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TOWN OF WESTFIELD

PLANNING BOARD

IN RE :
PUBLIC HEARING :
: :
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TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES

Monday, October 3, 2022

Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

1 B E F O R E:

2

MICHAEL ASH, CHAIRMAN

3

MICHAEL LAPLACE, VICE-CHAIRMAN

4

MAYOR SHELLEY BRINDLE, MAYOR DESIGNEE

5

COUNCILMAN MICHAEL DARDIA, COUNCIL LIAISON

6

MATTHEW CEBERIO, MEMBER

7

ANASTASIA HARRISON, MEMBER

8

ROSS GOLDSTEIN, MEMBER

9

MICHAEL DUELKS, FIRE DEPARTMENT CHIEF

10

ALEXANDRA CARRERAS, FIRST ALTERNATE

11

ANN FREEDMAN, SECOND ALTERNATE

12

- - -

13

DON SAMMET, TOWN PLANNER/BOARD SECRETARY

14

DAVID BATTAGLIA, TOWN ENGINEER

15

16 A B S E N T:

17

ASIMA JANSVELD, MEMBER

18

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

20 ASHENFELTER, TREMBULAK, MCDONOUGH, GOLIA &
TREVENEN, LLP

21

BY: GREGORY MASCERA, ESQ.

22

APPEARING ON BEHALF OF ALAN TREMBULAK, ESQ.
Attorney for the BOARD

23

JAVERBAUM WURGAFT, ET AL.

24

BY: STEPHEN HEHL, ESQ.

25

Attorney for the APPLICANTS LUXE DEVELOPMENT
OF NJ, LLC; and, THE LENOX HOUSE, LLC

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ADOPTION OF RESOLUTIONS: NONE	

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CARRIED

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LUXE DEVELOPMENT OF NJ, LLC	
415-427 SOUTH AVENUE WEST	
BLOCK: 3003, LOTS: 3,4,5 & 6	
REPRESENTED BY STEPHEN HEHL, ESQ.	9

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N E W A P P E A L S
- - -

PB 22-14 (CARRIED FROM 09/07/2022)
THE LENOX HOUSE, LLC
227 LENOX AVENUE
BLOCK: 3107, LOT: 9
REPRESENTED BY STEPHEN HEHL, ESQ 36

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P R O C E E D I N G S
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CHAIRMAN ASH: Good evening,
everyone. Welcome to the regular meeting of the
Town of Westfield Planning Board, October 3, 2022.
Take a roll call, please.

MR. SAMMET: Chair Ash.

CHAIRMAN ASH: Here.

MR. SAMMET: Vice-chair LaPlace.

MR. LAPLACE: Here.

MR. SAMMET: Mr. Ceberio.

MR. CEBERIO: Here.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Here.

MR. SAMMET: Councilman Dardia.

COUNCILMAN DARDIA: Here.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Here.

MR. SAMMET: Ms. Jansveld is absent
this evening. Mr. Goldstein.

MR. GOLDSTEIN: Here.

MR. SAMMET: Chief Duelks.

CHIEF DUELKS: Here.

MR. SAMMET: Ms. Carreras.

1 MS. CARRERAS: Here.

2 MR. SAMMET: Ms. Freedman.

3 MS. FREEDMAN: Here.

4 MR. SAMMET: And Mr. Mascera is
5 joining us this evening.

6 MR. MASCERA: Here.

7 CHAIRMAN ASH: Thank you. Notice of
8 this meeting has been published and provided in
9 accordance with the Open Public Meetings Act with
10 notice published in the newspapers of record in
11 the Town of Westfield and posted on the Town of
12 Westfield website. Let's salute the flag.

13 (Whereupon, the Pledge of Allegiance
14 was recited.)

15 CHAIRMAN ASH: We have no
16 resolutions for approval tonight. So our first
17 order of business is an application carried from
18 our September 7th meeting, PB 22-9, Luxe
19 Development of New Jersey, LLC, 415-427 South
20 Avenue West, Block: 3003, Lots: 3, 4, 5, and 6.
21 Good evening, Mr. Hehl.

22 MR. SAMMET: Mr. Chairman, I'm sorry
23 to interrupt. I was just going to mention if you
24 wanted the Board to adopt the meeting minutes.

25 CHAIRMAN ASH: Yes. We should do

1 that.

2 MR. SAMMET: These are for the
3 minutes of your September 7th meeting. Absent
4 that evening were Chairman Ash and
5 Councilman Dardia; this evening will be ineligible
6 and have to abstain from the vote.

7 CHAIRMAN ASH: Okay. Is there a
8 motion to approve the minutes?

9 MR. LAPLACE: Actually, I'm going to
10 make changes in two places; on Page 50 and
11 Page 100. I'll e-mail those to our secretary.

12 CHAIRMAN ASH: I think you should
13 put them on the record.

14 MR. LAPLACE: What they are, sure.
15 On Page 50, Line 25, it says "an executive" and it
16 actually should be replaced by "at the center."
17 And then on Page 100, Line 18, changing the phrase
18 "20-foot tall" to "20-foot wide." Those are my
19 two corrections.

20 CHAIRMAN ASH: Motion to approve
21 with the corrections noted by Mr. LaPlace.

22 MS. HARRISON: Second.

23 CHAIRMAN ASH: Second by Anastasia.

24 MR. SAMMET: I'm sorry, who made the
25 motion?

1 CHAIRMAN ASH: Michael LaPlace.

2 MR. SAMMET: Vice-chair LaPlace,
3 seconded by Ms. Harrison. I'll do the roll call
4 on this. Mayor Brindle.

5 MAYOR BRINDLE: Yes.

6 MR. SAMMET: Mr. Ceberio.

7 MR. CEBERIO: Yes.

8 MR. SAMMET: Ms. Harrison.

9 MS. HARRISON: Yes.

10 MR. SAMMET: Mr. Goldstein.

11 MR. GOLDSTEIN: Yes.

12 MR. SAMMET: Chief Duelks.

13 CHIEF DUELKS: Yes.

14 MR. SAMMET: Ms. Carreras.

15 MS. CARRERAS: Yes.

16 MR. SAMMET: Ms. Freedman.

17 MS. FREEDMAN: Yes.

18 MR. SAMMET: And Vice-chair LaPlace.

19 MR. LAPLACE: Yes.

20 MR. SAMMET: And abstentions are...

21 CHAIRMAN ASH: Abstain.

22 COUNCILMAN DARDIA:

23 MR. SAMMET: Chairman Ash and
24 Councilman Dardia. Thank you, very much.

25 CHAIRMAN ASH: Thank you. And

1 thanks for reminding me. Back to you, Mr. Hehl.

2 MR. HEHL: Thank you very much,
3 Mr. Chairman and Board Members. And I'd like to
4 thank everyone first, our Board Members, for the
5 time spent with us at the last hearing in
6 September. And then, particularly, the Site Plan
7 Sub-Committee. I think we had a great exchange of
8 ideas at the last hearing on this exciting
9 project. And so we did meet with the Site Plan
10 Review Committee. Before that, we had taken into
11 account the comments that both the Board and Board
12 Professionals had made, and presented revised
13 plans that Site Plan Sub-Committee. Ms. Harrison
14 was there, Mr. Ceberio was there, and, obviously,
15 your Board Professionals.

16 We did submit -- I believe the Board
17 was distributed electronic copies of the revised
18 plan. Unfortunately, our architect -- his
19 counterpart is here -- but he's at another hearing
20 tonight. But we do have -- and perhaps -- we have
21 handouts for everyone. And if we could have this
22 marked as -- I believe we're up to A-5. That's
23 what my notes show.

24 MR. SAMMET: Mr. Hehl, what should
25 we call these?

1 MR. HEHL: I guess this would be the
2 revised renderings.

3 MR. SAMMET: Exhibit A-5, Revised
4 Renderings.

5 (Whereupon, Applicant's Exhibit A-5,
6 REVISED RENDERINGS, was marked for
7 identification.)

8 CHAIRMAN ASH: Is this a new
9 witness?

10 MR. HEHL: I'm sorry.

11 CHAIRMAN ASH: Is this a new witness
12 that hasn't been previously sworn?

13 MR. HEHL: No. Actually,
14 Paulo Dantas, Liliana, the other partner in the
15 business, she's not a licensed architect, but she
16 was involved in the preparation and plan in case
17 the Board has any questions about these revisions
18 and plans. So essentially what we did -- and
19 probably the best one would be Ms. Harrison who
20 was at that meeting -- what we did is we
21 introduced more brick, the colors, and I think we
22 really captured a balance between what the
23 Applicant was looking for and the town and what
24 this Board was looking for, for a nice look to the
25 building. Certainly, Liliana is here to answer

1 any questions.

2 MS. HARRISON: Would you mind, I
3 think it's going to be most evident, some of the
4 major concerns the council members have, to review
5 the first-floor plan. I know the outside is
6 definitely something to talk about. But access,
7 pedestrian access, the garage, a lot of that was
8 lot of comments, and I think you've made a
9 wonderful change to the plan.

10 MR. HEHL: One of the questions that
11 came up with the Board was pedestrian access and
12 having the flow from there. And what we did as
13 part of the plan revision was actually we narrowed
14 the driveway through, and then put to the
15 left-hand side actually a pedestrian walkway
16 through there. And perhaps we can flip to the
17 second page. While Liliana is getting out of that
18 -- this is for the proffer, not testimony -- but
19 if you look at A-100, the concern with the Board
20 last time is it looked like a large opening
21 without being pedestrian friendly. So what we did
22 is we narrowed up the driveway -- aside from the
23 aesthetic issues in the front -- you'll see on the
24 left-hand side of the lower floor, there's
25 actually a vestibule that goes through the

1 breezeway into the back. We thought that was a
2 great idea because what it did is it provided that
3 pedestrian walkway but you didn't have possible
4 conflicts with vehicles. So we think we've
5 accomplished both. And Liliana is holding up the
6 larger copy of that.

7 MR. LAPLACE: Just to be clear, it's
8 an interior passageway from South Avenue to the
9 back parking area is interior and it's open at all
10 times so someone can get through.

11 MR. HEHL: Correct.

12 MR. LAPLACE: Thank you.

13 MR. HEHL: No, thank you.

14 MS. HARRISON: And then, there's
15 also a second area entrance for the tenant and
16 retail space too so you can get in from the back
17 and go through for the residences. What were some
18 of the other comments that we had?

19 MR. CEBERIO: Was the height of the
20 drive brought down so that entire area, the
21 driveway, was condensed? There is covered bike
22 storage or a bike rack in that area where the bike
23 -- or where the pedestrian walkway is. You'll see
24 in that small courtyard, covered courtyard area a
25 bike rack.

1 MR. HEHL: Yes.

2 MR. CEBERIO: And then you'll see in
3 the basement area there's more detail to where
4 there's the tenant storage area.

5 MR. HEHL: And again, these were
6 concerns; the bike rack, we thought a covered area
7 would be nice. Even though I think Victor had
8 said last time, anyone who has an expense bike is
9 going to bring it upstairs anyway. But,
10 certainly, if someone is visiting or traveling; we
11 have that. And, yes, the additional storage and
12 the interior refuse and having a basement storage.
13 We tried to and I think we did capture the
14 concerns that the Board had. And, again,
15 appreciate the input we got also at the TRC
16 reflecting colors too that we want to incorporate.

17 MR. LAPLACE: And I just want to
18 ask, and it looks like this is the case, I
19 remember we talked about the balconies being
20 bumped from the balcony -- do they still have the
21 same depth? I think it was 3' or 3'-something so
22 that people can get out there.

