

**CITY OF SOUTH AMBOY**  
**PLANNING BOARD**  
**REGULAR MEETING/MINUTES**  
**November 19, 2020**

Members present: Mary Szaro, Scott Kominkiewicz, Mayor Fred A. Henry, Brian McLaughlin  
Thomas Kelly, George Baranowski, Janet Kern, Catherine Corey, Jorge  
Gonzalez-Gomez

Members absent: Holly Hughes, Steven Giarratano

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

Chairwoman Szaro called this meeting to order.

Adequate 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. Electronic notice has been provided via the agenda on the City Website and on the agenda posted on the bulletin board at City Hall.

Roll call was taken at this time.

Motion by Jorge Gonzalez-Gomez, seconded by Scott Kominkiewicz to accept the Minutes of the September 23, 2020 meeting. 7-0, 2 abstentions.

Chairwoman Szaro then reviewed the evening’s agenda.

**Completeness**

Johnrose, FM, LLC – PB Application # 412-20

3630 and 3640 Highway 35 Block 90 Lot 3 & 6

Completeness committee member Catherine Corey stated that she is in receipt of a letter from AJV Engineering, Inc. dated November 9, 2020, regarding Application #412-20, Johnrose, FM, LLC. recommending **Incompleteness**.

Motion by Janet Kern, seconded by Catherine Corey, to accept the recommendation of **incompleteness** for Application #412-20 Johnrose, FM, LLC.

Motion carried 2-0, 0 abstentions.

Felicia Juman – PB Application # 413-20

425 Conover Street Block 145 Lot 26

Completeness committee member Catherine Corey stated that she is in receipt of a letter from AJV Engineering, Inc. dated November 16, 2020, regarding Application #413-20, Felicia Juman recommending **incompleteness**.

Motion by Catherine Corey, seconded by Janet Kern, to accept the recommendation of **incompleteness** for Application #413-20 Felicia Juman.

Motion carried 2-0, 0 abstentions.

**Application Hearing**

Center SA – PB Application # 411-20

536 Center Street Block 136 Lot 1

Please refer to the attached transcript.

Motioned by Thomas Kelly, seconded by Jorge Gonzalez-Gomez to accept the request of the applicant's attorney. That the application be continued to the January 27, 2021 Planning Board Meeting no re-notice required. All in favor

Motion by Thomas Kelly, seconded by Jorge Gonzalez-Gomez to open the public portion of the meeting. With no other members of the public wishing to speak Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Scott Kominkiewicz, seconded by Catherine Corey.

**Announcement of Application Carried**

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

167 N. Broadway Block 47, Lot 16

Motioned by George Baranowski, second by Catherine Corey to accept the request made by Mr. Salvatore Alfieri, Esq. to carry the application to the December 17, 2020 meeting with re-notice required. All in favor

**Discussion**

Motion by George Baranowski, seconded by Scott Kominkiewicz, 6-3 abstentions.

To approve the amended minutes of the August 26, 2020 Planning Board Meeting.

Chairwomen Szaro asked for a motion to open this meeting to the public. Motion by Janet Kern, seconded by Scott Kominkiewicz. With no public present to speak, Chairwoman Szaro asked for a motion to close the public meeting.

Motion by Thomas Kelly, seconded by Janet Kern.

Chairwoman Szaro announced that the next virtually scheduled meeting would be held on Thursday, December 17, 2020, at 7:00 pm.

Motion by Janet Kern , seconded by Thomas Kelly, to adjourn. All in favor.

Respectfully submitted,

*Amy Russo*

Amy Russo

Planning Board Secretary

Minutes Approved on December 17, 2020

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

In the Matter of )  
The Application of: ) Transcript of  
CENTER SA ) VIDEOTAPED  
#411-20 ) proceedings  
536 Center Street )  
Block 13, Lot 1 )  
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Thursday, November 19, 2020  
Remote Proceedings Via  
Videoconference

PLANNING BOARD

MARY SZARO, Chairwoman  
THOMAS KELLY  
FRED A. HENRY  
BRIAN McLAUGHLIN  
SCOTT KOMINKIEWICZ  
GEORGE BARANOWSKI  
CATHERINE COREY  
JANET KERN  
JORGE GONZALES

AMY RUSSO, Secretary  
JASON VALETUTTO, Planner

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

1           A p p e a r a n c e s :

2                               JAMES E. STAHL, ESQUIRE,  
3                               Attorney for the BOARD

4                               HEILBRUNN PAPE, LLC,  
5                               Attorneys for the APPLICANT  
6                               By:   KENNETH L. PAPE, ESQUIRE

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1 THE CHAIRWOMAN: That takes us to our  
2 application for this evening, application 411-20,  
3 Center SA at -- I'm getting another echo. If  
4 everybody could put on mute, please -- 526 Center  
5 Street. And, Mr. Pape, you are the attorney. Are  
6 you with us? Mr. Pape, you might be on mute.

7 MR. PAPE: There we go. Good evening.

8 THE CHAIRWOMAN: Good evening.

9 MR. PAPE: Madam Chair, members of the  
10 board, board professionals, and public, good  
11 evening, all. My name is Kenneth Pape. I'm an  
12 attorney with the firm of Heilbrunn Pape. This  
13 evening I have the responsibility and the privilege  
14 of representing your applicant, Center SA.

15 Before we begin a substantive  
16 presentation, I would ask if the board would confirm  
17 receipt of our notices and confirm that the board  
18 has jurisdiction to hear the application this  
19 evening.

20 MR. STAHL: Thank you, Mr. Pape.

21 Amy, have you reviewed the publication  
22 and the notices?

23 MS. RUSSO: Yes, I received everything.

24 MR. STAHL: And everything is in order  
25 so the board has jurisdiction; is that correct?

1 MS. RUSSO: Yes.

2 MR. STAHL: Okay. Thank you.

3 Mr. Pape, do we have a reporter on the  
4 call? Do you have a court reporter?

5 MR. PAPE: I am looking. No, Mr. Stahl,  
6 I do not have a court reporter.

7 MR. STAHL: Oh. Well, we're recording  
8 this. Amy, with regard to the recording, have you  
9 ever taken a recording off of the GoToMeeting?

