Yes.

13 Q. And then the second variance, why
14 don't you discuss that?

15 A. The second variance we're seeking is
16 for the actual size of the amenities up there; the
17 structures. The ordinance allows 10% of the total
18 rooftop or 250-square feet, whichever is smaller.
19 We're at 14,000-plus, so that's why we need --
20 we're under the 10% but we're well over the
21 250-square feet. So that's why we need the
22 variance there.

23 MS. HARRISON: What's the intended
24 advertised use of that space? Is it just you and
25 your kids can go up there and play or can you have

1 a party up there with 50 of your best friends?

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

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

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

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

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

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

16 MS. HARRISON: In Hoboken we do.

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

23 BY MS. CURLEY:

24 Q. So we require the two variances. So
25 Matt, why don't you now move on to the sign.

1 A. The sign on the building is located
2 over on the right side next to the driveway. It
3 conforms to the sign ordinance, it's under
4 16-square feet. Under 16-square feet and will not
5 exceed 6-feet in height. Right now, it's about
6 15, I think, .8-square feet, and the letters are
7 about 2-feet high.

8 Q. And will it be illuminated?

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

14 Q. But the sign will comply with the
15 ordinance?

16 A. Correct.

17 Q. Great. And then, lastly, Matt, why
18 don't you just briefly go into some green
19 initiatives that we're proposing?

20 A. Green initiatives that we're
21 proposing is kind of advanced framing structure;
22 something called "California corners" where you're
23 allowed to bring the insulation all the way to the
24 outside so the wall is uniformly insulated
25 throughout. They'll be, you know, any headers

1 above the doorways and windows and the exterior,
2 if they do not fill the full cavity, they will be
3 insulated. All seams and joints will be caulked.
4 The outside of the building will be wrapped in
5 either what's called Tyvek, a weather-resistant
6 barrier, or maybe a spray foam -- not a spray
7 foam, but a sprayed-on applied -- to minimize air
8 intrusion to help, you know, keep the building
9 energy efficient. Energy Star appliances will be
10 specked. The HVAC systems will be
11 high-efficiency. And then also with all the
12 rooftop amenities you actually get a lot of cover,
13 so you don't get a lot of the heat-island-effect
14 off the roof.

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

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

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

1 questions.

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

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

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

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

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

25 MS. CURLEY: I think Mr. Gesario

1 testified that we're going from about 96%
2 impervious to 77.

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

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

13 MR. TREMBULAK: Actually, to touch
14 on that, I just wanted to bring up some of the
15 code language. Fire escapes are not allowed in
16 the New Jersey code. You can do it within the
17 Rehab Code of New Jersey if you have an older
18 building and you have to provide that second means
19 of egress, they will allow it. On a new building,
20 it is not allowed. Also, in 2009, they actually
21 changed some of the language of the code. Before
22 that, any bedroom four stories or low had to have
23 an egress window. Now, if you're a sprinkler
24 building, which all residential buildings have to
25 be, and you have two means of egress out of that

1 apartment, you could actually have a windowless
2 bedroom. So, you know, it's very odd. We do not
3 like to do it because it's just the
4 quality-of-life thing other than safety. Just so,
5 you know.

6 MR. DUELKS: Understood.

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

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

22 MS. CURLEY: And we will add in
23 that.

24 MR. MARTINIQUE: Yeah. We'll take
25 care of that.

1 MR. DUELKS: Thank you.

2 CHAIRMAN ASH: Go ahead, Don.

3 MR. SAMMET: Just one question.

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

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

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

22 MR. MARTINIQUE: Correct. Exactly.
23 Absolutely not.

24 COURT REPORTER(OTHER): Mr. Sammet
25 you said they'll be not what?

1 MR. SAMMET: Pole-mounted fixtures.

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

5 MR. SAMMET: Not for the architect.
6 My main concern, and, in fact, there was a lot of
7 testimony on it was the extent of activity in the
8 rooftop areas pointing out some of the provisions
9 that the Town put into place in the Prospect and
10 Ferris Redevelopment Plan, which actually have
11 their genesis in the zoning board application from
12 many years ago that I was involved in here in
13 town. The intent, and what I was hoping the
14 Applicant would address and the Board would look
15 at is there's going to be activity on the rooftop
16 here, and we have residential uses across the
17 street. What, if any, impacts will there be on
18 those adjoining residences? Will they be seeing
19 light in the area? Will they be hearing a lot of
20 noise? Will they be seeing television screens?
21 So the Applicant has really indicated the
22 compliance with the standards that the Town has
23 adopted as part of the Prospect and Ferris
24 Redevelopment Plan. Different area of town; but
25 similar, if not the same, concerns were made. And

1 I think the Applicant has agreed really to follow
2 the regulations the Town established in the
3 Prospect and Ferris Plan.

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

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

14 MAYOR BRINDLE: So it's consistent?

15 MR. SAMMET: It's consistent.

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

18 MR. SAMMET: Yes.

19 CHAIRMAN ASH: Counselman.

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

24 MR. MARTINIQUE: Yes. All the
25 parking spaces under the building are reserved.

1 They're assigned to a unit. And those tandems
2 will most likely be assigned to two-bedroom units.

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

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

11 CHAIRMAN ASH: Can you spell your
12 name, please?

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

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

17 MR. JOHNNIDIS: Right. So is this
18 actually a brief question about the amenity that
19 you mentioned. This was repeated quite a bit and
20 they look quite impressive. If I could ask a very
21 brief preliminary question just to make sure I'm
22 understanding this correctly. Do you have any
23 rough estimate as to the ratio of the cost of the
24 market-rate apartments to the affordable
25 apartments?

1 MR. MARTINIQUE: I do not. That's
2 outside my wheelhouse. I don't set the standards
3 for that.

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

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

10 MR. JOHNNIDIS: Yeah. I'd just like
11 to know. Like just broadly speaking is it going
12 to be twice as much on average, 10 times as much,
13 50% more?

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

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

24 MS. CURLEY: That is regulated by
25 statute.

1 MR. JOHNNIDIS: Right. So you must
2 know the answer to the question?

3 MS. CURLEY: No.

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

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

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

18 MR. JOHNNIDIS: I mean if the
19 project were finished tomorrow and I wanted to
20 rent an apartment at a market rate, approximately,
21 how much could I expect to pay? And if I wanted
22 to rent an apartment at one of the affordable
23 rates, approximately, how much could I afford to
24 pay? I'm just trying to get a very loose -- I
25 mean --

1 CHAIRMAN ASH: That question, I
2 understand the question, and I think Don is trying
3 to answer the question. This Board is concerned
4 with the land use regulation of the project and
5 not the rental rates and how much the developer
6 will actually charge. That's not within the
7 jurisdiction of this Board. Anecdotally, I think
8 Don tried to answer the question, but we don't
9 have that information. It's not something we
10 request from the Applicant, and certainly doesn't
11 factor into our decision making.

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

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

18 MR. JOHNNIDIS: It does.
19 Mr. Martinique just mentioned a couple of minutes
20 ago that there will be a number of impressive
21 amenities, and that there will be an annual
22 amenities fee; is that correct?

23 MR. MARTINIQUE: Correct.

24 MR. JOHNNIDIS: So the question is
25 just whether the same amenities fee will be

1 charged to every single unit in the building or if
2 there will be a different fee structure for market
3 apartments relative to affordable apartments?