23 MR. HEHL: Yes.

24 MR. LAPLACE: Okay. Thanks.

25 MS. HARRISON: One other suggestion

1 given, and I think it was Site Plan Sub-Committee,
2 was that they extend the roof over from end to end
3 so that snow and ice and everything, and they did
4 that; they extended.

5 MAYOR BRINDLE: That was smart.

6 MR. LAPLACE: Yes.

7 MS. HARRISON: I want to thank you
8 very much for meeting us at the Site Plan
9 Sub-Committee. Not a lot of applications take the
10 time or the effort to go through that. And it was
11 a very pleasant, amenable meeting where a lot of
12 ideas were discussed. And I just want to thank
13 you for your application, and just say thank you
14 for listening and hearing collectively what we all
15 had to say. And, you know, I think there's a
16 compromise in the solution that's in front of us.
17 And it's a lovely building for the south side...or
18 any side.

19 (Laughter.)

20 MAYOR BRINDLE: Speaking from a
21 south-sider.

22 MS. HARRISON: I meant that because
23 I live on the south side.

24 MR. HEHL: It's kind of nice to have
25 professionals on the Board to help us out.

1 MR. LAPLACE: Well, I think what
2 you're hearing is that you've addressed just about
3 every single concern raised last time. So that's
4 very appreciated. We don't always get that, so
5 thank you.

6 MAYOR BRINDLE: Yeah. And I hope
7 you'll agree that some of these improvements are
8 really great; like the pedestrian, and so forth.
9 So we hope this is the type of collaborative
10 process we might have for all our applications, so
11 thank you. And you're right; we have amazing
12 professionals on this Board, so you might as well
13 tap into their -- it's free consultation.

14 MR. HEHL: And as long as the third
15 row -- or the second row back there is happy too.

16 MAYOR BRINDLE: Yeah, that's right.

17 MS. HARRISON: I don't have any...

18 CHAIRMAN ASH: Any other Members of
19 the Board?

20 COUNCILMAN DARDIA: I have a quick
21 question.

22 MR. HEHL: Sure.

23 COUNCILMAN DARDIA: It says on the
24 material legend; limestone, cast stone. What's
25 exactly going to appear?

1 MS. HARRISON: All this white, you
2 see.

3 COUNCILMAN DARDIA: Yes.

4 MS. HARRISON: It's the cast stone.
5 This is in the back and here's the brick.

6 COUNCILMAN DARDIA: Thank you.

7 MR. LAPLACE: I know that some of
8 the things shown on the renderings were sort of
9 just a standard part of the rendering. But, I
10 just want to make clear that the streetscaping
11 will be consistent with the South Avenue
12 streetscaping.

13 MR. HEHL: Correct.

14 MR. LAPLACE: Great. Thank you.

15 MR. CEBERIO: Michael, another thing
16 that was discussed was making sure that across the
17 front that the sidewalk pattern continues across
18 the driveway as was indicated by the architect.

19 MR. LAPLACE: That's really
20 important the way that you guys made sure that
21 happened because that makes a pedestrian a little
22 safer -- a lot safer. Thank you. That's good to
23 know.

24 MR. HEHL: And you'll see that
25 Liliana just pointing out on the front rendering

1 how it captures the brick or the pavers and then
2 in a little bit near the driveway area.

3 CHAIRMAN ASH: At this time, do any
4 members of the public have questions about this
5 plan? Any members of the public that have
6 comments about this application?

7 MR. HEHL: And Mr. Chairman, we do
8 have -- I believe Mr. Vinegra testified last time
9 on the planning aspects of the application. We do
10 have Katherine Sarmad from his office here. I
11 think she just wanted to touch on these -- I think
12 Victor held back a little bit on. But I wanted
13 her to just give some brief planning testimony in
14 support of the variances. It should be very
15 brief. Because Victor was going to go on to it,
16 but we wanted to get through architectural, so...
17 We think she does a better job than Victor.

18 MS. SARMAD: Good evening, Members
19 of the Board.

20 KATHERINE SARMAD, having been duly
21 sworn, was examined and testified as follows:

22 CHAIRMAN ASH: Your qualifications,
23 briefly.

24 MS. SARMAD: Sure. My name is
25 Katherine Sarmad. My business address is

1 320 North Avenue East in Cranford, just down the
2 street. I have a bachelor's degree to the
3 University of Michigan. I have a master's in City
4 and Regional Planning from the Edward J. Bloustein
5 School at Rutgers University. I've been
6 practicing as a professional planner since 2015,
7 but I've been licensed since 2017. My license is
8 in good standing and active. I also am a member
9 of the American Institute of Certified Planners,
10 which is a national accreditation for planners.
11 And most of my professional work has been as a
12 municipal consultant. So consulting boards just
13 like this. But I have appeared on behalf of other
14 applicants before a handful of boards throughout
15 the state.

16 CHAIRMAN ASH: Any questions? Okay.
17 We'll accept your qualifications as a professional
18 planner.

19 MR. HEHL: Great. Thank you,
20 Mr. Chairman.

21 Ms. Sarmad, you're obviously
22 familiar with what transpired at the last hearing.
23 I know Mr. Vinegra touched on through his
24 engineering testimony some of the planning issues.
25 But he provided the Board briefly with the

1 planning justifications for any variances or
2 deviations requested.

3 MS. SARMA: Sure. There are a
4 handful of what I'd say are minor deviations that
5 result in bulk variances. And there's one less
6 minor, but still a justifiable variance. As this
7 Board is aware, there are two kinds of "c"
8 variances that proofs can be held for. One is the
9 c(1) which is the hardship and known as the
10 "hardship" variance. And the other one is the
11 c(2) variance, which is the flexible c. All of
12 the variance testimony I'm going to provide is
13 under the c(2) flexible c variance which requires
14 that an Applicant must show that the purposes of
15 the MLUL, Municipal Land Use Law, are advanced
16 from the deviation from the zoning ordinance
17 requirement. And that a variance can be granted
18 without substantial detriment to the public good
19 and without substantial impairment to the intent
20 and purpose of the zoning plan and ordinance. And
21 so I'm just to go through each variance and each
22 proof for those variances.

23 So the first variance identified was
24 in the planner's review report which is under
25 Section 11.25 Subsection G Requirement Mixed-Use:

1 "Mixed residential and nonresidential uses shall
2 have a habitable floor area to go to residential
3 uses not exceeding 2/3 of the total habitable
4 floor area building or structure." And so, 66.6%
5 of the building is limited to the residential
6 portion for a mixed-use building.

7 First, I just want to note that your
8 Board Planner's memo included that this provision
9 was really seemed to intent to preserve the
10 non-residential component of a development that
11 helps promote a balance to a mixed-use product in
12 the CBD. So it's really to make sure that the
13 non-residence component is included in there. The
14 requirement of 66.6% or 2/3 is nearly met; it's
15 70% being proposed. The Board Planner's review
16 memo also pointed out this is a difference of
17 919 square-feet. It's not discernible with the
18 naked eye, it's not going to have an impact on the
19 function or balance of the residential and
20 nonresidential use on the site. And, therefore, I
21 believe that it will not have a substantial
22 detriment on the public good or impair the intent
23 and purpose of the zoning plan.

24 Additionally, by granting the
25 variance, MLUL specifically for Purpose A; which

1 is to encourage municipal action to guide the
2 appropriate use or development of all lands in the
3 state and that which will promote the public
4 health, safety, morals, and welfare. Purpose C;
5 to provide adequate light, air, and open space.
6 Purpose G; to provide sufficient space in
7 appropriate locations for a variety of
8 agricultural, residential, recreational,
9 commercial, and industrial uses of both public and
10 private, according to their respective
11 environmental requirements in order to meet the
12 needs of all New Jersey citizens. And Purpose I;
13 to promote a desirable visual environment through
14 creative development techniques and good civic
15 design and arrangement.

16 The next variance that was
17 identified was under Section 17.02C.1.D, and this
18 is for the number of parking spaces. This was one
19 the that I noticed was a less minor feature
20 compared to the others. But it is a variance
21 deviating from the required number of parking
22 spaces. Thirty parking spaces are being proposed
23 as part of this application, and I just want to
24 that the township parking requirements provide
25 that there are -- the requirement for applicants

1 is that they have to calculate parking in two ways
2 per the ordinance. The greater of the two
3 calculations result in the actual requirement.
4 And also parking is cumulative of the uses on this
5 site per the ordinance. There's no specification
6 in the ordinance for a mixed-use as a stand-alone
7 use, and it rather requires all the uses within
8 the mixed-use to be summed. Oftentimes, parking
9 arrangements with mixed-uses are shared by the
10 nature of the kind of uses of the parking that is
11 in need. And so, for example, well, medical
12 offices are generally open during the day hours,
13 residents with families are away from home at work
14 during the day and vis versa from the nighttime.
15 And so, while there might be some overlap for some
16 outlying hours, the shared parking is generally
17 what you see in a lot of mixed-uses. So you'll
18 see off-peak and on-peak. But there's no place in
19 the ordinance to capture that.

20 But additionally, the site's
21 location also provides multi-mobile access which
22 relieves some of the necessity for solely
23 vehicle-orientated trips. It's in a downtown
24 environment, so there will be people taking trips
25 by foot, by bike. And then also, it's adjacent to

1 the Westfield train station, so it does have
2 access to public transportation as well. I do not
3 believe that the parking variance would have a
4 substantial detriment to the public good, nor will
5 it impact the intent and purpose of the zoning
6 plan. Additionally, by granting the variance for
7 the parking, it will advance the purpose of the
8 MLUL. More specifically, Purpose A and Purpose,
9 which I outlined in the previous variance.

10 Next, there is another variance as
11 identified by your Board Planner for the side yard
12 setback for the parking space, which is under
13 Section 17.03C.5, which requires that for other
14 nonresidential zones abutting nonresidential uses
15 or zone require that off-street parking shall be
16 setback the distance of the principal structure
17 from the front and side yard, and a minimum of at
18 least 2'. The Planner identified that the setback
19 is proposed 0' on the easterly side of the
20 property, and, approximately, 1.5' on the westerly
21 side of the property. I just want to note that on
22 the site plans that the parking is at those
23 setbacks identified by the Planner, but they're
24 also -- those are kind of bump-outs if you look at
25 the site plan to help navigate the 90-degree

1 parking from some of those outer spaces so it
2 doesn't kind of overlap. A majority of the
3 setback is around 2' or so at the edges of the
4 side yard parking. There are no head-in spaces
5 facing these side yards. There's going to be no
6 additional impact imposed on the neighboring
7 properties by not meeting the setback requirement.
8 And the parking has been designed behind the
9 building, so there're no conflicts with other
10 parking areas or the street or circulation at the
11 rear. I believe the site improvements, including
12 the location of the parking setback, are part of
13 the overall proposed development, and I believe it
14 will not substantially impair the zone plan, and
15 the positive criteria will outweigh the negative
16 criteria. Additionally, Purpose I would be
17 furthered by the granting of this variance.