10 MS. RUSSO: Yes, I have previously given  
11 it to the court reporters in other meetings, and  
12 then they review it.

13 MR. STAHL: All right. Well, rather  
14 than put the application off or do anything else, so  
15 long as we have the capability -- and I've done it  
16 in other venues -- to give the court reporter the  
17 tape and he or she will then provide us with a  
18 transcript which is certified as to the recording,  
19 we should proceed. Ken, you should, however, for  
20 simplicity, the next meeting date if you could have  
21 a court reporter on the call or on the Zoom --  
22 GoToMeeting.

23 MR. PAPE: Mr. Stahl, we will do so.

24 MR. VALETUTTO: Jim, one suggestion.  
25 The court reporter is not going to know voices, and

1 I don't think the recording -- I think it's just an  
2 audio recording. I'm not sure if it bounces around,  
3 so the court reporter is not going to know who is  
4 speaking, so before someone speaks, I think that  
5 they should announce their last name or something of  
6 that nature so the court reporter can get an  
7 accurate transcript.

8 MR. STAHL: We've done that -- thank  
9 you, Jason. Mr. Pape, we have done that in our  
10 other meetings, so even if there's a picture of Mr.  
11 Pape or Mr. -- or Mary Szaro, when someone is  
12 talking or if someone, not interrupts, but gets  
13 involved, they should say, Pape, and then say it,  
14 and I'll say Stahl, or Valetutto. Thank you very  
15 much, Jason.

16 I did want to reinforce what our  
17 chairwoman said. There are a lot of people on the  
18 call right now. Please do not unmute yourselves.  
19 Do not interrupt the presentation. Take your notes.  
20 At the end of the two-witness presentation tonight,  
21 you will have an opportunity to discuss issues which  
22 were presented tonight, that being as I understand  
23 it the architect and the engineer. The board could  
24 just say we're not going to entertain any  
25 conversation, but I don't think that's what Miss

1 Szaro and the board want. So if you have something  
2 to say, we would ask you to stay within the time  
3 constraints as Miss Szaro will tell you, and then  
4 you'll have another opportunity. You all have  
5 another opportunity at the next presentation by Mr.  
6 Pape. You will never be restrained, prohibited, or  
7 prevented from speaking your peace before this  
8 board, but I did want you to know that you will have  
9 another opportunity at the end of the next  
10 presentation.

11 THE CHAIRWOMAN: Mr. Stahl, could you  
12 also just briefly explain the moving into the next  
13 meeting because of the additional experts.

14 MR. STAHL: Say again.

15 THE CHAIRWOMAN: That we'll be  
16 continuing this meeting. It won't only be tonight.

17 MR. STAHL: Yeah, I thought that was --  
18 thank you, Miss Szaro. As I said, our  
19 understanding, Mr. Pape has alerted the board that  
20 he has two witnesses tonight. I believe it's  
21 Mr. Mike Testa, who is the architect, and  
22 Mr. French, who is the engineer, and they will  
23 take -- make a presentation tonight. Mr. -- the  
24 board will ask them questions at the appropriate  
25 time. Mr. Valetutto will probably ask some

1 questions. I will ask some questions perhaps. And  
2 then when those both witnesses are done for the  
3 evening, in order that you have an opportunity, you,  
4 the public, to ask questions as to those two, you  
5 will have that opportunity, and then the meeting is  
6 to be carried to the December meeting, at which time  
7 we assume, unless things change, Mr. Pape will  
8 present the balance of his experts, who -- I think  
9 there's two more. There's a traffic and a planner,  
10 if I'm correct. They will testify. And then each  
11 one of you has the right to object or support the  
12 application, to question all of the witnesses that  
13 have testified tonight and next week. We're just  
14 asking you not to duplicate, so if you don't have  
15 something you want to say tonight and you want to  
16 wait until the whole presentation is over, that  
17 would probably save some time, but again, we're not  
18 going to prevent anyone from saying anything. Well,  
19 saying anything that's appropriate.

20 THE CHAIRWOMAN: Thank you so much,  
21 Mr. Stahl. So again for the agenda tonight, we'll  
22 be hearing Mr. Pape and two witnesses. I will open  
23 it up to the public. You're more than welcome to  
24 speak tonight. You're more than welcome to speak  
25 tonight and next -- the next meeting or just that.

1 I will certainly leave it up to you. But there will  
2 be a continuance of this meeting, and -- in  
3 December, and the vote will be likely in December.  
4 It will not be tonight. So just so everybody is on  
5 the same page.

6 Mr. Pape.

7 MR. PAPE: Yes. Thank you for the  
8 introduction. This is an application tonight,  
9 Center SA, LLC. It is an application for site plan  
10 approval for an existing building, to repurpose the  
11 existing building, to -- and to modify it. The  
12 building is located at 536 Center Street. It's  
13 block 136, lot 1. The property is approximately  
14 7,500 square feet in size and is in the residential  
15 zone. (Audio disruption)

16 Madam Chair, could have muted, that  
17 would be wonderful. There just seems to be --

18 MR. STAHL: There's still some  
19 background noise. Please, everybody, and I don't  
20 know, it could be a board member or member of the  
21 public. Please mute your microphones because I do,  
22 and the board members will, and as someone has to  
23 speak, a board member or someone, they'll unmute, so  
24 it's really important for the recording quality and  
25 for everyone's peace of mind that, please, turn off

1 all extraneous items. Thank you.

2 MR. PAPE: Thank you.

3 THE CHAIRWOMAN: And, Amy, if you could  
4 mute everyone and then Jim or Jason, and so when Mr.  
5 Pape will have the floor, we can unmute them as  
6 needed.