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

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

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

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

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

21 MS. CURLEY: No.

22 MR. JOHNNIDIS: Okay. So probably
23 they would be excluded from the amenities that you
24 have been nicely presenting here today? Is that a
25 reasonable expectation?

1 MS. CURLEY: The amenities space
2 will be charged at one yearly fee. It will not --
3 the amenities will be a yearly fee. Whoever wants
4 to pay the fee will be able to access all the
5 amenities.

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

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

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

18 MR. JOHNNIDIS: Okay. Thank you for
19 listening. I'd just like to point out that there
20 seems to be both the residential part and the
21 amenities, which seems to be a significant part of
22 this project, which sounds great. I'd love to
23 live in a place like this. But it seems like
24 there may be two classes of people; people who
25 live there and can enjoy the entire space, and

1 people who live there who will have to walk by the
2 pool, the putting green, the theater, and all the
3 other nice amenities. It will be a two-class
4 structure. And I recognize maybe this present
5 body doesn't deal with that, but it seems to me
6 that is a bit of a shame. I hope the Town does
7 not go in this direction more broadly. Thanks for
8 listening.

9 CHAIRMAN ASH: Any other questions
10 for Mr. Martinique?

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

13 MS. JARUZELSKI: My name is
14 Jennifer Jaruzelski. I reside at 210 -- oh, you
15 want me to spell it -- J-a-r-u-z-e-l-s-k-i,
16 210 South Euclid Avenue. I hope this is the right
17 time to ask this. I have a specific question
18 about the exterior design of the project.

19 CHAIRMAN ASH: Yeah.

20 MS. JARUZELSKI: Okay. Great.
21 Thanks. I've noticed it's kind of a trend toward
22 these floor-to-ceiling windows in some of these
23 newer buildings. Like the one in Garwood, the
24 Vermella, it's like these massive windows so it's
25 like kind of a fish-bowel effect. My question is:

1 Does the design incorporate consistent window
2 treatments? Because my fear is if every tenant in
3 there has their own blinds, drapes, shades it's
4 going to look tacky real fast.

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

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

9 MR. MARTINIQUE: There will be
10 consistency, yes.

11 MS. JARUZELSKI: Great. Thank you.
12 That was it.

13 CHAIRMAN ASH: Councilman?

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

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

22 (Laughter.)

23 MS. CURLEY: It's a placeholder.

24 MR. MARTINIQUE: It's a placeholder,
25 yeah.

1 MAYOR BRINDLE: Numbers seem to be a
2 big trend. I wouldn't be surprised if it's "540
3 North."

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

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

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

10 MR. CAMPANELLO: Hi.
11 Ted Campanello, C-a-m-p-a-n-e-l-l-o, 5566
12 Hillcrest. A very simple question, I may have
13 missed it. What's the total capacity, what's the
14 occupancy, maximum occupancy of the units, of the
15 project?

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

19 MS. HARRISON: No.

20 MR. MARTINIQUE: Or, yeah.
21 300-square feet per occupant. So the total
22 building --

23 (Crosstalk.)

24 MR. CAMPANELLO: Sounds like a
25 fundamental question. Will traffic at all have an

1 impact on people --

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

5 (Crosstalk.)

6 MR. CAMPANELLO: But you must have
7 some estimate.

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

10 MR. CAMPANELLO: Okay. Thank you.

11 MS. CURLEY: We have a traffic
12 engineer.

13 MR. CAMPANELLO: Okay.

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

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

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

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

24 MR. CAMPANELLO: Three hundred
25 people in total?

1 MR. MARTINIQUE: Yes. That would be
2 the code-allowed occupancy of the building.

3 MR. CAMPANELLO: Great.
4 Comparatively, if it's appropriate, the project on
5 Central and South Avenue; how does it, from a
6 scale and size standpoint, is that a larger -- I'm
7 just trying -- what did we learn from that
8 project?

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

11 (Crosstalk.)

12 MAYOR BRINDLE: It is, it's 72.
13 It's a lot bigger.

14 MR. CAMPANELLO: Seventy versus 40.
15 Okay. Same density, I assume because there are --

16 MAYOR BRINDLE: Ask Don. He would
17 know.

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

20 MR. CAMPANELLO: Higher density.
21 Better than the expected density on --

22 MAYOR BRINDLE: Yes.

23 MR. SAMMET: This is 25-units.

24 MS. HARRISON: Isn't it five
25 stories? Four or five stories on 333?

1 CHAIRMAN ASH: It's at least four.

2 MS. HARRISON: It's at least four.

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

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

7 MAYOR BRINDLE: The one on Central
8 is taller.

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

11 MR. CAMPANELLO: So 300 occupancy,
12 80 parking spots.

13 MR. MARTINIQUE: Yeah.

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

16 MS. CURLEY: Thank you.

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

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

24 (Crosstalk.)

25 MAYOR BRINDLE: But in terms of

1 actual residents?

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

4 MAYOR BRINDLE: Forty units.

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

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

13 MR. MARTINIQUE: Yeah.

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

16 (Laughter.)

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

18 MR. MARTINIQUE: With a disco ball.

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

21 MR. MARTINIQUE: The code requires
22 residential occupancy of this building would be
23 300.

24 MAYOR BRINDLE: If you want to come
25 up, come up.

1 MR. FAUST: Alex Faust, F-a-u-s-t,
2 550 Hillcrest. I live right around the street
3 from Shelley. Eighty parking spots, how many
4 visitor spots?

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

7 MS. CURLEY: It complies with RSIS.

8 MR. MARTINIQUE: It complies.

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

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

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

24 MR. FAUST: And there are no other
25 spots, just the 80?

1 MS. CURLEY: Just the 80.

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

4 MS. CURLEY: You're welcome.

5 CHAIRMAN ASH: Any other members of
6 the public have questions for Mr. Martinique?
7 Back to the Board; anyone? Okay.

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

10 MS. DOLAN: Who's swearing me?

11 CHAIRMAN ASH: You're name, please.

12 MS. DOLAN: Elizabeth Dolan,

13 D-o-l-a-n.

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

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

18 MS. DOLAN: Yes. Elizabeth Dolan
19 with Dolan and Dean Consulting, 181 West High
20 Street in Somerville. I'm a licensed professional
21 engineer registered in New Jersey and neighboring
22 states. I have a Bachelor of Science Degree in
23 Civil Engineering from Rutgers. And for 35-plus
24 years, I have focused in the area of traffic
25 engineering. I've testified in over 250

1 municipalities throughout New Jersey. I have been
2 here, but it's been many years. I have been
3 accepted as an expert in traffic engineering in
4 all cases, and I've also had the opportunity to
5 review traffic parking and DOT aspects of
6 applications on behalf of planning and zoning
7 boards in New Jersey.

