

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING / MINUTES
MAY 27, 2020

This meeting was held by teleconference

Members present: Mary Szaro, Scott Kominkiewicz, Jorge Gonzalez-Gomez,
Janet Kern, Holly Hughes, George Baranowski, Steven Giarratano, Mayor
Fred A. Henry

Members absent: Thomas Kelly, Catherine Corey, Brian McLaughlin

Also present: Jason C. Valetutto, P.E., P.P., Angelo J. Valetutto, P.E., P.P., James E. Stahl,
Esq.

Chairwoman Szaro called this meeting to order with adequate notice, This Meeting of the City of South Amboy Planning/Zoning Board is being held in accordance with the Executive Orders of the Governor of New Jersey and regulations enacted pursuant to such Orders which authorize the conducting of this meeting by telephonic and/or video access by board members, applicants, professionals, and the public. Notice of this meeting has been provided under "The Open Public Meeting Act of New Jersey" by advertisement published in the Home News Tribune, on the City of South Amboy Planning/Zoning Board website, and by posting on the information board at City Hall.

Roll call was taken at this time.

Motion by Holly Hughes, seconded by Jorge Gonzalez-Gomez to accept the Minutes of April 22, 2020 meeting. All in favor.

Chairwomen Szaro reviewed the evening's agenda.

Resolutions

Business Continuity Plan, Amended Agenda, and Amended Application (BCP) with recent events resulting in social distancing requirements, regularly scheduled meetings of the Planning/Zoning Board will be conducted by remote access for the foreseeable future. To ensure the continuous performance of critical business functions, we have established a Business Continuity Plan (BCP) to reduce disruption as much as possible and to provide consistent delivery of services to the public. This plan also includes the transition of current in-person and manual activities to remote and electronically based solutions.

Chairwomen Szaro asked for a motion to open BCP section to the public
Motion by Holly Hughes, second by Steven Giarratano

With no from the public to speak on this matter Chairwomen Szaro asked for a motion to close
BCP to the public.

Motion by Holly Hughes, seconded by Janet Kern

Chairwomen Szaro asked for a motion to approve Business Continuity Plan, Amended Agenda
and Amended Application

Motion by Holly Hughes, seconded by Jorge Gonzalez – Gomez 8-0, 0 abstention

Chairwomen Szaro asked for a motion to approve Resolution PB- 9-20 (improperly referred to as
PB 8-20) for Business Continuity Plan, Amended Agenda, and Amended Application

Motion by George Baranowski, seconded by Holly Hughes 8-0, 0 abstention

Request to Amend Northern Waterfront and Broadway-Main Street Redevelopment Plans-

Mr. Angelo J. Valetutto P.E., P.P., was sworn at this meeting for the entire year by Mr. Stahl.
Chairwomen Szaro asked Mr. Valetutto if the three-sections can be separated. Mr. Valetutto
explained that Block # 160 lots # 1, 1.01, 1.02, 1.03 are inter-related. Mr. Eric Chubenko,
Executive Director of the South Amboy Redevelopment Agency, and Mr. Glenn Skarzynski,
Business Administrator requested, that AJV Engineering INC. determine whether there should be
any modification for light industrial use to the plans. Mr. Valetutto recommended on page 4 of
his report dated May 12, 2020, that the Planning Board adopts a Resolution to the South Amboy
Redevelopment Agency for the recommendation of the amendments to the Northern Waterfront
Redevelopment Plan and Broadway/Main Street Redevelopment Plan. Jorge Gonzalez-Gomez
asked Mr. Valetutto if the bulk changes made are for every location in town. Mr. Valetutto
answered that these changes are specific for lots 1, 1.01, 1.02, 1.03, as explained on page 5 of
exhibits A from Mr. Valetutto's report.

Chairwomen Szaro asked for a motion to open this section to the public.

Motion by Scott Kominkiewicz seconded by Jorge Gonzalez-Gomez

With no one from the public to speak on this matter, Chairwomen Szaro asked for a motion to
close to the public

Motion by Steven Giarratano, seconded by Janet Kern

Chairwomen Szaro asked for a motion to approve the report by Mr. Angelo J. Valetutto P.E., P.P.,
and to refer it to Mayor Fred A. Henry, Council, and SARA

Motion by Jorge Gonzalez-Gomez, second by Janet Kern 8-0, 0 abstention

Chairwomen Szaro asked for a motion to approve Resolution PB-7-20 (improperly referred to as PB-6-20) Amend Northern Waterfront and Broadway-Main Street Redevelopment Plans
Motion by Scott Kominkiewicz, seconded by Jorge Gonzalez-Gomez 8-0, 0 abstention

Chairwomen Szaro asked for a motion to approve Recommendation Resolution PB-8-20 (improperly referred to as PB-7-20) Redevelopment Plan
Motion by Holly Hughes, seconded by Scott Kominkiewicz 8-0, 0 abstention

Continued Public Hearing

Application PB #404-19 SAT Kapoor and Kailash LLC. – 533 Ridgeway continued hearing on the matter which was previously heard on February 26, 2020, for use variance and bulk variance
Please see the transcript attached.

Chairwomen Szaro asked for a motion to open this section to the public
Motion by Jorge Gonzalez-Gomez, seconded by Steven Giarratano

Chairwomen Szaro asked for a motion to close this section to the public
Motion by George Baranowski, seconded by Jorge Gonzalez-Gomez

Chairwomen Szaro asked for a motion to accept the variances and all conditions
Motion by George Baranowski, second by Janet Kern 8-0, 0 abstention

Jorge Gonzalez-Gomez left the virtual meeting at 8:59 pm. At 9:07 pm Jorge Gonzalez-Gomez re-entered the meeting via phone to cast an affirmative vote. Jorge Gonzalez – Gomez exited the meeting at 9:08 pm.

Correspondence

Application PB# 406-20 Baljinder Singh - 245-247 Raritan St. carried to June 24, 2020, at the request of Mr. Salvatore Alfieri Esq.,

Chairwomen Szaro asked for a motion to carry Application PB#406-20, subject that all conditions are met in the completeness letter from AJV Engineering INC. dated January 14, 2020
Motion by Scott Kominkiewicz, seconded by Janet Kern. All in favor

Chairwomen Szaro motion open to the public

Motion by Janet Kern, seconded by Holly Hughes

With no other callers joining for the public session, Chairwoman Mary Szaro asked for a motion to close the public portion of this meeting.

Motion by Holly Hughes, seconded by Janet Kern

Chairwomen Szaro announced that the next virtually scheduled meeting would be held on Wednesday, June 24, 2020, at 7:00 pm.

Chairwomen Szaro called the meeting to adjourn.

Motion by Holly Hughes, seconded by Janet Kern

Respectfully submitted,

Amy Russo

Planning Board Secretary

Minutes Approved on June 24, 2020

SOUTH AMBOY PLANNING/ZONING BOARD
140 NORTH BROADWAY
SOUTH AMBOY, NEW JERSEY
WEDNESDAY, MAY 27, 2020
Commencing at 7:40 p.m.

-----)
RE:) TRANSCRIPT OF
) PROCEEDINGS HELD
) VIA VIDEOCONFERENCE
#404-19 SAT KAPOOR AND)
KAILASH, LLC)
533 RIDGEWAY AVENUE)
-----)

B E F O R E:

MARY SZARO, Chairwoman
SCOTT KOMINKIEWICZ, Vice Chairman
FRED A. HENRY, Mayor (recused)
HOLLY HUGHES, Board Member
DR. JORGE GONZALEZ-GOMEZ, Board Member
GEORGE BARANOWSKI, Board Member
JANET KERN, Board Member
STEVEN GIARRATANO, Board Member
JAMES E. STAHL, ESQ., Board Attorney
ANGELO VALETUTTO, P.E., P.P., Board Engineer/Planner
JASON VALETUTTO, P.E., P.P., Board Engineer/Planner
AMY RUSSO, Board Secretary

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

SLAVIN & MORSE, LLC
BY: KEVIN H. MORSE, ESQ.
Attorneys for the Applicant

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"PRESERVING YOUR RECORD"

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1 MR. STAHL: Why don't you wait until
 2 we're done with the rest of the -- until we get to
 3 you. Actually, why don't you do it now in case
 4 you're missing someone.
 5 MR. MORSE: So John Ploskonka, our
 6 engineer, are you out there?
 7 MR. PLOSKONKA: Yes, I am.
 8 MR. MORSE: Okay. The traffic engineer,
 9 John Rea, you're on by telephone?
 10 MR. REA: I'm here by phone.
 11 MR. MORSE: Jimmy Dumas, our architect
 12 and planner, I believe you're logged in, sir?
 13 MR. DUMAS: Yes, I'm on too.
 14 MR. MORSE: I have another architect with
 15 respect to -- Lek, you're there also? I can see you.
 16 And then I have -- I can see my client, Kapoor. So
 17 we've got my team here and we're ready when you are.
 18 MR. STAHL: Thank you.
 19 CHAIRWOMAN SZARO: Thank you so much.
 20 (Whereupon other agenda items were
 21 discussed.)
 22 CHAIRWOMAN SZARO: Okay, next up is
 23 discussion, 404-19, Sat Kapoor and Kailash, LLC. Mr.
 24 Morse is the attorney. The address is three -- or
 25 533 Ridgeway Avenue. This is a continued hearing on

3

1 CHAIRWOMAN SZARO: Okay, for old
 2 business, we don't have anything on the agenda for
 3 old business or Resolutions this evening. New
 4 business, there is nothing to be heard for -- or
 5 reviewed for completeness.
 6 We will move to the public hearing
 7 section, and what I'd like to do is switch the order
 8 of things just a little bit so we can (inaudible)
 9 items and get those taken care of, and then we can
 10 move on to the application.
 11 So the first is -- yes? Jim?
 12 MR. STAHL: Madam Chairwoman, there is a
 13 court reporter who will be on the call.
 14 MR. MORSE: Yes. I have Betsy Condiotti,
 15 the reporter. She's already logged in. I don't know
 16 if she can hear me. She should be on the call.
 17 MS. RUSSO: She is.
 18 MR. STAHL: She's very experienced,
 19 Kevin, so I'm sure we'll be very happy with her
 20 product.
 21 MR. MORSE: Only the best.
 22 And I just want to, for my purposes, just
 23 because I can't see everyone, just do a head count on
 24 my team. I don't know if I can do that now or if you
 25 want me to wait.