7 MR. PAPE: Thank you. The building  
8 currently is the site of a bar, an inactive banquet  
9 hall, and two one-bedroom apartments. Your  
10 applicant is requesting repurposing of the building  
11 to be a bistro bar, eight studios, and two  
12 one-bedroom apartments. The relief that is required  
13 is site plan approval, bulk variance approval for  
14 existing conditions, and some additional bulk  
15 variances, and use variance to -- because of the  
16 increase in the residential use of the property.

17 As your attorney indicated, there are  
18 four witnesses in total, four professional  
19 witnesses, and two will present this evening. The  
20 first witness is Andrew French. He is a principal  
21 at French & Parrello and a professional engineer.  
22 He will present the overall site location and the  
23 site improvements. The site improvements on this  
24 property are not substantial. It is mostly a  
25 preexisting building and site.

1           Michael Testa is the architect  
2 responsible for the building that -- the redesign of  
3 the building, and he will present the building  
4 interior, exterior, and the uses.

5           And that is the two witnesses that we're  
6 prepared to present this evening. We have two  
7 additional witnesses, a traffic engineer and a  
8 professional planner. We apologize to all,  
9 especially to the board. We apologize that they  
10 were not available this evening, and we appreciate  
11 the permission to proceed with a partial  
12 presentation. We do anticipate at the -- when the  
13 chair directs that the applicant's professionals  
14 will be examined by the board, the board's  
15 professionals, and the public. We do anticipate the  
16 application will be continued. All of the witnesses  
17 will be present at the continuation so that anyone  
18 who testifies this evening will also be available  
19 for further examination at the continuation meeting.

20           With that, I would ask if we could --  
21 oh, also, I failed -- Michael Behar is our client.  
22 He is the principal of Center SA, LLC. He is a real  
23 estate developer and has been for many years. He  
24 has developed many very high-quality projects  
25 throughout the New York/New Jersey area. Our firm

1 is most pleased and proud to have the opportunity to  
2 introduce Mr. Behar to the city of South Amboy,  
3 where he would like to bring his expertise to this  
4 next project.

5 MR. STAHL: Miss Szaro -- I'm sorry.

6 MR. PAPE: If we could introduce -- if  
7 we could begin with the swearing -- do you wish to  
8 swear both witnesses at the same time, or should we  
9 go right to Mr. French?

10 MR. STAHL: I think we'll do that.  
11 Ms. Szaro, may I --

12 THE CHAIRWOMAN: Before we do that, one  
13 of the things, Mr. Pape, that I would like to  
14 request is that the presentation be based on the  
15 original application submitted. I know there were  
16 additional plans submitted, but our professionals  
17 did not have the opportunity to -- the proper time  
18 to look at that, so we did not receive any feedback  
19 on that.

20 Jason, do you want to make any comments  
21 on that?

22 MR. VALETUTTO: No, you pretty much  
23 summed it up. I think that their resubmission they  
24 tried to take my original review letter and tried to  
25 button up the plan to satisfy a number of those

1        comments, but if they make their presentation based  
2        on the original submission and say what they are  
3        willing to change, it act the same nature.

4                THE CHAIRWOMAN:    Okay.    Thank you.  
5        Mr. Stahl, you had something?

6                MR. STAHL:    Yes, Stahl here.    Thank you,  
7        Miss Chairwoman.    Mr. Pape, can I assume that  
8        Mr. Behar has no reason to testify?

9                MR. PAPE:    I did not -- I did not see  
10       any reason to have him testify this evening.

11               MR. STAHL:    Then let me just ask you a  
12       few questions if you are able to answer them.  
13       Number 1, is the intent to utilize the banquet hall,  
14       or is that now something that is no longer going to  
15       be utilized?

16               MR. PAPE:    It is an inactive banquet  
17       hall, and if this approval is granted, it would be  
18       abandoned and the building would be repurposed.

19               MR. STAHL:    And with regard to the  
20       bistro bar, I assume that that will include a bar  
21       and food, and is it also intended to have music?

22               MR. PAPE:    We did not contemplate that  
23       there would be music.    We could speak to that.    You  
24       caught me off guard.    There's a bar there, and that  
25       there be a bar, there be food.    Did not know whether

1 my client had any vision. We can have that --

2 MR. STAHL: And the last thing -- well,  
3 two more things. Number whatever I'm up to at this  
4 point. Is the bar presently being utilized as a  
5 bar?

6 MR. PAPE: I do not know if it's used on  
7 a daily basis. It is an existing bar with a liquor  
8 license.

9 MR. STAHL: All right. Well, I think  
10 we're going to want some information from you or  
11 your client as to whether or not the liquor license  
12 is active. If not, how long has it been inactive,  
13 whether it is pocketed, so what information with  
14 regard to the bar, please. So --

15 MR. PAPE: So that we are --

16 MR. STAHL: You don't need it now, Ken.  
17 We don't need it now.

18 MR. PAPE: Then I've taken notes of your  
19 questions. At the time that we return and prior to  
20 the planner testifying, we'll have that placed  
21 before the board and part of the record.

22 MR. STAHL: Right, because you're asking  
23 to re -- not you -- but the client is -- to  
24 repurpose, and we just have certain questions on  
25 what's going currently with regard to the bar. I

1 will now -- this is Stahl. I'll now pass the wand  
2 to Mr. Valetutto.

3 Jason, do you want to ask your normal  
4 customary question about your review report and  
5 whether Mr. Pape and his staff acknowledges receipt.

6 MR. VALETUTTO: Sure, Mr. Pape and  
7 Mr. French and Mr. Testa, have you received my  
8 office's report dated October 9, 2020, which was  
9 based on your original submission?

10 MR. PAPE: Yes, Mr. Valetutto.

11 MR. VALETUTTO: Do you have any  
12 objection to just putting that in the record?

13 MR. PAPE: No, none whatsoever.

14 MR. VALETUTTO: Okay. That's it, Jim.

15 MR. PAPE: We do anticipate --

16 MR. STAHL: Mr. Testa and Mr. French --  
17 okay. This is Stahl again. If Mr. Testa and  
18 Mr. French -- I can't see -- please, Mr. French,  
19 raise your hand, please. Thank you. Keep it up  
20 there. Mr. Testa, where are you? That's  
21 Mr. French.

