

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
September 23, 2020

Members present: Mary Szaro, Scott Kominkiewicz, Mayor Fred A. Henry, Thomas Kelly, George Baranowski, Holly Hughes, Catherine Corey, Steven A. Giarratano
Jorge Gonzalez-Gomez

Members absent: Janet Kern, Brian McLaughlin

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

Chairwoman Szaro called this meeting to order.

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. It is requested that any person who wishes to be heard on any matter wait for the Chairwomen to announce that the matter is open for public comments. All persons will be given an opportunity to be heard. 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 Gonzales-Gomez to accept the Minutes of the August 26, 2020 meeting. 7-0, 2 abstentions.

Chairwoman Szaro then reviewed the evening's agenda.

Resolutions

Krysztof Swiech - Application # 410-20

114 David Street Block 39, Lot 9 - Motioned by Scott Kominkiewicz, seconded by Jorge Gonzales-Gomez to accept the resolution as written for granting Bulk Variance Approval. Motion carried 6-0; 3 abstentions.

Hearing

Brian Vallee, Ken Barton, and Charnie Stein - Application #408-20

167 N. Broadway Block 47, Lot 16

Please refer to the attached transcript.

Motion by Scott Kominkiewicz, seconded by Holly Hughes.

To allow this application to be continued. The submission of redesigned plans must be submitted by October 16, 2020, for them to consider to be heard at the next regularly scheduled meeting on October 28, 2020, with no further notice required. Chairwomen Szaro asked for a motion to open this portion of the meeting to the public. Motion by Steven Giarratano, seconded by Thomas Kelly. With no members of the public that wish to speak Chairwomen Szaro asked for a motion to close this portion of the meeting. Motion by Holly Hughes, seconded by Thomas Kelly.

With no corresponds Chairwomen Szaro asked for a motion to open this meeting to the public.

Motion by Thomas Kelly, seconded by Mayor Fred. A Henry. With no public present to speak, Chairwoman Szaro asked for a motion to close the public meeting.

Motion by Holly Hughes, seconded by Thomas Kelly.

Chairwoman Szaro announced that the next virtually scheduled meeting would be held on Wednesday, October 28, 2020, at 7:00 pm.

Motion by George Baranowski, seconded by Jorge Gonzales-Gomez, to adjourn. All in favor.

Respectfully submitted,

Amy Russo

Planning Board Secretary

Minutes Approved on November 19, 2020

PLANNING BOARD
CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

In the Matter of)
The Application of:) Transcript of
BRIAN VALLEE, KEN BARTON,) proceedings
& CHARNIE STEIN)
#408-20)
167 North Broadway)
Block 47, Lot 16)

Wednesday, September 23, 2020
Remote Videoconference Via
GoToMeeting

PLANNING BOARD

MARY SZARO, Chairman
SCOTT KOMINKIEWICZ
FRED HENRY, Mayor
THOMAS KELLY
GEORGE BARANOWSKI
HOLLY HUGHES
CATHERINE COREY
JORGE GONZALES-GOMEZ
STEVEN GIARRATANO

AMY RUSSO, Recording Clerk
JASON VALETUTTO, Planner/Engineer

DEBORAH A. MASTERTON
Certified Court Reporter
29 Hilltop Boulevard
East Brunswick, New Jersey 08816
732-690-2411
dmasterton@comcast.net

ORIGINAL

A p p e a r a n c e s :

JAMES E. STAHL, ESQUIRE,
Attorney for the BOARD

CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC,
Attorneys for the APPLICANT
By: DANTE ALFIERI, ESQUIRE

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1 THE CHAIRWOMAN: For hearings tonight,
2 we have one application, 408-20. Applicant is Brian
3 Vallee, Ken Barton, and Charnie Stein. Apologies if
4 I mispronounced any of those. Their attorney is Mr.
5 Alfieri. I see you're with us. You have the floor.

6 MR. ALFIERI: Good evening, Chairman,
7 members of the board. Thank you for your time
8 tonight. Tonight we are here seeking the board's
9 approval to construct a multi-use property on the
10 property addressed as 167 North Broadway, block 47,
11 lot 16. It's currently a vacant lot, but there is
12 an existing foundation. We're proposing to remove
13 that foundation and construct a three-floor -- a
14 three-story multi-use building where the first floor
15 is going to be retail and the above two floors are
16 going to be proposed apartments.

17 Tonight I have two individuals that will
18 provide testimony. I have the architect, JoAnn
19 Montero, who I'm going to have called up first.
20 She's going to provide some testimony as it relates
21 to what the proposal will be, what the building will
22 look like. And then I'm also going to have our
23 engineer, Robert Kee, come up, and he's going to
24 provide some site testimony as it relates to the
25 site, itself.

1 MR. STAHL: And, Mr. Alfieri, before we
2 go any further, would you just enter your
3 representation.

4 MR. ALFIERI: Dante Alfieri. I
5 represent the applicant.

6 MR. STAHL: Are you a junior?

7 MR. ALFIERI: I am not a junior, no. My
8 father is Sal Alfieri.

9 MR. STAHL: All right. Well, I didn't
10 think you were Sal as I looked at you. No matter
11 what, Amy Russo, do we have jurisdiction? Have the
12 appropriate notices been provided?

13 MS. RUSSO: Yes, everything --

14 MR. STAHL: Thank you very much. I just
15 also, Mr. Alfieri, wanted to indicate this is a
16 planning board function of the joint development
17 board; therefore, it is a planning board function.
18 Nine of the principal members may vote. If there's
19 an alternate, I think we have nine or ten, so if
20 there's a tenth person who's an alternate, that
21 person, of course, may sit but will not vote.

22 I would also indicate to you, Mr.
23 Alfieri -- and I'm sure you're aware of this -- this
24 application is in a redevelopment zone; therefore,
25 as -- one of the conditions will be to any approval

1 will be SARA, S-A-R-A, a final review of the
2 application, including any development --
3 development plan or development agreement as between
4 your client and SARA. Tonight you have provided
5 certain issues which someone might call a variance.
6 Planner Mr. Valetutto and I always refer to these
7 items as deviations since, as you are aware, you
8 cannot have a variance with respect to a
9 redevelopment zone.

10 So I will now be -- please -- you know,
11 when you have your witnesses, the rest of us will
12 put our microphones on mute, and Jason may at some
13 point in time ask you a question or they will be
14 trying to save them until the end. If anyone talks
15 from your side, in order that the court reporter
16 knows what's going on, please have them identify
17 themselves. So if, for instance, Mr. Winters is
18 testifying and you want to jump in, you may want to
19 say 'Alfieri here' and then say what you got to say
20 so that the reporter doesn't have to get mixed
21 moving her head around. And with that, I will go on
22 mute.

23 THE CHAIRWOMAN: Do we need to swear in
24 Mr. Alfieri?

25 MR. STAHL: No, but as his witnesses

1 come forward, we'll swear them in. Mr. Alfieri, who
2 is your first witness?