18 Finally, this is the last one, a
19 variance was identified; Section 24.06A1 and .06B,
20 which is the Electric Vehicle Parking Standards.
21 The Planner noted that the requirement in the
22 ordinance, in the township's ordinance, requires
23 that 15% of the required off-street spaces are
24 required as EV, which would be six spaces,
25 five spaces are being provided. However, the way

1 that it is interpreted in the memo, six out of 30
2 spaces would actually be 20%. And so I think
3 another way to read the ordinance could be -- or
4 how to enforce it -- could be that it's ultimately
5 the number of parking spaces that are required
6 whether by ordinance or by the zone because -- or
7 by the zoning ordinance -- simply because at six
8 spaces, you're providing 20%, you're going over
9 the 15%. And so, I believe that the site is still
10 providing 15% of the spaces as EV with five spaces
11 make-ready. This will not have a substantial
12 detriment to the public good, nor will it impact
13 or impair the intent and purpose of the zoning
14 plan. It will still meet the 15%. Additionally,
15 for .06' of the EV section, no EV -- 1 EV space is
16 required to be dedicated to accessible or
17 accessible by handicap. None of the EV spaces
18 have been dedicated as accessible. However, any
19 of the parking spaces may be used by a handicapped
20 person. And so, even though one of the spaces has
21 not been dedicated, one of the five spaces or any
22 of the five spaces can be used by someone who is
23 handicapped. And, therefore, I do not believe it
24 will impair the intent or purpose of the zone
25 plan. And Purpose N of the MLUL can be furthered

1 by the granting of these variances which is to
2 promote the utilization of renewable energy
3 resources.

4 I have nothing further, so if
5 there're any questions from the Board.

6 MR. HEHL: Thank you, Ms. Sarmad. I
7 appreciate your testimony. I have no further
8 questions at this time.

9 CHAIRMAN ASH: Thank you. Any
10 questions from Members of the Board?

11 MS. FREEDMAN: Yeah. That was very
12 thorough. I just had one question from
13 Dan Sammet's report, which was how parking will be
14 managed for residential tenants versus office
15 tenants. Will there be a sign? How would that
16 work?

17 MS. SARMAD: That's a question for
18 you.

19 MR. HEHL: Yeah. That, I think, is
20 going to be a work in progress as depending upon
21 -- right now, we know -- and I don't think you
22 want to hear from him again, Dr. Banker -- but he
23 explained in detail his... I think when we see
24 what other tenant occupies the retail space and
25 the tenant mix that we would work on that. And

1 certainly, try and perhaps assign at least one
2 space to each of the residential units and then
3 have some for overflow and visceral parking. Does
4 that...?

5 CHAIRMAN ASH: Yes.

6 MS. FREEDMAN: Thank you. Any other
7 questions from Members of the Board?

8 MS. SARMAD: Thank you.

9 MR. HEHL: Chairman, we have no
10 further witnesses at this time.

11 CHAIRMAN ASH: Let's see if there's
12 anybody from the public who has questions about
13 the planning testimony. Okay.

14 MR. MASCERA: Mr. Chairman, I have
15 an issue. I spoke with Mr. Trembulak about --
16 prior to this evening, earlier today with
17 Mr. Sammet and the Counsel -- both Mr. Trembulak
18 and I agree that -- we seem to agree -- that an
19 Applicant must comply with the state requirements
20 for the make-ready parking spaces. And even
21 though there's a local ordinance, the local
22 ordinance, according to the legislative history
23 and the legislation, there are certain...there are
24 setbacks that can be changed, but it's our
25 understanding that the number of make-ready spaces

1 cannot be changed. So I don't believe, and again,
2 this is with Mr. Trembulak's concurrence, that the
3 Board can grant a variance with regard to the
4 make-ready spaces. So my suggestion -- if it's
5 okay with the Board and Mr. Sammet -- would be
6 that a condition of approval would be that the
7 Applicant complies with whatever the state law is
8 and that the Applicant and Mr. Trembulak shall
9 agree on what that requirement is. Because the
10 requirement might indeed be six spots. I'm not
11 sure. But I think it's just something that needs
12 to be further analyzed.

13 MR. HEHL: Yes. No problem.

14 MR. MASCERA: So I just wanted to
15 suggest it again; I don't think the Board can
16 grant the variance from what the state requires.

17 MR. HEHL: Yeah. There's no problem
18 with that.

19 MR. MASCERA: Thank you. And thank
20 you, Mr. Chairman.

21 MS. HARRISON: So does that -- am I
22 getting you've just changed the numbers a little
23 bit?

24 MR. MASCERA: Changed -- perhaps
25 changed the numbers, and perhaps there has to be

1 one that is dedicated immediately. That the --
2 her representation was that all will be
3 accessible, will be handicapped accessible. But
4 it's my understanding that one has to be
5 handicapped-dedicated.

6 MR. GOLDSTEIN: Set aside.

7 MR. MASCERA: Set aside. And it may
8 be the first one. But, so, it's just something I
9 think that we can agree to agree on professional
10 determination of what Mr. Trembulak and Counsel.

11 MR. HEHL: There's no problem with
12 that at all. So, Mr. Chairman, again, we have no
13 further witnesses at this time, and if there're
14 any further questions either of the Applicant or
15 -- I know our other witnesses aren't here, but I
16 think we've covered the issues.

17 CHAIRMAN ASH: Okay. Thank you.
18 One more time, I'll open it up to public comment
19 about the application. Seeing none.

20 MR. HEHL: Just briefly,
21 Mr. Chairman, if I can sum up. Again, we
22 appreciate the time that the Board spent with us
23 and the Board Professionals, and the members of
24 the Technical Review Committee. I think this is a
25 great, exciting project. The few variances that

1 we're seeking are certainly justified and we look
2 forward to this exciting project moving forward in
3 the Town of Westfield. We appreciate your time
4 and consideration.

5 CHAIRMAN ASH: Thank you. Members
6 of the Board; I'll turn it over to you.

7 MS. HARRISON: I will make a motion
8 to accept this application with review
9 recognitions from legal counsel as to the parking.
10 I don't have anything other...

11 MR. LAPLACE: Mr. Chairman, I would
12 add that to the variances that are being
13 requested. I'll second it.

14 MR. SAMMET: May I just make a -- I
15 just remember during the last meeting we discussed
16 the roof structure over the trash enclosure.

17 MS. HARRISON: They put a trash
18 enclosure room in the plan.

19 MR. SAMMET: So we're removing --
20 okay. So no more exterior trash enclosure. And
21 then just that the Applicant pay into the
22 development fee as may be required by Article 22
23 of the Land Use Ordinance. It's pretty standard,
24 but this gives them sort of a heads-up so they
25 don't get surprised when they go for a closing

1 permit.

2 MR. LAPLACE: Excuse me. Don, I
3 just have a question. We specifically put a
4 comment in the Master Plan when we revised the
5 Master Plan about planting the red vine trees
6 downtown, you know, larger trees that create a
7 canopy and don't block signage on storefronts.

8 MR. SAMMET: Okay.

9 MR. LAPLACE: But I keep seeing
10 those shorter ornamental trees being planted all
11 over downtown. Can we stipulate that, you know,
12 larger shade trees be planted, you know, as
13 infill? I'm not sure, does the site already have
14 trees in place?

15 MR. SAMMET: If there are --

16 MR. LAPLACE: There're already
17 existing trees in place.

18 (Crosstalk.)

19 MR. SAMMET: -- they're obviously in
20 the curb line.

21 MR. LAPLACE: Okay. And that's
22 fine. I don't think we need to put in this
23 improvement. But I do keep seeing these small
24 bushes or ornamental trees being planted, and I
25 don't understand why.

1 MR. SAMMET: Yeah. On Elm Street,
2 for example. Yeah, I know what you mean.

3 MR. LAPLACE: Okay. Thanks.

4 CHAIRMAN ASH: Okay. So we have a
5 motion to approve based on the new architectural
6 detail depicted in A-5 with the acceptance of the
7 planning testimony as to the requested variance
8 relief, and also have a number of conditions that
9 were discussed in the prior hearing which
10 Mr. Mascera will add to the record.

11 MR. MASCERA: Thank you,
12 Mr. Chairman. The notes from the last meeting
13 that: The Applicant certainly will comply with
14 the requirements of the township engineer's report
15 that there will be a pedestrian alert system
16 provided at the driveway entrance subject to the
17 engineer's report.

18 There will be, as Mr. Sammet had
19 just said, for the contribution to the trust fund.

20 Species of street trees to be
21 approved by the township's certified tree expert;
22 that's if any are going to be added.

23 Signs will comply with the local
24 Land Use Ordinance.

25 Compliance with the development fee,

1 whereas, Mr. Sammet has said.

2 County Planning Board approval and
3 approvals that are set forth in the engineer's
4 report will be necessary.

5 Comply with the height and setback
6 requirements with rooftop structures.

7 There will be a sprinkler system to
8 be installed above any of the EV charging
9 stations.

10 There will be bicycle storage, which
11 was discussed this evening as depicted in the
12 plan.

13 The sidewalk is to have a continuous
14 pattern across the driveway entrance.

15 The driveway width will be reduced
16 so as to allow the sidewalk that was going to be
17 approved -- I think 26 to 22' -- the was correct.

18 And then the other; there was a
19 question mark about a "no left turn." Was that
20 discussed? Did it not carry through? The no left
21 turn is not a condition? Is that Counsel's
22 understanding that it was not a condition or it
23 was a condition?

24 DR. BANKER: I think it should be a
25 condition.

1 MR. MASCERA: It is a condition?

2 Okay.

3 DR. BANKER: I don't know if it was
4 a condition, but I think it's safer.

5 MR. MASCERA: Okay.

6 MAYOR BRINDLE: Yeah. I don't think
7 it should be a condition --

8 (Crosstalk.)

9 DR. BANKER: (Indiscernible.)

10 MR. MASCERA: Wait. I'm sorry.

11 MAYOR BRINDLE: I don't think it
12 should be a condition, but I do think it should be
13 something that's reviewed once it's been
14 constructed.

15 MR. MASCERA: Well, that,
16 Mr. Chairman, I leave up to you then to approve as
17 a condition or not.

18 CHAIRMAN ASH: This the no left-turn
19 exiting? Egress?

20 MR. MASCERA: Whatever -- he just
21 said no left turn with question marks. So
22 apparently, it was discussed.

23 MR. SAMMET: It's a county roadway,
24 so perhaps the County Planning Board.

25 MR. MASCERA: It would be subject to

1 the County Planning Board.

2 MAYOR BRINDLE: Yeah, the county --
3 (Crosstalk.)

4 MR. SAMMET: The County Planning
5 Board.

6 MR. LAPLACE: The county will cover
7 that.

8 MAYOR BRINDLE: That's what I think.

9 MR. MASCERA: All right. So we'll
10 eliminate that one. Okay. Those are the
11 conditions that I've got.

12 And R100 as revised, obviously.

13 And that the Applicant will comply
14 with all the testimony otherwise recorded in the
15 -- will comply with all representations as
16 testified to otherwise recorded in the resolution.

17 CHAIRMAN ASH: Okay. That's the
18 motion.

19 MS. HARRISON: So moved.

20 MR. SAMMET: Motion by Ms. Harrison.
21 Is there a second?

22 MR. LAPLACE: I'll second it.

23 MR. SAMMET: Second by
24 Vice-chair LaPlace. The roll call; Chairman Ash.

25 CHAIRMAN ASH: Yes.

1 MR. SAMMET: Mayor Brindle.
2 MAYOR BRINDLE: Yes.
3 MR. SAMMET: Mr. Ceberio.
4 MR. CEBERIO: Yes.
5 MR. SAMMET: Chief Duelks.
6 CHIEF DUELKS: Yes.
7 MR. SAMMET: Ms. Harrison.
8 MS. HARRISON: Yes.
9 MR. SAMMET: Mr. Goldstein.
10 MR. GOLDSTEIN: Yes.
11 MR. SAMMET: Vice-chair LaPlace.
12 MR. LAPLACE: Yes.
13 MR. SAMMET: Ms. Carreras.
14 MS. CARRERAS: Yes.
15 MR. SAMMET: And Ms. Freedman.
16 MS. FREEDMAN: Yes.
17 MR. SAMMET: It's approved.
18 MAYOR BRINDLE: And I'll just add
19 congratulations and thank you for your investment
20 in Westfield. We're thrilled.
21 MR. HEHL: Thank you, thank you all.
22 We really appreciate it.
23 CHAIRMAN ASH: All right, everyone.
24 The action continues with Application PB 22-14,
25 The Lenox House, LLC, 227 Lenox Avenue,

1 Block: 3107, Lot: 9. Here he is to tie the
2 record.

3 (Laughter.)