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

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

12 BY MS. CURLEY:

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

15 A. My primary reason for being involved
16 in this project is the DOT application. And you
17 heard from our engineer, Mr. Gesario, that that
18 application is being prepared and it will be filed
19 later this week or next week. We are required to
20 obtain a Minor Access Permit from NJDOT for the
21 driveway that Mr. Gesario's plans show. There're
22 currently a number of ill-defined curb cuts across
23 the site frontage; I think five in total. And we
24 are proposing one driveway that will conform with
25 the State Highway Access Management Code. The

1 type of access permit that is required is tied to
2 the trip generation, and there's been a couple of
3 questions about the traffic activity associated
4 with this use. In order to estimate future
5 driveway volumes, we reference the Trip Generation
6 Manual by the Institute of Transportation
7 Engineers. Our NJDOT has taken the 10th edition
8 of the Trip Generation Manual and developed their
9 highway access permit system trip generation.
10 That is the set of numbers that we are required to
11 use for our access permit because North Avenue is
12 Route 28 and under state jurisdiction.

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

24 For the 40 units that are proposed,
25 the Institute of Transportation Engineers has

1 developed trip rates based on the type of land
2 use. And again, those rates have been adopted by
3 NJDOT. So for the morning peak hour when people
4 would be leaving and going to work, we would have
5 6 entering, 18 exiting for a total of 24 total
6 driveway movements during the busiest one hour in
7 the morning. Of course, there's going to be
8 people coming and going before that hour and after
9 that hour. During the weekday evening peak hour,
10 we have more people coming back home, so it's 18
11 entering, 10 exiting for a total of 28. And on
12 mid-day Saturday the busiest hour, 14 entering, 14
13 exiting for a total of 28.

14 Now, oftentimes we're asked if there
15 are 80 parking spaces, why aren't the numbers
16 higher, and it's because not everyone leaves from
17 work or returns from work and errands at the same
18 time. They're coming and going over the course of
19 a few hours or several hours. But these numbers
20 that I've just given to you in my testimony are
21 based on studies of multi-family developments and
22 the compilation of trip rates per unit. And
23 again, we are obligated to use these numbers for
24 our access permitting. So these estimates are not
25 considered significant. Significant is defined as

1 100 or more trips in one hour. And at that level,
2 100 or more, NJDOT would be requiring a formal
3 traffic impact analysis from us. Similarly, the
4 ITE uses 100 trips or more in an hour as a
5 guideline for a formal traffic study.

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

1 Q. Thank you.

2 CHAIRMAN ASH: Thank you.

3 Questions?

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

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

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

25 MS. DOLAN: Unless there's somebody

1 parked right at that location, there should be a
2 bypass.

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

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

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

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

17 MAYOR BRINDLE: The 113.

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

21 MS. DOLAN: The numbers that I
22 testified to do not take any credit for bus
23 service or train service. I mean we're not that
24 far from the train station either. These would be
25 for a standalone, non-transit area multi-family

1 development.

2 MAYOR BRINDLE: You've raised some
3 good points. I would like to think that many
4 people that chose to live here if they're
5 commuting, they're either taking the bus or
6 they're walking to the train station. I will say
7 though for someone that lives there -- and my dry
8 cleaners and my gym are right next door -- I
9 literally will go all the way around the block to
10 go right rather than take a left. It's that
11 awful. And so, I'd only tell you, even from your
12 resident perspective, taking a left onto North
13 Avenue out of that is not only dangerous but
14 virtually impossible. And I'm telling you from 20
15 years of experience doing it. And I'll just tell
16 you, and I'm sure everybody -- I see a lot of my
17 neighbors here, and it's something we're very
18 aware of -- crossing North Avenue is a nightmare.
19 It's a nightmare. And I can tell you, running
20 across to catch a bus, which I did many years,
21 probably put my life in danger more times than I
22 can count. So having been doing this job long
23 enough to understand traffic studies and what the
24 DOT says, I get it. They'll tell you it's not
25 going to have a material impact, and I understand,

1 and that's what the regulations say. But the
2 reality on the ground in this particular place is
3 very different. And I would just say I agree, I'd
4 like to think that people are coming to be
5 commuting, but irrespective of whether it's 10
6 trips or 200, it's bad. And it's just something
7 that as you guys contemplate ingress and egress as
8 so forth, do not -- do not underestimate the
9 realities of the ground of how bad it is because
10 it's terrible.

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

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

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

22 MAYOR BRINDLE: It almost makes me
23 not want to live there. I mean honestly, that's
24 how awful it is. So I would just say to the
25 Applicant and to you that you are going to have to

1 go to a very extreme to figure out a safe solution
2 for the residents.

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

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

10 MS. DOLAN: Understood.

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

15 MAYOR BRINDLE: It's already there.

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

21 MS. DOLAN: Well, we're going to
22 find that out as we go through the process. There
23 were some signatures that were required for the
24 application and those were just received, the
25 forms were just received. So we're in the process

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

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

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

16 MR. LAPLACE: DOT's approval?

17 MS. DOLAN: Yes.

18 MAYOR BRINDLE: I'll just throw one
19 more thing out there -- and Councilman Dardia, who
20 was the former chair of the Public Safety and
21 Transportation Committee knows this well -- we did
22 a bike and pedestrian study about two years ago
23 that had some -- 2019, right Mike -- that had some
24 really, really good recommendations. In
25 particular, we looked at the North Avenue

1 corridor. There're some fantastic recommendations
2 to improve the walkability. And Don knows, we
3 went with a crew and actually walked North Avenue
4 with them. We've applied for the grant now two
5 years in a row. We're going to do it again this
6 year to make the significant safety improvements.
7 But it might be something, hopefully, if we try
8 again that we can partner with the Applicant
9 because the benefit -- it goes right up to close
10 to where the building is. It might be a good
11 opportunity to work together on creating some
12 safety measures because I think it would benefit
13 your residents as well as the neighborhood.

14 MS. DOLAN: Understood.

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

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

20 MAYOR BRINDLE: Perfect. Thank you.

21 MS. CURLEY: You're welcome.

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

24 MS. DOLAN: Definitely.

25 MS. HARRISON: I want to ask the

1 traffic engineer a question. The street coming in
2 -- is that your street? The street coming into
3 North Avenue here --

4 MAYOR BRINDLE: Let me see which
5 one.

6 MS. CURLEY: I think it's Fourth.

7 MS. HARRISON: Fourth. Yeah.

8 MS. CURLEY: Christopher Academy is
9 on the corner.

10 MAYOR BRINDLE: This is the
11 nightmare scenario.

12 MS. HARRISON: Yes. All three of
13 us.

14 MAYOR BRINDLE: Exactly.

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

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

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

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

23 MS. HARRISON: It's well past you.

24 MAYOR BRINDLE: It is.

25 MS. HARRISON: I'm just trying to --

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

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

12 CHAIRMAN ASH: I think it's
13 150-feet. That's the space between.

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

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

18 MS. HARRISON: Do we know if we have
19 150-feet?

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

22 MS. CURLEY: From Hillcrest;
23 correct?

24 MS. DOLAN: No, I think they're
25 asking from Fourth.

1 MS. HARRISON: They meet at a point,
2 so whatever the first street is which would be
3 closest by there. This would be it here. It's
4 the one that Christopher Academy is on.

5 MAYOR BRINDLE: That's Hillcrest.

6 MS. CURLEY: That's Hillcrest.

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

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

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

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

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

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

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

24 MS. HARRISON: You're dammed if you
25 do or you don't on this end. You've got the same

1 problem on both sides there.

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

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

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

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

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

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

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

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

24 MS. CURLEY: I think we're still
25 exploring options to that. But that's not a very

1 big piece of property. So we are not proposing
2 multi-family there; many units across the street.