3 MR. ALFIERI: So my first witness is
4 going to be JoAnn Montero.

5 MR. STAHL: All right. JoAnn, where are
6 you? Raise your hand. Or if you're on a cell
7 phone. There you are.

8

9 J O A N N M O N T E R O, sworn.

10 DIRECT EXAMINATION BY MR. ALFIERI:

11 MR. STAHL: Will you please state your
12 name and spell slowly your last name.

13 THE WITNESS: JoAnn Montero. Are you
14 there?

15 MR. STAHL: Yes.

16 THE WITNESS: JoAnn Montero,
17 M-o-n-t-e-r-o.

18 MR. STAHL: All right, Mr. Alfieri.

19 Q. Miss Montero, can you please provide
20 your qualifications to the board.

21 THE CHAIRWOMAN: Excuse me. Excuse me.
22 Jim, are we going to review the credentials and just
23 accept those?

24 MR. STAHL: Well, Mr. Alfieri was going
25 to ask those same questions, Mary. He's going to.

1 THE CHAIRWOMAN: Okay. I'm sorry.

2 MR. STAHL: Don't be sorry. That's
3 where he was going. It's all right.

4 Q. Miss Montero, provide the qualifications
5 for the board.

6 A. Yes. I am a registered architect in the
7 State of New Jersey, and I got my license in 2010.

8 Q. Have you appeared before this board or
9 any other boards and provided testimony?

10 A. Not this board, but I have appeared
11 before other boards to give testimony.

12 MR. STAHL: If I may ask one question.
13 It's our traditional question, Mr. Alfieri. And
14 your license is in full force and effect at this
15 time; is that correct?

16 THE WITNESS: Yes, sir.

17 THE CHAIRWOMAN: Okay. Thank you so
18 much. Does the board have any objections to the
19 credentials of this witness? Okay. Thank you. Go
20 right ahead.

21 Q. Miss Montero, can you please explain to
22 the board what the proposed structure that we are
23 looking to have approved tonight.

24 A. We're looking to have a first floor
25 retail. The entire first floor would be retail, and

1 the second and third floor would be apartments.

2 Q. How many square feet is the building in
3 total?

4 A. In total, we're looking at 5,310.

5 Q. What's the footprint of the building?

6 A. The footprint is 1,770.25.

7 Q. Will the structure include a basement or
8 crawl space?

9 A. There will be a basement, which is
10 807 square feet, and then the crawl space is the
11 remainder.

12 Q. Okay, and how high will those ceilings
13 be in the basement?

14 A. In the crawl space will be 3 feet. In
15 the rest of the basement will be 8 feet.

16 Q. And as it relates to the utilities for
17 this proposed improvement, where will they be? Will
18 they be in the rear or the front of the property?

19 A. In the front of the property.

20 Q. And this existing foundation that we
21 have is going to be completely removed?

22 A. No. The foundation on the right side of
23 the property is existing, and we need to check it
24 for structural integrity to see if we can reuse it.

25 Q. Okay. So --

1 MR. STAHL: May I ask a question, Mr.
2 Alfieri, and it's directed towards Jason.

3 Jason, I thought that you were under the
4 impression the entire foundation was being removed.
5 Am I correct or incorrect?

6 MR. VALETUTTO: According to the site
7 plan, it says that the entire foundation is being
8 removed. The architect's plans shows that it is
9 not. That's why I wanted clarification between the
10 two plans.

11 MR. STAHL: Okay. Thank you.

12 MR. VALETUTTO: And while I'm unmuted,
13 can you acknowledge receipt of my letter dated
14 September 10, 2020, because you're actually giving
15 some testimony to some of those questions and
16 answers.

17 MR. ALFIERI: Yes, we are in receipt of
18 your letter, and we are providing testimony directly
19 to the questions in your comment section on page 4
20 of 5 in your letter dated September 10.

21 Q. Miss Montero --

22 (Audio disruption; reporter
23 clarification)

24 MR. STAHL: Yeah, someone's got to stop
25 that. That's better.

1 Q. So, Miss Montero, just to clarify, the
2 existing foundation, if it is determined to be
3 structurally sound, the applicant propose to
4 continue to use it, and in the event it is not
5 structurally sound, it will be removed and replaced.

6 A. That's correct.

7 Q. Are we exceeding that existing
8 footprint, or is it going to be within that
9 footprint?

10 A. Within the existing footprint.

11 Q. Is there a storage area for this
12 property?

13 A. In the basement.

14 Q. In the basement?

15 A. Uh-huh.

16 Q. Okay. And again, how large is the
17 basement?

18 A. Eight hundred seven square feet.

19 Q. And is there any other testimony you
20 want to provide as it relates to the aesthetics to
21 the building?

22 A. Excuse me. We decided to present to the
23 board a brick faced facade to match in with the
24 surrounding areas and provide some decorative
25 corbels and details so as it would relate to the

1 rest of the neighborhood along that front facade.

2 MR. ALFIERI: Any questions for Miss
3 Montero?

4 MR. STAHL: I have a question. I have a
5 question. It's really for Tom Kelly. Tom, you're
6 on, right?

7 MR. KELLY: Yes.

8 MR. STAHL: My question is going to be,
9 there's going to be a determination by the applicant
10 as to those portions of the foundation that are
11 reusable or can stay. Can I assume that our
12 building department and you or one of your
13 subordinates will during its inspection confirm
14 whatever decision is made by the applicant as to the
15 removal or nonremoval of the foundation?

16 MR. KELLY: Yeah, we'll rely on the
17 certification of the architect. I'm sorry. Tom
18 Kelly. We'll rely on the certification of the
19 architect, but the question I do have is on the
20 architectural plan, 2 of 2, it indicates in the
21 basement plan existing basement, and then it has a
22 new masonry wall being proposed. So is the
23 footprint identical, or is that new masonry wall
24 that's being proposed only if the existing is not
25 sound?

1 THE WITNESS: Only if the existing is
2 not sound.

3 MR. KELLY: So the existing foundation
4 is 24 foot, 3 inches by 75 feet.

5 THE WITNESS: I'm sorry, I didn't hear
6 you.

7 MR. KELLY: The existing foundation
8 dimensions are 24 foot, 3 inches by 75 feet.

9 THE WITNESS: We're talking about
10 keeping the foundation if it's structurally sound on
11 the right side of that building, the right side of
12 the property line.

13 MR. KELLY: Only the right side. What's
14 depicted the drawing to be -- and called as new is
15 going to be replaced then.

16 THE WITNESS: Yes.

17 MR. KELLY: Understood. Thank you.

18 THE WITNESS: Thank you.

19 MR. STAHL: You just remind me -- Jim
20 Stahl here -- how much retail space is being
21 allocated on the first floor.

22 THE CHAIRWOMAN: And if I could just ask
23 for the callers who just joined us if you could
24 please put yourselves on mute. Thank you.

25 THE WITNESS: That's -- the retail space

1 is 1,770 square feet.

2 MR. STAHL: And I can assume then as the
3 architect you have no knowledge as to the type of
4 tenants that the applicant would want to put in that
5 site.

6 THE WITNESS: I do not know.

7 MR. STAHL: All right. Thank you.

8 Q. Just to clarify -- Dante Alfieri
9 speaking -- we actually are going to increase the
10 footprint beyond the existing footprint. I just
11 wanted to clarify. I asked Miss Montero if the
12 existing footprint would be what the proposed
13 application would include, but we are going to
14 exceed that. That's what the proposal has.