4 CHAIRMAN ASH: Welcome back.

5 MR. HEHL: You're stuck with me
6 again because Jim Foerst is on vacation. And they
7 couldn't find anybody else to appear this evening,
8 so they knew I would be here, so I said I would
9 fill in.

10 MR. LAPLACE: With the Chair's
11 indulgence, I was just going to say on the last
12 one, do you want to have the plan go one more and
13 you were doing so well, I was going to say are you
14 sure you want to do this.

15 MR. HEHL: Yes. There are times
16 where you have to do it. Great to see everyone
17 again. Stephen Hehl representing the Applicant
18 Lenox House. And this is another exciting
19 project. And you saw from the photographs, the
20 building is really in need of renovation and
21 updating it. And following the theme of your
22 master plan and the ordinances with a mixed-use.
23 While there are some variances and deviations,
24 we're certainly bringing it into more conformity.
25 And, by the way, I did speak to Mr. Sammet -- and

1 probably both of the counsels' comments earlier --
2 we are not seeking any variance for deviation from
3 EV charging stations. We'll comply with that
4 section of the ordinance.

5 I believe everyone has had an
6 opportunity to review the plans and the
7 application as submitted. We've also received Mr.
8 Sammet's memo from September 27th, and your
9 engineer's memo from today, and we have no issues
10 or problems complying with those. So what I would
11 like to do first is to call upon Gregg Spadaro to
12 take us through the Applicant's plans that were
13 submitted as part of the application and address
14 your professionals' comments.

15 CHAIRMAN ASH: Good evening,
16 Mr. Spadaro.

17 GREGG SPADARO, having been duly
18 sworn, was examined and testified as follows:

19 CHAIRMAN ASH: Briefly give your
20 qualifications.

21 MR. SPADARO: Sure. My name is
22 Gregg Spadaro. I'm a licensed landscape
23 architect. I have over 23 years of professional
24 experience; the last 13 years with my own company
25 Land Identity based right here in Westfield. I am

1 licensed in seven states including New Jersey.
2 And I've provided professional testimony
3 throughout New York and New Jersey. And I have
4 been before this Board as well as the Zoning Board
5 many times.

6 CHAIRMAN ASH: Any Members of the
7 Board have questions as to Mr. Spadaro's
8 qualifications? All right, we'll accept.

9 MR. HEHL: Great. Mr. Spadaro, I
10 know you have a mounted version of the plans. Can
11 you take the Board through the plans, and then if
12 there are any additional exhibits, we can identify
13 those and address the nature of the application?

14 MR. SPADARO: I have a couple of
15 handouts; if we can do that now.

16 MR. HEHL: Sure. Let's identify
17 what they are and then we can hand them out.

18 MR. SPADARO: There're two handouts
19 that I have. The first is entitled "Aerial Photo
20 Exhibit" Sheet 1 of 1 with today's date of
21 10/03/22. And it's simply an aerial photo in the
22 center and photographs of the existing conditions.

23 MR. HEHL: Okay. So we'll mark that
24 as A-1.

25 (Whereupon, Applicant's Exhibit A-1,

1 Aerial Photo Exhibit, Sheet 1 of 1, Dated
2 10/03/22, was marked for identification.)

3 MR. SPADARO: And then the second
4 exhibit is essentially a colored version of the
5 site plan as submitted as part of the application.
6 We'll mark that as A-2. That's entitled "Site
7 Plan Rendering" -- 1" is 20' -- also dated
8 10/03/22.

9 (Whereupon, Applicant's Exhibit A-2,
10 COLORED SITE PLAN RENDERING DATED 10/03/22, was
11 marked for identification.)

12 MR. SPADARO: And we're handing out
13 reduced versions of that for the Board Members.

14 MR. HEHL: Okay. Does everybody
15 have the exhibits? Good.

16 MR. SPADARO: I'll start by
17 referencing the cover sheet that was submitted as
18 part of the application. Just to give you a
19 little bit of context; the property is identified
20 on the Westfield Tax Map Number 31 as
21 Block: 3107, Lot: 9. It's located at 227 Lenox
22 Avenue. The site is located in the GB-3 Zone;
23 it's the General Business Zone. And what you'll
24 see on the zoning tax map is that all the
25 surrounding properties are also located in that

1 same GB-3 Zone as well. The lot size is
2 9,612.7-square-feet. Just under a 1/4 of an acre
3 at .22 acres. If you're familiar with the post
4 office that sits at the corner of Central and
5 Lenox, we're on the northeast corner; the opposing
6 corner, which is Lenox and Elmer Street.

7 I'll be referencing Exhibit A-1 to
8 just go through some of the existing conditions.
9 There's a total of eight parking spaces on the
10 site today. I want to highlight that none of them
11 are designated as ADA-accessible spaces. On the
12 right side of Photo 1, you'll see there's one-way
13 angled parking, which is a total of eight stalls
14 on that side. And then on the left side of the
15 photograph in between that white car and existing
16 garage is an additional three spaces. Those are
17 90-degree angled spaces. So the vehicular
18 circulation pattern on the property today, it's a
19 little awkward because you have angled spaces on
20 one side and the 90-degree parking on the other
21 side. Looking at Photograph 2, you'll see the
22 existing garage; it's dilapidated. We've recently
23 filed a demolition permit and have removed that
24 garage. Photo 3, you'll see that there's
25 on-street parking right adjacent to our curb cut,

1 which comes into play a little bit later under
2 proposed conditions. The curb cut is fairly wide
3 at 22.9' wide. I'll also note that there's really
4 no control at that driveway. There's no stop bar
5 or stop sign, no directional arrows either.
6 Photograph 4, you'll see at the very center of the
7 photograph -- it's way in the back there --
8 there's a roll-out dumpster left of the existing
9 garage. There's a direct view of that dumpster
10 from the egress and ingress driveway.

11 From a drainage standpoint, the site
12 parking area sheet flows toward Elmer Street under
13 existing conditions. What I do want to highlight
14 is the downspouts that are collecting all the roof
15 runoff simply daylight right around the foundation
16 of the existing building. You can see remnants of
17 that in Photograph 5 under that existing shrub.
18 Everything is right around the foundation.

19 With regard to landscaping; there
20 were two existing trees on the property that were
21 since removed as part of a recent tree removal
22 permit. There was an existing honey locust that
23 you can see in Photograph 5, and an existing oak
24 tree shown in Photo 6; both of which were fairly
25 close to the foundation as well. With regard to

1 shrubbery; you'll see in Photograph 6, there's an
2 existing privet hedge, which, when you look at it
3 originally you think, okay, it looks pretty good.
4 However, privet is an invasive species. But more
5 importantly, it's right at the intersection of
6 those two street frontages, and I feel is limiting
7 as far as a sight triangle for motorists traveling
8 both on Elmer and on Lenox.

9 And then finally; the lighting. You
10 can see in Photographs 7 and 8, there's an
11 existing area light. It's a little difficult to
12 see because it's in the canopy of this existing
13 tree. It is shining somewhat outward, so not full
14 cutoff fixture. And then you have these post-top
15 fixtures, which also are a little hard to see here
16 at the top of that landing. You have sconces that
17 are also similar surrounding the property. So
18 we're going to move over to the proposed
19 conditions. As Mr. Sammet had mentioned in his
20 letter he wanted us to comply with the make-ready
21 EV space. I think we decided to move forward with
22 proving a make-ready EV space. So we are moving
23 forward with that.

24 As far as the overall project,
25 currently today, it exists as an office building

1 primarily, which is on both the first floor and
2 the second floor of the building. We're looking
3 to maintain the office on the first floor and then
4 convert the second floor and then add up to the
5 third floor with two residential dwelling units.
6 So this is still consistent with the use of a GB-3
7 Zone.

8 And that's going to take us to our
9 site plan. For this, I'm going to be referencing
10 Exhibit A-2, which again, is the colored version
11 of the site plan. There are several variances
12 that we're seeking for this application; a total
13 of six. I think a lot of them, though, as you'll
14 see as I go through my testimony, are really
15 existing nonconformities that were documented as
16 part of the proposal. But I'll go through them as
17 we go through the site plan proposal. First, we
18 are seeking a variance from Section 11.28G1, and
19 that pertains to lot area. We're required to have
20 a 10,000-square-foot lot; we're just under that at
21 9,612.7-square-feet. Again, this is an existing
22 condition that's there today. I do want to
23 highlight with the addition of the residential
24 use, the residential use only requires
25 3,350 square feet of lot area for each dwelling

1 unit, and we have a total of two dwelling units.
2 So we are required from a lot area standpoint
3 6,700 square feet of lot area, and; we comply with
4 that. So the addition of the residential use
5 really doesn't impact the lot area much at all.
6 It's still a variance, but it complies with that
7 new use.

8 In accordance with Section 11.28G5,
9 this is pertaining to side yard setback, which
10 you'll see is between the dentist's office that
11 exists to the southwest and the existing building;
12 there's a 9' side yard setback there today.
13 Again, we're maintaining that 9' side yard
14 setback. The way that's calculated is 1/3 of the
15 building height is the required side yard setback,
16 so we're technically required 11.8' and we are
17 maintaining the 9'.

18 Now, with regard to parking,
19 Mr. Sammet mentioned in his review letter that
20 there're two ways to calculate it; one, based on
21 RSIS; and one, based on the local requirement.
22 It's my understanding that the RSIS would dictate
23 in this situation, and based on those
24 calculations, we would be required to have a total
25 of 12 parking spaces. We are proposing 10 parking

1 spaces. The difference here is now we are
2 including one new ADA van-accessible space. In
3 addition, as I mentioned previously, we are also
4 including the one make-ready EV space as well.
5 With the addition of a make-ready space, we get
6 credit for one additional parking space. So even
7 though we're only providing 10 actual spaces from
8 a calculation standpoint, we would get 11. So we
9 are really only deficient of one parking space.

10 With regard to parking setbacks, we
11 are requiring a variance for that as well under
12 Section 17.03C5. We are required to have a 2'
13 parking setback. Under existing conditions, we
14 have 1' of setback; and were proposing 1.1. And
15 that's primarily to give us the ability to get
16 extra space in the western corner of the site.
17 Without that extra little foot that we need, that
18 space would be deficient as far as size. Again, a
19 fairly de minimis ask there for a less than 1'
20 deficiency.

21 Due to the reduction in the actual
22 office space that the building has, you'll notice
23 that there's going to be a heavier daytime parking
24 use with the office. But when you compare it to
25 the residential, which is more nighttime, we feel

1 that we're going to have the 10 spaces, and we
2 feel that is sufficient given the use of the
3 property.