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

6 MS. DOLAN: It should.

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

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

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

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

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

22 MAYOR BRINDLE: Yes.

23 MS. CURLEY: Thank you.

24 MR. CAMPANELLO: Ted Campanello, 556
25 Hillcrest. So I think your analysis at this point

1 in the process is formulaic; right, the number of
2 units? I assume it does not measure the speed, it
3 doesn't measure current speeds or current volumes.
4 You're talking at 18 exists or 18 entrances at
5 maximum peak times, but that doesn't factor in
6 current volumes or the speed at which people
7 travel. Obviously, there's a limit of 25, but...

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

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

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

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

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

24 MR. CAMPANELLO: And you're saying
25 that because this falls under some level, that

1 that formal analysis doesn't need to be done?

2 MS. DOLAN: That's correct.

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

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

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

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

25 MR. CAMPANELLO: What about, and I

1 haven't heard anything about what the construction
2 period would be, and therefore, what the traffic
3 disruptions would be during that period. Is the
4 project a year? Two years? Three years? And how
5 do we do traffic analysis of the impact? How do
6 we mitigate problems?

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

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

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

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

21 MS. DOLAN: Correct.

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

24 MS. DOLAN: That's correct.

25 MR. CAMPANELLO: I don't know whose

1 responsibility that is, but I assumed it has to be
2 monitored and governed in some way. We do it all
3 the time I assume in Westfield; right?

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

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

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

16 (Speaking in the public audience.)

17 MS. CURLEY: Sixteen months.

18 MR. CAMPANELLO: Sixteen months.

19 All right. Thank you.

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

23 MS. DOLAN: I did not. If, as I
24 said, if this were a bigger development, we would
25 be looking to take a credit on those trips for our

1 DOT permit. But because the numbers for the 40
2 units are so low, we didn't bother with that. I
3 would expect with a pseudo-industrial-type use,
4 we'd probably be generating roughly the same or
5 maybe lower than the estimates that I've prepared
6 for the 40 units.

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

11 MS. DOLAN: Yes. And specifically,
12 there's another section of our access code that
13 talks about a significant increase. And a
14 significant increase is 100 or more trips in an
15 hour. So below 100, ITE says you're kind of
16 looking at a trip generation that's not likely to
17 have a negative impact. On the DOT side, if we
18 were to leave all the driveways as-is, we would be
19 exempt from permitting because we wouldn't be
20 creating a significant impact. So from my
21 perspective, the biggest bonus traffic-wise is
22 getting rid of all the driveways and having one
23 conforming driveway. So you're eliminating a lot
24 of vehicular conflict points. And if there's
25 pedestrian activity, of course, then you've got

1 more pedestrian crossings under existing
2 conditions than you do in the proposed condition.
3 So the proposed condition is in line with traffic
4 management and the redevelopment and the access
5 code in terms of improving the overall state
6 highway access system. We're reducing driveways.

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

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

11 MR. FAUST: But not anymore. But
12 anyway, my name is Alex Faust, 550 Hillcrest. I
13 asked a question about how many parking spots.
14 And the reason I asked it is -- I mean, looking at
15 the apartments, they look fabulous. I'm expecting
16 some Teslas, maybe Ferraris parked there. I mean,
17 they're gorgeous. I don't know that there will be
18 any empty parking spots, frankly. In fact, I
19 suspect some people will want to say, hey, can I
20 have a third one. When they have visitors,
21 they'll park on the street somewhere, North
22 Avenue, I don't know where. On holidays, when
23 they have 300 coming. You know, 100 of them, 200
24 of families and friends, where are all these
25 people parking?

1 MS. DOLAN: Well, again, our
2 attorney was talking a little bit earlier about
3 the residential site improvement standards, and
4 those RSIS standards are applicable to any
5 residential development in New Jersey. And the
6 parking ratios that are required include a
7 half-of-visitor space per unit. So as Ms. Curley
8 said earlier, the required parking includes the
9 anticipated visitor demand. If there were some
10 crazy high attendance, yeah, then they would have
11 to park on the streets nearby.

12 MR. FAUST: Okay. So we're talking
13 about a place that's going to have these pools and
14 all these visiting places and mini-golf and
15 everything, but we're only going to get one person
16 visiting each family. I doubt it. I think it's
17 going to be a lot more than that. And, frankly,
18 they're going to start parking on the streets all
19 around. The residents, because the residents,
20 themselves, that's why I was asking the question,
21 80 spots and there're no visitor spots. Visitor
22 spots are the Town of Westfield. Not just the
23 Town of Westfield, the street surrounding that
24 area will become -- that will be the visitor's
25 parking area.

1 The other point I want to raise is
2 your traffic study, again -- Ted, I'm with you
3 buddy -- there's no way -- and Shelley, I agree
4 with you emphatically -- there's no way you're
5 taking into consideration what's really happening
6 there. I understand that you have some formulas
7 to follow, but you're not even taking into
8 consideration the 10-unit building that's going to
9 be going up just down the street from you. I mean
10 what's the traffic flow coming out of that place,
11 in addition to your place, in addition to the
12 Montessori, and then all the local residents. I
13 mean you see; you've parked outside of Shoprite
14 and seen all the traffic going through, there's
15 got to be more than 100 cars going through there
16 an hour. I mean I don't think your numbers are
17 really based on reality, and I really ask that a
18 traffic study be done because I think to
19 everybody's concern I think here, there's a real
20 safety issue. Making that left-hand turn, I do
21 the same thing you do; I drive down to Chestnut,
22 wait at the light to make my turn because I cannot
23 make a left-hand turn at the bottom of Hillcrest.

24 MS. CURLEY: I just want to do a
25 point of clarification about even if we wanted to

1 install something, DOT is the one who determines
2 what goes there; correct?

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

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

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

21 MR. FAUST: Yeah.

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

25 MR. FAUST: Absolutely.

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

11 MR. FAUST: Yeah.

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

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

17 MAYOR BRINDLE: And that's what I'm
18 about to tell you. So what I have done as mayor
19 is we've created a Route 28 consortium, corridor
20 consortium with Scotch Plains, Fanwood, Garwood
21 and Cranford, and Westfield. And what we're doing
22 is with all the information we've gathered;
23 traffic impact studies, the bike and ped plan, and
24 everything else -- and it is a state highway, by
25 the way, I might add, Route 28 -- so what we're

1 asking is help from the county to come and do and
2 overall corridor study that takes into account all
3 the traffic flow and everything going from one end
4 to the other; this Route 28 corridor that we've
5 talked about. So I just want to assure you that
6 we get the problem.