5

1 the matter which was previously heard on February
 2 26th for a use variance and a bulk variance to permit
 3 a four-family residential use in a zone that only
 4 permits a single residential use.
 5 And, Mr. Morse, before I hand over the
 6 floor to you, I want to first thank you for
 7 submitting the PDF documents. This is new for us,
 8 but they were really a pleasure to review online, I
 9 have to say.
 10 And I will ask you to do a brief
 11 introduction, or refresher, of what you're looking to
 12 do with the property, to introduce your team of
 13 witnesses.
 14 As a reminder, the Board will hold all
 15 questions until the end. And just let us know,
 16 please, when your testimony is concluded. Each
 17 witness will state their name, credentials, and if
 18 they're the ones who prepared the plans or have
 19 direct knowledge of the plans presented to the Board.
 20 Following witness instruction I'll ask
 21 the Board if there are any objections to state them
 22 now or remain silent if they accept. If there is
 23 silence, Mr. Stahl will swear them in collectively.
 24 For those on the public, I just want to
 25 let you know that I will continue to ask you to stay

6

1 on mute for now. Please don't ask any questions
 2 until the matter is open to the public. At that
 3 time, we will certainly give everybody an opportunity
 4 to speak, (inaudible) Mr. Morse calling his witnesses
 5 and (inaudible) asking any questions.
 6 I'll also ask the Board not to interrupt
 7 the testimony, and at the conclusion of each witness
 8 presentation I will open it up for Board questions as
 9 well. And if Jim or Jason, you need to discuss
 10 (inaudible) raise your hand --
 11 MR. STAHL: I just want to -- if I may.
 12 CHAIRWOMAN SZARO: -- and I will be happy
 13 to give you the floor or Mr. Morse. What, Jim?
 14 MR. STAHL: I just to remind -- Mr. Morse
 15 is a learned and experienced land use counsel. So,
 16 Kevin, I just want to -- your responsibility for us
 17 is to just keep your team together so there's no
 18 over-speak. You know, if one of them wants to jump
 19 in, he or she should just wait until they get their
 20 turn or you at the appropriate time can recognize
 21 them.
 22 In other words, if there's a question and
 23 you feel that the question is not properly directed
 24 towards the architect or the engineer, you should
 25 handle that, please.

7

1 Also, because we're virtual, please have
 2 your experts identify as clearly as possible any
 3 exhibits they are referring to by date of
 4 preparation, date of the initial exhibit, the title
 5 of the exhibit and to the extent there are any
 6 revisions to that exhibit.
 7 So, please, because I've had some issues,
 8 some of which is my fault, when the time comes for
 9 you and the team to respond to Jason Valetutto's
 10 review letter, I would like it to be one person to do
 11 the whole thing, to the extent you can do that,
 12 either it's you or the engineer, as opposed to going
 13 back and forth; and for clarity, try and repeat with
 14 the document in front of you, the review letter, and
 15 then go, please, page by page, not that you do
 16 (inaudible), but I don't want jumping around because
 17 when I have to do a Resolution, assuming there's a --
 18 well, whether it's granted or not, it's very onerous
 19 for Jason and I to review it.
 20 So it should be Page 1, Section 2, sub C
 21 and so then I can go and know what items you have
 22 either accepted, rejected, want discussion on or have
 23 already corrected. All right?
 24 MR. MORSE: Very well.
 25 MR. STAHL: You look too nice tonight

8

1 because you're the only person with a tie and what
 2 looks like a fresh haircut, so I'm offended.
 3 MR. MORSE: Well, you know, I wanted
 4 to --
 5 CHAIRWOMAN SZARO: Thank you. Mr. Morse,
 6 I'll give you the floor now, and if you need control
 7 of the screen, our Board Secretary, Amy, can have you
 8 share the screen. If you need to do that, please let
 9 her know.
 10 MR. MORSE: All right, thank you. And
 11 good evening, ladies and gentlemen, Madam Chairwoman,
 12 members of the Board, Mr. Valetutto, Mr. Stahl. It's
 13 my pleasure to be back before you in what's a brave
 14 new world of these virtual hearings.
 15 By way of housekeeping, with Mr. Stahl
 16 first, I just wanted to confirm, because I can't see
 17 everybody on the screen, some relief we're requesting
 18 this evening is use variance relief. I just want to
 19 confirm that I have seven eligible members. I
 20 believe Mayor Henry may not be able to sit on this.
 21 And I just want to make sure I have a full board
 22 before I proceed.
 23 MR. STAHL: You have a full seven-member.
 24 Let me just count again. One, two, three, four,
 25 five, six, seven. You have seven members, so you've

9

1 got the full panel.
 2 MR. MORSE: Great, thank you.
 3 MR. STAHL: And the Mayor knows that
 4 while he may be able to ask some questions as may be
 5 appropriate, he understands he is not a voting
 6 member. He cannot vote on this application.
 7 MR. MORSE: Okay, that was my
 8 recollection from the first hearing, so I want to
 9 make sure I have the rest. So thank you for that.
 10 Now, we had two exhibits previously
 11 marked, again by way of housekeeping, at the last
 12 hearing, but those, Exhibit 1 and Exhibit 2, are no
 13 longer applicable because we had amended our plan.
 14 And what you have before you is different from those
 15 exhibits, so let me point that out first.
 16 When we were before this Board on
 17 February 26th, we had begun presentation of an
 18 application that actually proposed a five-unit
 19 apartment building to the existing building at the
 20 site. The existing site contained a tavern on the
 21 first floor and an apartment on the second floor.
 22 When we appeared before you, we had
 23 proposed to convert the tavern area, or the first
 24 floor, to four apartment units. We partially
 25 presented our case. We heard input and comment from

10

1 the Board and members of the public. The matter did
 2 not conclude. And after further reviewing the
 3 hearing, and all things considered, the applicant
 4 did, in fact, amend its application and reduce the
 5 scope of its project.

6 We have eliminated one unit, meaning
 7 instead of proposing to renovate the tavern area into
 8 four units on the first floor, the proposed plan is
 9 now for only three units, and with the existing unit
 10 we now have a proposed four apartment unit building
 11 as opposed to five.

12 This is significant for a number of
 13 reasons. Number one, by eliminating that one unit
 14 and going to four units only, we've eliminated the
 15 use variance request for floor area ratio, or FAR,
 16 because with only three units on the first floor, we
 17 were able to enlarge those units to comply with the
 18 ordinance. So that restraint, in particular, item
 19 has been eliminated.

20 We have overall reduced -- there's
 21 another use variance request for density, but, of
 22 course, by eliminating one unit, going from five to
 23 four, we've reduced that use variance to a certain
 24 extent.

25 And I think we have eliminated at this

11

1 point our prior request for a bulk variance for
 2 parking, because with five proposed units, ordinance
 3 requires ten spaces and we were providing only eight;
 4 by reducing down to four units, the requirement is
 5 eight parking spaces and we are providing eight
 6 spaces, so that eliminates the bulk variance request
 7 by number.

8 And I know Mr. Valetutto did have a
 9 comment with regard to configuration, which was
 10 addressed by our traffic engineer, which I believe
 11 may satisfy the Board. He is on the phone this
 12 evening to review and otherwise ratify that position
 13 with the new plan.

14 So before you, you have a better plan
 15 that's less intense and I really think a better
 16 application that we intend on proceeding to a
 17 conclusion this evening.

18 You've heard a lot of testimony already.
 19 A lot of the testimony you've already heard doesn't
 20 change too much. I would first call John Ploskonka,
 21 who was the engineer who testified back on
 22 February 26th.

23 Mr. Ploskonka, are you out there?
 24 MR. JASON VALETUTTO: John, you need to
 25 take yourself off mute.

12

1 MR. PLOSKONKA: I'm on now, right?
 2 MR. MORSE: Okay, very well. Now, for
 3 members of the Board, Mr. Ploskonka was sworn in on
 4 February 26th; he was accepted as our expert with
 5 regard to Professional Engineering.

6 And, Mr. Ploskonka, you understand you
 7 are still under oath, sir?

8 MR. PLOSKONKA: Yes, sir.
 9 JOHN J. PLOSKONKA, P. E., P. P.,
 10 having been previously duly sworn, continued
 11 testifying under his oath as follows:
 12 DIRECT EXAMINATION BY MR. MORSE:

13 Q. All right, now, we had the opportunity,
 14 first and foremost, to review a letter dated May 4,
 15 2020 that was issued by Mr. Valetutto in response to
 16 our amended plans, did we not?

17 A. Yes, we did.

18 Q. All right, now, from an overall
 19 perspective in reviewing the letter, for all intents
 20 and purposes, you can represent on behalf of the
 21 applicant that the applicant is prepared to comply
 22 with Mr. Valetutto's recommendations and to supply
 23 him with any requested information as set forth
 24 generally in that letter, is that correct?

25 A. That is correct.

13

Direct - J. Ploskonka, P.E., P.P. - Morse

1 MR. MORSE: All right. There are --
 2 other than that, there were just a few items I wanted
 3 to highlight, merely just to refresh everyone's
 4 recollection so there's no question.

5 Q. Number one, the proposed building does
 6 have a basement area, correct?

7 A. That's correct.

8 Q. Okay, but this basement area, as
 9 represented at the last hearing, is not for tenant
 10 use, correct?

11 A. It's only for use by the owner.

12 Q. Okay, and that will be for utilities
 13 which are located in the basement and storage, is
 14 that correct?

15 A. Basically for the utilities and for storage.
 16 No access by any of the tenants.

17 Q. Okay. The second thing, with regard to
 18 refuse collection, we had an area that we referred to
 19 as the dumpster area that's intended to be for refuse
 20 containers, is that correct?

21 A. That's correct; we will have each person using
 22 that area with containers, then bringing the
 23 containers out to the street when the town picks up.