15 THE CHAIRWOMAN: Okay. We have some
16 questions. Jason, then Holly.

17 MR. VALETUTTO: Yeah, I was just going
18 to piggyback on what Mr. Alfieri said. According to
19 the survey, it looks like the foundation is
20 approximately two-thirds of the property, and now
21 they're going to go property line to property line,
22 so they are definitely expanding the foundation.

23 My question for the 830 -- 807 square
24 feet of basement, does that include the crawl space
25 or just purely the full size basement?

1 THE WITNESS: Just the full head
2 basement.

3 MR. VALETUTTO: Okay, what is the area
4 then for the crawl space?

5 THE WITNESS: That number I don't have
6 at my fingertips. I can calculate it for you. If
7 you want to move on, I can circle back.

8 MR. VALETUTTO: Okay. You said that all
9 the utilities are going to come to the front, but
10 you didn't say exactly where like meters are going
11 to be located, or are they going to be all in
12 basement? Are they going to be in the individual
13 units? How is that going to be designed?

14 THE WITNESS: They will be internal. We
15 don't have a designated spot at this point.

16 MR. VALETUTTO: Okay. One of the things
17 the board likes to also know is where your AC
18 condenser units are going to be located. Are they
19 going to be on the roof?

20 THE WITNESS: We're looking to put them
21 on the roof at this time.

22 MR. VALETUTTO: Okay. And there is no
23 testimony as far as the need for handicap
24 accessibility. I had a discussion with Mr. Kelly,
25 and I believe and my understanding is once you get

1 to four apartment units that you're required to have
2 some sort of lift to get to the second floor units.

3 THE WITNESS: You're correct. We would
4 be incorporating an elevator in this four-apartment
5 design.

6 MR. VALETUTTO: Okay, but where is it
7 going to be? Is it going to be exterior of this
8 footprint? Is it going to be internal?

9 THE WITNESS: Internal, sir.

10 MR. VALETUTTO: Is it going to take away
11 from the retail space?

12 MR. STAHL: Mary, Jim Stahl here.

13 MR. VALETUTTO: -- stairwells, but then
14 I don't see where an elevator would go.

15 THE WITNESS: We would need to redesign
16 the floor plans to accommodate an elevator, but it
17 would be internal to the building, internal to the
18 footprint.

19 MR. STAHL: Mary, if I may, Jim Stahl.
20 I have a question for Jason and for you -- not you,
21 Mary. We're talking about an elevator, which would
22 be a shaft and a canopy on the roof. We're talking
23 about HVAC units on the roof. I don't know whether
24 that will require parapet walls. And we're
25 getting -- I just want to make sure that we're

1 within the height. There is a height variance. We
2 certainly don't want to go above 10 percent because
3 that changes the whole application. So, Jason, am I
4 -- I just want to make sure that we're together.

5 MR. VALETUTTO: They can't go above
6 10 percent, Jim, because as you know, 10 percent
7 creates a use variance, and you can't have use
8 variances in a redevelopment area.

9 MR. STAHL: That was my point.

10 MR. VALETUTTO: I don't believe parapet
11 walls are included in our height ordinance. I think
12 the height is the actual structure of the roof. A
13 parapet to conceal the mechanicals I believe would
14 be allowed and not counted towards height.

15 MR. STAHL: Well, I would agree with
16 you. I just want the applicant to make sure that
17 they understand that.

18 MS. HUGHES: I would -- this is Holly
19 Hughes. I would also comment we don't have a
20 section or a roof plan so there's no way for us to
21 tell what type of roof they're even proposing. So
22 the type of roof that I'm looking at in the
23 elevation, unless it's a complete faux hipped roof,
24 would not even have parapet walls unless it cuts
25 off.

1 And my concern also was the elevator.
2 How high would the bulkhead have to be on the roof?
3 Could the machine room be in the basement instead of
4 the roof to do a reverse pulley system. And there's
5 no -- yeah, we see them in New York City a lot. But
6 then also, on the elevation, the basement's not
7 included, so I was just curious as what the height
8 of the existing basement is, and then do you have to
9 excavate to get to that crawl space, or is it
10 already there? How is that going to work?

11 THE WITNESS: The crawl space is --
12 considering the existing conditions that are already
13 there, that crawl space is pretty much a site
14 condition at this point, and we were just going to
15 be able to use the existing basement that was
16 already there. To accommodate the elevator, we
17 would need to do a bit more, like I said, redesign
18 to make sure that we're accommodating it and
19 providing enough clearance -- clearances.

20 Q. What do we have -- Dante Alfieri
21 speaking. What is the current height of the
22 proposed building?

23 A. We are 44.21 feet.

24 MR. KELLY: Is that elevation -- I'm
25 sorry. This is Tom Kelly here. That elevation is

1 only the facade of the building and then there's
2 going to be a flat roof in the rear of that, or are
3 we talking about a pitched roof from front to back?

4 THE WITNESS: The design that you're
5 looking at is originally a pitched roof from front
6 to back. We received your comments from 9/10 and we
7 started to discuss these issues with the client, so
8 all these issues aren't completely worked out at
9 this point to make sure that we're hitting all of
10 your comments here. Some of the issues are kind of
11 half baked at this moment because we're looking at
12 your comments, speaking with the client, and trying
13 to get everybody on the same page.

14 MR. KELLY: Again, this is Tom Kelly.
15 I'm thinking that perhaps a mansard roof for the
16 front and then because of the accommodation of the
17 condensing units and the elevator is going to need
18 clearance obviously to clear the third level, you
19 may want to look into a slightly pitched roof
20 towards back to front.

21 The other thing also is because you're
22 in a redevelopment zone, we have in town through
23 SARA an architectural review committee. So this
24 building is going to have to go through
25 architectural review so the finishes, the roof

1 color, the detailing, the rails, so on and so forth,
2 that's all going to have to have to South Amboy
3 redevelopment agency and their architect review
4 committee.

5 THE WITNESS: Okay.

6 MR. ALFIERI: Now, if we were to propose
7 the -- this is Dante Alfieri speaking again. If we
8 were to propose the elevator on the interior of the
9 property and accommodate the AC units on the roof,
10 would a flat roof with two parapet walls be
11 sufficient and not exceed the height requirements?

12 MR. KELLY: For the condensing units,
13 yes. For the elevator, that's going to be -- that's
14 going to be determined by the type of lift that you
15 design and propose.

16 MR. STAHL: Well, Tom, I think the
17 question was -- Tom Kelly -- the question was -- and
18 someone said -- and Jason said no, that the bulkhead
19 of the elevator and a parapet to conceal the units
20 are not -- would not be counted in the height.
21 Jason.

22 MR. KELLY: I agree with that.

23 MR. VALETUTTO: I said -- I purely only
24 said the parapet walls. There was never a
25 discussion on an elevator shaft going up and

1 exceeding the roof. I believe an elevator shaft
2 does change the height of the building. I think
3 that does get included.