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

10 MAYOR BRINDLE: Yes.

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

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

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

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

25 MR. FAUST: Well, it is of ours

1 because we have cars --

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

6 MR. FAUST: Well, they still park
7 there.

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

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

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

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

21 MAYOR BRINDLE: They will be.
22 Absolutely. Yup.

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

25 MAYOR BRINDLE: Yup. Yup.

1 MR. FAUST: Thanks.

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

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

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

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

15 MS. DOLAN: Yeah.

16 MS. SALERNO: Way back when TD Bank
17 came to us, there was an issue with parking and
18 nothing happened with that. So I live --
19 literally, there's a strip of I guess eight,
20 two-family homes, I'm kind of in the middle.
21 There's a lot of parking on that street. It makes
22 it very difficult for me to get out of my driveway
23 onto North Avenue. It makes it very difficult for
24 people that are trying to get into TD Bank --
25 well, it's not TD Bank, it's a liquor store now --

1 Stuart's Audio, all of the other, you know,
2 businesses that are there. If there's going to be
3 parking for visitors on North Avenue, it's going
4 to be a real big issue. Safety, parking. I mean
5 we've had tenants' side-view mirrors you know
6 knocked off. We had someone literally drive up on
7 our neighbor's lawn. The traffic, the parking,
8 the visual issues. Something has to be done.

9 MAYOR BRINDLE: Line of sight.

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

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

1 It's just a lot.

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

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

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

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

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

24 MS. CURLEY: So we're giving 13 EV
25 stations. The locations are not set in stone yet.

1 A. I was just speaking with the
2 Applicant, and these buildings -- I don't know how
3 familiar the Board is with -- but a building like
4 this, that parking garage is considered a 1A
5 structure which is noncombustible and has to be a
6 full NFPA-13 system. The upper floors are
7 residential wood structure, and they're allowed to
8 be an NFPA-13R system which is the same system,
9 but a little bit less strict. It doesn't require
10 as much sprinkler heads or as much protection here
11 and there. Speaking with the Applicant, he's
12 willing to go up to the full NFPA-13 system to
13 increase the safety of the building. It will
14 require like -- one of the things right now with
15 an NFPA-13 system I had mentioned the 18-inch deep
16 floor trusses, right now, there's no sprinkler
17 head, there's no protection up there. There will
18 be some insulation in there for sound quality, but
19 other than that, nothing. Under an NFPA-13
20 system, either we will need upright heads in that
21 truss space to protect them or they will have to
22 be filled with a noncombustible insulation fully
23 to negate any kind of fire spread up there.

24 MR. DUELKS: So you're going to
25 fully sprinkler the whole building even the voids

1 and storage spaces; the whole building?

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

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

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

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

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

16 MR. DUELKS: Thank you.

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

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

21 (Crosstalk.)

22 MS. CURLEY: Along with moving the
23 water source, moving the building up, and then
24 putting those pavers in the front so that a truck
25 can go in the front. Good?

1 MR. DUELKS: Very nice.

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

4 MR. KIZEL: Good evening.

5 CHAIRMAN ASH: This is?

6 MS. CURLEY: This is Irwin Kizel.

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

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

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

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

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

18 MAYOR BRINDLE: That's how it is.

19 MR. LAPLACE: Duly noted.

20 MR. KIZEL: I am a licensed
21 professional planner in the State of New Jersey
22 since 1981. I'm a principal in the firm of Jarmel
23 Kizel Architects and Engineers Incorporated. We
24 are located at 42 Okner Parkway, Livingston, New
25 Jersey. I have a Bachelor of Architecture Degree

1 from Pratt Institute. Parenthetically, I'm also a
2 licensed architect. I have appeared before
3 planning and zoning boards on the subject of
4 planning. Since I've become licensed in 1981,
5 throughout the State of New Jersey where I've been
6 accepted as an expert in the subject of
7 professional planning. And my license is in good
8 standing.

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

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

16 MR. KIZEL: Yes.

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

24 CHAIRMAN ASH: Okay. And are we
25 satisfied that we will not implicate impervious

1 coverage?

2 MS. CURLEY: Yes.

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

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

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

10 MS. CURLEY: Yes.

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

13 MS. CURLEY: Yes.

14 CHAIRMAN ASH: Go ahead, Mr. Kizel.

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

1 more satisfactory to the Board.

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

17 Now, let me go back to my prepared
18 testimony. Just to summarize; we're proposing to
19 construct an inclusionary multifamily residential
20 development wherein 6 of the 40 units will be COAH
21 housing. The building will consist of three
22 stories of residential units above a ground-floor
23 parking area. Four stories in total; three
24 habitable stories. As you also heard, the lowest
25 level, the parking level, is a three-hour

1 construction. It's a completely fire-rated
2 construction sprinklered so on and so forth. I
3 would also add, I believe you've heard this, but
4 the building has two-hour fire-rated stairways.
5 It has the central corridor; it's fully
6 fire-rated. The divisions between the apartments,
7 you know, both horizontally and laterally, are
8 fire-rated so that any potential fire in the unit
9 will be contained to that unit. Also, the
10 doorways to the apartments have self-closing
11 doors, so in the evening -- in the hopefully,
12 unlikely event -- that someone has to egress their
13 apartment in the case of a fire, the door will
14 automatically close and keep the smoke from that
15 fire contained within the apartment.

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

1 building.

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

23 Specifically, Ordinance Section
24 12.05C1 states: "The area occupied by such
25 rooftop structure shall not exceed 10% of the

1 total roof area, or 250-square feet; whichever is
2 less." So we have the 250-square feet. The total
3 roof area is 27,870-square feet. If we take the
4 staircase, elevators, lobby, penthouse structures;
5 they amount to 2,382-square feet, and they,
6 therefore, exceed the 250-square foot maximum
7 standard but are well below the 10% of the roof
8 area or 2,787-square feet. This is a C Variance.

9 Then we come to the subject of the
10 bulkhead height. Ordinance 12.05C3 states that:
11 "The height of such rooftop structures aboveground
12 shall not exceed the maximum height permitted for
13 the principal building by more than 8-feet, and
14 shall not exceed the actual height of the building
15 by more than 8-feet; whichever is less." Our
16 bulkhead is 9-foot-6-inches. In height, it
17 violates the rooftop height allowance by
18 1-foot-6-inches. My opinion is that this is a
19 de minimus violation. The reason as you've heard
20 earlier tonight for this is because of the
21 elevator mechanics. The top of the elevator needs
22 to have some free space above that requires a
23 hoist beam. Between these technical requirements,
24 we need that extra 18-inches to make the elevator
25 work. If we can't get the elevator to go to the

1 roof, you know, we're violating the Americans with
2 Disabilities Act by, in effect, discriminating
3 against those that can't walk a stair up to the
4 roof. So it's very important that we have the
5 elevator to the roof.

6 BY MS. CURLEY:

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

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

21 So let me start with the will and
22 testament C1 Variance. And I would say the
23 setback, the mandated setback is a C1 Variance
24 because it's a bulk variance. And the law
25 basically says by reason of an extraordinary and

1 exceptional situation uniquely affecting the
2 property, a variance can be granted. And I think
3 this is a classic situation where we have
4 extraordinary and unique and exceptional
5 circumstances affecting the property. Namely,
6 that the Board has an ordinance that requires a
7 40-foot setback, but in their current wisdom, they
8 believe that 40-feet is too far. So even if we're
9 able to -- we're able to meet the 40-foot, but the
10 Board is it requiring 25, consequently, we have
11 unique and exceptional circumstances affecting
12 this property.

13 MS. HARRISON: Excuse me. From the
14 property line to the curb, it's an additional
15 12-feet; correct? Is that what you said before?