24 Q. All right, and that's consistent with
 25 this particular applicant who has some other

14

Direct - J. Ploskonka, P.E., P.P. - Morse

1 properties and refuse is disposed of that way,
 2 appropriately put out for municipal pickup, is that
 3 right?
 4 **A.** That's my understanding.
 5 **Q.** And that's what we're proposing with
 6 regard to this proposed development, is that correct?
 7 **A.** Yes, sir.
 8 **Q.** Okay. The third item I have for you, I
 9 note that there's an inconsistency on the site plan
 10 versus the architectural plan on the west side of the
 11 building. The door is located in one place on the
 12 site plan, in a different place on the architectural
 13 plan.
 14 I understand that you have reviewed the
 15 architectural plan. The door location as depicted on
 16 the architectural plan is accurate, and you will
 17 amend the site plan so that it matches up with the
 18 architectural plan, is that correct?
 19 **A.** Correct; any minor changes between the
 20 architect's plan and our plan will be modified to
 21 comply with the architect's plan.
 22 **Q.** Very well. And the last item, there was
 23 some discussion at the last hearing, a neighbor
 24 during the public portion had requested our
 25 consideration with regard to screening of the parking

15

Direct - J. Ploskonka, P.E., P.P. - Morse

1 area, and I know you worked on that since the last
 2 hearing, and I would ask you to just describe for the
 3 Board what the applicant intends on doing to try to
 4 ameliorate that.
 5 **A.** That was a question raised by Norma Padua. She
 6 has windows on the side of her house and those
 7 windows face the parking lot on the westerly side,
 8 so she's -- her home is directly to the left of the
 9 former tavern. And she's in the Borough of
 10 Sayreville, but she's our property neighbor on that
 11 side.
 12 We have a five-foot-high fence along that
 13 property line, or in about three feet, and her
 14 windows are back about 30-some feet to 60 feet.
 15 36 feet is the first window from the beginning of
 16 the building, and then there's another window about
 17 44 feet and a third window about 63 feet.
 18 So in that area, she was concerned about
 19 lights from the cars going into her window. And
 20 we're going to maintain the existing fence five foot
 21 high, and then we're going to install evergreen
 22 trees which are called Jet Star -- let me see --
 23 Skyrocket junipers, six to eight feet tall, six of
 24 them, along that side where her windows are between
 25 her house and the fence so that there's more

16

Direct - J. Ploskonka, P.E., P.P. - Morse

1 blockage of the light in that area, in case the cars
 2 come in at night. So we would (inaudible) in the
 3 junipers as part of a program to minimize any lights
 4 into her windows at the back of the house.
 5 **Q.** All right. And with those
 6 qualifications, again, this plan is basically, for
 7 all intents and purposes, the same plan we presented
 8 back in February except we've reduced the scope and
 9 we're proposing only four units instead of five; is
 10 that accurate?
 11 **A.** That's correct. We've made a lot of changes
 12 that Jason asked for. He has a few more changes he
 13 asked for in his new report, and we agreed, in
 14 essence, to do all the changes and/or provide
 15 additional information so that he will be satisfied.
 16 **MR. MORSE:** Very well. Ladies and
 17 gentlemen --
 18 **MR. JASON VALETUTTO:** If I could just
 19 interrupt real quick, because of the point of
 20 neighbor and the screening, I just wanted to point
 21 out that the fence that's along there goes through
 22 the proposed parking. I just wanted to be sure that
 23 the Board understands that you are to be moving that
 24 fence closer to the property line so it doesn't go
 25 through those two first parking stalls.

17

1 **MR. PLOSKONKA:** Absolutely, but there's
 2 no windows at that location, but we are moving the
 3 fence.
 4 **MR. JASON VALETUTTO:** Right, because I
 5 know your neighbor is here and (inaudible) during the
 6 public portion. I want her to also be aware that
 7 fence would be moving closer to the property line,
 8 because right now it is showing through parking
 9 spaces.
 10 **MR. PLOSKONKA:** That's correct, and I
 11 tried to see her yesterday. I knocked on the door,
 12 left my business card. I was there about four
 13 o'clock. But she didn't respond and did not call me.
 14 But we're looking to work with her. If she wants to
 15 modify this plan, we'd be happy to meet at the site
 16 with Jason and her and fine-tune the planting of the
 17 trees.
 18 **MR. MORSE:** Okay. Other than that,
 19 ladies and gentlemen, I have no further questions for
 20 Mr. Ploskonka. Certainly if there are questions from
 21 the Board or counsel, Mr. Valetutto, but I think
 22 we've really covered everything on the report and I
 23 leave that to you folks.
 24 **CHAIRWOMAN SZARO:** Thank you. Mr. Stahl?
 25 **MR. STAHL:** Madam Chairwoman, may I ask

18

1 some questions?

2 CHAIRWOMAN SZARO: Certainly.

3 MR. STAHL: Mr. Ploskonka, two things.

4 Based upon what you have just represented to the

5 Board, the entire contents of Mr. Valetutto's report

6 of May 4, 2020 is acceptable without conditions; I

7 just want to make that clear, is that correct?

8 MR. PLOSKONKA: That is correct.

9 MR. STAHL: Number two, could you

10 identify -- first of all, the parking variance, bulk

11 variance, is no longer applicable, as you say. What

12 other bulk variances -- now, Jason wants to jump in.

13 Go ahead, Jason.

14 MR. JASON VALETUTTO: With the parking,

15 although it is correct that they're required to

16 provide eight spaces and they are showing eight

17 spaces; we've been through this at the last meeting,

18 due to RSIS they don't provide the proper back-up for

19 60-degree parking. So those spaces are not

20 quote/unquote "legal size" in accordance with RSIS.

21 So it is going to be a bulk variance that

22 they are requesting for parking; however, as we heard

23 from the testimony last month from their traffic

24 engineer, John Rea, and I'm sure he's going to come

25 forward again; I can speak more to it at that point,

19

1 I am more than happy to support that those spaces as

2 shown will work for this property as a private

3 residence as it's not, like I said in my report, it's

4 not for a shopping center or the such where there's

5 going to be high traffic. This is going to be all

6 for the private residents that's going to know the

7 limitations of the site, the size of their back-up,

8 the need to go slow and all that.

9 So I believe it's a bulk variance that

10 the Board can and should support, but it is -- to be

11 proper, it has to be considered a bulk variance

12 because they are not legal spaces; they are

13 undersized.

14 MR. STAHL: If I may, Jason, are we

15 talking a dimensional waiver or are we talking an

16 actual variance as to parking size?

17 MR. JASON VALETUTTO: Well, this is an

18 RSIS requirement, and parking is a bulk standard for

19 South Amboy following RSIS standard, so it is a bulk

20 variance. The only waiver they're requesting is the

21 curbing being closer to the parking -- to the

22 property line closer than five feet.

23 MR. STAHL: Well, if it's appropriate,

24 Mr. Morse, and Madam Chairwoman, either Mr. Ploskonka

25 or Mr. Jason Valetutto, I think it would benefit the

20

1 Board before they hear more as to what the actual

2 remaining bulk variances are that are either

3 pre-existing or are created by this project.

4 MR. MORSE: Okay, we can do that.

5 MR. JASON VALETUTTO: Do you want me to

6 just go through it quickly, Kevin? That would be

7 faster.

8 MR. MORSE: It's set forth in your

9 letter. That's probably the best way.

10 And just to comment on the parking, Jim,

11 it's really sort of a hybrid, and that's why I said

12 the bulk variance with regard to number, it's really

13 -- yes, we have the right number; it's really almost

14 a dimensional reason for it. And I have testimony on

15 that coming up.

16 But, you know, we have use variance for

17 dwelling units per acre, which we have reduced

18 slightly by eliminating the one unit. We also

19 reduced maximum dwelling units for building, where we

20 had five and now we have four.

21 Maximum lot area, well, that is what it

22 is; that's pre-existing. Maximum lot width, that's

23 pre-existing. I know Mr. Valetutto takes the

24 position that those are really subsumed with the use

25 variance anyway, but you do note them here.

21

1 Minimum front yard setback, minimum -- on

2 both Raritan Street and Ridgeway Avenue, I believe

3 those are pre-existing conditions also but we request

4 them nevertheless.

5 Lot coverage is slightly above the 25

6 percent. We've added some of that to the benefit of

7 improving the site.

8 MR. JASON VALETUTTO: Actually that's

9 existing I believe. I don't think you changed the

10 footprint of the building.

11 MR. MORSE: We did not.

12 MR. JASON VALETUTTO: I think the lot

13 coverage is existing. It's the impervious that

14 increases because of the added pavement.

15 MR. MORSE: I stand corrected. While we

16 did change the building, because of the additional

17 improvement, the impervious is slightly up, although

18 not by much, and certainly you'll hear testimony we

19 think there's a benefit to that.

20 So, again, a lot of these variances are

21 pre-existing. We've eliminated at least one, reduced

22 the rest, and you will hear testimony from our

23 Professional Planner when he is called to further

24 discuss those, but I'm happy to identify those now.

25 MR. JASON VALETUTTO: You got to unmute,

22

1 Jim.

2 MR. STAHL: Madam Chairwoman, are there

3 any questions or comments from members of the Board?

4 CHAIRWOMAN SZARO: I was just going to

5 ask that. Anybody from the Board? Board members,

6 any questions? Any comments? Anything for the

7 experts or Mr. Morse?

8 Okay, then with that, I will ask for a

9 motion to open the meeting up to the public.

10 MR. JASON VALETUTTO: Time out, Mary.

11 They're not done with their testimony. That was just

12 the engineer. They still have a couple other

13 witnesses to go through.

14 CHAIRWOMAN SZARO: I'm sorry.

15 MR. MORSE: That's okay.

16 CHAIRWOMAN SZARO: I thought you were

17 done. I thought that was quick.

18 MR. MORSE: I'd like to be done. But

19 you're going to get your full money's worth out of

20 this.

21 CHAIRWOMAN SZARO: Okay.

22 MR. MORSE: So thank you. My engineer

23 will be here in case something comes up, but I'd ask

24 him to stand down and I'll call my next witness, who

25 is going to be very brief, since you heard from him

23

1 already as well. So I would next call Mr. John Rea,

2 who's our traffic expert.

3 John, are you out there?

4 MR. STAHL: John, you have to take off

5 your mic mute.

6 MR. REA: Oh, okay. Can you hear me now?

7 MR. STAHL: We can hear you now.

8 MR. REA: Hello?

9 MR. MORSE: Okay, so I would offer Mr.

10 John Rea -- John, you can hear me?

11 MR. REA: I can, yes.

12 MR. MORSE: Thank you. Ladies and

13 gentlemen, Mr. Rea testified before this Board

14 regarding the prior application back on February

15 26th. At that time he was duly sworn and you

16 accepted him as an expert in his field, traffic

17 engineering.

18 Mr. Rea, you understand you are still

19 under oath from that prior meeting?

20 MR. REA: Yes, I do.

21 J O H N J. R E A, P. E., having been previously

22 duly sworn, continued testifying under his oath

23 as follows:

24 DIRECT EXAMINATION BY MR. MORSE:

25 Q. All right, now, I just have a couple of

24

Direct - J. Rea, P.E. - Morse

1 questions for you. You heard my introduction and the

2 fact that we really reduced the intensity of this

3 application from a five-unit apartment building to

4 now a proposed four-unit building. Correct?

5 A. Yes; correct.

6 Q. All right, now, you rendered an opinion

7 at the last hearing when we were proposing five units

8 that although ten spaces were required and eight were

9 provided, that from a parking standpoint and a

10 traffic circulation standpoint you supported the

11 application and you felt that the eight spaces were

12 appropriate for this use. Correct?

13 A. That is correct.

14 Q. Okay, and more importantly, besides the

15 eight spaces by number, you had some substantial

16 testimony regarding the dimensioning and the

17 configuration that Mr. Valetutto had raised because

18 we wanted to make sure that we addressed his concern,

19 and you rendered an opinion that based upon this

20 particular use, this residential use, that although

21 the spaces were not exactly perfect to the extent as

22 described by Mr. Valetutto, that they do properly

23 function for this intended use of the site and were

24 proper so that there was appropriate traffic

25 circulation for the eight spaces and --

25

Direct - J. Rea, P.E. - Morse

1 A. That is correct, and I relied upon guidelines

2 that are published by the Urban Land Institute and

3 the National Parking Association that the width of

4 the driveways that were behind the 60-degree angled

5 parking spaces were sufficient for an application

6 such as this, which is a low volume, low turnover

7 residential situation.