22 THE CHAIRWOMAN: They're both here.

23 MR. STAHL: Oh, I see Mike Testa, the  
24 one who always has the yellow tie.

25

1           A N D R E W     F R E N C H,     sworn.

2                       MR. STAHL:   Thank you.   You can put your  
3 hands down.   Mr. French, would you just identify  
4 your name and the spelling of your last name.

5                       MR. FRENCH:   Yes, Andrew French,  
6 F-r-e-n-c-h.

7                       MR. STAHL:   Thank you.   Mr. Testa, you  
8 will please tell us your full name and spell your  
9 last name.   Mike.   Mr. Testa.

10                      MR. VALETUTTO:   He was on mute for the  
11 swear-in so you might want to do that again.

12                      MR. STAHL:   Mike, are you on?  
13

14           M I C H A E L     T E S T A,     sworn.

15                      MR. STAHL:   All right, and please state  
16 your name and spell your last name.

17                      MR. TESTA:   First name Michael, last  
18 name Testa, T-e-s-t-a.

19                      MR. STAHL:   All right.   I would ask  
20 Mr. Testa and Mr. French -- Mr. Pape will qualify  
21 them, but please remember to the extent when you  
22 start talking, just identify your name, and if you  
23 stop and then you come back on for an answer, please  
24 just say Mr. French speaking or Mr. Testa so that  
25 the recording is accurate.

1 All right, Mr. Pape, you have the floor.

2 MR. PAPE: Thank you.

3 THE CHAIRWOMAN: Before that, if I can  
4 just add one thing for -- probably for Mr. Pape.  
5 I'd just like to clarify. As we move forward in the  
6 presentation, we've referred a lot in a lot of the  
7 documents as existing and the banquet hall, so I  
8 want to make sure that we're all on the same page  
9 that the banquet hall is -- would fall under  
10 abandoned and is not part of the existing?

11 MR. PAPE: No, we did not agree that  
12 it's abandoned. We agree it's inactive. Abandoned  
13 requires a legal conclusion. I didn't argue that  
14 conclusion before the board, only to say that if  
15 this relief is granted, then the applicant would  
16 legally abandon that use.

17 THE CHAIRWOMAN: Mr. Stahl, your  
18 thoughts on that.

19 MR. STAHL: Well, I don't think we have  
20 to respond to it at this time, Miss Szaro. There's  
21 no request or effort right now to use the banquet  
22 hall, so the whole issue of abandonment is one we  
23 would deal with at such time as there is a request  
24 to use it. If the application is granted, it's  
25 moot. If it's not granted, then we'll deal with it

1 when the issue of a banquet hall is raised. I think  
2 it's not timely to spend our time on it right now.

3 MR. PAPE: Mr. Stahl --

4 THE CHAIRWOMAN: Okay. I just want to  
5 make sure that when we speak about existing we're  
6 just clear on that, so thank you so much for the  
7 clarification.

8 Please continue, Mr. Pape.

9 MR. PAPE: Mr. Stahl, I agree with you.  
10 It is not an issue before the board as part of the  
11 application. The request -- the presentation this  
12 evening is an engineer's presentation and an  
13 architect's presentation. I note for Mr. Stahl's  
14 opening remarks that there's concerns on operations.  
15 I will make certain that when we return there will  
16 be operations testimony, also, but this evening, the  
17 engineer and the architect are the professional  
18 witnesses testifying.

19 Mr. French has testified before the  
20 board, but to make certain that the record is  
21 complete, I ask that Mr. French now place on the  
22 record his professional and educational background,  
23 and, Madam Chair, I will then ask if you would  
24 accept his credentials and allow him to testify as  
25 an expert in his field.

1           A N D R E W     F R E N C H ,

2           DIRECT EXAMINATION BY MR. PAPE:

3                   Q.       Mr. French.

4                   A.       Yes, Mr. French speaking. Bachelor of  
5           Science degree in civil engineering from NJIT. I am  
6           a licensed professional engineer in the State of New  
7           Jersey. I provided testimony in front of this board  
8           as well as numerous other boards throughout the  
9           state as to site engineering testimony.

10                   MR. PAPE: Madam Chair, may I ask that  
11           you accept Mr. French as a professional engineer and  
12           allow him to so testify.

13                   THE CHAIRWOMAN: Do any of the board  
14           members have any objections to accepting these  
15           credentials? Without hearing any, yes, please  
16           proceed. We don't.

17                   MR. PAPE: Thank you very much. So we  
18           have two exhibits to present. Mr. French has them.  
19           He previously sent them to the town, but he has the  
20           ability to screen share. Madam Chair, how would you  
21           like the exhibits to be placed in front of the  
22           board?

23                   THE CHAIRWOMAN: Amy, can you help us  
24           with that?

25                   MS. RUSSO: I'm going to give him the

1 presenter's rights.

2 THE CHAIRWOMAN: Thank you.

3 MR. STAHL: Amy, share the screen with  
4 Mr. French.

5 MS. RUSSO: Yes.

6 MR. STAHL: Mr. French, once she gives  
7 you that opportunity, for the benefit of the public  
8 who are here, if you would just identify -- strike  
9 that. I'm assuming that there will be plans that  
10 you're going to demonstrate to the public are those  
11 which are part of the original submission package,  
12 so when you put those plans up, if you just identify  
13 the block, the sheet number. We don't have to mark  
14 it because they're part of the set already in. But  
15 I'd like to just so that Jason and I and the board  
16 know the date of preparation and what the sheets  
17 show. Thank you.

18 THE WITNESS: Yes. Certainly. The  
19 sheets are not necessarily part of this set, so but  
20 I'll walk through and introduce each exhibit.

21 Q. Thank you, Mr. French. Mr. French, if  
22 you would do so.

23 MS. RUSSO: I'm sorry. I gave it to  
24 Mr. Testa. One second.

25 THE WITNESS: Okay. Can everybody see

1 that?