4 The configuration; if you look at
5 the configuration, you'll notice that it's all
6 90-degree parking now. I feel like it flows a
7 little bit better than it did previously under
8 existing conditions. So the movements in and
9 around the parking lot are a lot cleaner. Still
10 not ideal, but we're working with the parameters
11 of the site. You will notice now, though, we do
12 have a proper stop bar, a proper stop sign,
13 directional arrows to really control that driveway
14 entrance. If you look at Section 17.04A, we're
15 seeking a variance for that for parking space
16 size. This really applies for the parking
17 adjacent to the building. Mostly because that
18 parking doesn't have a curb. So when you don't
19 have a curb, the parking requirement is a
20 9'-by-20' parking space. We're proposing a
21 9'-by-18' parking space. Mr. Sammet had
22 recommended the implementation of wheel stops. So
23 we have no problem including wheel stops to limit
24 the overhang of vehicles onto the sidewalk.

25 If you look back at Exhibit A-1,

1 specifically, Photograph 3, this one of the
2 reasons we initially didn't comply with the
3 driveway width is that there's an existing
4 on-street parking space in the area just left of
5 our driveway opening, which would limit our
6 ability to move our curb to widen our driveway
7 opening. Mr. Battaglia, before this meeting,
8 informed me though that the Town is willing to
9 remove this space. So with doing so, we would not
10 require a variance for the driveway width.
11 Because the current plan shows a 16.9' driveway
12 width; we're required 20'. If this space
13 magically goes away, we would certainly be able to
14 comply with the 20' driveway opening.

15 MR. LAPLACE: Just to clarify. So
16 you're asking the Town to remove an on-street
17 parking space?

18 MR. SPADARO: That was my
19 understanding.

20 MS. HARRISON: If they were to
21 comply or they're asking for a variance for 16';
22 right?

23 MR. SPADARO: Yeah. That was my
24 understanding after speaking with Mr. Battaglia
25 that I guess under -- and maybe he can speak to

1 this more -- but he made it sound like this space
2 is not the safest condition anyway under existing
3 conditions.

4 MR. BATTAGLIA: That space is
5 directly between two open driveways. It's really
6 not a good spot for a parking space.

7 MS. HARRISON: Is this the one
8 closer to Lenox or is that the one down Elmer?

9 MR. SPADARO: It's shown in
10 Photograph 3. You can see it in Photograph 3 on
11 Exhibit A-1.

12 MS. HARRISON: Yeah.

13 MR. SPADARO: So when you're coming
14 in the driveway, it would be immediately to your
15 right. Which is, I guess, adjacent to where,
16 like, the Turning Point parking lot is.

17 MR. GOLDSTEIN: It's the one between
18 the driveways?

19 MAYOR BRINDLE: Yeah.

20 COUNCILMAN DARDIA: It's not that
21 one.

22 MS. HARRISON: It's this one. It's
23 between the driveway and the corner. So it blocks
24 --

25 MAYOR BRINDLE: The line of sight to

1 the corner.

2 COUNCILMAN DARDIA: Makes sense.

3 MAYOR BRINDLE: Agree.

4 MR. HEHL: And we'll defer to --

5 MS. HARRISON: It's this one,
6 there's a utility pole.

7 MR. CEBERIO: It's not the one from
8 the corner to the driveway, it's between the two
9 driveways.

10 MS. HARRISON: Because a utility
11 pole is there. That's the reason why you can't
12 pull the driveway --

13 MR. LAPLACE: It's near the next
14 property along Elmer.

15 MR. SPADARO: Right.

16 MR. LAPLACE: So we have the top
17 corner -- this corner. (Indicating.)

18 MR. SPADARO: Yeah. It's on the
19 other side of the driveway.

20 MR. GOLDSTEIN: It actually makes
21 the other driveway worse.

22 MAYOR BRINDLE: Yeah, I agree.

23 MR. GOLDSTEIN: Because if there's a
24 car parked there, the other driveway is very
25 tricky to see.

1 MS. HARRISON: But that's a really
2 tiny little cross.

3 CHAIRMAN ASH: It's where the white
4 car is parked?

5 MS. HARRISON: No. It's this whole
6 --

7 MR. SPADARO: Yes.

8 CHAIRMAN ASH: In A-1?

9 MR. SPADARO: Correct.

10 MS. HARRISON: You can say that
11 about every on-street parking space. You can say
12 that every day going down Walnut or go down
13 Orchard, there are parking spaces between --

14 MR. GOLDSTEIN: Usually, we have
15 more than one space. Usually, there're
16 back-to-back spaces.

17 MS. HARRISON: I know but it's just
18 a single family -- I mean it's a business, but
19 it's a small business.

20 MR. SPADARO: I mean we'll defer to
21 the Board on this because we currently have a
22 variance listed for this. We prefer not to have
23 the variance. But if the Board wishes to remove
24 this space, we'll be more than happy to provide
25 the 20' width. If the Board doesn't want to

1 remove the space, we have no problem seeking the
2 variance.

3 MR. LAPLACE: My concern is that
4 there's no history of accidents there. Are we
5 just thinking there's going to be an accident
6 there? I mean I'd hate to lose a parking spot.

7 MR. HEHL: I mean it's a
8 low-intensity use, so we weren't really concerned
9 about the width of the driveway.

10 MR. SAMMET: Yeah. The Board should
11 consider there are two dwelling units proposed,
12 and one would -- presumably, it's not going to be
13 a high in and out trip generation use there. So
14 you should consider that as you're deliberating.

15 MR. GOLDSTEIN: And it's a
16 high-traffic area as well, so the narrower is not
17 necessarily a bad thing.

18 MR. SPADARO: We'll follow your lead
19 on this.

20 MR. BATTAGLIA: If I may. I only
21 made the suggestion because I felt that the
22 parking spot was already unsafe, and I was trying
23 to get rid of the variance. But I leave it to the
24 Board. It's really an either-or.

25 MAYOR BRINDLE: Dave, just out of

1 your point of view on why it was unsafe.

2 MR. BATTAGLIA: Because it's in
3 between two driveways. If you're pulling out of
4 the one driveway to the -- in that plan view, to
5 the upper part of the plan, that car is blocking
6 your line of sight.

7 MR. LAPLACE: On both sides.

8 MS. HARRISON: But that's a pretty
9 standard condition on most of the parking on the
10 street.

11 MR. BATTAGLIA: It is. It's pretty
12 standard in any downtown.

13 MS. HARRISON: I think it's pretty
14 hard to park in this area. (Indicating.)

15 MR. LAPLACE: Don, I'm glad you
16 raised the issue; it's a legitimate one. But if
17 there's no history of accidents there though I
18 think I'd like to see the space remain.

19 MAYOR BRINDLE: And then if it
20 becomes an issue over time, we can address it with
21 the Public Safety Committee.

22 MS. HARRISON: Is, engineering-wise,
23 a 16' driveway enough?

24 MR. BATTAGLIA: Oh, yeah. I have no
25 problem with a 16' driveway either. Almost 17.

1 It's such a low-use application.

2 MR. LAPLACE: Right. And soon there
3 will be residents who are very familiar with it.

4 MR. BATTAGLIA: Exactly.

5 MR. LAPLACE: So that's -- I think
6 I'm comfortable with that.

7 MR. GOLDSTEIN: You'd rather push
8 for the 17' than 12.

9 MS. HARRISON: Correct.

10 CHAIRMAN ASH: I don't think this
11 Board can eliminate an on-street parking space
12 anyway. It would have to be an ordinance by the
13 Town.

14 MR. MASCERA: It would have to be an
15 ordinance; correct? I mean it could be obviously
16 a condition.

17 CHAIRMAN ASH: Right. Maybe we can
18 recommend the Town take action.

19 MR. BATTAGLIA: Because we don't
20 have any parking meters, so I would have to go
21 through an ordinance process.

22 MR. LAPLACE: I would like us not to
23 lose the spot if we don't need to.

24 MAYOR BRINDLE: Yeah. Agreed.

25 MR. HEHL: No problem with the

1 Applicant, and that's why we sought a variance.

2 CHAIRMAN ASH: Please continue.

3 MR. SPADARO: Sure. With regard to
4 the trash and recycling area; I mentioned under
5 the existing condition, you can see from the
6 driveway, we've shifted it a little bit down into
7 the corner now. So it's not in direct view of the
8 driveway or we are agreeing to add 6' high vinyl
9 fencing around the trash enclosure area. There's
10 no other fencing proposed on the property. I know
11 that was mentioned in Mr. Sammet's letter. We are
12 proposing to screen the rear side of the trash
13 enclosure with plantings as well as along the
14 front entrance as well.

15 I do want to highlight that we don't
16 have any variances with regard to improvement
17 coverage or building coverage, which is pretty
18 rare; at least for me. It seems like every time I
19 come to this Board I need an improvement or
20 building variance, and I was happy to see that we
21 don't need that. And there was one other
22 clarification in the letter with regard to block
23 curbing. We are providing Belgium block curbing
24 throughout the property with the exception of
25 along the building. As I mentioned, that's

1 depressed there.

2 Looking back at the site plan set,
3 specifically, Sheet 3 of 6 submitted as part of
4 the application. This is the Grading and Utility
5 Plan. And what you'll see is under the proposed
6 condition, we're maintaining the existing drainage
7 pattern. So, as I said, under existing conditions
8 the parking lot sheet flows toward Elmer. We're
9 doing the same thing under the proposed condition.
10 The main difference here is that the building
11 itself where it's collecting all that roof runoff
12 channeling it underground and collecting it in a
13 4" pipe, which is ultimately going to discharge
14 directly into the inlet that sits at the
15 intersection of Elmer and Lenox. So that's a big
16 improvement. Even though we're adding about
17 125 square feet of new improvement coverage, we
18 still comply with the improvement coverage.
19 However, the building coverage or building area
20 that has roof runoff, that's all being collected
21 underground. So I think that that's a big add.

22 With regard to landscaping; Exhibit
23 A-2 again, you'll see that there're five new
24 street trees along the frontage. Those help
25 offset the tree removal that has already happened,

1 but in addition, will help to beautify the site.
2 In addition, the evergreen hedge that I mentioned
3 along the frontage, that is proposed to be
4 removed. And new landscaping is proposed along
5 the foundation pushed back closer to the building
6 to help open up those sight lines site and improve
7 sight visibility in that intersection. I
8 mentioned previously that there's landscaping
9 proposed around the trash enclosure; we're
10 proposing evergreens there. And we are proposing
11 hedging on either side of the driveway entrance to
12 help screen the parking from Elmer.

13 With regard to lighting; there're
14 two fixtures proposed. We have an area light
15 fixture located at the center. And actually, two
16 building-mounted fixtures located on the
17 northwestern side of the building. Both are
18 mounted at a 15' height. I want to highlight that
19 they're all LED fixtures with full cutoff and dark
20 sky compliant. And that's something that we
21 didn't have with the existing lighting. Other
22 than that, we're going to have two bollard-style
23 fixtures located on the Lenox Avenue frontage;
24 specifically associated with the new walkway.

25 So I think in summary for my

1 testimony, as I said before, we have six variances
2 here, so it sounds like a lot. But in reality,
3 five of those six are really existing
4 nonconformance issues. Namely, the lot area, the
5 side yard setback, the number of parking spaces,
6 the parking setback, and the parking space size.
7 The only new variance is the one that we just
8 discussed which is the driveway width; bringing
9 that down from 22-and-change down to just under
10 17'. And I think, again, we have a pretty good
11 justification; the fact that that on-street is so
12 close that we really don't want to go any closer
13 to that. It sounds like the Board is in agreeance
14 to keep that space there so we would still require
15 the variance for that one space. I did get a
16 chance to review both letters; both the planner's
17 letter and Mr. Battaglia's. And I think we've
18 addressed everything from Mr. Sammet's letter.
19 Mr. Battaglia, there was one comment with regard
20 to ADA compliance along the sidewalk in the rear.
21 We do intend to comply with a 2% max slope on the
22 sidewalk. With regard to soil erosion, we will
23 seek the proper Somerset-Union County Soil
24 Conservation District Certification. I don't
25 think there's anything else, but there might be

1 because I just reviewed the letter just now. But
2 I think I hit everything from both of those review
3 letters.