4 MR. STAHL: Well, I'll tell you what,
5 Mr. Alfieri, because the bulkhead of the elevator
6 shaft, as Holly will confirm from her experience, is
7 a structure as opposed to other items that could be
8 aesthetic, so if you're going to put a bulkhead
9 which exceeds the height, I think that Jason's right
10 that you end up -- and we don't want a use variance,
11 so you may have to either do a piston driven or some
12 other type of elevator that does not create a
13 bulkhead on the roof.

14 MR. VALETUTTO: And I also want to add,
15 Jim, that unless the board knows exactly what
16 they're putting there, we're not going to know
17 exactly what the height of this roof is going to be,
18 so the board isn't going to even be able to vote on
19 a deviation for height.

20 THE CHAIRWOMAN: I would agree with
21 that.

22 Jorge Gonzales, you'd like to say
23 something?

24 MR. GONZALES-GOMEZ: Yes. Hi, Mary.
25 Thank you. So I'm looking at the rendering from

1 Miss Montero, and I think that the only place that
2 you can really put any type of an elevator would be
3 in the rear of the building somewhere where she
4 highlights terrace because anywhere else internal to
5 the building would impact the first floor level,
6 which means that they would have to come through the
7 first floor level to access the elevator, and if the
8 elevator is put where the terraces are depicted,
9 that's going to impact the single parking space that
10 they're going to have in the back. Correct, Jason?

11 MR. VALETUTTO: That's correct, but I
12 want to get to parking once we get to the site plan,
13 not with the architectural discussion.

14 MR. GONZALES-GOMEZ: Okay. Very good.
15 Thank you.

16 MR. ALFIERI: Is there any more
17 questions for Miss Montero?

18 THE CHAIRWOMAN: Any other comments?
19 Scott, you have a comment?

20 MR. KOMINKIEWICZ: I have a question for
21 Mr. Kelly. Now, the fact that there are four units,
22 four apartment units in this building requires an
23 elevator. What is the threshold? Does two units
24 require an elevator? Does three units require an
25 elevator? I'm just curious what the threshold is.

1 MR. KELLY: Three is the threshold. I'm
2 sorry, this is Tom Kelly. The number three is the
3 threshold.

4 MR. KOMINKIEWICZ: Okay. Just to
5 clarify then, anything with three or -- any building
6 with three or more living units requires an elevator
7 or some kind of lift, correct?

8 MR. KELLY: It's actually more than
9 three.

10 MR. KOMINKIEWICZ: Oh, okay, more than
11 three, so three would be okay.

12 THE CHAIRWOMAN: Any other questions or
13 comments?

14 MAYOR HENRY: Mayor Fred Henry. Just a
15 question dealing with the elevator. Is this
16 something because of the number of apartments that
17 needs to be approved by either the first aid or fire
18 department for size of it so they can get a gurney
19 in it?

20 MR. KELLY: No, the elevator will just
21 have to be installed to meet the elevator code and
22 the Uniform Construction Code.

23 MAYOR HENRY: Okay.

24 MS. HUGHES: I have one question about
25 the ADA access. Are there any rules versus primary

1 or secondary entrances as to which one has to have
2 the ADA access?

3 MR. STAHL: That's an excellent
4 question. Normally, it's the main entrance where
5 the population and community access because the ADA
6 does not want to make handicapped or challenged
7 individuals, second, you know, level people and have
8 them go to a back door. I would look to Ms. Montero
9 and Mr. Kelly, but I'm assuming it's the regular
10 front door that is populated by individuals; am I
11 right?

12 THE WITNESS: That is correct.

13 MR. ALFIERI: This is Dante Alfieri
14 speaking. I think the board has some questions and
15 concerns as it relates to, 1, ADA compliance for the
16 four units and then what that would impact as it
17 relates to the potential height on the property due
18 to the proposed elevator. So to avoid the issues as
19 it relates to an elevator and having to find a way
20 to fit that into the height limit, we're going to
21 remove one of the apartment units, so now it would
22 be three units with a retail on the first floor,
23 thereby removing that ADA requirement for ADA
24 compliance as it relates to access.

25 MR. STAHL: Tom, we have skirted with

1 the issue -- Jim Stahl -- and Miss Montero -- the
2 position is even if there's two floors, there is no
3 elevator required if there are less than four
4 residential units. I just want to confirm that for
5 the board. Is that correct?

6 THE WITNESS: That's correct.

7 MR. STAHL: All right. Thank you.

8 MR. ALFIERI: So with the removal of the
9 fourth unit --

10 MR. KELLY: Yeah, that is correct,
11 Mr. Stahl. The UCC only requires you provide
12 barrier-free once you exceed the third unit. So if
13 they were to eliminate one of the units, they would
14 be exempt from the barrier-free requirements.

15 MR. STAHL: Thank you. So, Mr. Alfieri,
16 am I right in saying you're amending your
17 application to withdraw one apartment; is that
18 correct?

19 MR. ALFIERI: That is correct.

20 Is there any other questions for Miss
21 Montero at this point?

22 MR. STAHL: Why don't you call your next
23 witness.

24 MR. ALFIERI: I'd like to call Robert
25 Kee.

1 MR. STAHL: Mr. Kee, if you'll raise
2 your right hand wherever you are. Thank you, Mr.
3 Kee. I thought you looked familiar.

4
5 R O B E R T K E E, sworn.

6 DIRECT EXAMINATION BY MR. ALFIERI:

7 MR. STAHL: And while it may be simple,
8 would you just state your name and spell your last
9 name.

10 THE WITNESS: Robert Kee, K-e-e.

11 MR. STAHL: Thank you.

12 MR. ALFIERI: Mr. Kee, if you first
13 provide your qualifications for the board.

14 THE CHAIRWOMAN: Getting some static. I
15 can I ask folks to go on mute if they're not
16 speaking. Thank you.

17 THE WITNESS: Yes, I'm a licensed
18 professional engineer, professional land surveyor,
19 professional planner in the State of New Jersey.
20 I've appeared before thousands of boards throughout
21 the entire state. I represented a good number of
22 planning boards and zoning boards of adjustment as a
23 professional.

24 Q. And your license is in good standing and
25 active?

1 A. Yes, sir. I established Kee Engineering
2 in 1977, and I've been in business ever since.

3 MR. ALFIERI: Does the board accept his
4 credentials?

5 THE CHAIRWOMAN: Do I hear any
6 objections in accepting the credentials of this
7 witness? No. Please go ahead, Mr. Kee.

8 THE WITNESS: Pardon me?

9 THE CHAIRWOMAN: Please go ahead.

10 Q. Mr. Kee, you want to orient the board --
11 now that Miss Montero provided her testimony as it
12 relates to what the proposed structure is going to
13 look like, if you could just orient the board to the
14 actual site, itself, and then we can go through the
15 professional's report and then address any of his
16 comments.

17 MR. STAHL: Jim -- one second, Mr.
18 Alfieri. Jim Stahl here. Do we have any plans
19 we're putting up, or are we relying on a plan board
20 members have received?