16 MS. CURLEY: Yes.

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

19 MS. CURLEY: Fifty-two.

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

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

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

1 MS. CURLEY: Yes.

2 MS. HARRISON: Just for clarity.

3 They might not understand.

4 MS. CURLEY: Absolutely.

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

23 The application furthers the
24 purposes of a Municipal Land Use Law. Purpose
25 One; to encourage municipal action to guide the

1 appropriate use or development of all lands in
2 this state in a manner which will promote the
3 public health, safety, morals, and general
4 welfare. Purpose Two: To provide adequate light,
5 air, and open space. 3E: To promote the
6 establishment of appropriate population densities
7 and concentrations that will contribute to the
8 well-being of persons, neighborhoods, communities,
9 and regions, and preservation of the environment.
10 G: To provide sufficient space in appropriate
11 locations for a variety of agricultural,
12 residential, recreational, commercial, and
13 industrial uses and open space, both public and
14 private, according to the respective environmental
15 requirements in order to meet the needs of all New
16 Jersey residents. And I: To promote a desirable
17 visual environment through creative development
18 techniques and good civic design arrangements.

19 I believe that everything you've
20 heard this evening from our engineer to our
21 architect to our traffic engineer all reinforces
22 these purposes of the MLUL. In my opinion,
23 there're no negatives associated with this
24 project. I think everything associated with this
25 project is beneficial. Yes, we've heard concerns

1 about traffic, but we've also heard that those
2 concerns are regional rather than
3 project-specific. The traffic on the street is
4 the traffic on the street. And what I interpreted
5 from the traffic engineer is the contribution of
6 traffic from this one project is small given the
7 extent of the traffic on the street in total.

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

21 In conclusion; it's my professional
22 opinion that the purposes of the Municipal Land
23 Use Law will be advanced by a deviation from the
24 zoning ordinance. And the benefit of said
25 deviation will substantially outweigh the

1 detriments. That concludes my testimony for
2 tonight.

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

7 MR. FAUST: I do.

8 CHAIRMAN ASH: Mr. Faust.

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

17 MS. CURLEY: That's a density thing.

18 MR. FAUST: Yeah.

19 MS. CURLEY: Different board.

20 MR. FAUST: Well, it doesn't matter.
21 The point being is I couldn't do it because I had
22 to abide by the rules. I would like a widow's
23 peak on my roof just so I had this great view, but
24 I don't do it because it's not visually appealing
25 to my resident neighbors. I appreciate you're

1 saying the residents of that building have a great
2 benefit from it, but the residents around them may
3 not. And none of that came out in your testimony,
4 and I don't know why. So I feel that there's a
5 misconception that there's no impact. There is a
6 huge impact. We have a view there. Not in a
7 great view, but we have a view. We'll have less
8 of a view with a building that stands four stories
9 tall versus three stories tall, but it's still a
10 better view at three than four. So I disagree
11 with that.

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

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

19 MS. CURLEY: Mindowaskin.

20 MR. FAUST: Mindowaskin. Thank you.
21 It's not a very far walk, in fact, people like the
22 area because you can walk into town and you can
23 walk to all the parks that are in the area. There
24 are swimming pools; right? We have our Westfield
25 Swimming Pool, we have the club swimming pools,

1 and there're lots of those around. So you know I
2 think Westfield is just a wonderful family place
3 because of this availability of places to go and
4 enjoy and play. It's all there for the residents.
5 So building this little wonderland of excitement
6 for just these residents, I don't think is the
7 Westfield-way. I'm just curious as to what
8 everybody else thinks. But I didn't think we are
9 looking to build little islands of seclusion and
10 this is my camp versus what are we building, a
11 community or not? I don't know. So that's kind
12 of my point of view. So I don't agree that
13 there's no impact. I think there's a big impact
14 on the residents, and I think that the residents
15 want to feel that they're bringing somebody into
16 our community not necessarily excluding from our
17 community. And that's the way this feels. Thank
18 you.

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

22 MS. CURLEY: That ends our direct
23 testimony for this evening. Would you like for me
24 to do my closing or would you like to do public
25 comments?

1 CHAIRMAN ASH: We'll have your
2 closing and then we'll have public comments.

3 MS. CURLEY: In closing, I just
4 wanted to thank the Board for their participation.
5 This area of North Avenue is an eyesore; let's be
6 honest. This is not a nice area of North Avenue.
7 I pass by it all the time, it's not attractive.
8 The buildings are all discombobulated. I don't
9 even know what was in them. And here, we're going
10 to put a permitted use, a new development, and
11 it's going to be a great improvement of the
12 existing condition. Even with the revision and
13 pushing the building up, we're still going to be
14 under that 96% impervious coverage that exists
15 because the maximum in the zone is 90. So, no
16 matter what, we're under that 96 right there. So
17 that's a benefit. We're adding more greenery,
18 we're adding trees, we're adding amenities, we're
19 adding a truly gorgeous building here. We have
20 asked for two variances, and as I noted, those
21 variances really relate to the access to the roof
22 deck. It's not the building that we're asking for
23 the variance. The principal structure, that's
24 40-feet; that complies. It's just the trellis --
25 not trellis -- the penthouse here to get the

1 elevator up. (Indicating.) And as you can see,
2 it doesn't look substantially higher than what
3 we're proposing at 40-feet. And the benefit there
4 is that people are going to be able to access this
5 roof deck. ADA, people in wheelchairs, it's going
6 to be a communal space for residents.

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

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

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

24 MR. CAMPANELLO: (Indicating.)

25 CHAIRMAN ASH: Please approach the

1 microphone.

2 MR. CAMPANELLO: Ted Campanello,
3 556 Hillcrest. First of all, I would agree I
4 think North Avenue -- we've been here 17 years --
5 has been improving. The structures on the county
6 buildings have improved it; whether it was the
7 food store and now Karma. You know, those things
8 have improved the look. Redcom has improved the
9 look of it. It was kind of downtrodden. I agree
10 with that point. That doesn't mean we just let
11 anything go; right? I think Alex's points were
12 great in terms of the communal aspect of it. I
13 think we did concentrate a lot on about 18-inches
14 of a bulkhead of an elevator setback. And I'm
15 still concerned about the traffic impact that
16 seems like there may not be a full study done.
17 I'm a little worried about the sewer; the
18 accumulative effect. And Mayor Brindle, you
19 mentioned the fact that it's a corridor issue, not
20 a site issue or a specific site issue. But you
21 know again, that flooding that occurred, lucky,
22 yes, that we didn't get our basement flooded, but
23 a lot of people did. And I can't imagine that
24 these -- these things have to be factored in when
25 we're doing multiple building sites along that

1 corridor. So that flooding is I think there're a
2 lot of concerns to people when I see it because
3 that's a bad event. But I just think -- and I'll
4 actually raise the issue that no one else has
5 raised, and I'm sure you'll be shocked why I
6 raised this fact -- is this a property tax-neutral
7 project? I don't know if that's determined here.
8 Maybe that's the tax -- you know will property
9 taxes go up on a net from a standpoint on
10 educating kids who are going to be in these
11 apartments. Things like that. Has that study
12 been done? What is the impact from a property tax
13 perspective?

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

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

19 CHAIRMAN ASH: The tax assessor will
20 assess the --

21 (Crosstalk.)

22 MR. CAMPANELLO: So that's not a
23 factor when thinking about whether this is a good
24 project or a bad project, we don't think about the
25 tax impact, the property tax impact? I assume you

1 think about the impact on schools? For example,
2 Washington School, in this case, presumably.