4 MR. HEHL: Thank you very much,
5 Mr. Spadaro. I have no further preliminary
6 questions at this time.

7 CHAIRMAN ASH: Any Members of the
8 Board?

9 MS. FREEDMAN: I had a quick
10 question on the siding. What kind of siding does
11 it have now; do you know?

12 MR. SPADARO: That would probably be
13 a question for the architect to field.

14 MS. FREEDMAN: Okay.

15 MR. LAPLACE: Thank you, Chair. I
16 have a question about the trees. You mentioned
17 five trees total on sort of the perimeter of the
18 site on the eastern to the south. It said three
19 new trees, but there's one very mature tree that's
20 already on Elmer. Is that going to be maintained
21 and preserved and then there're two more new ones?

22 MR. SPADARO: Both of those -- the
23 two trees that were there are already gone.

24 MR. LAPLACE: Oh, they are?

25 MR. SPADARO: They were already

1 removed as part of a tree removal permit
2 application. And I think the one that you're
3 talking about on Elmer was an oak tree.

4 MR. LAPLACE: Because they're in the
5 photographs you submitted.

6 MR. SPADARO: Yeah. Well, that was
7 before the application.

8 MR. LAPLACE: So that very large
9 tree on Elmer was already taken down?

10 MR. SPADARO: Yes.

11 MR. LAPLACE: Do you know the reason
12 why it was taken down?

13 MR. SPADARO: Because both of them
14 were very close to the building.

15 MR. LAPLACE: So there're three new
16 trees on Elmer is what I'm hearing.

17 MR. SPADARO: Right. There's one
18 that went down and three new ones that are being
19 put up.

20 MR. LAPLACE: All right. And
21 there're two new trees along...?

22 MR. SPADARO: On Lenox.

23 MR. LAPLACE: On Lenox.

24 MR. SPADARO: Yes.

25 MR. LAPLACE: I understand there are

1 overhead wires over the planting strip on Elmer.
2 I don't think that's the case on Lenox. Is there
3 any reason why there are no shade trees in the
4 planting strip between the sidewalk and the curb on
5 Lenox?

6 MR. SPADARO: I believe we proposed
7 Ivory Silk Japanese Tree Lilac for those trees.
8 So it's kind of a medium-sized tree. Not exactly
9 ornamental, but not exactly a shade tree.

10 MR. LAPLACE: You mean the two trees
11 that are shown inside the sidewalk?

12 MR. SPADARO: Yeah, right in here.
13 (Indicating.)

14 MR. LAPLACE: What about, nothing's
15 happening in the planting strip along this curb on
16 Lenox?

17 MR. SPADARO: Oh, here?
18 (Indicating.)

19 MR. LAPLACE: Yeah.

20 MR. SPADARO: I believe that would
21 be in the right-of-way.

22 MR. LAPLACE: Right.

23 MR. SPADARO: We're proposing to
24 keep it on-site. But if the town has a preference
25 there, we're okay.

1 MR. LAPLACE: No. I mean as long as
2 you're putting some trees in front I'm okay with
3 that. And I understand there are wires over the
4 planting strip on Elmer.

5 MR. SPADARO: Yes.

6 MR. LAPLACE: Question about the
7 parking lot. The parking lot has absolutely no
8 landscaping. It has screening on Elmer Street,
9 which I'm very pleased to see because I don't want
10 that parking lot visible from Elmer. But, Don,
11 maybe you can comment on that; is there any
12 requirement to do any landscaping in that parking
13 area or not?

14 MR. SAMMET: There's actually not,
15 between commercially and the properties.

16 MR. LAPLACE: Okay. I just wanted
17 to make sure about that. Thanks. That's it for
18 my questions. Thank you.

19 MR. SPADARO: Thank you.

20 MS. HARRISON: I have a couple of
21 questions. The coverage; you're close on
22 improvements coverage. I see that you still have
23 a few couple of hundred square feet more. I think
24 that this is multi-tenanted, where are all the air
25 conditioning units going? Are you putting any on

1 the roof or will you need more coverage area for
2 air conditioning units inside?

3 MR. SPADARO: That's probably more
4 of an architecture question.

5 MS. HARRISON: Right. I mean you
6 have a couple hundred square feet in there, so
7 you've got a little leeway. But also -- it's
8 probably the architect as well -- but is there a
9 ramp or any ADA access to this building?

10 MR. SPADARO: There isn't. But I
11 think the architect can also tackle that question
12 as well.

13 MS. HARRISON: Okay. Thank you.

14 CHAIRMAN ASH: Any members of the
15 public with questions for Mr. Spadaro? Okay.

16 MR. HEHL: Great. Thank you. Now,
17 I'd like to call upon Phillip Grasso.

18 CHAIRMAN ASH: That's Phillip?

19 MR. GRASSO: Grasso.

20 CHAIRMAN ASH: Raise your right
21 hand, please.

22 PHILLIP GRASSO, having been duly
23 sworn, was examined and testified as follows:

24 MR. HEHL: Mr. Grasso, could you
25 please give the Board your credentials?

1 MR. GRASSO: Sure. My name is
2 Phillip Grasso. I'm here representing SJM
3 Architecture. Principal and owner,
4 Stephen J. Martinez, had a scheduled conflict this
5 evening. But I offer my testimony in his absence
6 to address any questions, comments, or concerns
7 the Board might have pertaining to the
8 architecture portion of the project.

9 MR. HEHL: And you're well familiar
10 with the plans to answer any questions the Board
11 may have with respect to -- I think you have
12 questions regarding type siding, layout, area of,
13 and utilities.

14 MR. GRASSO: That is correct.

15 CHAIRMAN ASH: And you are a
16 licensed architect?

17 MR. GRASSO: I am unlicensed. Just
18 a brief background. I'm 12-plus years in
19 construction and architecture. Master's degree in
20 architecture from the New Jersey Institute of
21 Technology 2015. I've completed all of my intern
22 development hours. And am currently
23 state-approved for testing for architectural
24 registration, and currently in pursuit of that.

25 CHAIRMAN ASH: And is the

1 proffer...what is the specific proffer?

2 MR. HEHL: The proffer is to provide
3 the Board the testimony with respect to the
4 architectural plans and answer any questions of
5 the Board.

6 So why don't you take us through the
7 architectural aspects and elevations of the
8 renovations that are planned for this building?

9 MR. GRASSO: The existing building
10 is a B-use building, which proposes a changed use
11 for business on the ground floor, and tenant space
12 on the second and third attic floors. The
13 principal characteristics of the building are to
14 remain intact. However, we are looking to
15 incorporate more of the local and community
16 vernacular, architectural vernacular into the
17 proposed elevations. From the floor plan's
18 perspective, we have Side A, Side B, respectively;
19 left- and right-side plan views. Whereas the
20 basement, the existing basement would serve as
21 storage for each respective business. They have
22 individual access into each retail tenant space,
23 and then separate egress to and from the
24 residential apartments above on the second and
25 third floors.

1 MR. HEHL: Do you want to...?

2 MR. GRASSO: Sure.

3 MR. HEHL: And just refer to each
4 sheet. These are copies of what was submitted in
5 connection with the application.

6 MR. GRASSO: Sheet EX-1, these are
7 the existing conditions. We're showing the
8 existing basement floor plan which serves as
9 storage for the business use. So we're not
10 changing that. The first floor, again, this is a
11 business use as well. Currently divided to the
12 left and right side whereas two separate tenants
13 were using this space. So that, again, will
14 remain the same. We are making some modifications
15 to entry in and out of either the residential or
16 business use portions, as well as providing a --
17 you'll see on the proposed plan -- a barrier-free
18 accessible restroom in one of the business uses.

19 MS. HARRISON: What are the intended
20 types of tenants that you anticipate you'll be
21 renting these new spaces?

22 MR. GRASSO: I would confer with the
23 Applicant. But based on our conversations, it
24 would be a professional use.

25 MR. HEHL: And certainly consistent

1 with what the ordinance requires.

2 MR. GRASSO: The next sheet, EX-2,
3 is the existing conditions for the second and
4 attic floors. The second floor right now is
5 existing office space, again, divided between the
6 left and the right side of the building. And the
7 current attic or third-floor space, again, is
8 utilized now and its existing form as storage for
9 each business respectively. Sheet EX-3 has the
10 existing elevations. Right now, the building is
11 kind of chopped up. So with the proposed
12 elevations, we were trying to provide some
13 uniformity to the architecture as well as the
14 construction to make it more of a cohesive,
15 unified structure and not something that appears
16 to have been added onto a number of times.
17 There're some current issues related to roofing
18 structure as it connects the existing building.
19 So from a water filtration standpoint, it's more
20 amenable to the design to have a consistent roof
21 plan, which is why we're then keeping everything
22 at the second floor -- I'm sorry the second floor
23 would be the start of the roofline.

24 I'm sorry, just to touch on the
25 question you had about the existing siding. It's

1 an existing lap wood, wood-painted siding. We
2 would propose something similar; a wide-plank
3 maybe Hardie, something in that nature.

4 I'll go to Sheet SC-1; these are the
5 proposed basement and first-floor plans. The
6 basement, again, will remain as is, and storage
7 for the perspective side business use. And the
8 proposed first-floor plan, you'll see the
9 adjustments that were made to the existing
10 vestibule space provides direct access to each
11 respective tenant as well as business. On the
12 plan; right side of the proposed first-floor plan,
13 we're making office modifications here whereas
14 we're removing the existing stair up to that
15 second floor creating an office as well as a
16 barrier-free free restroom to the rear of the
17 structure.

18 Again the second-floor floor plan,
19 you're looking at more or less of a mirror image
20 of one another. However, the planned right-side
21 unit is slightly larger. Looking at plan left
22 being a two-bedroom unit. Plan right is a
23 three-bedroom unit. Again, slightly larger with,
24 again, private access up and down between the
25 floors as well the primary egress on the first

1 floor. In the third habitable attic floor, we
2 have the master bedroom, which would be a private
3 on-suite bathroom, walk-in closet. As well as
4 some existing or finished attic storage space.
5 And one of the questions had come up about
6 condensers and heating and cooling, and; the
7 Applicant is amenable to locating any HVAC
8 equipment on the roof behind the parapet with some
9 type of screening to avoid any additional impact
10 on the first floor. We're still reviewing a
11 number of different applications for HVAC, but
12 we're going to be providing some type of split
13 system to minimize the impacts. That's still in
14 the works. But as far as location goes and for
15 screening purposes, on the roof is more than
16 feasible. Private balconies, again, for each of
17 the tenants on that third attic floor. As well as
18 some, again, finished attic storage space because
19 there will be very limited storage for each
20 tenant. And since they don't have any use or
21 access to the basement storage, we wanted to
22 provide them with an area up here, up on the third
23 attic floor, that they can utilize for those
24 purposes.