21 THE WITNESS: We have the ability to do
22 it. I think we need permission from your server.

23 MR. STAHL: Amy, Amy Russo.

24 MS. RUSSO: Yes.

25 MR. STAHL: I think you've got to allow

1 Mr. Kee permission to bring up his (audio
2 distortion).

3 MS. RUSSO: Okay. He's the presenter.

4 MR. STAHL: Okay.

5 THE WITNESS: Does everybody see the
6 site plan, itself?

7 THE CHAIRWOMAN: This is the new site
8 plan, or this is the existing?

9 THE WITNESS: No, this is the existing.
10 This is the only site plan we prepared for this.

11 MR. VALETUTTO: I think if you just
12 address the date of the site plan, that will be
13 sufficient to identify.

14 Q. Mr. Kee, what is the date of the site
15 plan?

16 A. January -- it's in the title block.

17 Q. Is it January 22, 2020?

18 A. Yes, sir.

19 Q. Thank you.

20 MR. STAHL: And how many of the sheets
21 are you going to be referring to, Mr. Kee?

22 THE WITNESS: Just the one.

23 MR. STAHL: All right. Thank you. And
24 that's the site plan?

25 THE WITNESS: It's all on the one sheet.

1 Yes.

2 MR. STAHL: Thank you.

3 Q. Now that we have the site plan up, Mr.
4 Kee, can you please orient the board to the site,
5 itself, where it's located?

6 A. Well, we're on the north side of
7 Broadway, the designation of block 47, lot 16. You
8 can see on the site plan it's saddled by two
9 existing structures, which are also built directly
10 on the property line.

11 If you notice the discussion we were
12 having about the existing foundation, I apologize.
13 We were under a misconception it was going to be
14 removed, so excuse my note on there To Be Removed.
15 That light outline, which the existing foundation,
16 is in the northern easterly side of the property,
17 and it runs light along the existing property line.
18 The proposal is to increase the footprint for the
19 whole -- the new structure by leaving the existing
20 foundation in, which is already excavated down to an
21 elevation which would accommodate the basement part
22 of the architect's rendering.

23 We have proposed at the present time
24 parking spaces in the rear, which I know your
25 engineer has difficulties with, and we're going to

1 -- we're here to discuss it to see what we can do to
2 rectify and mitigate that being the rear in the
3 building.

4 Utilities presently exist out in North
5 Broadway, itself. The back of the property backs up
6 to almost like a driveway, which houses parking
7 areas throughout most of the buildings that are
8 fronting on North Broadway. We propose that for
9 access to our property for vehicular movements.

10 We have several difficulties with the
11 location of the proposed parking area. We do have
12 to have a van accessible handicapped parking space,
13 as we call them in the ADA. The one I had pictured
14 on there was a standard handicapped parking space.
15 The van accessible is only room on the property
16 because of the restriction of the existing width of
17 the property. There wouldn't be enough room for a
18 second parking space so we could only put one in
19 there if we had the access. I've been researching
20 out a possible easement running through the adjacent
21 property to the north of us. Something in one of
22 the deeds indicated that one existed, and it turned
23 out to be almost a footpath versus a vehicular
24 access. So at the time -- and we're investigating
25 whatever we can do -- we do not have the ability to

1 put the off-street parking on this site.

2 Aside from that, I think your engineer
3 covered a good deal of what you want to hear, and I
4 would like to refer to his correspondence of
5 September 10, 2020. I don't know how you would like
6 to approach it. I don't know if everybody has a
7 copy of it. If your engineer would like to go
8 through it, and I would respond to his comments.

9 Q. Mr. Kee.

10 A. Yes.

11 Q. In order to expedite your -- the
12 process, in lieu of going through every single point
13 here, as it relates to -- this is the September 10
14 report -- there are about 20 comments starting on
15 page 2 of 5. Why don't we touch on the testimony
16 section portion, and then we can go back, and if
17 there are any other questions, we can touch on
18 those. So first, let's just touch on the
19 clarification as to who the owners, the applicants
20 will be. Can you confirm that it will be Charlie
21 and Brian, Brian Vallee and Charlie Stein; is that
22 correct?

23 A. Yes, sir, those are my clients.

24 Q. Paragraph 2, the question was is who
25 will manage and handle the maintenance of the

1 apartments.

2 A. I am not in a position to answer that
3 particular question. That would be up to I think
4 Mr. Alfieri and/or the applicant, himself.

5 MR. ALFIERI: All right, so then I'll
6 clarify that the owner and -- the owners are
7 going to -- the owners of the property are going to
8 handle and maintain the apartments.

9 Q. Paragraph three deals with trash, where
10 it will be on site, what kind of trash enclosures
11 are going to be -- are being proposed on site, and
12 where will they be located.

13 A. We don't propose any external garbage
14 facilities, dumpster or anything of that nature.
15 The basement area was originally designated for
16 collection, and the residential would be put out and
17 the commercial would be (audio distortion)
18 appointment for a regular garbage pickup.

19 MR. STAHL: Well, the question we would
20 have -- this is Stahl talking, if I may. There's
21 two questions I have, and I know I beat Jason and
22 Tom to the punch here. Number 1, is each
23 residential unit going to have their own garbage
24 container, and if so, where would it be. Was it
25 going to be in the basement, and that always gives

1 me, although I'm not a voting member, some concern
2 about insects and other vermin. And number 2, we
3 have the retail garbage. We don't know what the
4 retail will be or what will be permitted, so we
5 don't know whether -- whether we need compactors or
6 recycling containers, or regular garbage. I don't
7 know whether food would be permitted, or if not,
8 other uses that may create recyclable and garbage,
9 so it's an issue that I think has to be addressed.
10 Yes -- I'm sorry.

11 MR. VALETUTTO: I just wanted to add one
12 thing, Jim. It appears based on the architectural
13 plans that the access to the basement is through the
14 retail use, so I don't see how the residents would
15 be accessing the basement anyway.

16 MR. KELLY: This is Tom Kelly. That's
17 100 percent. I was just going to say that. The
18 only way to get to the basement is from the retail.
19 The basement is clearly not accessible from the
20 residential uses.

21 Q. So based upon their comments, Mr. Kee,
22 would you suggest that the garbage cans be stored in
23 the rear of the property outside?

24 A. We can accommodate that in the vicinity
25 outside the building, yes. I'm concerned about

1 access to it, that's all, but we can definitely
2 design and modify the plan to accept that area.

3 MR. VALETUTTO: Then the question
4 becomes how are you going to get the trash
5 containers to North Broadway for collection.

6 THE WITNESS: I don't know at this time,
7 sir. These questions -- we just got the report
8 during the week, and we didn't have time to review
9 and make any modifications -- excuse me -- so I'm
10 unable to answer that question at the present time.

11 MR. KELLY: I'm sorry. This is Tom
12 Kelly. So we don't know how they're getting cars in
13 the parking lot. We don't know how they're getting
14 the garbage to Broadway.

15 THE WITNESS: That is correct.

16 Q. There is proposed first floor hallway on
17 the property, so the garbage could be brought
18 through there and out to the street; is that
19 correct, Mr. Kee?