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

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

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

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

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

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

19 MAYOR BRINDLE: When the zoning was
20 done for affordable housing, and that was agreed
21 to by a court-ordered settlement that came into
22 agreement in 2017, all of these things that are
23 being approved are a result of that court-ordered
24 settlement in which they would have taken into
25 account population, density -- as Don described is

1 a big part of it -- so that would have been
2 reflected back when that was done back in 2017.

3 (Crosstalk.)

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

6 MAYOR BRINDLE: I'm sorry?

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

9 MAYOR BRINDLE: Well, potentially.
10 I wasn't here then.

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

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

23 MR. CAMPANELLO: Okay. All right.

24 MAYOR BRINDLE: And more
25 importantly, up to this point, any of the

1 developments that have happened are not bringing
2 kids. They're bringing in half the children that
3 have been projected. So I think 150 apartments
4 that have been built so far, I think there're 9
5 children. And if you talk to Cranford or any of
6 the other surrounding communities, these types,
7 especially in our towns, are not bringing
8 children. And we find in a community like this,
9 people who are coming into apartments, it might be
10 new couples that are looking for an entryway to
11 buy a house; they typically have a kid, go buy a
12 house. And actually, the apartments, are filling
13 up with, quite frankly, over 55. The owner of
14 501 South Avenue -- which is the new one where the
15 old dry cleaners was -- said he had no idea that
16 he was building an over-55 apartment building.
17 Because there's no place in Westfield for
18 down-sizers to go. And I think that is who is
19 filling up a lot of the apartments in Westfield.
20 And they also have the means to do it. And a lot
21 of these, as you can see, are very high-end, and
22 they are all booked. The 501 South Avenue was
23 filled up before it even opened its doors. So as
24 someone with a kid and with kids, I am not worried
25 about the impact of kids on our schools to date,

1 and there's been nothing that indicates that that
2 will be the case.

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

20 MAYOR BRINDLE: We all live here.

21 MR. CAMPANELLO: Yeah. Yeah. I
22 understand.

23 MAYOR BRINDLE: I live in your
24 neighborhood.

25 MR. CAMPANELLO: I know.

1 MAYOR BRINDLE: This is my hood. So
2 when we talk about wanting to protect the
3 neighborhood, there's nobody more vested in this
4 than me.

5 MR. CAMPANELLO: Fair enough.

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

20 MR. CAMPANELLO: All right. Thanks
21 a lot.

22 CHAIRMAN ASH: Thank you. Next,
23 please.

24 MS. BOUFADEL: My name is
25 Sylvia Boufadel. B as boy, o-u-f-a-d-e-l. I live

1 on 155 East Dudley. And my question would be:
2 Does the town have a plan about the redevelopment
3 of North Avenue or what's going to happen with all
4 these small businesses that are existing there?
5 What about McIntyre's? It's just in between this
6 gorgeous building and the other 10-unit building
7 that you are planning to build. So what about the
8 businesses that exist there now?

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

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

14 MS. BOUFADEL: Yes.

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

20 MAYOR BRINDLE: We're not involved
21 in --

22 MS. HARRISON: We don't get involved
23 in that. And so, the small businesses that are
24 there can survive as they're there. But if they
25 choose to sell their small business to someone who

1 wants to buy individual properties and put them
2 together and make big development, then that's up
3 to them.

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

10 MAYOR BRINDLE: We just completed
11 our first major master plan just two years ago.
12 And that is really the instruction manual for all
13 of the development that we want to happen in town.
14 I don't know you were here when we did that. It
15 was the first really publicly-driven master plan
16 that we did. It was adopted by this Board in
17 2019, right Don?

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

20 MAYOR BRINDLE: Gosh. Just last
21 year. I'm in Covid time. We just adopted a
22 master plan for the entire town just last year
23 which pretty much lays out what's the vision, the
24 goals, the objectives for all the development
25 town-wide.

1 MS. BOUFADEL: And then I would like
2 to reiterate to the gentleman before me. When you
3 talk about the downsizing; so it's great people
4 will downsize and they will have places to go, but
5 all my old neighbors around me who sold their
6 houses, they sold it to families with children.
7 And I moved here from Bryn Mawr, in Pennsylvania,
8 which is a Philadelphia suburb. It's the best
9 suburb around, the best school district, and these
10 things happened there too. And all the elementary
11 schools had to have metal-like buildings attached
12 to the actual buildings because there were no
13 places. Parents got a letter saying that their
14 children cannot go to their regular school because
15 maybe there is no space. And now, they are
16 building a new middle school. So does the town
17 have as much money to build, for example, a new
18 school if we continue the development of the town
19 at such a high rate?

20 MAYOR BRINDLE: As I said, that's a
21 conversation we would have with the school
22 district. It's not an issue at the moment, and
23 nor is it anticipated to be an issue in the
24 foreseeable future. And again, we have
25 conversations ongoing. And if it ever looks like

1 it may be, of course, that's a conversation that
2 we would have with them. But right now, it's not
3 something even on their projections. We actually
4 had significantly more students 30 years ago than
5 we have today. It's significantly more.

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

9 MAYOR BRINDLE: I understand. Yup.

10 MS. BOUFADEL: Thank you.

11 MAYOR BRINDLE: Thank you.

12 MR. JOHNNIDIS: John Johnnidis,
13 915 East Broad Street. So I just wanted to
14 reiterate the previous point. I wanted to commend
15 the counselor for a persuasive presentation. And
16 there's certainly going to be a number of
17 significant positives. Councilman, Council
18 Members, Mayor, you've written in the past very
19 compellingly about the paucity of
20 intergenerational and inclusionary housing in
21 Westfield that's been driving a narrowing of the
22 socioeconomic diversity in this town. And I
23 strongly believe that's a significant long-term
24 problem that needs to be addressed. And to that
25 extent, I'm pleased that this project and other

1 projects like it are in the works and are solely
2 addressing that problem. So that's great.

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

1 CHAIRMAN ASH: Thank you.

2 MAYOR BRINDLE: May I comment on
3 that? First of all, I want to thank you for that
4 comment. And I absolutely take that to heart.
5 I'm a big proponent of affordable housing. I
6 actually think it's necessary and it's good for
7 communities. And I too very much worry about the
8 narrowing of socioeconomic status in Westfield.
9 We are much less economically diverse than we were
10 many years ago, and I think we'll all be worse off
11 for it. And you're absolutely right; there's a
12 reason why affordable housing is not called
13 "affordable housing" it's called "inclusionary
14 housing." And it's so that everybody of all
15 socioeconomic classes could feel included in a
16 community. And there's a reason why affordable
17 housing does not want separate affordable housing
18 units; they want it included in market-rate
19 buildings so people can feel they're part of the
20 community and included in the community regardless
21 of their economic status. And so I take your
22 comment to heart. I agree with you. It would be
23 my desire that everybody has the benefit of
24 amenities, and there's some maybe sliding scale
25 based on economics. But it's not just related to

1 this project. I think it's related, as you said,
2 to it all. And I'm very committed to pushing
3 forward our affordable housing obligations. I'm
4 incredibly proud that Westfield is a very proud
5 COAH town, and we're in really good shape and at
6 the forefront of our affordable housing. And I
7 look forward to continuing to push that forward
8 and advocate for doing our part. And I absolutely
9 one-hundred percent take your comment to heart and
10 think it's right.