8 Q. Okay, and while that was your opinion for

9 the five units, I gather you have the same opinion by

10 virtue of the fact they were reduced from five to

11 four units; that doesn't change your opinion in any

12 way, shape or form, is that correct?

13 A. That is correct.

14 Q. Okay. And one other question. I think I

15 heard somewhere, and I don't recall whether it was a

16 comment from a Board member or a property owner, but

17 a question came up about someone being able to make a

18 left turn over a double yellow line, which I know is

19 not an issue based upon my understanding of traffic

20 striping, but I thought you should answer that

21 question to the Board as well with your expertise,

22 just so it's clear to the Board.

23 A. Sure. It is my understanding that Raritan

24 Street and Ridgeway Avenue have both been re-striped

25 and there are double yellow lines on both streets

26

Direct - J. Rea, P.E. - Morse

1 now. The question of whether you can make a turn
 2 across the double yellow line is something that
 3 comes up frequently during my testimony.
 4 It is legal to make a left turn either across
 5 a double yellow line to enter a property or exit a
 6 property. All that the double yellow line signifies
 7 is that it is a no passing zone in both directions
 8 on both streets.
 9 So it is legal to cross the double yellow
 10 line, and nothing has changed. We have an entrance
 11 from Raritan Street and an exit to Ridgeway Avenue.
 12 Both the entrance and the exit are legal. You can
 13 make turns into and out of the property. It is not
 14 against the Motor Vehicle and traffic laws.
 15 MR. MORSE: Okay. All right, so, again,
 16 Mr. Rea, maintaining your opinion as to the adequacy
 17 of the number of spaces, traffic circulation, I have
 18 no further questions for you.
 19 If there are questions of the Board. I
 20 didn't want Mr. Rea to be redundant, again, because
 21 you heard the longer version of this for actually the
 22 more intense application. But he's available for
 23 questions from the Board, the professionals and so
 24 forth.
 25 CHAIRWOMAN SZARO: Thank you. Do we have

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1 any questions for Mr. Rea from the Board? Jason?
 2 MR. JASON VALETUTTO: I'll take myself
 3 off mute. I believe at the last meeting Mr. Rea gave
 4 what -- the titles he was referencing for the
 5 standards, and we asked him what year that those
 6 standards were developed and I believe that -- I
 7 don't think they were necessarily current.
 8 But I also know -- like I said, we rely
 9 on RSIS for this property in New Jersey, and based on
 10 his testimony and based on my opinion, the site will
 11 function with that back-up. It is a private
 12 residence; there are only eight vehicles that will be
 13 utilizing it. It's not a high traffic area.
 14 So I can concur with John Rea. Although
 15 we might not agree on the source that we're citing, I
 16 can agree with that the parking lot configuration and
 17 the back-up will work and is appropriate and the
 18 Board should consider that as a (inaudible) variance.
 19 MR. MORSE: All right, thank you.
 20 CHAIRWOMAN SZARO: Any other questions
 21 for Mr. Rea from the Board?
 22 Okay, thank you, Mr. Rea.
 23 MR. REA: Thank you.
 24 MR. MORSE: John, you can stand down, and
 25 thank you, if you just want to stay on the line in

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1 case something comes up.
 2 MR. REA: I will.
 3 MR. MORSE: Thank you, sir. All right,
 4 my last witness is Mr. Jimmy Dumas, who also
 5 testified.
 6 Mr. Dumas, can you hear me?
 7 MR. DUMAS: Yes, I can hear you.
 8 MR. MORSE: All right. Ladies and
 9 gentlemen, Mr. Dumas, again, testified before this
 10 Board on February 26th. He was duly sworn. You
 11 accepted his credentials in two fields, those of
 12 architecture and Professional Planning, very well
 13 experienced. Mr. Dumas had presented architectural
 14 testimony, but when it got near the end of the night
 15 and we thought we might need some changes, he did not
 16 start -- or provide any planning testimony. You may
 17 recall we indicated we would hold off on planning
 18 testimony, anticipating that we might be coming in
 19 with a different plan configuration, which, of
 20 course, we did. So I'm going to ...
 21 J I M M Y D U M A S, P. P., having been
 22 previously duly sworn, continued testifying
 23 under his oath as follows:
 24 DIRECT EXAMINATION BY MR. MORSE:
 25 Q. Again, Mr. Dumas, you understand you're

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Direct - J. Dumas, P.P. - Morse

1 still sworn?
 2 A. Yes, I do.
 3 Q. Okay. We changed the architectural plan
 4 slightly. I'd like for you to just detail for the
 5 Board what we did in that regard first.
 6 A. Sure. So the drawing that we were referring to
 7 was updated on March 13, 2020 and it indicated --
 8 let me see here -- it indicated that we were
 9 switching from -- or reducing the number of
 10 apartments on the main level of the first floor from
 11 four units to three units. And so that was really
 12 the material change as far as floor plans are
 13 concerned on the first floor.
 14 In addition to that, we also made updates to
 15 the exterior of the front of the building based on
 16 comments that were received. That idea was that
 17 since this was a former bar, it had maybe more of a
 18 commercial look, even though it had been added on
 19 over the years and so we made some adjustments in
 20 order to make it a little bit more residential, with
 21 the various types of the elevation in the front.
 22 So those were the main changes that have been
 23 made architecturally.
 24 Q. All right. And those changes, in your
 25 opinion as a professional architect, do they make the

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1 building more aesthetically pleasing now that you've
 2 made some of those elevation changes?
 3 **A.** Yes, it makes it more aesthetically pleasing
 4 and something that has more consistent lines. And
 5 that's -- actually what I'm looking at is drawing
 6 A-1.4. And I don't think I can share the drawing,
 7 but this is -- and I don't know if that's going to
 8 work, but essentially it's the front elevation on
 9 Ridgeway Avenue.
 10 **Q.** It gives it more of a residential look,
 11 is that correct?
 12 **A.** Right. So the main thing that we're doing is
 13 making the front awning slash roof line that's right
 14 above the first floor come continuous across to the
 15 other side, so just to kind of even it out some.
 16 **Q.** Okay.
 17 **A.** And we're also -- excuse me, we're also adding
 18 new vinyl siding as well in order to improve the
 19 facade.
 20 **Q.** Okay. And, again, and these
 21 architectural upgrades were considered and the
 22 applicant made these changes based upon some comments
 23 we got from the Board back on February 26th, correct?
 24 **A.** That is correct.
 25 **Q.** All right, very well.

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1 **MR. MORSE:** All right, now, before I ask
 2 Mr. Dumas to put on his planning hat and provide that
 3 testimony, this would be the last part of this
 4 application testimony, if there are any questions
 5 from the architectural side, we would invite those
 6 from the Board and professionals now. Yes, sir?
 7 **CHAIRWOMAN SZARO:** Scott, you're on mute.
 8 Scott?
 9 **VICE CHAIRMAN KOMINKIEWICZ:** I don't have
 10 a question but I do want to thank Mr. Dumas for
 11 making the changes, you know, the number of units
 12 which I'm sure is, of course, at the recommendation
 13 of the -- of Mr. Kapoor, but also as far as the front
 14 elevation. The plans look a lot better and I hope
 15 that it will add to the aesthetics of the
 16 neighborhood. That's all.
 17 **CHAIRWOMAN SZARO:** Thank you. Any other
 18 questions or comments? Jason? You're on mute.
 19 **MR. JASON VALETUTTO:** Just if Mr. Dumas
 20 can state that he's aware of I have some comments
 21 that need to be changed to the plan and has no
 22 objections to making those changes in accordance with
 23 my May 4th report.
 24 **MR. DUMAS:** Yeah, I have no objections to
 25 making any adjustments. I do have the May 4th report

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1 right in front of me, so I have no objections to it.
 2 **MR. JASON VALETUTTO:** Thank you.
 3 **CHAIRWOMAN SZARO:** Thank you.
 4 **MR. MORSE:** All right.
 5 **CHAIRWOMAN SZARO:** Thank you. Anyone
 6 else? No other questions from the Board?
 7 **MR. MORSE:** All right, then I'm going to
 8 ask Mr. Dumas to stay on. I'm going to ask him to
 9 switch gears, put on his Professional Planner's hat
 10 at this point.
 11 **CONTINUED DIRECT EXAMINATION BY MR. MORSE:**
 12 **Q.** Mr. Dumas, again, you were already
 13 accepted as an expert. You're a licensed
 14 Professional Planner in the State of New Jersey;
 15 you've been so for many years, correct?
 16 **A.** That is correct.
 17 **Q.** At the request of the applicant, you
 18 analyzed this proposed development for use and bulk
 19 variance relief from a planning perspective, did you
 20 not?
 21 **A.** Yes, I have.
 22 **Q.** Okay. I would ask that you detail for
 23 the Board your findings, any opinions or conclusions
 24 that you have reached and the basis for those, sir.
 25 **A.** Sure. What I'd like to do is just take a few

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1 minutes. I know with calls like these it can be a
 2 little difficult to hear someone for on and on, but
 3 I would say if you could bear with me for maybe the
 4 next four to five minutes, I'd like to just go over
 5 a brief overview.
 6 And as far as my findings as far as my
 7 planner's testimony for this project, I would state
 8 that overall, the neighborhood, as you're aware,
 9 it's a residential neighborhood and for the most
 10 part there are single-family houses that are in that
 11 area, because that's the zoning. And currently we
 12 know that there's a commercial use for the existing
 13 property that we're looking to convert into all
 14 residential, so which would potentially bring it in
 15 alignment with the majority of that part of town.
 16 As we know, current zoning allows for
 17 single-family residential (inaudible) lots for
 18 two-family, a conditional use for a
 19 10,000-square-foot lot. And as other professionals
 20 have testified, we are looking to convert this once
 21 bar and apartment on the second floor to a total of
 22 four apartments and actually reducing it from five
 23 to four.
 24 I've also had a chance to review the Master
 25 Plan and was able to see how the property has been

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1 identified. I was even able to look at the
 2 recommendations by the hired engineer who also
 3 looked at this area, and even though it doesn't
 4 apply to this particular zone, there is a
 5 recommendation at least nearby that potentially a
 6 two-family residential would be allowed on a
 7 5,000-square-foot lot.

8 And the reason why I bring that up is even
 9 though we are looking for a bulk variance due to the
 10 density, that essentially if you could get a
 11 two-family on a 5,000 square feet, arguably you
 12 could get four units on 10,000 square feet, and this
 13 property is on more than 10,000 square feet.