20 A. Yes.

21 Q. So if we were to store, Mr. Kee -- this
22 is Dante Alfieri. If we were to --

23 MR. KELLY: I'm sorry, this is Tom
24 Kelly. If you were to bring the garbage from the
25 rear of the property, you would have to bring it

1 either, A, through the commercial space or, B, up to
2 the first floor of the residence, down the hallway,
3 and down the stairs of the residence in order to get
4 out to Broadway. There is no first floor access
5 through the building unless you go through the
6 retail space or the mercantile space.

7 THE WITNESS: That is correct.

8 MR. ALFIERI: Is the board satisfied
9 with the idea that a hallway would be installed or
10 there would be a hallway in the property that would
11 permit the garbage cans that would be stored in the
12 rear and then taken to the front for pickup? Is
13 that something the board would be inclined to
14 accept?

15 THE CHAIRWOMAN: I'd like to step in and
16 say I am trying to in my mind visualize all of these
17 updates, which I think I lost track of. So I think
18 it's hard to say what that might look like
19 considering everything that we have just outlined.

20 MR. STAHL: Madam Chairlady, if I may, I
21 feel the same way. May I suggest that we continue
22 the application, but I don't think -- it's up to the
23 board. I know I speak for the board. The board may
24 not be prepared to make a decision tonight with some
25 redesign that may be required in connection with the

1 deletion of an apartment unit, location of garbage,
2 and the rooftop, and some other issues that Jason
3 and Tom and the board may raise.

4 THE CHAIRWOMAN: Mr. Alfieri, would you
5 like to consider that?

6 MR. ALFIERI: Yes, I agree with
7 Mr. Stahl's assessment that we do have -- we have
8 made some changes to the proposal that I think that
9 the board would like to see, but as Mr. Stahl said,
10 we would like to continue with our testimony and get
11 the board's comments, and we can take them back and
12 make any adjustments to try to address those
13 comments for the next meeting.

14 THE CHAIRWOMAN: Absolutely.

15 THE WITNESS: Okay.

16 Q. So just to clarify --

17 THE CHAIRWOMAN: Jason, is there
18 something you wanted to add?

19 MR. VALETUTTO: I was just piggybacking
20 on both your comments. It's not fair to the board
21 that design of this application is taking place
22 tonight. The board should be presented a full
23 application of what they're voting on, and they
24 should not be having to rely on their own
25 imaginations. It should be in black and white on

1 paper. That's all.

2 MR. ALFIERI: Or on video.

3 MR. KELLY: This is Tom Kelly.

4 Mr. Stahl, as you say all the time, there's a lot of
5 balls in the air here, and I really think that
6 perhaps we should carry it and let the applicant
7 implement all these changes and submit whatever
8 they're proposing to do moving forward.

9 MR. ALFIERI: And this is Dante Alfieri.
10 We do not have any objection to that. We would just
11 request that we are able to continue with the
12 application presently to get the board's comments on
13 any other testimony that Mr. Kee might provide.

14 THE CHAIRWOMAN: Does the board have any
15 objection? Okay.

16 MR. GONZALES-GOMEZ: Hey, Mary, based on
17 what Jason just said, you know, we don't have
18 anything in black and white. Yeah, carrying is
19 okay, but we don't have anything tangible of what we
20 can see or not see and what's going to be changed
21 and not changed.

22 THE CHAIRWOMAN: Absolutely, but what
23 I'm trying to give Mr. Alfieri the opportunity to do
24 briefly is to see if there's any other topics he
25 wants to touch upon so we can at least maybe tackle

1 those tonight so when they go back and rethink this,
2 you know, are there any other burning outstanding
3 issues that they might want to incorporate. That's
4 all I'm saying.

5 MR. GONZALES-GOMEZ: From my point of
6 view, looking at our professional's report is very
7 conclusive of everything that needs to be
8 incorporated into the current plans that we have
9 here, and probably when the new plans are drafted,
10 that's when our professional is able to reevaluate
11 them and give us his opinion.

12 THE CHAIRWOMAN: Well, I would like to
13 bring out just one question. What is the required
14 parking now that we're down to three units. I know
15 it was 16 before, but --

16 MR. ALFIERI: That's actually one of the
17 points I wanted to touch on with Mr. Kee. The way
18 the site is currently proposed, there is some
19 parking designation in the rear. It would be
20 subject to getting some form of easement in place
21 for access, but in the event we're unable to secure
22 that, we would be proposing no actual on-site
23 parking, so we request a deviation from what the
24 redevelopment zone actually requires.

25 THE CHAIRWOMAN: Jason.

1 MR. VALETUTTO: Mary, just to touch on
2 what you were asking, by removing the apartment,
3 that removes two parking spaces that they would be
4 required, so it would be down to 14; however, again,
5 if they add a hallway on the first floor, that
6 reduces retail space, which would reduce the amount
7 of parking that they would need for the retail, so
8 until we see a full design, we won't know exactly
9 how many.

10 THE CHAIRWOMAN: Okay. Thank you.

11 MR. ALFIERI: And there were two other
12 comments in the report, which again, we understand
13 that the board is not going to go to a vote tonight,
14 but we would like to at least touch on those. One
15 was, has a first -- has a business been indicated or
16 talked about as it relates to the first floor
17 tenant, and at this time, we do not have a proposed
18 tenant for the floor. It would be somebody that --
19 it would be a use that would be in accordance with
20 the zone, and if it didn't, we would have to come
21 back and request a use variance for that.

22 And then the other portion is a
23 discussion --

24 MR. VALETUTTO: Mr. Alfieri, just
25 interrupt you. We're in a redevelopment zone.

1 There are no use variances. The uses that are
2 listed in the Broadway/Main Street redevelopment
3 plan are the only uses that they can provide for
4 that retail space.

5 MR. ALFIERI: My apologies. I
6 understand. Thank you. And then the second is a
7 discussion for landscaping.

8 Q. So, Mr. Kee, can you please touch on the
9 site, itself, and whether or not landscaping is
10 possible as proposed?

11 A. Not with the building in the location
12 that exists on the site at the present time.
13 There's no open space before the structure. It's
14 right on the front property line.

15 Q. But we are requesting a waiver for that,
16 correct?

17 A. I believe it's called a deviation.

18 Q. Deviation.

19 A. Yes, we were. We wanted to discuss the
20 possibility of being permitted if landscaping of
21 some nature was required to put it outside the
22 structure within the front walkway to landscape the
23 front of the building.

24 Q. Mr. Kee, are there any other comments,
25 particularly on sheets 2 and 3 of the report, that

1 you want to specifically address? I don't want to
2 hold the board up any longer, but we would -- I
3 would just like to touch on anything else you feel
4 necessary.

5 A. No. Most of the 20 items that your
6 engineer has outlined we can -- it's housekeeping,
7 modifications and stuff, and we didn't have time to
8 make those revisions. They'll all be cleared up
9 upon our resubmittal of revised plans.

10 THE CHAIRWOMAN: And there is no laundry
11 connection or facility to be provided?

12 THE WITNESS: I'm the engineer for the
13 site plan. Inside the structure was discussed with
14 the architect, and I'm not at expertise as to what
15 was presented on that. I just (audio disruption)
16 footprint given to me.