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

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

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

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

1 the right thing.

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

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

6 MR. JOHNNIDIS: Thank you.

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

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

25 CHAIRMAN ASH: Thank you.

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

13 MAYOR BRINDLE: Sorry. I've spoken
14 quite a bit tonight. I do want to thank Mr. Adoni
15 most importantly for his investment in Westfield.
16 Really grateful for that. And just to echo what
17 everybody has said, and your flexibility and your
18 willingness to accommodate, I think what this
19 Board had said, I really appreciate it. And I
20 just want to remind the public and I know I just
21 said it is that you know this building is one of
22 many that were part of our affordable housing
23 settlement that was reached in 2017, and with the
24 Board -- well, I should say the council --
25 supported ultimately by the Planning Board was

1 zoned for in 2018. So the role of this Board is
2 really trying to make these developments work in
3 the best interest of the community. We are not
4 able to say you can or cannot do a project. We're
5 just here to help make sure -- as you've hopefully
6 witnessed tonight -- move it along to create a
7 better outcome for the community. I do think it
8 is quite remarkable the investment that's
9 happening in North Avenue. I don't know why all
10 of a sudden it's gone from one end of North Avenue
11 to another. I think it's going to be ultimately a
12 terrific improvement to the town. Not to
13 underscore how challenging the traffic issues are
14 already. And I can promise you that we're
15 committed to addressing them along the entire
16 corridor. I'm excited about this project. I
17 think it's going to be great. We will take care
18 of the traffic mitigate. And I think as we saw
19 with the Applicant and his willingness to adapt
20 tonight, I feel confident that if issues arise
21 that maybe we didn't anticipate in this Board
22 meeting that we can have a productive conversation
23 to address them. And I do look forward to
24 collaborating with you on the walkability and
25 safety issues that we have planned for North

1 Avenue and that maybe you can help us bring them
2 to fruition. So with all of that, and I think the
3 Applicant's willingness to work with us tonight, I
4 also will support this application.

5 CHAIRMAN ASH: Thank you. Anyone
6 else? Okay. Thank you for the testimony this
7 evening. Thank you, everyone, in the public who
8 had questions and comments that the Board has
9 taken under advisement. I think the Applicant is
10 presenting an attractive project that complies
11 with our affordable housing overlay. It will
12 provide the inclusionary affordable housing that
13 the town committed to in its settlement with Fair
14 Share Housing. And I think the flexibility that
15 the Applicant demonstrated when the life safety
16 issues were identified, as well as planning
17 concerns with the front setback. That's
18 appreciated by the Board. I would move to approve
19 the project. I would include as conditions of
20 that approval compliance with the memo from town
21 planner, Don Sammet, in his March 29, 2022 memo.
22 As well as compliance with the memorandum of
23 David Battaglia, town engineer, in his memo
24 April 4, 2022. Specifically, a requirement to
25 conduct a sanitary sewer flow metering both

1 upstream and downstream of the site for a minimum
2 of 30 days was agreed to. I would also move to
3 approve the application with the two variances
4 identified in the application, and a third
5 variance for the front setback to be 25-feet
6 instead of 40-feet as agreed to by the Applicant
7 this evening. Any other conditions?

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

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

19 MR. TREMBULAK: Yes. I should have
20 said that. It will be reviewed by the Site Plan
21 Sub-Committee. That an NFPA-13 sprinkler system
22 will be installed throughout the entire building.
23 Obviously, DOT access permit and any other
24 required governmental approvals. And a couple of
25 additional ones that were referenced in Don's

1 report and agreed to by the Applicant. Namely,
2 additional landscaping to be provided to screen
3 the surface parking area from North Avenue.
4 Installation of the striped crosswalk between the
5 westerly parking area and the front of the
6 building. Limitations on the use of the rooftop
7 space: Limited to residents and visitors, no TVs
8 or video equipment, no cooking equipment, no live
9 music or entertainment. And then lastly, I
10 believe that the Applicant will provide additional
11 water sources, which I assume will be subject to
12 approval by the fire department.

13 MR. SAMMET: I believe also on the
14 rooftop the Applicant has stipulated the roof deck
15 will only be utilized between 7:00 a.m. and
16 11:00 p.m. I think I heard that correctly.

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

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

22 MR. DUELKS: Yeah. It's the
23 sprinklers, they're going to sprinkler their
24 entire building in areas that were originally not
25 sprinklered in the first place in different

1 directions. And then the water source we're
2 requesting is basically an additional FDC in front
3 of the building that gets supplied standpipes in
4 the basement of the parking deck. Additional
5 standpipes --

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

8 MR. DUELKS: -- for the water
9 supply.

10 MR. TREMBULAK: Say?

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

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

15 MS. FREEDMAN: Oh, okay.

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

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

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

25 MS. CURLEY: Yes. So that it's a

1 bigger space for a truck. It goes from 24 to 30.

2 MR. TREMBULAK: And they'll
3 obviously be additional landscaping in the rear of
4 the building.

5 MS. CURLEY: Yes.

6 MR. TREMBULAK: But they'll have to
7 be a minimum 30-foot aisle width as represented
8 and as long as that doesn't cause an increase in
9 impervious coverage to exceed the 90% limitation.

10 MS. CURLEY: Yup.

11 MR. DUELKS: And a major reason
12 because of that to explain to the Board and
13 everything is an aerial truck doesn't just set up
14 the way it is. It has outriggers that have to be
15 placed out. So when you put two outriggers out
16 8-feet/8-feet, now you're starting with your
17 original 10-feet, now you're at that 24-foot limit
18 were at. Now we have 30-feet, so we can actually
19 set up outriggers to extend an aerial ladder. So
20 that gives us the room in the rear for the purpose
21 of the extra space in the back.

22 MS. CURLEY: So just in the rear,
23 we're going to make it from 24 to 30.

24 CHAIRMAN ASH: That's my motion. Do
25 we have a second?

1 MR. LAPLACE: Second.

2 CHAIRMAN ASH: Roll call, please.

3 MR. SAMMET: Chairman Ash.

4 CHAIRMAN ASH: Yes.

5 MR. SAMMET: Mayor Brindle.

6 MAYOR BRINDLE: Yes.

7 MR. SAMMET: Councilman Dardia.

8 MR. DARDIA: Yes.

9 MR. SAMMET: Deputy Chief Duelks.

10 MR. DUELKS: Yes.

11 MR. SAMMET: Ms. Harrison.

12 MS. HARRISON: Yes.

13 MR. SAMMET: Ms. Jansveld.

14 MS. JANSVELD: Yes.

15 MR. SAMMET: Mr. LaPlace.

16 MR. LAPLACE: Yes.

17 MR. SAMMET: Ms. Carreras.

18 MS. CARRERAS: Yes.

19 MR. SAMMET: And Ms. Freedman.

20 MS. FREEDMAN: Yes.

21 MR. SAMMET: It's approved.

22 MAYOR BRINDLE: Very nice job.

23 MS. CURLEY: Thank you very much.

24 CHAIRMAN ASH: And with no other

25 business of the Board, we are adjourned.

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(The meeting was adjourned at

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11:00 p.m.)

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