14 So that's pretty much the overall of what's
 15 going on in the neighborhood. And many
 16 professionals have talked about the zoning
 17 requirements. We understand that there's C
 18 variances -- or C(2) variances that are requested;
 19 those are the bulk variances, and then we're also
 20 looking at the D(1), which is a use variance, and at
 21 the D(5), which is a density variance.

22 And essentially, when it comes to the C
 23 variances and -- as far as the D(1), that's the use
 24 variance. So this is a conditional use and not a
 25 considered permitted use -- I take that back. It's

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1 essentially you can look at -- there's quite a
 2 number of them, but in particular I would say what
 3 would be called into play and that's letters A, E
 4 and M. And I won't bore you with reading through
 5 them in complete -- completely, but at least item A
 6 is to encourage municipal action to guide the
 7 appropriate use or development of all lands;
 8 And then for E is to promote the
 9 establishment of appropriate population densities
 10 and also to -- appropriate population densities and
 11 concentrations that will contribute to the
 12 well-being of persons, neighborhoods, communities
 13 and regions and preservation of the environment;
 14 And M, which is to encourage coordination of
 15 the various public and private procedures and
 16 activities shaping land development with a view of
 17 lessening the cost of such development and to the
 18 more efficient use of land.

19 And so since this is an existing building,
 20 we're not looking to increase the footprint. I
 21 think that by having -- by using what is there and
 22 essentially trying to improve it is definitely an
 23 efficient way, which I think starts to talk to those
 24 special reasons.

25 There's also site suitability. And one way

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1 a conditional use for two-families. Since this is a
 2 four-family that we're looking at, this is not a
 3 permitted use. That's why we're requesting a D(1)
 4 variance. In addition to that, the maximum dwelling
 5 unit per acre is about 8.71 units per acre, and
 6 what's being proposed is 16.32 units per acre.

7 So those are the variances that we're looking
 8 at; the C(2), D(1) and D(5). And so in order to
 9 talk about the reasons why we believe that these
 10 variances can be approved, then that goes into the
 11 next phase, which is really the proofs of this
 12 application. And what I mean by proofs is giving
 13 positive criteria or the special reasons that would
 14 allow for something to be approved.

15 Now, if this property is not -- it's not
 16 inherently beneficial; it's not a school or
 17 something like that, then -- and this is really not
 18 an economic hardship, what we're looking at is a
 19 special reason or special reasons. And basically
 20 the special reasons is to encourage the municipal
 21 action to guide appropriate use and development of
 22 all lands in the state and in a manner that will
 23 promote the public health and safety, morals and
 24 general welfare.

25 However, when we look at special reasons,

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1 to meet that is positive criteria. And essentially
 2 it promotes general welfare because the proposed
 3 site is particularly suitable for the proposed use.
 4 So essentially what we're looking at is we're using
 5 an existing building, an existing structure, and
 6 then trying to use it as best we can.

7 And I think that if we were looking to add to
 8 a nonexisting conforming use, let's say we were
 9 looking to add another level or add to the
 10 footprint, then I think that would be, you know,
 11 arguably, not the right thing. And that's not what
 12 the client is looking to do. He's looking to
 13 improve (inaudible) that would be consistent with
 14 the residential nature. And since the parking is
 15 now not an issue, we're looking at the density,
 16 which is the D(5) variance, is now being addressed
 17 because now we're looking at meeting the eight
 18 parking spaces that are required.

19 So after we go through all that, and those
 20 are really the positives to that, we also have to
 21 look at the negative criteria. And essentially the
 22 negative criteria should -- we have to prove that
 23 the use would not be substantially detrimental to
 24 the public good and that the use shall not
 25 substantially impair the intent and purpose of the

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1 zone plan and zoning ordinance.
 2 And I think through the testimony that I've
 3 had so far, that we're looking to bring something
 4 more in character with what's already there, a
 5 residential property, and potentially converting a
 6 commercial property back to a residential one, and
 7 then also by providing sufficient parking, that we
 8 are addressing the density.
 9 And then what I think we've already
 10 discussed, the existing bulk variances, which are
 11 the C(2) variances, are essentially immaterial
 12 because they are existing conditions.
 13 And so overall, I don't think that there
 14 would be a substantial detriment to the public good.
 15 It won't impair the intent or the purpose of the
 16 zone plan. And so essentially I don't believe that
 17 there is any negative criteria for this project to
 18 not be approved.
 19 So that is it for my testimony. Kevin, if
 20 you have questions, let me know.
 21 **Q.** Just let me put a bow around it. You
 22 testified that you (inaudible) the special reasons
 23 that are the positive criteria, correct?
 24 **A.** That is correct.
 25 **Q.** Do you find that this site is

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Direct - J. Dumas, P.P. - Morse

1 particularly suitable for this type of development
 2 and so forth?
 3 **A.** Right, it is, due to the unique nature. I
 4 mean, this is not a property that's typical;
 5 however, I think it's a creative way to use a
 6 property that would then bring it back into
 7 character with the rest of the neighborhood.
 8 **Q.** Okay. And you believe that this proposed
 9 development supports what they call the enhanced
 10 quality of proof? I think you already testified you
 11 reviewed the Master Plan.
 12 **A.** Right, that's -- it's true, that -- I've
 13 reviewed that. In addition to that, I've seen a few
 14 properties that are on Raritan Street, that I've
 15 been able to check the tax records that appear to be
 16 two-families that are on 5,000 square feet. I think
 17 it's 283 and 287 Raritan Street.
 18 So there are instances where the strict
 19 application of the zoning has not been adhered to
 20 but it seems to be operating perfectly fine, and
 21 that's just around the corner from this property.
 22 **Q.** Again, with the negative criteria, it's
 23 your opinion that the proposed relief could be
 24 granted without substantial detriment to the public
 25 good or substantial impairment to the intent and

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1 purpose of the City's zone plan and zoning ordinance;
 2 is that accurate?
 3 **A.** That is accurate, and I think by the client
 4 looking at reducing the amount of units and then
 5 bringing the parking into compliance with what's
 6 required, I think that that mitigates even more so
 7 the (inaudible) of this project.
 8 **MR. MORSE:** Okay, that's all the
 9 testimony from Mr. Dumas with regard to planning as
 10 well. We invite questions from the Board or the
 11 professionals at this time if there are any planning
 12 questions.
 13 **CHAIRWOMAN SZARO:** Thank you. Any
 14 questions? I don't see any hands. I think we're
 15 good. Thank you.
 16 **MR. MORSE:** Again, Mr. Dumas will be
 17 available until the conclusion of the hearing if
 18 something comes up.
 19 **But, Madam Chairwoman, members of the**
 20 **Board, thank you for your indulgence. That is all**
 21 **the testimony from our witnesses for your**
 22 **consideration.**
 23 **CHAIRWOMAN SZARO:** Thank you all so much.
 24 At this time, we do not have any questions from the
 25 Board members, but I would like to open this up to

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1 the public. So I do see --
 2 **MR. STAHL:** Madam Chairwoman, a motion?
 3 **CHAIRWOMAN SZARO:** Yes? I'm sorry?
 4 **MR. STAHL:** Make a motion to open to the
 5 public.
 6 **DR. GONZALEZ-GOMEZ:** George Gonzalez. I
 7 was going to make a motion to open to the public.
 8 **CHAIRWOMAN SZARO:** Okay. I was looking
 9 for a motion to open up to the public. So thank you,
 10 George. Can I have a second? Janet, I see that.
 11 Thank you so much.
 12 What I will say as we -- as I was saying,
 13 we don't have -- we have a few folks in the public,
 14 so we were going to do it by alphabet, but I think
 15 that because we seem to have a limited amount, I will
 16 ask that if somebody wants to speak -- I think Norma,
 17 I'm going to ask you to -- if you'd like to say
 18 anything. I know you called out earlier.
 19 **But I will ask everyone to please stick**
 20 **to five minutes for your comments and questions, if**
 21 **at all possible.**
 22 **So, Norma, is there anything that you**
 23 **would like to add? You're on mute. Okay, Norma, if**
 24 **you want to speak you have to unmute your mic.**
 25 **MS. MARTORANO:** Okay.

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1 MR. STAHL: We need her full name and --
 2 CHAIRWOMAN SZARO: Norma, now that we
 3 have you, Norma, you need to state your first and
 4 last name and Mr. Stahl will swear you in.
 5 MS. MARTORANO: Okay.
 6 MR. STAHL: And her residence, her
 7 address.
 8 MS. MARTORANO: My name is Norma R.
 9 Martorano slash Padua. I'm at 538 Ridgeway Avenue.
 10 N O R M A R. M A R T O R A N O, sworn.
 11 MS. MARTORANO: Okay, so I have a couple
 12 of questions that I -- right now, it's such a -- I
 13 hear the feedback. Right now I have three feet on
 14 that side of the property where the fence is.
 15 So what I think you were saying is that
 16 you're going to move the fence another two feet over,
 17 which would give me five feet, and then the fence is
 18 going to be closer to your property, and then you
 19 would be also installing these junipers, so which
 20 would cut down on more space for your parking spots.
 21 Is that right?
 22 MR. MORSE: I think that's a question
 23 that should be fielded by Mr. Ploskonka. John,
 24 you're on mute.
 25 CHAIRWOMAN SZARO: Mr. Ploskonka? There

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1 you go.
 2 MR. PLOSKONKA: Okay, Norma, John
 3 Ploskonka. If you saw the plans last time, you'll
 4 notice that where your windows are, there's a much
 5 wider area between the parking lot and your windows.
 6 So you could have 11 feet near the back of your house
 7 (inaudible). There's room for us to place trees
 8 behind our fence that would go six to eight feet
 9 tall, and then they would grow higher over a short
 10 period of time, the special trees that we referred to
 11 as Skyrocket junipers.
 12 MS. MARTORANO: All right, so I
 13 misunderstood what you were saying the first time. I
 14 thought you were moving the fence and putting in the
 15 junipers.
 16 MR. PLOSKONKA: We are moving the fence
 17 closer to your property line.
 18 MS. MARTORANO: To my property line?
 19 MR. PLOSKONKA: To our property line.
 20 MS. MARTORANO: Oh, okay.
 21 MR. PLOSKONKA: But we'll put the trees
 22 behind the fence on our side, although we have an
 23 option to put the -- leave the fence where it's at by
 24 the windows and put the trees on the other side.
 25 This is something I really want to discuss with you