2 THE CHAIRWOMAN: No, not yet.

3 Q. Yes.

4 A. Okay.

5 MR. KELLY: We can now.

6 Q. Mr. French, please begin by describing  
7 this from the title block, and then we'll ask that  
8 it be marked as an exhibit.

9 A. Certainly. The title block is aerial  
10 plan is the title. It's dated November 19, 2020,  
11 and it's sheet 1 of 1. This is exhibit -- is an  
12 aerial photograph of the property as well as the  
13 surrounding area.

14 MR. PAPE: Is there an exhibit number  
15 awarded this, Mr. Counselor?

16 MR. STAHL: Stahl speaking. Why don't  
17 we identify this as A-1 of today's date, and that's  
18 how we will identify this together with the  
19 information Mr. French gave us.

20 (Aerial photograph marked A-1 for  
21 Identification)

22 Q. Mr. French, using A-1 that's just been  
23 marked into evidence, if you could identify where  
24 the property is located and orient all of us to the  
25 property.

1           A.       Yes, certainly. So the property is  
2       located in the center of this exhibit. It's  
3       highlighted in a yellow box area. It's at the  
4       intersection of Center Street and Cedar Street.  
5       It's located in the northwest portion of South  
6       Amboy. If you look at this exhibit, on the bottom  
7       right-hand corner you'll see Main Street is located  
8       there. One block to the west of that is Washington  
9       Avenue. If I go up another block west would be  
10      Center Street. And then in the center of property  
11      and the exhibit you'll see highlighted in yellow at  
12      the corner of Cedar Street and Center Street is the  
13      project site.

14           Q.       Thank you. If you could introduce your  
15      second exhibit and bring us onto the property.

16           A.       Certainly. Just before we do that, this  
17      exhibit also shows that it's in the RA single-family  
18      residential zone, and for purposes of the existing  
19      conditions of the site, you can see that a majority  
20      of the site is covered with the existing building.  
21      It's a two-story masonry building that has a  
22      bar/restaurant, a banquet hall area, and two  
23      existing one-bedroom apartments, and there is no  
24      parking on the project site currently.

25           Q.       Thank you.

1 A. Can everybody see that?

2 Q. Yes, sir.

3 THE CHAIRWOMAN: Yes.

4 A. The site plan that was part of this set,  
5 but it's been color rendered, but this was also --  
6 we had submitted revised plans to address the  
7 comments from the engineer's review letter, and I  
8 know that the board hasn't fully reviewed those, but  
9 this color rendering shows those revisions, so  
10 it's -- this exhibit is a color rendering of the  
11 site plan, which is sheet 3 of 8 of the set of plans  
12 that was submitted. It's dated March 19, 2020, last  
13 revised October 23, 2020.

14 Q. This is essentially the plans that you  
15 developed for our client with minor modifications or  
16 enhancements that were responsive to the technical  
17 comments of Mr. Valetutto?

18 A. That is correct, yes.

19 MR. STAHL: Stahl here. Stahl here. I  
20 have a question because I want to make sure there's  
21 no confusion. This plan is dated March 19, 2020,  
22 last revised October 23, 2020. Now, is this in the  
23 original packet with the application, or was this  
24 plan in response to Mr. Valetutto's review letter?

25 MR. PAPE: This is the response plan,

1 Mr. Counselor.

2 THE WITNESS: Yeah, this was revisions.  
3 Minor revisions were made to address Mr. Valetutto's  
4 comments are shown within this plan.

5 MR. STAHL: All right, Mr. Val -- Stahl  
6 again. Mr. Valetutto, do you or the board have any  
7 issues at least reviewing this as we speak subject  
8 to your ability to further comments?

9 MR. VALETUTTO: Well, the board I don't  
10 believe has actually reviewed the modifications they  
11 made because I have not generated a report to verify  
12 the modifications, but as Mr. French talks, I'm sure  
13 he will say that we adjusted this, we added a  
14 handicapped ramp here, we added board-on-board  
15 fencing here. If he does that, I think the board  
16 will be able to follow based on my original report  
17 dated October 9, which I think is what they really  
18 should follow and stick to with their presentation.

19 MR. STAHL: All right, thank you.

20 THE CHAIRWOMAN: And, Mr. French, I  
21 agree because one of the things that I was wondering  
22 when I did receive the new plans but wasn't able to  
23 kind of figure out what the difference was, so if  
24 you could make a point out of just pointing out what  
25 the differences are, I think that would be a great

1 help.

2 THE WITNESS: Certainly, yes, I can do  
3 that.

4 MR. PAPE: I have one last comment, and  
5 that is we appreciate the opportunity to proceed  
6 this way. We -- Mr. Valetutto did tell us that he  
7 did not have the opportunity to do his report. We  
8 do anticipate requesting the opportunity to meet  
9 with Mr. Valetutto again. He has been generous with  
10 his time to meet with us in the past. We ultimate  
11 -- and we will be prepared to make any further  
12 presentation after his comment letter is received,  
13 and further presentation will be at the continued  
14 hearing.

15 Q. With that, Mr. French, I'm going to ask  
16 if you would in a narrative fashion take us through  
17 the site improvements, and to the extent that you've  
18 made revisions to the plans responsive to comments  
19 from Mr. Valetutto, please share them with all.

20 A. Yes, absolutely. So Mr. French  
21 speaking. As indicated, the applicant is proposing  
22 to refurbish, renovate the existing building, to  
23 provide a bistro restaurant/bar. I don't know if  
24 people can see my cursor.

25 Q. Yes.

1 THE CHAIRWOMAN: Yes.

2 A. So on the lower left-hand corner, that's  
3 where the existing restaurant/bar is, and that is  
4 intended to be renovated and will be the bistro  
5 restaurant/bar. There are two existing one-bedroom  
6 apartments located on the second floor above that  
7 space, which will be remaining, and then the larger  
8 portion of the building is where the banquet hall  
9 was located on the second floor, and that space will  
10 be converted to eight studio apartments. Now, the  
11 ground floor or the basement floor will be converted  
12 into parking spaces, so there will be parking spaces  
13 on that lower floor, which will be seven parking  
14 spaces for the residents of the apartment.