17 MR. ALFIERI: That's correct.

18 THE CHAIRWOMAN: Holly, did you have a
19 question?

20 MS. HUGHES: I do. So I'm actually
21 looking at a street view right now, and I'm looking
22 at the first floor plan, and the way it's drawn, it
23 looks like -- and I don't know if I could be reading
24 the drawings incorrectly, but it looks like the
25 street wall is being maintained with the building on

1 the right; however, the building on the left was
2 built set back from the street line or the street
3 wall, and I'm wondering if your floor plan and that
4 elevation will be an issue because there are
5 balconies right there, and I don't know what the
6 code is for those balconies and how close they can
7 be to another building. I don't know anything about
8 that. But I do think that we should understand and
9 make sure that what we're looking at is correct.

10 MR. KELLY: Hey, Jason -- Tom Kelly
11 here. Hey, Jason, do you know how many units were
12 approved in the original approval -- and I'm going
13 to say it's got to be 30 some odd years ago when
14 they first started to build this building. Do you
15 know how many units there was in the approval?

16 MR. VALETUTTO: Well, Tom, 30 odd years
17 ago I was only 15 years old so I really have no
18 knowledge.

19 MR. KELLY: Maybe I'll do a little
20 research, and maybe we can talk. I don't know if it
21 was one unit, two units.

22 MR. VALETUTTO: Right.

23 MR. KELLY: I don't know if there was
24 any commercial proposed on the first floor. I don't
25 know what was approved. I also don't know if it

1 went to SARA.

2 MR. VALETUTTO: I have no knowledge of
3 what was here prior.

4 MR. KELLY: Well, it wasn't a building.
5 It wasn't the constructed building. That foundation
6 system, from what I understand, was part of an
7 approved footing-and-foundation-only permit that was
8 issued to build a new building. The problem is the
9 foundation has been existing for I believe close to
10 30 years.

11 MR. VALETUTTO: Can you, Tom, while
12 you're on the line, can you answer Holly's question
13 about the neighboring balconies to the -- I believe
14 she's talking about the building to the west. It
15 was Seth Yaroni's old project.

16 MR. KELLY: Well, it appears as though
17 the terrace wall on both sides appears to be
18 masonry, and it extends all the way out to the end
19 of the terrace. That wall will be revised and will
20 be required to have a fire rating. The integrity of
21 the wall only needs to go as far as the terrace of
22 the proposed building. In other words, the terrace
23 will not be open to the adjacent property. The
24 masonry wall that's depicted by the sort of hashed
25 line on the architectural 102, that wall will

1 protect the terrace from any spread of fire from the
2 adjacent structures.

3 MS. HUGHES: Okay, so there's no issue
4 with their lot line kind of covering the balcony at
5 all, light and air, all that stuff.

6 MR. KELLY: No, light and air is not an
7 issue for the terrace. The only question, Holly,
8 would be the fire rating, and the fire rating only
9 needs to go the length of the building that's being
10 proposed, and it appears from the architectural plan
11 -- we don't have any details yet, but it appears as
12 though that masonry wall is going to run all the way
13 out.

14 MS. HUGHES: Okay. Great. Thanks for
15 that clarification, Tom.

16 MR. ALFIERI: And just to -- Dante
17 Alfieri speaking. Just to touch on the point.
18 There was a question as it relates to on-site
19 laundry. There is no proposed laundry on site --
20 laundry facilities I should say on site.

21 THE CHAIRWOMAN: Thank you.

22 MR. ALFIERI: So based upon the board's
23 comments and concerns and the testimony we've
24 provided tonight as to what we're going to modify to
25 I think address some of the questions and comments,

1 unless there's anything further, I believe we would
2 request a carry of this meeting.

3 MR. VALETUTTO: Miss Szaro

4 THE CHAIRWOMAN: Yes, Jason.

5 MR. VALETUTTO: Just they didn't answer
6 my question about the market value of the
7 apartments. Do you know -- your clients have
8 discussed that, what they're going to be?

9 MR. ALFIERI: I believe they are looking
10 for market rate.

11 MR. VALETUTTO: Okay, and then, Jim, do
12 we need to open to the public before we carry just
13 to find out if the public has any issues that the
14 board should consider for them to consider for their
15 redesign? You're on mute still, Jim.

16 MR. STAHL: Yeah, no, I've got it. I
17 had to open up my audio. We are -- yes, we should
18 open to the public, and then if the board elects to
19 carry the application, it will be carried without
20 any further notice, and Mr. Alfieri is aware that
21 all plans and submissions revised have to be in the
22 hands of the board secretary no later than 10 days
23 prior to the October meeting.

24 THE CHAIRWOMAN: Okay. Thank you. With
25 that, do I have a motion to open this meeting up to

1 the public. This is just to discuss this
2 application. Motion to open to the public.

3 MR. GONZALES-GOMEZ: I'll motion.

4 THE CHAIRWOMAN: Second?

5 MR. KELLY: Tom Kelly. I'll second.

6 THE CHAIRWOMAN: Okay. Thank you. Is
7 there anyone from the public who would like to speak
8 on this matter? Again, we are going to carry and
9 move it next -- or continue it at the next meeting.
10 We're not going to vote, but we would certainly like
11 to hear if anyone has any comments, questions, or
12 concerns.

13 Okay. Last request for comments. Okay.
14 With that, do I have any motion to close to the
15 public? Holly. Second?

16 MR. KELLY: Tom Kelly, second.

17 THE CHAIRWOMAN: Thank you, Tom. Okay.
18 With that, I will -- do I hear a motion to carry
19 this application?

20 MR. KOMINKIEWICZ: I move to carry the
21 application.

22 MS. HUGHES: Jim, can you mute your
23 line.

24 MR. STAHL: I don't think -- mine is
25 muted. Okay. It wasn't my background.

1 THE CHAIRWOMAN: Thank you. Scott made
2 the motion. Do I have a second?

3 MS. HUGHES: I'll make a second. I
4 would just -- it would help I think if we go through
5 like, maybe for me at least, a checklist of all the
6 items that we want to see addressed. I mean, I know
7 trash, recycling, parking. I'd like to see a
8 section of the building as well as a roof plan, and
9 I want to see where all the mechanicals going.

10 MR. STAHL: I would request that Jason
11 come up -- give that list to us now. He's good at
12 heavy lifting. And what is the date of the October
13 meeting, Amy, so that Mr. Alfieri knows what the
14 date is and the public knows from this meeting.

15 MS. RUSSO: October 28.

16 MR. STAHL: October 28. I mean, I would
17 suggest with the Chair's approval that, Jason, you
18 just come up with a list right now, and then Holly
19 or someone else can also throw in their
20 contribution.