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1 at the site. We tried to do that.
 2 MS. MARTORANO: I'm okay with not moving
 3 the fence and putting in the junipers.
 4 MR. PLOSKONKA: But we have to move the
 5 fence where it goes through to the parking lot closer
 6 to the front of your house, but not where the windows
 7 are.
 8 MS. MARTORANO: Well, see, that fence is
 9 already almost on my front lawn.
 10 MR. PLOSKONKA: Well, the fence is about
 11 -- as you get to your house, it's about a foot and a
 12 half away from your property line, our property line.
 13 So I would best be meeting you out there, myself or
 14 with Jason, and going over the details on how we can
 15 protect -- minimize the light into your window.
 16 MS. MARTORANO: Yeah, okay about the
 17 lights. I mean, yes, you would have to figure out
 18 something to do there when they pull in the driveway.
 19 MR. PLOSKONKA: You have the five-foot-
 20 high fence that remains, so the lights go down below
 21 the fence itself, and these trees are just giving you
 22 some extra protection.
 23 MS. MARTORANO: But I think what you said
 24 that what you're going to do is you're going to have
 25 them pull in on Ridgeway Avenue and exit on --

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1 MR. PLOSKONKA: They're pulling in from
 2 Raritan Street and exiting on Ridgeway Avenue.
 3 MS. MARTORANO: Oh, okay. So that
 4 eliminates me having the light right in front of my
 5 house. Okay, so they're going to exit on Ridgeway,
 6 and we're going to put in junipers. Okay.
 7 And the other thing -- that's still
 8 taking out -- that's taking away some of your parking
 9 spots, spaces. I think it's -- it's my opinion that
 10 any spaces -- if it works, I think if you have three
 11 apartments, that would be six spaces and two spaces
 12 for visitors, because I understand Raritan Street has
 13 a lot of issues with parking.
 14 Let me see what else. Yes, I mean, if
 15 people are driving F-150 pickup trucks, that's a
 16 pretty tight parking spot to be putting, you know,
 17 eight spaces of pickup trucks.
 18 CHAIRWOMAN SZARO: Anything else, Norma?
 19 MS. MARTORANO: So that's my concerns.
 20 My concerns are, of course, how close -- that the
 21 driveway that they have now is just so close to my
 22 house, so you have to figure out how when these
 23 people are pulling out or, you know, getting out on
 24 the roadway, that they're right next to my house, my
 25 front lawn. And then I think that, you know, if they

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1 had three apartments with eight spaces, they would
 2 have two spaces for visitors.
 3 CHAIRWOMAN SZARO: Well, there are eight
 4 spaces, so we're good with that. Are there any other
 5 concerns that you have that are not -- have not been
 6 addressed?
 7 MS. MARTORANO: That's my concern. My
 8 concerns are like, you know, how close the cars are
 9 coming to my house, that I don't have to see their
 10 lights when they're coming in and out of the
 11 driveway, that, you know, let's face it, you know, we
 12 don't know who the neighbors are going to be yet, so.
 13 You know, they could be very nice; they could be very
 14 quiet or they could be very loud.
 15 CHAIRWOMAN SZARO: Okay. Well, thank you
 16 so much. And if there's nothing else, we'll see if
 17 anybody else from the public has anything that they'd
 18 like to ask or comment on.
 19 MS. MARTORANO: Okay.
 20 MR. PLOSKONKA: Norma, give me your cell
 21 number, please, so I can call you?
 22 MS. MARTORANO: You know, I'm sorry I
 23 missed you the other day. I saw all those cars by my
 24 house and I'm like why are they here?
 25 MR. STAHL: Norma, give John your cell

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1 phone number so he can meet with you. Okay?
 2 MS. MARTORANO: This is my house number,
 3 if you want my number.
 4 MR. PLOSKONKA: What's your phone number?
 5 MS. MARTORANO: It's 732-313-6182.
 6 MR. PLOSKONKA: All right, 313-6182. I
 7 will call you in just a little bit. Okay?
 8 MS. MARTORANO: Okay, fine.
 9 MR. PLOSKONKA: Thank you.
 10 MS. MARTORANO: Thank you.
 11 CHAIRWOMAN SZARO: Okay, thank you.
 12 Anyone else from the public? Okay, I don't hear
 13 anyone or see anyone.
 14 MR. JASON VALETUTTO: They're all on
 15 mute, Mary. The public's all on mute.
 16 CHAIRWOMAN SZARO: I'll unmute them. Not
 17 all of them.
 18 I'm not going to be able to unmute this;
 19 I'm on a phone.
 20 MR. STAHL: We can hear you, Mary. We
 21 can hear you.
 22 MS. KRZYKOWSKI: Okay. I think Norma
 23 touched on something because one of the --
 24 MR. STAHL: Hold on, hold on.
 25 CHAIRWOMAN SZARO: I'm sorry, we don't

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1 know who this is.
 2 MS. KRZYKOWSKI: Irene Krzyzkowski.
 3 MR. STAHL: Hold on, stop. Irene, just
 4 one second. I just want to get everything organized.
 5 State your name and spell your last name and give us
 6 your address.
 7 MS. KRZYKOWSKI: My last name is
 8 K-r-z-y-z-k-o-w-s-k-i.
 9 MR. STAHL: And your address?
 10 MS. KRZYKOWSKI: 276 Raritan Street.
 11 I R E N E K R Z Y Z K O W S K I, sworn.
 12 MS. KRZYKOWSKI: Okay. Now, as I was
 13 listening, those eight parking places were undersized
 14 to begin with. And, like Norma said, if you have a
 15 large vehicle or a decent size vehicle, not a compact
 16 one, these people will probably look to find an
 17 easier place to park if they have trouble getting
 18 into these -- in and out of these spaces, so they're
 19 going to be parking on the street.
 20 Wouldn't it be better to have (inaudible)
 21 and make those parking places larger? And that's my
 22 concern, because we have enough people parking on the
 23 street already, blocking driveways like that.
 24 MR. REA: This is John Rea. Let me
 25 address the size of the parking spaces. The parking

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1 spaces are nine feet wide by 18 feet deep and that is
 2 in accordance with RSIS, the Residential Site
 3 Improvement Standards. So the size of the parking
 4 spaces are in conformance with the state standards
 5 and they're appropriate.
 6 MS. KRZYKOWSKI: Okay. Okay. You're
 7 saying they're appropriate. But I'm saying if
 8 anybody has a problem there, they're going to be
 9 street parking. And that's going to be causing
 10 problems in the neighborhood. So, you know, that's
 11 my concern. Three apartments wouldn't be a bad idea.
 12 MR. JASON VALETUTTO: The limitation of
 13 the parking is not the size of the stall, it's the
 14 aisle width, and aisle width is never going to change
 15 because the building is an existing building and it's
 16 situated as such on the property. There is no way --
 17 if you reduce the parking requirement to six, they're
 18 still going to have the same issue with aisle width.
 19 So right now they have four units and
 20 they are proposing enough parking spaces for those
 21 four units. It's the aisle width that will not
 22 change regardless if there's three units, two units.
 23 It's still going to be the same back-up. So the
 24 property is limited based on the existing conditions.
 25 MS. KRZYKOWSKI: Well, since it's

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1 limited on the existing conditions, three apartments
 2 wouldn't make it easier somehow?
 3 MR. JASON VALETUTTO: I don't think
 4 you're understanding my comment. If you reduce it to
 5 three apartments, trying to reduce the parking to six
 6 spaces, they're still going to have the issue of
 7 aisle width.
 8 The property is limited based on the
 9 location and size of the building compared to the
 10 property. The aisle width is never going to change
 11 regardless of how many parking spaces you try to put
 12 out there.
 13 MS. KRZYKOWSKI: Okay. All right,
 14 that's -- well, that was my concern anyway, and it's
 15 still my concern, but they're probably in place, so.
 16 MR. JASON VALETUTTO: Okay, the Board has
 17 heard your concerns and they will take that into
 18 consideration when they make their vote. But I'm
 19 just giving you the facts that this is an existing
 20 building and based on the situation nothing is going
 21 to change that aisle width.
 22 MS. KRZYKOWSKI: Okay. Thank you very
 23 much.
 24 CHAIRWOMAN SZARO: Okay, thank you,
 25 Irene.

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1 MS. KRZYKOWSKI: Okay, thank you.
 2 CHAIRWOMAN SZARO: Thank you. Anybody
 3 else from the public, if you'd like to speak, just
 4 please say your name for us.
 5 MS. McQUADE: May I speak, please?
 6 CHAIRWOMAN SZARO: Certainly. Who are
 7 you?
 8 MS. McQUADE: My name is Mary Kate
 9 McQuade.
 10 CHAIRWOMAN SZARO: Please give us your
 11 name again and address.
 12 MS. McQUADE: Sure, it's Mary Kate
 13 McQuade, 289 Raritan Street.
 14 M A R Y K A T E M c Q U A D E, sworn.
 15 MS. McQUADE: Okay, so my concern is with
 16 the parking. I live directly across the street, and
 17 already if there's one apartment, I have several
 18 pictures that at night five cars are already parking
 19 there. So if there's only one apartment and we have
 20 five cars in a parking lot at night, there's going to
 21 be an issue with four apartments.
 22 Also, if you're saying that the cars need
 23 to enter on Raritan and exit on Ridgeway, we're
 24 already having a problem that these people are
 25 already exiting on Raritan Street.

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1 And yesterday they were doing work on the
 2 corner of Raritan and Ridgeway. They're replacing
 3 water. And the police officer made me go through to
 4 turn around because both sides of the roads were
 5 blocked. I have a Chevy Traverse, and if you're
 6 going to be parking back there, I wouldn't be able to
 7 make it through with other cars being parked there.
 8 So I only have a Chevy Traverse; I don't have a
 9 truck, and the parking wouldn't have been -- the
 10 parking will be tight if someone with a bigger SUV
 11 does try to get through there.
 12 And my other (inaudible) at this point
 13 there are no directional signs as far as how people
 14 come in or out. That's something that will be there
 15 going forward, correct?
 16 MR. MORSE: Correct.
 17 MR. PLOSKONKA: That's correct.
 18 MS. McQUADE: And if there's only one
 19 apartment in -- right, correct, there's only one
 20 apartment being in use? We already have five people
 21 at night staying there. So my whole concern is we
 22 don't want this to be a Section 8, but if it's going
 23 to be four apartments, we want four apartments, not
 24 four apartments with 25 people living in them.
 25 CHAIRWOMAN SZARO: Any comments?

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1 MR. STAHL: Kevin, I don't know -- let me
 2 -- at this point in time, the occupants, so long as
 3 the occupant number is within the City ordinance as
 4 permitted by law, we do not have control. The
 5 (inaudible) of the City are consistent with the
 6 federal and state laws regulating the number of
 7 people. You can't put ten people living in an
 8 apartment; you can't put three families in the
 9 apartment. You cannot indicate the income level of
 10 anyone who goes into those apartments.
 11 This is not a structure that is -- what
 12 is traditionally Section 8. This is not something
 13 that would be financed by, nor constructed pursuant
 14 to Section 8 or -- housing or HFA (sic) financing.
 15 However it's financed is fine. It will be four
 16 independent rental units, and that's the City's
 17 requirement. So I don't think you have to worry
 18 about overcrowding or other such uses.
 19 MR. MORSE: And let the record reflect I
 20 see Mr. Kapoor, who is still muted but shaking his
 21 head in agreement with everything he just heard you
 22 say, so I'll say it for him.
 23 Mr. Kapoor, if you'd unmute your mic for
 24 a moment. Mr. Kapoor, you just heard Mr. Stahl
 25 really give a recitation just as to the law.