15 So for the new improvements to the site,  
16 the existing building takes up the majority of the  
17 property. We are proposing a new driveway off of  
18 Cedar Street, which will provide a two-way access to  
19 the lower or basement floor. So you will enter from  
20 Cedar Street. There will be a garage door, two of  
21 them, one for ingress, one for egress from the  
22 space, that will provide access to the seven parking  
23 spaces that are located in the basement lower level  
24 of the existing building.

25 Just north of this new access driveway,

1 there's actually an existing concrete wall about 6  
2 foot high that extends from the building out towards  
3 Cedar Street and then takes a 90-degree turn. So  
4 that is the area that we are locating the dumpster  
5 as well as the trash receptacle space. This way  
6 that the wall will provide a screening for -- from  
7 the public view, but as part of Jason Valetutto's  
8 letter, he recommended that we add in fencing and  
9 gates to further screen this space. So on this  
10 plan, along the access driveway, we are adding a  
11 board-on-board 6-foot-high fence with gates to  
12 better screen this space from the public view.

13 On just on the north side of this space  
14 is an existing stairs that lead to that upper  
15 banquet area, and those are going to remain.

16 So now I'm traveling to southern area  
17 below the access driveway. Just off of the rear  
18 portion of the bistro restaurant bar in brown here  
19 is a new deck space that will be part of for outdoor  
20 dining associated with the bistro restaurant/bar.  
21 Now, this space is part of Jason's letter. There  
22 was some discrepancy between the deck shown on our  
23 site plans and the architectural plans, so we've now  
24 made them both consistent, and what is being shown  
25 is what the deck is proposed to be, but we've also

1 added a fence to screen off this space from the  
2 public view, again, to enclose this deck area, not  
3 over top of the roof, but just to have space so that  
4 it's screened, and that was also added onto the site  
5 plans. Just out of the corner of this space from  
6 the deck there is a concrete pad and a man door that  
7 leads you from the lower parking area out towards  
8 the access driveway from a pedestrian access  
9 perspective.

10 So we also added a handicapped parking  
11 space along Center Street. Now, this is on the  
12 street, itself. It's part of Mr. Valetutto's  
13 comment letter that the handicapped parking space  
14 was too close to the fire hydrant, so we adjusted  
15 the parking so that it was a minimum of 10 foot from  
16 the existing fire hydrant as well as reconfigured  
17 and provided a drop-off area and striped the  
18 handicapped parking in accordance with his review  
19 comments.

20 In addition, at the intersection where  
21 the crosswalk is at Cedar and Center Street, we've  
22 added a new detectible warning surface and  
23 handicapped ramp at that intersection.

24 As far as utilities to the building, the  
25 building is already serviced by water, gas,

1 electric, sanitary sewer, communications, but we are  
2 adding new electric service from a new utility pole  
3 located up on the top left corner of the page, which  
4 will have underground electric that feeds the  
5 building. We are also going to have new water,  
6 domestic and fire service, that comes into the  
7 building, as well as reusing the existing gas and  
8 sanitary sewer that service the building from a  
9 utility perspective.

10 One other element that we are adding as  
11 part of our site improvements is that one existing  
12 building mounted lighting fixture that will be  
13 centered over the access driveway mounted 10 foot  
14 high, and this is to illuminate the driveway coming  
15 in and out of the parking area. That light will be  
16 an LED fixture cut off so it illuminates only  
17 downward, and we will provide a house-side shield in  
18 accordance with Jason Valetutto's review letter to  
19 provide the shield to minimize light spillage.

20 So that's the overview of the  
21 application from a site plan perspective, and I  
22 think I touched based on most of the changes that  
23 were incorporated into the plan.

24 Q. This is Ken Pape. Mr. French, thank  
25 you.

1 MR. PAPE: Madam Chair, board members,  
2 we do anticipate that there will be further review  
3 comments from Mr. Valetutto, and as I indicated, we  
4 will ask for the opportunity to either through Zoom  
5 or in person to meet with Mr. Valetutto to address  
6 any continuing concerns.

7 I have no further direct examination of  
8 Andrew French this evening. He is available to the  
9 board, the board's professionals for examination at  
10 this time or if it's your pleasure at the conclusion  
11 of Mr. Testa's testimony. We'll continue now for  
12 guidance as to how to proceed.

13 THE CHAIRWOMAN: Do we have any  
14 questions from the board for Mr. French?

15 MR. VALETUTTO: I do, Mary, but I'll  
16 wait for board members.

17 THE CHAIRWOMAN: I'm sorry, Jason. I  
18 don't think the board members have any questions.  
19 Did you have a question?

20 MR. VALETUTTO: Yeah, I have a few  
21 comments and questions.

22 Mr. French, can you tell us the size of  
23 the deck.

24 THE WITNESS: In square feet?

25 MR. VALETUTTO: Yeah, the square

1 footage.

2 THE WITNESS: Yes, hold on one second.

3 (Inaudible) yeah, it's approximately 21-by-17,

4 Jason.

5 MR. VALETUTTO: Okay.

6 THE WITNESS: Which is 357 square feet,

7 but then you would have to take out that 4-by-4

8 notch out of there.

9 MR. VALETUTTO: Okay. So basically

10 we're looking at a deck that is greater than

11 250 square feet though.

12 THE WITNESS: That is correct,

13 approximately 340 square feet, yes.

14 MR. VALETUTTO: So the deck would be

15 included in lot coverage. Just so the board knows,

16 that would be an increase. That would be another

17 bulk variance for this application in regards to lot

18 coverage.

19 THE WITNESS: Yes, that is correct,

20 Jason. So on the original plan, we had shown a lot

21 coverage at approximately 84 percent and identified

22 that it was existing, was going to remain. When we

23 resubmitted the site plans, we included the deck

24 area as part of that lot coverage, and it's

25 approximately 95 percent now, so that's the relief

1 we're asking for, where 60 is the maximum within the  
2 district.