21 MR. VALETUTTO: Well, I think Holly did
22 actually an excellent job of it all. The issues are
23 going to be the parking situation, how the trash is
24 going to be handled, whether they're going to be
25 putting a hallway in the first floor through the

1 retail or if they're going to allow access to the
2 basement since the retail is the only one that has
3 access to the basement, where the mechanicals are
4 going to go for the HVAC units, if there are going
5 to be changes to the roof like the parapets and any
6 sort of facade changes need to be shown. A lot
7 of --

8 MR. KELLY: There's going to be a
9 reduction in the units from four units to
10 three units.

11 MR. VALETUTTO: Correct. And then
12 anything that --

13 MR. KELLY: Location of meters.

14 MR. VALETUTTO: I'm sorry, Tom. You
15 broke up a little.

16 MR. KELLY: I'm sorry. Location of the
17 meters. And also, you know what, Jason, programming
18 location of the roof drainage.

19 MR. VALETUTTO: As far as whether
20 they're going to -- well, they're not going to tie
21 in underground anywhere, but where they're going to
22 be located, the leader drains, if they're going to
23 go to the rear or the front?

24 MR. KELLY: Yeah, because if we have a
25 zero lot line, obviously, we can discharge onto

1 Broadway across the sidewalk. We got to watch ice
2 and freezing, but in the back, they may be
3 discharging onto somebody else's property.

4 MR. VALETUTTO: Correct. Also, a lot of
5 my comments were housekeeping, but one that's
6 important also was actual elevations be provided.
7 There's the note about the first floor elevation
8 matching the front sidewalk elevation. That's part
9 of the requirements. We need to know what your
10 first floor elevation is going to be.

11 Parking in the rear, if you're still
12 pursuing putting a space back there or you're
13 eliminating completely. If you are putting the
14 space, you need to get the ease -- secure the
15 easement from the neighboring property.

16 I think that pretty much touches --
17 making sure the owner/applicant's proper on the
18 plan, updated property list on the plan. I mean,
19 everything else is mostly housekeeping as far as the
20 actual engineering plan. I think we touched upon
21 everything else that needs to be in the testimony.

22 THE CHAIRWOMAN: Mr. Kee, you're on
23 mute. Go ahead.

24 THE WITNESS: Yes. Jason, you mentioned
25 in one of your notes that I supplied a plan of

1 survey. We prepared the site plan utilizing the
2 survey that the client already had, which was fairly
3 recent. Do you require or do you need an additional
4 survey aside from that one?

5 MR. VALETUTTO: If you look at your
6 notes, you list two different surveys. You list the
7 Morgan Engineering survey, which was provided to us,
8 and then you have a field survey, your own, that was
9 dated 1-22. So if you're saying the field survey is
10 really your site plan, then just amend your note.

11 THE WITNESS: Yes, sir, I can explain
12 that, yeah. We sent a field crew out obviously to
13 verify what the original survey had on it and to get
14 any additional information, the adjoiners and stuff
15 of that nature, for preparation of the site plan,
16 itself. I'll modify that. I didn't know if you
17 needed a whole new survey.

18 MR. VALETUTTO: Okay, so it was for your
19 own internal use then.

20 THE WITNESS: Yes, sir.

21 MR. VALETUTTO: Okay. Then if an actual
22 survey was not prepared, then I think you should
23 just remove the note entirely because that's your
24 own -- you're checking what the Morgan Engineering &
25 Surveying provided to you.

1 THE WITNESS: We will do.

2 THE CHAIRWOMAN: And was the final
3 decision that there was one wall of the existing
4 foundation that was going to be maintained or is it
5 all going to be taken down?

6 MR. VALETUTTO: I believe they testified
7 that all the walls were staying subject to
8 verification that they are structurally sound.

9 THE CHAIRWOMAN: Okay. Thank you.
10 Okay. Is everything outlined? Did we miss
11 anything?

12 MR. VALETUTTO: I don't think so. I
13 think everything in my report and everything that
14 was discussed this evening. I mean, it will be all
15 on the transcript from the court reporter, so
16 anything that was discussed this evening.

17 THE CHAIRWOMAN: Okay. Thank you. Amy,
18 I'll ask you to do a roll call and then also when
19 you're done provide based on the next meeting date
20 of October 28 what the deadlines are for submitting
21 the new plans or anything else so we have that ahead
22 of time. But if you would have a roll call.

23 MR. KELLY: I'm sorry, Chairman, can we
24 just -- I'm sorry. Tom Kelly. Jason, can we maybe
25 just add into the notes just one item that obviously

1 we know need to go to SARA, but also that they're
2 fully aware and accepting the fact that they need to
3 go for the architectural review, because all the
4 architecturals they're proposing are all subject to
5 change based on, you know, whatever the
6 architectural review committee may require.

7 MR. VALETUTTO: Yeah, that's a good
8 point, Tom. It's good that you verbalized it. I
9 mean, at the end of my report, I always have the
10 catchall proof of outside agency approvals,
11 including but not limited to. So I didn't put SARA
12 on there, but SARA would obviously be the
13 not-limited-to board that they need to satisfy.

14 MR. KELLY: Okay. Perfect.

15 THE CHAIRWOMAN: So would that be before
16 our next hearing or after?

17 MR. VALETUTTO: Usually SARA does not
18 get involved I believe until an applicant receives
19 approval. I don't think that -- it's just like the
20 county. You don't kind of go at the same time.
21 It's kind of one step at a time. So I believe SARA
22 is after they get approval from here. If they don't
23 get approval from here, there's no need to go to
24 SARA.

25 MR. STAHL: Jason's right. Stahl here.

1 Traditionally, that's exactly what we've done. We
2 provide an approval. Then a condition of the
3 approval they have to go to SARA for architectural
4 approval and the developer's agreement and signage
5 and anything else that SARA has jurisdiction over.

6 THE CHAIRWOMAN: Okay. Thank you. With
7 that, we can vote a motion to carry. Amy.

8 MS. RUSSO: Dr. Jorge Gonzales.

9 MR. GONZALES-GOMEZ: Yes.

10 MS. RUSSO: Steven Giarratano.

11 MR. GIARRATANO: Yes.

12 MS. RUSSO: Catherine Corey.

13 MS. COREY: Yes.

14 MS. RUSSO: Holly Hughes.

15 MS. HUGHES: Yes.

16 MS. RUSSO: George Baranowski.

17 MR. BARANOWSKI: Yes.

18 MS. RUSSO: Tom Kelly.

19 MR. KELLY: Yes.

20 MS. RUSSO: Mayor Fred Henry.

21 MAYOR HENRY: Yes.

22 MS. RUSSO: Scott Kominkiewicz.

23 MR. KOMINKIEWICZ: Yes.

24 MS. RUSSO: Chairwoman Mary Szaro.

25 THE CHAIRWOMAN: Yes.

1 MS. RUSSO: And Friday the 16th is when
2 everything will have to be due, October 16.

3 MR. ALFIERI: Thank you, Chairman,
4 members of the board, for your time tonight. Have a
5 great evening.

6 THE CHAIRWOMAN: Thank you, all. That
7 concludes our hearing about applications.

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PLANNING BOARD
CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

In the Matter of)
The Application of:)
BRIAN VALLEE, KEN BARTON,)
& CHARNIE STEIN)
#408-20)
167 North Broadway)
Block 47, Lot 16)
-----)

CERTIFICATE

I, DEBORAH A. MASTERTON, a Certified Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the proceedings in the above entitled matter at the time and place aforesaid.

DATE: September 30, 2020


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