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1 (Inaudible) problems with any parking (inaudible);
 2 there are occupancy restrictions. You own other
 3 properties in the City, is that correct?
 4 MR. SHAN KAPOOR: That is correct.
 5 MR. MORSE: And you've always been in
 6 compliance with these units and if the Board is
 7 willing to give you approval, you will continue to be
 8 the good neighbor you always have, is that correct?
 9 MR. SHAN KAPOOR: Yes, we've always been
 10 in compliance and we've never had any issues.
 11 MR. MORSE: Okay. It's not their first
 12 rodeo in the City and that's one of the reasons
 13 they're back, because they're happy to be (inaudible)
 14 invested in this City; I can tell you that.
 15 MR. STAHL: Jason has his hand raised,
 16 Mary.
 17 CHAIRWOMAN SZARO: I see him. Jason?
 18 MR. JASON VALETUTTO: I just wanted to
 19 state for Ms. McQuade that they will have to -- since
 20 these are apartments they do have to register with
 21 the City, which means that they will have to be open
 22 to yearly inspections. So during those yearly
 23 inspections they will know if -- how many people are
 24 really living in that apartment. They will be able
 25 to control it that way.

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1 As far as your concerns saying that
 2 there's been five cars, I don't know if your team
 3 would be willing to put signage out there for each
 4 apartment. That way each apartment has a fair share
 5 of parking; you get two spaces per apartment. That
 6 will also limit who should be on this property.
 7 MR. MORSE: And typically that's what
 8 happens. I mean, with two spaces per unit, you don't
 9 want one tenant taking up someone else's parking. I
 10 see somebody from the Board shaking his head.
 11 It's my understanding, Mr. Kapoor, that
 12 it would be your intention to designate as part of
 13 any lease that each unit is assigned two spaces. Is
 14 that accurate?
 15 MR. SHAN KAPOOR: Yes, we'll assign for
 16 each apartment, correct.
 17 MR. MORSE: Okay.
 18 MR. JASON VALETUTTO: And we'll have to
 19 have it on the plans for Mr. Ploskonka if there's
 20 going to be signage so we can have the signage
 21 detail, and if you're going to stripe like apartment
 22 numbers on the pavement as well.
 23 MS. McQUADE: And then my next question
 24 is, is this going to go through? Because in March I
 25 do have a picture that a sign went up for sale for

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1 rent bar or cater. So we're going through with the
 2 four apartments, not turning this back into a bar,
 3 correct?
 4 MR. JASON VALETUTTO: If the applicant
 5 gets the benefit of an approval tonight, the bar or
 6 restaurant use becomes vacated. It is now going to
 7 be -- the use of this property is for four apartments
 8 and four apartments only. They cannot go back.
 9 If they do not receive an approval, they
 10 have every right to market the property until they go
 11 through and get an approval. They could have sold
 12 this to someone that wanted to buy this property and
 13 reopen it as a bar/restaurant with the one apartment
 14 up above because that's what the current use of the
 15 property is.
 16 Once they get an approval, if they get an
 17 approval tonight for four apartments, that bar and
 18 restaurant use goes away, and if they ever want to
 19 reopen it as a bar and restaurant they would have to
 20 come before the Zoning Board and make a whole
 21 application and get approval that way. They can't
 22 bounce back and forth between uses.
 23 MS. McQUADE: Okay, I just wanted to make
 24 sure that that was correct because over the summer
 25 when we were hearing the like beating and -- the

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1 working in there, they told us that the bar was
 2 removed. That's why we were all, as neighbors,
 3 concerned that now all of a sudden the sign is going
 4 up when they told us that the bar was removed from
 5 inside.
 6 MR. SHAN KAPOOR: The physical bar was
 7 removed from within.
 8 MR. MORSE: Why don't we -- you know
 9 what, we should probably swear him in, Mr. Stahl.
 10 MR. STAHL: Yes. Which one of the
 11 Kapoors is going to testify?
 12 MR. SHAN KAPOOR: Shan Kapoor.
 13 MR. STAHL: All right, spell your first
 14 and last name, please.
 15 MR. SHAN KAPOOR: First name is S-h-a-n,
 16 last name K-a-p-o-o-r.
 17 MR. STAHL: Raise your right hand.
 18 S H A N K A P O O R, sworn.
 19 MR. STAHL: Thank you. Go ahead, Mr.
 20 Morse.
 21 DIRECT EXAMINATION BY MR. MORSE:
 22 Q. All right, just to confirm, Mr. Kapoor, I
 23 understand the bar was -- well, the bar was actually
 24 removed out of the tavern portion of the building, is
 25 that right?

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Direct - Shan Kapoor - Morse

1 A. That's correct.

2 Q. That's because it's your intention not to

3 reopen the bar, is that correct?

4 A. That's our intention.

5 Q. Okay. And if you receive the benefit of

6 an approval, just confirming to the Board, you intend

7 on going forward and building out these four units;

8 is that accurate?

9 A. Yes.

10 Q. And even if you don't build them out, you

11 understand the approvals run with the land, that even

12 if the property was sold, what you have is an

13 approved four-unit building and it can't be reopened

14 as a bar without going back to the Board; you

15 understand that, right?

16 A. Absolutely, yes.

17 MR. MORSE: Okay. I think that satisfies

18 -- I hope satisfies the concern of all parties.

19 CHAIRWOMAN SZARO: Mary Kate?

20 MS. McQUADE: Well, like I said, I do

21 agree with the neighbors that three apartments would

22 be sufficient. This is a single-family residency in

23 this neighborhood and four is just too much for us,

24 especially that you're at a busy stop sign there,

25 that there are more accidents occurring, and people

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1 coming out of there, I just feel that we're just --

2 it's an accident waiting to happen.

3 CHAIRWOMAN SZARO: Okay. Thank you.

4 Thank you for your comments.

5 MS. McQUADE: Thank you.

6 CHAIRWOMAN SZARO: Anyone else from the

7 public? State your name, please.

8 Okay, one last time. Anyone else from

9 the public before we close the meeting to the public?

10 Okay. Do I have a motion to close to the

11 public, with the Board member making the motion

12 saying their name? Thank you, George Gonzalez.

13 Second?

14 DR. GONZALEZ-GOMEZ: Second.

15 CHAIRWOMAN SZARO: George is second?

16 George Gonzalez, thank you.

17 DR. GONZALEZ-GOMEZ: Yes, George

18 Gonzalez.

19 CHAIRWOMAN SZARO: Thank you. Any

20 opposed? Okay, this concludes the public section for

21 this application.

22 Mr. Morse, do you have any closing

23 comments or ...

24 MR. MORSE: You know, I'll be very brief

25 because I know you've heard a lot of testimony both

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1 this evening and back in February. You know, we

2 started this case a couple of months ago. We took

3 into consideration the comments received by the

4 Board, any comments from the last hearing.

5 I think you have an applicant here who's

6 trying to do the right thing. After hearing those

7 comments, he did go back to the drawing board. We

8 did eliminate -- we do have better parking, even

9 though we thought it was appropriate for the five,

10 but we went to four. We added more architectural

11 flare at the suggestion of the Board.

12 It's an applicant that's trying to do the

13 right thing. This applicant is the principal --

14 owner of other properties in the City. He's

15 considered to be a good neighbor. And I think the

16 fact that he came and changed his plans trying to

17 respond to the comments by eliminating a unit, it's

18 (inaudible) of the fact that he's trying to do the

19 right thing.

20 I think after you listened to all the

21 proofs and our very learned group of experts, we have

22 an appropriate development with the four units here,

23 appropriately parked and we request that the Board

24 approve the application as submitted.

25 CHAIRWOMAN SZARO: Thank you. From the

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1 Board, any final questions, comments? Okay, Jason?

2 MR. JASON VALETUTTO: Do you want me to

3 just quickly review the use variances and the bulk

4 variances so it's fresh so they know what they are

5 voting for?

6 MR. STAHL: Also any conditions.

7 CHAIRWOMAN SZARO: Well, my first

8 question was going to be are there any conditions to

9 an approval (inaudible). So if you could add that as

10 well, that would be great.

11 MR. JASON VALETUTTO: Well, I wasn't

12 going to give them all of them. I was just going to

13 say that they're voting on three use variances; a

14 multi-family in a single-family zone, the 16.32 units

15 per acre, and the four units per building. And then

16 the minimum lot area, minimum lot width, minimum yard

17 set -- front yard setback, and front yard setback

18 both on Ridgeway and Raritan, and maximum lot

19 coverage variances, those are all existing variances.

20 They are voting on an impervious coverage

21 variance, a 79.6 where 60 percent; a parking

22 variance. They're required to have eight; they're

23 providing eight spaces that don't have sufficient

24 back-up. And they are asking for a waiver of curb

25 distance from property line, where the requirement is

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1 five and in one location they have it as .6 feet from
 2 the property line.
 3 MR. STAHL: There's one more item, Jason,
 4 that the young lady who's going to meet with
 5 Ploskonka, where does that come in? Tell me how you
 6 want to resolve -- if it's approved, where does that
 7 condition come in?
 8 MR. JASON VALETUTTO: I think it would
 9 just be stated if they receive an approval, that the
 10 Resolution states anything discussed at this meeting,
 11 that when they come with Resolution compliant plans,
 12 we will be able to analyze what they are proposing
 13 with moving that fence.
 14 Looking at the plan, I don't believe they
 15 need to move the fence in the area where they're
 16 going to be planting the trees. I think that that
 17 section of the fence should probably stay because
 18 that will give the neighbor, Norma, more light in
 19 those windows and will keep the trees away from those
 20 windows.
 21 I think the only portion of the fence
 22 that should move is where it is in conflict with the
 23 curbing for the parking. I believe that the fence
 24 could be moved along the curbing and still provide
 25 enough screening for her, as there are no windows in

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1 that section of her home. But the fence will still
 2 provide a good barrier.
 3 MR. MORSE: Well, it sounds to me, you
 4 know, subject to obviously Mr. Valetutto and the
 5 Board, that the condition is really final
 6 determination as to the location, final location of
 7 the fence and the trees to be determined by a field
 8 meeting with Mr. Valetutto, our engineer and
 9 certainly (inaudible). I think it's just a question
 10 of where those (inaudible).
 11 MR. JASON VALETUTTO: And the only other
 12 thing that's not contained in my report is for each
 13 apartment building, so each apartment gets two
 14 spaces.
 15 MR. MORSE: The applicant's prepared to
 16 do that as a condition of approval.
 17 CHAIRWOMAN SZARO: Scott?
 18 VICE CHAIRMAN KOMINKIEWICZ: Jason, could
 19 you please quantify the variances and waivers?
 20 MR. JASON VALETUTTO: One waiver, three
 21 -- well, it's two -- the bulk densities, so it's two
 22 or three use variances, whichever way you want to
 23 look at it; one, two, three, four, five existing bulk
 24 variances; and two proposed bulk variances.
 25 MR. STAHL: It was seven altogether.