25 And then accompanying each sheet is

1 a square foot breakdown, as well as the exclusions
2 for meeting the floor area ratio of 50% which is
3 required in the GB-3 Zone. You can actually see
4 that if you flip back to the lead sheet. The lead
5 sheet is a floor area calculation table, which
6 lists the exclusions such as the finished attic
7 storage space, the inaccessible unfinished space
8 that is located under the sloping roof. Since we
9 are looking at a mansard roof structure, that
10 entire attic and third floor would fall under the
11 sloping roofline.

12 MS. HARRISON: Will the building be
13 sprinklered?

14 MR. GRASSO: Yes. Yes. We are
15 providing the required fire separation rating
16 compliant with NFPA 13 for the separation between
17 residential and business use. But that is not the
18 controlling factor in this case. We are dealing
19 with IBC classification of a three-story structure
20 under 5b construction which would require that to
21 be fully -- require a fully automatic sprinkler
22 system. To accompany that, we are also providing
23 a one-hour fire separation, horizontal fire
24 separation between the business use and the
25 residential use.

1 MR. GOLDSTEIN: You show a
2 barrier-free restroom.

3 MR. GRASSO: Yes.

4 MR. GOLDSTEIN: But how would they
5 access it?

6 MR. GRASSO: So that would be --
7 this has come up on a number of prior
8 applications, especially when you're dealing with
9 existing conditions. Typically, and what I have
10 done in the past pending Board approval is fulfill
11 a 20% or the applications would fulfill a 20%
12 disproportionate cross worksheet associated with
13 the project whereas it limits the amount of impact
14 required to bring the building into barrier-free
15 subcode compliance. But the intent is to bring
16 the project into further compliance and not
17 complete compliance. Whereas, the thing we're
18 missing primarily would be, again, existing
19 condition, an egress ramp leading into the
20 building from either the front or the rear. And
21 pending the Board's comments and concerns, I guess
22 we can address those issues as they present.

23 MS. HARRISON: I also am an
24 architect and on the Board in this town, and our
25 building inspector doesn't necessarily fly with

1 that very well.

2 MR. GRASSO: Okay.

3 MS. HARRISON: You know, that
4 disproportionate worksheet is going to have to be
5 pretty rock solid.

6 MR. GRASSO: Sure.

7 MS. HARRISON: And you're doing a
8 huge amount of work here, and I don't know how you
9 think that those numbers are going to work because
10 you're basically putting -- you're redoing a third
11 floor, it looks like you've changed the heights of
12 the second floor, you're increasing the volume of
13 the building substantially on the back and on the
14 front. So maybe you can explain to the other
15 Board Member because I don't think they know that
16 chart; it's complicated.

17 MR. GRASSO: It is complicated and
18 it's not a one-to-one false representation of the
19 project as 20%. There are exclusions that you
20 take when determining what factors in at 20%. So
21 a lot of the required items like electricity and
22 plumbing and of the sort, they are excluded from
23 the overall calculation determining that 20%. And
24 we can take into consideration -- I at least think
25 it should be taken into consideration -- that in

1 terms of site improvements, we are providing one
2 handicap-accessible spot, van-accessible spot,
3 with striped access to a pedestrian walk. So the
4 --

5 MS. HARRISON: So the only thing
6 that you're potentially missing is the site
7 accessibility in this application; right?

8 MR. GRASSO: That is correct.

9 MS. HARRISON: Because you have the
10 bathroom, you're not going to need to put in an
11 elevator or anything because they're residential.

12 MR. GRASSO: That is correct.

13 MS. HARRISON: But why didn't you
14 put in the ramp and just be fully compliant so you
15 don't have to go through all the hoops?

16 MR. GRASSO: Sure. So there are two
17 potential locations where this ramp could be
18 located. If you wouldn't mind just turning to
19 SC-1. So if you're looking at the proposed floor
20 plan, there is an existing rear access point,
21 which would be along the sidewalk currently. So
22 the potential pedestrian ramp into the building,
23 although not ideal, from an architectural
24 standpoint, adding it to the front would be
25 complicated. From a design perspective, it's not

1 ideal. So if we are to provide accessible
2 entrance in and out, it could -- if you're looking
3 at plan right -- start next to the existing
4 basement access, ramp up towards the rear entrance
5 into the building, and then that platform would
6 connect the two sides so that they can then -- you
7 have not only the accessible spot, but you also
8 then have a wheelchair accessible ramp right
9 adjacent to that spot.

10 MS. HARRISON: I think there're
11 other things you can do with having a ramp on-site
12 bringing it out. I don't know the laws
13 completely.

14 MAYOR BRINDLE: Mr. Chair, can I
15 just make a comment?

16 CHAIRMAN ASH: Please.

17 MAYOR BRINDLE: I will say the town
18 has made ADA accessibility and compliance a top
19 priority. So when she talks about our building
20 folks, they do not air on the side of forgiveness.
21 And so if there's a way you could build that into
22 the plan upfront --

23 MR. GRASSO: Absolutely.

24 MAYOR BRINDLE: -- that would be
25 very helpful.

1 MR. GRASSO: Absolutely. And if
2 that becomes a condition of approval, we would
3 absolutely include it.

4 MAYOR BRINDLE: I would suggest
5 that; yes.

6 MR. GRASSO: Sure.

7 CHAIRMAN ASH: Anyone else?

8 MS. CARRERAS: I have a question.
9 If it's supposed to be a barrier-free restroom,
10 that door going in could become a barrier; no?

11 MR. GRASSO: No. No.
12 "Barrier-free" is just a term that is used to
13 describe an ADA-accessible bathroom.

14 MS. CARRERAS: I understand. If a
15 person goes into the bathroom and they are
16 handicapped and they're in a wheelchair, and that
17 door opens --

18 MR. GRASSO: Correct. Yeah. So
19 there is -- there are -- you are allowed coverage
20 from the 5' turning radius when approaching a
21 door. So the swing of the door is inconsequential
22 to the turning radius of the wheelchair provided.

23 MS. CARRERAS: There's a door going
24 into the break room, that, if it's open, then you
25 can't go out of the bathroom.

1 MR. GRASSO: Let me just see...I
2 don't want to --

3 MR. CEBERIO: There're two doors.

4 MS. HARRISON: I don't think that
5 that --

6 MS. CARRERAS: That doesn't affect
7 anything?

8 MR. GRASSO: No, that would not.

9 MS. HARRISON: They would shut the
10 door and -- accessibility is not only a
11 wheelchair, which we've learned from our -- it's
12 everything. So it might just be somebody with a
13 different physical disability or a sight
14 disability or other things.

15 MR. GRASSO: But there are minimum
16 requirements for door approach, whether it's from
17 the latched or pull-side of the door that we will
18 meet in order for it to fully comply as
19 barrier-free.

20 MR. GOLDSTEIN: Just back to the
21 door comment. That break room is, realistically,
22 going to have a table in it; right? So if that
23 door swings the other way, it would allow somebody
24 in a wheelchair to go past the door. Right now,
25 you have to go past the door, but there's going to

1 be something in that break room, it's not going to
2 be an empty room; right? So it's going to be a
3 challenge if that door doesn't go the other way.

4 MS. CARRERAS: Right. Maybe if we
5 move the door down the hallway.

6 MR. GRASSO: Sure. Or you can even
7 rotate the door 90-degrees onto the opposite wall
8 so that it opens away.

9 MS. CARRERAS: Right.

10 MR. GRASSO: Again, I would just
11 have to verify that that would not impede on the
12 side approach for that door.

13 CHAIRMAN ASH: Any questions or
14 comments?

15 MS. HARRISON: I have just one more
16 about the overall volume. You testify to the
17 current existing volume compared to the new volume
18 of the building.

19 MR. GRASSO: Sure.

20 MS. HARRISON: It's not even, you
21 know -- I didn't see square feet. I don't really
22 see that here.

23 MR. LAPLACE: Is that the gross?

24 MS. HARRISON: Yeah. I'm just
25 looking at the gross existing --

1 MR. GRASSO: If we look at -- you're
2 looking at the construction type classification on
3 the lead sheet?

4 MS. HARRISON: Yeah.

5 MR. GRASSO: So we have the max area
6 per floor, the use, 27,000 square foot per floor;
7 whereas 1,914 is proposed. And then, the max area
8 per floor for an R3 use per table 506.2 in the
9 IBC, which is 7,000 square feet; and the max
10 proposed again is 1,914.

11 MS. HARRISON: No, I meant all three
12 floors.

13 MR. GRASSO: Oh, sure.

14 MS. HARRISON: I don't think it's on
15 here.

16 MR. GRASSO: A gross area is not.
17 We have the total for the first, second, and third
18 floors. I would just list it at 4,803. And that,
19 plus the exclusions. Just give me a moment.

20 MS. HARRISON: Sorry.

21 MR. GRASSO: No, it's okay.

22 MS. HARRISON: I see it. Got it.

23 MR. GRASSO: So using the numbers
24 utilized on that table, the gross floor area for
25 the entire building would be 5,690 square feet.

1 MS. HARRISON: The only reason I'm
2 asking is because your percentages are close.

3 MR. GRASSO: They are very close.

4 MS. HARRISON: Very close.

5 MR. GRASSO: And again, if you would
6 look would at the third-floor attic plan, the
7 walls that are delineating the habitable from
8 uninhabitable space were placed specifically to
9 maximize the allowable floor area ratio per the
10 zoning. But again, you know, those walls are
11 flexible. They can be adjusted if the Board sees
12 fit.

13 MS. HARRISON: Mr. Chairman, the
14 only area that I might want Don maybe to do some
15 clarification on is that unfinished attic -- that
16 finished attic space, I don't know if that would
17 really fly for not being included. Don, can you
18 speak to that, because it is a finished room?

19 MR. SAMMET: In terms of floor area
20 ratio?

21 MS. HARRISON: Huh?

22 MR. SAMMET: In terms of floor area
23 calculations?

24 MS. HARRISON: Yeah. Because the
25 third-floor apartment does have that -- they're

1 calling it "finished attic storage." It's a
2 12 1/2-by-8' room. That would have to be in the
3 FAR, and I think you said you excluded it.

4 MR. SAMMET: If it's not -- well,
5 Westfield uses habitable floor area; right?

6 MS. HARRISON: Well, if it's
7 habitable, you can stand in it. It's a full room
8 with a full door and a window. So my question is
9 how can that be removed from the FAR?

10 MR. GRASSO: So there's one of the
11 considerations that was taken into account was
12 that the entire third floor falls under the
13 sloping mansard roof, so there is a crossover in
14 qualification as to the third floor and/or attic
15 space. And the ordinance does allow for a 1/3
16 maximum reduction in FAR for finished attic
17 storage, specifically.

18 MR. SAMMET: That's right, for a
19 sloping roof.

20 MS. HARRISON: Doesn't our ordinance
21 have something where it must be less than 7' per
22 finished ceiling height in order for that to
23 apply?

24 MR. GRASSO: And that can be the
25 case. The finished ceiling height can be located

1 at or just below 7'.

2 MR. SAMMET: I think we're talking
3 about maybe two different things. We allow for
4 the uppermost level -- the attic level -- we allow
5 a reduction. You don't have to count 1/3 of the
6 floor area of the floor below. Something like
7 that.

8 MS. HARRISON: He's almost equal to
9 the floor below. His third floor is equal to the
10 floor below. Not fully, but it's more than 1/3.

11 MR. LAPLACE: Right. Except for the
12 mansard, the slope --

13 MS. HARRISON: But in the code, it
14 talks about the height.

15 (Crosstalk.)