3 MR. VALETUTTO: Okay. You said all of  
4 the meters are going to be located inside the  
5 building now, like water meters and things of that  
6 nature?

7 THE WITNESS: So we anticipate that the  
8 gas service would come over to the side of the  
9 building just south of where the deck meets the  
10 existing building, and along that area there would  
11 be the gas meters exterior along the restaurant  
12 area. The water meters, themselves, we anticipate  
13 having just a -- for the domestic side a 2-inch  
14 water meter out in the sidewalk as you typically  
15 see. Then inside the building would be the backflow  
16 preventer as well as the fire detector system inside  
17 the building.

18 MR. VALETUTTO: Okay, but each unit  
19 needs to have a separate meter per city ordinance,  
20 so there has to be some sort of a stack of 10 water  
21 meters, 10 gas meters, 10 electric meters. Do you  
22 have that?

23 THE WITNESS: Yeah, so I guess I would  
24 have to talk to Mike Testa, the architect, about if  
25 there's room inside that garage space to house those

1 meters. You know, we've done other apartments  
2 within the city, and there's been one meter, one  
3 bulk meter for all the apartments, and then they  
4 submeter inside each apartment building separately  
5 for the -- you can have it within the building --  
6 within the apartment, itself, but I would defer to  
7 Mike Testa on if there is room to do that and just  
8 have one bulk meter for the water company and then  
9 separate meters, submeters let's call them, for each  
10 apartment.

11 MR. VALETUTTO: Okay. I will reserve  
12 that question for Mr. Testa.

13 The location of the trash containers,  
14 that is the best location you can come up with,  
15 because public and pedestrians are going to be  
16 walking across a driveway where cars can blindly  
17 come out of that garage, and just from a safety  
18 standpoint of the pedestrian, have you looked at  
19 other locations?

20 THE WITNESS: We did look at other  
21 locations. I mean, because of the deck being  
22 raised, there was a possibility of putting it under  
23 the deck, but it just didn't make sense to have the  
24 trash and garbage under that space when you're going  
25 to have people dining. So the other portion is the

1 access driveway that comes in off of Cedar Street  
2 takes up that area, and then really the rest of the  
3 property is building. So this seemed like the most  
4 logical location to put the dumpster as well as the  
5 trash receptacles. Now, I understand that when they  
6 come out the door, you say they'll be blind walking  
7 out to the access driveway, but the intent is that  
8 they're going to have overhead doors there that  
9 control the access in and out of that space. Now,  
10 the people that live there are really -- are the  
11 only people that are going to use the parking  
12 underneath the building, itself, in the enclosed  
13 parking, so there's only seven parking spots. It's  
14 not going to be a lot of traffic back and forth. So  
15 we feel that based on that condition, limited  
16 movements, it will be safe for people to bring over  
17 the trash to the area that we have chosen.

18 MR. VALETUTTO: Okay. There's no  
19 proposed signage for the building for the bar or the  
20 restaurant?

21 THE WITNESS: Not that I'm aware of at  
22 this moment. I guess I would defer to the architect  
23 if there's any signage allocated on the building  
24 elevations, but --

25 MR. VALETUTTO: Okay.

1 THE WITNESS: -- I don't think they have  
2 an end user at this point in time, but I would defer  
3 to --

4 MR. VALETUTTO: Okay. The lighting that  
5 you show over the garage, did you say if it was  
6 going to be on a timer or a sensor or a motion  
7 detector?

8 THE WITNESS: I didn't say, and I know  
9 that was part of your comment letter, Jason, and as  
10 far as the timer, this activity would be used for  
11 residential purposes. So I know you mentioned about  
12 a motion detector. I think that is a great idea so  
13 that, you know, when vehicles come into the space,  
14 the light would come on and illuminate it. So I  
15 certainly think that's a good idea and something  
16 that we could propose.

17 MR. VALETUTTO: Okay. Is Tom Kelly in  
18 here? I thought I saw his name. Tom, are you  
19 there? Can you unmute yourself.

20 MR. STAHL: Tom is here. I see him.  
21 TK.

22 THE CHAIRWOMAN: He's there. He's  
23 unmuted, also.

24 MR. VALETUTTO: Tom, if you can unmute  
25 yourself, can you comment on the need for

1 handicapped parking on site. I was under the  
2 impression with ADA that once you go above  
3 three units that the handicapped parking needed to  
4 be provided on site as opposed to in the street,  
5 especially since we cannot limit the handicapped  
6 parking in the street solely for the use of the  
7 residents. It would be actually a public handicap  
8 parking spot where anyone could use it. Tom.

9 THE CHAIRWOMAN: Are we sure Tom is  
10 here?

11 Amy, can you tell us Tom Kelly is here?

12 MS. RUSSO: I see him. I see him on  
13 the -- I see him as people as he's here, and he  
14 called yes on -- he called yes on roll call.

15 THE CHAIRWOMAN: He may be having some  
16 technical problems.

17 MR. VALETUTTO: Okay. Maybe we can  
18 revisit that one after Mr. Testa is done with his  
19 testimony. I do have other questions, but I think  
20 they are better served for the applicant, so I don't  
21 know if Mr. Pape would like me to ask those  
22 questions through you and you can get an answer  
23 through your applicant or if you wanted to swear  
24 your applicant in and just have him answer directly  
25 for himself.

1 MR. PAPE: Mr. Valetutto, this evening,  
2 the only two witnesses who will be testifying are  
3 the architect and the engineer. If there are  
4 questions that you would like to place before us,  
5 I'll take them down and make certain that when we  
6 return that we have Mr. Behar --

7 MR. VALETUTTO: Well, the questions that  
8 I have were included in my report, so you've had  
9 plenty of opportunity to prepare for them.

10 MR. PAPE: Yeah, I -- we did not intend  
11 to make any presentation other than the engineer and  
12 the architect this evening. We'll -- to the extent  
13 that there are remaining questions in your report,  
14 we'll address them, Mr. Valetutto.