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1 MR. JASON VALETUTTO: Correct.
 2 MR. STAHL: If I recall, it was seven.
 3 MR. JASON VALETUTTO: Seven bulk, five
 4 that are existing.
 5 MR. STAHL: Right.
 6 VICE CHAIRMAN KOMINKIEWICZ: Okay. The
 7 only comment I would like to make is addressed to Mr.
 8 Kapoor. If this is approved by the Board this
 9 evening, that's quite a lot of variances. All right?
 10 And I would just hope that ethically you'd be
 11 appreciative of that and, as your attorney has
 12 indicated, be an excellent neighbor in the
 13 neighborhood.
 14 MR. SHAN KAPOOR: Yes, absolutely.
 15 VICE CHAIRMAN KOMINKIEWICZ: Thank you.
 16 MR. JASON VALETUTTO: Scott, just I want
 17 to point out by them reducing from five units to
 18 four, it did eliminate a number of variances for --
 19 each unit had to have a thousand square feet, and
 20 prior they did not meet that for I think four of the
 21 five units, and now with the four units they meet
 22 that with all of them, so all those bulk variances
 23 went away. They were able to eliminate a substantial
 24 amount.
 25 VICE CHAIRMAN KOMINKIEWICZ: Thank you.

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1 I was pleased with the reduction of units.
 2 CHAIRWOMAN SZARO: Okay, unless anyone
 3 else has anything else, we have the variances and
 4 also the conditions. With that, do I have a motion
 5 to accept? I'm looking for a hand. Okay, George
 6 Baranowski?
 7 MR. BARANOWSKI: Yes.
 8 CHAIRWOMAN SZARO: Make a motion to
 9 accept?
 10 MR. BARANOWSKI: Motion to accept.
 11 CHAIRWOMAN SZARO: Thank you. And,
 12 Janet, I see you.
 13 MS. KERN: Second.
 14 CHAIRWOMAN SZARO: Second? Okay, roll
 15 call, please? Amy?
 16 MS. RUSSO: Yes; I was trying to unmute
 17 myself. I did send you like a little message that
 18 George Gonzalez had to leave.
 19 CHAIRWOMAN SZARO: Okay.
 20 MR. STAHL: Who had to leave, Amy?
 21 MS. RUSSO: Dr. George Gonzalez.
 22 MR. STAHL: Okay.
 23 CHAIRWOMAN SZARO: Does that affect our
 24 vote?
 25 MR. STAHL: Well, we're down to six.

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1 MR. MORSE: In this situation, Mr. Stahl,
 2 I'd ask the vote to go through. We're missing a
 3 member. And if we get more than five, that becomes a
 4 moot point, but if we don't, then I will want to
 5 reserve the right to have that transcript prepared so
 6 I could get my full seven member vote. It could
 7 become a moot point depending on how the Board votes,
 8 but I don't want to close the door.

9 MR. STAHL: Well, but, Kevin, here's the
 10 problem, and I've been in this situation. I don't
 11 want to opine to this Board what they should do. In
 12 other words, there's going to be a vote. You know,
 13 you're taking a reading of the six members.

14 If the Board says yes with five or six
 15 votes, you get a use variance and all the bulk
 16 variances. If the Board only says -- only four
 17 people vote in the affirmative, I cannot then say,
 18 oh, you know, let's take a mulligan and we go back
 19 next week and have Dr. George read the transcript.

20 I mean, I cannot do that, as much as I
 21 would like to, you know, help all people, both the
 22 residents and your client. Once there's a vote,
 23 there's a vote. You would have to then ask for a
 24 reconsideration and there are some -- there would be
 25 some legal ramifications, which I don't want to go

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1 into and give any advice.
 2 So it's either you would ask for the vote
 3 today or you ask for the vote to be next month and
 4 anticipate you'll have the same seven people and Dr.
 5 George reads the balance of the transcript. It's
 6 your call.

7 MR. MORSE: Yeah, I did not realize that
 8 he had left the building, so to speak, but it's a
 9 real problem for us obviously because I could get
 10 four yes votes, two no votes and (inaudible) sitting
 11 here (inaudible).

12 MR. STAHL: And let me just count. Amy,
 13 I don't see an alternate. So there's no one else
 14 that came in the room. We right now have six plus
 15 the Mayor. The Mayor is not a voting member on this
 16 application because it's a use variance by statute.

17 So I only see -- help me, Mary and Amy.
 18 I only see six voting members who are eligible to
 19 vote. So, you know, we'll do what you want.

20 I'm sorry --

21 MS. RUSSO: Can I call him? Like can I
 22 call him, because I just texted him? If I put him on
 23 speaker, would that count or does --

24 MR. STAHL: Well, I'll tell you why it
 25 will, and I'm comfortable with it, because of the

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1 COVID and the fact that the entire hearing has been
 2 on remote, and, you know, virtual, that he can now
 3 enter the portal; he understands the application; he
 4 can then vote yay or nay.

5 I am assuming, Kevin, you would have no
 6 objection to that.

7 MR. MORSE: No, no, I mean, he's just
 8 basically changing his virtual presence from -- to
 9 another -- in a different virtual meeting. So, yeah,
 10 then that will get us the full complement to go
 11 forward.

12 MR. STAHL: In a normal situation, just
 13 so the Board understands, if we were not in this
 14 horrible crisis right now and we had a regular Board
 15 meeting as we did and a Board member were remote and
 16 was not at the meeting and did not participate,
 17 (inaudible) him or her to vote but because they were
 18 not present for the roll call or for the
 19 determination.

20 So I am comfortable if George gets on.
 21 Since he heard all the testimony and he's prepared to
 22 vote, I can actually live with that, if you'll call
 23 him.

24 MR. JASON VALETUTTO: I was going to say
 25 if he can't get on a computer, he can just use the

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1 phone number, calling in and identifying himself as
 2 Dr. George Gonzalez, yes, I've heard everything. And
 3 then --

4 MR. STAHL: No. Jason, he doesn't have
 5 to get on a computer. We've had people tonight who
 6 are on cell phones or whatever else they're on. All
 7 I need -- and I know George's voice.

8 MR. JASON VALETUTTO: I just want to get
 9 the ball rolling because I think we're chewing our
 10 own -- right now --

11 MR. STAHL: You're right.

12 MR. JASON VALETUTTO: Amy, call him and
 13 tell him to call back with the call-in number. Amy,
 14 if you have the call-in number, just give it to him.

15 MS. RUSSO: I'm sending it to him right
 16 now.

17 MR. JASON VALETUTTO: All right.
 18 Just trying to save time, Jim, because
 19 she could be doing that now.

20 MR. STAHL: You and I are always on the
 21 same page, whether it's the right page or the wrong
 22 page.

23 Now, Madam Chairwoman, there was a motion
 24 and a second, is that correct?

25 CHAIRWOMAN SZARO: Yes.

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1 MR. STAHL: All right, so we're now going
 2 to just take the vote, is that correct?
 3 CHAIRWOMAN SZARO: Yes. Amy, we did get
 4 a second. I believe that was Janet, correct?
 5 MS. RUSSO: Yes. (Inaudible) Janet, yes.
 6 MR. JASON VALETUTTO: The vote is subject
 7 to Dr. George coming back though, correct, Jim?
 8 MR. MORSE: Yes, we're just waiting for
 9 him to get back on the phone.
 10 CHAIRWOMAN SZARO: Yes.
 11 MR. STAHL: And just so the Board
 12 understands, I cannot allow you to start the vote
 13 without George on, you know, on the meeting, because
 14 that way he does not hear what other votes are and
 15 he's entitled to know that.
 16 CHAIRWOMAN SZARO: Did he respond, Amy?
 17 MS. RUSSO: Not yet.
 18 CHAIRWOMAN SZARO: Can you maybe actually
 19 call instead of text?
 20 MS. RUSSO: Well, if I'm calling him, he
 21 might be -- it might interrupt him from trying to
 22 call in.
 23 CHAIRWOMAN SZARO: Okay.
 24 MS. RUSSO: I think he's on.
 25 George, are you here?

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1 CHAIRWOMAN SZARO: Yes. Congratulations.
 2 MR. MORSE: All right, thank you, ladies
 3 and gentlemen.
 4 MR. STAHL: Thank you, Kevin. Very nice
 5 job and those of your professionals as well.
 6 MR. MORSE: Hopefully these will all get
 7 easier.
 8 MR. STAHL: I tell you, Mary, I have to
 9 applaud my Chairwoman and the Board. Mary, I don't
 10 know how much more efficiently you could have done it
 11 than you did. I think it just was --
 12 CHAIRWOMAN SZARO: We get better every
 13 time. And I appreciate everybody's patience.
 14 (Whereupon the public hearing was
 15 concluded at 9:05 p.m.)
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1 DR. GONZALEZ-GOMEZ: I'm here.
 2 MR. STAHL: George, you were present for
 3 all of the testimony, were you not?
 4 DR. GONZALEZ-GOMEZ: Yes, I was present
 5 for all the testimony. And I'm prepared to vote.
 6 MR. STAHL: And I know your voice
 7 anywhere. So we're now going to take the vote. And
 8 for the record, Dr. George Gonzalez has re-entered
 9 the room, Amy, so he's at the meeting, and you can --
 10 you and Ms. Chairwoman can do whatever you think you
 11 have to do to take the vote.
 12 CHAIRWOMAN SZARO: Amy, roll call.
 13 MS. RUSSO: Dr. George Gonzalez?
 14 DR. GONZALEZ-GOMEZ: Yes.
 15 MS. RUSSO: Steven Giarratano?
 16 MR. GIARRATANO: Yes.
 17 MS. RUSSO: Holly Hughes?
 18 MS. HUGHES: Yes.
 19 MS. RUSSO: Janet Kern?
 20 MS. KERN: Yes.
 21 MS. RUSSO: George Baranowski?
 22 MR. BARANOWSKI: Yes.
 23 MS. RUSSO: Scott Kominkiewicz?
 24 VICE CHAIRMAN KOMINKIEWICZ: Yes.
 25 MS. RUSSO: Chairwoman Szaro?

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C E R T I F I C A T E

I, BETSY CONDIOTTI, a Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, certify that the foregoing is a true and accurate verbatim transcript of the proceedings as taken by and before me on the date and place hereinbefore set forth.

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