16 MR. GRASSO: The way that the IRC --

17 MR. SAMMET: Is that a story height
18 perhaps, Anastasia?

19 MS. HARRISON: Is it? Is it story
20 height? Because I thought it was FAR because a 5-
21 to 7' because when we do the drawings, we have to
22 do an outline at 5' and then an outline at 7' for
23 height in order to talk about the FAR that is
24 allowed habitable space.

25 MR. SAMMET: That's correct.

1 MS. HARRISON: And this is
2 full-height habitable space. This isn't under the
3 eaves. So I'm questioning how that is included in
4 the -- because he's got two very large full attic
5 storage spaces that are not included in the FAR
6 and I'm wondering how that's possible. And I know
7 that their demands are -- I don't know anything
8 about that part of the code, but I don't see how
9 they comply.

10 MR. SAMMET: Okay. So they could
11 not be what the ordinance calls "habitable floor
12 area." They have to be unfinished, unheated
13 areas.

14 MS. HARRISON: But he calls for them
15 "finished attic spaces" on the plan."

16 MR. SAMMET: If those storage areas
17 are being shown as finished --

18 MS. HARRISON: Finished attic
19 spaces.

20 MR. SAMMET: -- then we would have
21 to include those.

22 MS. HARRISON: Correct.

23 MR. GRASSO: There would be, again,
24 that was a misunderstanding on the interpretation
25 of the ordinance because it does -- there are

1 provisions in there for finished attic storage to
2 be included in the reduction. Now, if the
3 argument is being made that it's not technically
4 attic storage, in order to meet the intent of the
5 ordinance as well as the building code, we would
6 be willing to locate any ceiling framing at that
7 room whether it be 6'10, however it's listed, or a
8 potential option is to leave that as unfinished
9 space specifically for light storage directly for
10 each tenant. And then a third possible option is
11 to completely remove that area from accessibility
12 in general.

13 MS. HARRISON: I'm not bringing it
14 up to be difficult. I'm bringing it up so that
15 when you submit these plans to the building
16 department, the building department doesn't shut
17 you down and then say you can't have that.

18 MR. GRASSO: Understood.

19 MS. HARRISON: So if this is space
20 that is wanted in this application, this is
21 something that you want to address.

22 MR. SAMMET: I think that everybody
23 is correct. You know, we're just getting to it.
24 What you're talking about Anastasia and what the
25 architect is saying as well -- I'll just read it

1 -- "its habitable floor area shall not include
2 that portion of a finished attic equal of not more
3 than 1/3 of the floor area of the floor below."
4 So the 1/3 exemption, I think that's what's being
5 testified to.

6 MR. GRASSO: That's correct.

7 MS. HARRISON: But with these two
8 spaces, it's greater than 1/3.

9 MR. GOLDSTEIN: Is it the finished
10 attic space that can't be more than 1/3 of the
11 floor below or they're using --

12 MR. SAMMET: That's the exemption
13 you get.

14 MR. GRASSO: Yeah. The finished
15 attic storage is not to exceed more than 1/3 the
16 floor below. There wouldn't be the entire
17 habitable area, that third floor, just
18 specifically the attic storage portion itself.

19 MR. LAPLACE: So you'll note then
20 that the habitable area on the third floor is --
21 whatever the third-floor measurement is -- it's
22 for storage?

23 MR. GRASSO: That is correct.

24 MR. LAPLACE: Okay. Well, that
25 address it.

1 MR. SAMMET: I think everybody is
2 correct.

3 MR. LAPLACE: Did you guys hear
4 that?

5 MS. HARRISON: Um-hmm.

6 MR. LAPLACE: The livable habitable
7 space on the third floor to whatever 1/3 of the
8 second floor, you know, that measurement. And
9 then the rest of the space on the third floor,
10 probably in that sloped area under it, will be
11 storage.

12 MR. GRASSO: Because, again, to
13 accompany that; that finished attic storage space,
14 the balconies as well are also excluded from that
15 calculation.

16 MS. HARRISON: I don't think it
17 sounds right. But I'm just trying to get you the
18 project you want and make sure that it's not shut
19 down on the other end.

20 MR. GRASSO: No, I understand.

21 MS. HARRISON: So that's why I'm
22 bringing it up. Because if you need the
23 250 square feet on this end, if you have it, then
24 ask for it.

25 MR. MASCERA: I have a question; is

1 it something that the Applicant can request a
2 variance on as depicted?

3 MR. SAMMET: Well, it would -- it
4 could be an FAR variance.

5 MR. HEHL: Yeah. Not if it's FAR.

6 MR. GRASSO: It would be a variance
7 specific to the floor area ratio.

8 MS. HARRISON: So is that the Board
9 of Adjustment?

10 MR. HEHL: Yeah, but this Board
11 wouldn't have jurisdiction.

12 MR. MASCERA: That's why -- that was
13 the obvious answer. The obvious question wasn't
14 asked because it was truly, it was taking this
15 Board --

16 MS. HARRISON: I'm sorry.

17 MR. MASCERA: No, I did the same
18 thing.

19 MR. LAPLACE: Chair, I'm comfortable
20 with the explanation that it's called "habitable"
21 and it be storage. I think that's the intent of
22 the ordinance.

23 MS. HARRISON: What?

24 MR. LAPLACE: I mean Don will be
25 signing off on it.

1 MR. SAMMET: I met with the
2 Applicant early on and went through the floor area
3 ratio thing. We wanted to be sure that we stayed
4 with the Planning Board and not to go to the
5 Zoning Board.

6 MR. LAPLACE: So you're going to
7 sign off on this?

8 MR. SAMMET: Yeah, I will.

9 MR. HEHL: And I do think the
10 storage is important.

11 MS. HARRISON: And I do think you
12 will need it.

13 MR. HEHL: Yeah, I agree. That's
14 helpful though. I have no further questions of
15 Mr. Grasso at this time.

16 CHAIRMAN ASH: Any other questions
17 for Mr. Grasso? Is there anyone from the public
18 who has questions based on Mr. Grasso's testimony?
19 All right. Your next witness.

20 MR. HEHL: Mr. Chairman, we have no
21 further witnesses at this time. Certainly,
22 witnesses that have testified so far are available
23 if there are further questions from the Board.

24 CHAIRMAN ASH: Was there a question
25 posed that was part of the Applicant's testimony?

1 Something about the uses or the proposed tenants.

2 MR. HEHL: I think Ms. Harrison had
3 asked about what our target tenants were. Geared
4 toward professional office and consistent with the
5 ordinance.

6 MS. HARRISON: No, that was it.

7 CHAIRMAN ASH: All right. Is there
8 any member of the public who has comments about
9 this application? All right.

10 MR. HEHL: Just, again, very
11 briefly; we appreciated the Board's time and
12 consideration. I know a lot of work was done --
13 well, obviously, well before I was involved -- and
14 with Mr. Sammet and the Board professionals, and
15 appreciate the feedback we've received from the
16 Board this evening. I think it's an existing
17 project. Looking at the building; I look at the
18 photographs and I look at the renderings, getting
19 rid of the wall air conditioners, and things like
20 that. And I think that's what Westfield is
21 looking for; it's a mixed-use project which brings
22 nice residential space there, have your
23 professional office uses on the first floor, and
24 continuing to invigorate downtown. We look
25 forward to the Board granting the approvals in

1 connection with this submission. And again, thank
2 you.

3 CHAIRMAN ASH: Thank you. Members
4 of the Board? Vice-chair, Mr. LaPlace?

5 MR. LAPLACE: I was just going to
6 say I think it's a fantastic project. I'm excited
7 about it. I think the raised roof actually
8 improves the look of the overall building from
9 what it looks like today. And I love the idea of
10 two new residential units downtown. I'm excited
11 about the new landscaping and the screening of the
12 parking area. It's just an overall improvement of
13 the site.

14 MAYOR BRINDLE: Mr. Chairman, I'll
15 just add, I live in the neighborhood, I walk by
16 that house almost four times a week. So I can
17 know firsthand it's going to be a significant
18 improvement. And I'll just also thank you for
19 making the investment in Westfield.

20 MR. GOLDSTEIN: Can you finish
21 before the project to the right?

22 (Laughter.)

23 MR. CEBERIO: I think another thing
24 also is that it's an interesting project in that
25 the residential will be added is different than

1 other apartments that I'm seeing in Westfield; the
2 larger types of apartments. Again, another option
3 for people looking for different a kind of living
4 here in Westfield. Again, getting out of
5 single-family homes maybe that don't want to be in
6 a small apartment. So another option.

7 CHAIRMAN ASH: Thank you. Anyone
8 else? Well, I also agree with those comments. I
9 think it's going to make a nice change for a
10 prominent corner in the downtown. I would move to
11 approve this application with the variances as
12 requested. And, I think, was there one new
13 condition that was enumerated?

14 MR. MASCERA: Mr. Chairman, I had it
15 was the ramp. And I had a question about whether
16 it was determined that the ramp would be in the
17 front or it would be in the rear. I've lost the
18 --

19 MS. HARRISON: It's not in the
20 front.

21 MR. MASCERA: It's not in the front.
22 So then they'll be a ramp in the rear that will
23 then service both of the entrances in the rear of
24 this building? Thanks, Mr. Grasso.

25 MR. GRASSO: Yes, that is correct.

1 The ramp would be located in the rear with a
2 common landing at the top that would connect the
3 two points of rear discharge for each tenant.

4 MR. MASCERA: Thank you.

5 MR. GOLDSTEIN: And that places it
6 next to the spot stalls; correct?

7 MR. GRASSO: I'm sorry?

8 MR. GOLDSTEIN: That places it right
9 next to the handicap spot as well?

10 MR. GRASSO: Yes, that is correct.

11 MR. SAMMET: I'd also recommend that
12 condition of compliance with Article 22, the
13 Development Fee Ordinance, if applicable.

14 MR. MASCERA: And, Mr. Chairman, as
15 I stated in the earlier application that all
16 recommendations made by the Applicant not
17 memorialized in the resolution shall be compliant.

18 CHAIRMAN ASH: Thank you. That is
19 my motion.

20 MR. CEBERIO: I'll second it.

21 CHAIRMAN ASH: Thank you.

22 MR. SAMMET: Second by Mr. Ceberio.
23 I'll go left to right. Chief Duelks.

24 CHIEF DUELKS: Yes.

25 MR. SAMMET: Ms. Freedman.

1 MS. FREEDMAN: Yes.

2 MR. SAMMET: Ms. Carreras.

3 MS. CARRERAS: Yes.

4 MR. SAMMET: Mr. Ceberio.

5 MR. CEBERIO: Yes.

6 MR. SAMMET: Chairman Ash.

7 CHAIRMAN ASH: Yes.

8 MR. SAMMET: Vice-chair LaPlace.

9 MR. LAPLACE: Yes.

10 MR. SAMMET: Mayor Brindle.

11 MAYOR BRINDLE: Yes.

12 MR. SAMMET: Ms. Harrison.

13 MS. HARRISON: Yes.

14 MR. SAMMET: Councilman Dardia.

15 COUNCILMAN DARDIA: Yes.

16 MR. SAMMET: And Mr. Goldstein.

17 MR. GOLDSTEIN: Yes.

18 MR. SAMMET: Thank you.

19 MAYOR BRINDLE: Congratulations.

20 MR. HEHL: Thank you, again. Have a

21 great night. Keep dry.

22 CHAIRMAN ASH: With no other

23 business this evening, do we have a motion to

24 adjourn?

25 CHIEF DUELKS: Motion.

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CHAIRMAN ASH: All in favor.

BOARD MEMBERS: Aye.

(The meeting was adjourned at
9:27 p.m.)

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