15 MR. VALETUTTO: Okay, then I just need  
16 to have them put on the record. That's all. So if  
17 you can review anything that says testimony is  
18 required in my report and have that for next  
19 meeting, that would be great.

20 MR. PAPE: We will be prepared.

21 MR. VALETUTTO: I think that's all I  
22 have for now, Mary.

23 THE CHAIRWOMAN: Okay, thank you.  
24 Should we move to Mr. Testa?

25 MR. PAPE: With your permission, Madam

1 Chair, that would be fine. This is Pape. So with  
2 your permission, Mr. Testa, having been sworn, it  
3 would be appropriate for him now to share with you  
4 his education and professional background so that it  
5 is part of tonight's record.

6 Mr. Testa, if you would be so kind as to  
7 do so.

8

9 M I C H A E L V. T E S T A,

10 DIRECT EXAMINATION BY MR. PAPE:

11 THE WITNESS: Good evening, everyone.  
12 My name is Michael Testa. Madam Chairwoman, members  
13 of the board, it's my pleasure to present in front  
14 of you. My background consists of a bachelor degree  
15 of architecture from the School of Architecture,  
16 NJIT, 1991; licensed architect since 1996 in the  
17 State of New Jersey; principal and architect of  
18 Michael V. Testa, Manalapan, New Jersey, since 2002.  
19 I'm registered in New Jersey as well as 13 other  
20 states, and I have testified in front of this board  
21 previously.

22 Q. Mr. Testa, are the plans that you're  
23 about to present to the board this evening your  
24 professional work product?

25 A. Yes, sir, we prepared the architectural

1 plans and elevations presented to the board as well  
2 as the color rendering presented to the board, as  
3 well.

4 Q. Are you prepared, Mr. Testa, to screen  
5 share?

6 A. Yes, sir.

7 MR. PAPE: Before doing so, Madam Chair,  
8 I'd ask if the board would accept Mr. Testa as a  
9 professional architect and allow him to testify in  
10 that as his area of expertise.

11 THE CHAIRWOMAN: Does the board have any  
12 objections to accepting Mr. Testa's credentials? No  
13 objections.

14 I would like to just jump in real quick.  
15 For the folks online, we're not monitoring the chat.  
16 We just took a quick peak at it. But anything that  
17 you have to say, we will just request that you do it  
18 during the public session because we're live and  
19 we're not able to monitor the chat. So just to  
20 answer that question, but we did take a quick peak.

21 So please go ahead, Mr. Testa.

22 THE WITNESS: Good evening. If  
23 possible, I would love to share my screen with the  
24 board. Is there permission?

25 MS. RUSSO: Yes, go ahead. Hold on,

1 Mr. Testa, hold on. I'm sorry, my computer is a  
2 little slow, too.

3 THE WITNESS: No worries.

4 MS. RUSSO: You should be able to share  
5 now.

6 THE WITNESS: Okay. So different --

7 MR. KELLY: Amy, could you hear me now?

8 MS. RUSSO: Oh, there's Tom.

9 MR. STAHL: Yes. Tom. Tom Kelly is on.  
10 He had text.

11 MR. KELLY: I haven't lost video, Jim,  
12 but I did lose audio.

13 MR. STAHL: Okay, you're -- Angelo --  
14 Jason had a question for you on the engineering.

15 MR. KELLY: I actually heard his  
16 question. There is no specification in the code as  
17 to where the handicapped parking space is required  
18 or located. It just says that you need to provide  
19 it. It doesn't specify on or off premise. It does,  
20 however, need to be designated to that building.

21 MR. STAHL: Thank you, Tom Kelly.

22 MR. VALETUTTO: However -- this is  
23 Valetutto -- correct me if I'm wrong, Tom. Because  
24 it's located in a public right-of-way, it can't be  
25 made specific to that building. It has to be open

1 to the public. So wouldn't that mean that by virtue  
2 of that it would have to be located on the property  
3 so it can only be used by the people of that  
4 property?

5 MR. STAHL: Jason, you may be able to do  
6 it via -- and I'm not advocating it, but you may be  
7 able to do it by permit parking. I know the City of  
8 New Brunswick has a lot of permit parking, and  
9 sometimes I think they do allow, for example,  
10 handicapped permit parking identified to a specific  
11 building. That's -- I believe so. I would not  
12 swear to that. But that's something that, you know,  
13 will have to be addressed by the applicant.

14 MR. PAPE: With permission, we'll  
15 proceed with Mr. Testa's testimony?

16 THE CHAIRWOMAN: Yes, please.

17 THE WITNESS: Good evening, everyone.  
18 What I have in front of you right now is the lower  
19 level, which we would call the basement area.

20 MR. STAHL: Testa. Say it's Testa.  
21 Mike, say Testa. Just don't jump in, okay. Go  
22 ahead.

23 THE WITNESS: Sorry, Jim. Anxious to  
24 testify. This is Testa speaking. This is sheet A1  
25 of the board package, which is indicated as the

1 basement/parking plan. As you can see on the left  
2 side of the plan, we have off of Cedar Street -- I  
3 have my little pen here showing you this area -- is  
4 the entrance to the lower level, which would be the  
5 garage area, denoting the seven parking spaces and  
6 drive aisle in the center portion, and up against  
7 the main existing building wall, we would locate the  
8 fire suppression system as well as other meters and  
9 submeters as indicated by Mr. Valetutto, which we'll  
10 get into in greater detail in a couple minutes.

11 Off to the left under the existing bar,  
12 there is an existing basement where all the  
13 utilities come into right now. There is a little  
14 access door that goes under the deck that's existing  
15 into this area, which we plan on maintaining. These  
16 little posts are the lower level of the deck area.

17 I just scrolled over to sheet A2, which  
18 denotes the first floor plan. The first floor plan  
19 you have an existing bar area and a banquet facility  
20 that's there now. The existing bar area extends  
21 into the banquet area for its kitchen and support  
22 areas that I don't know at the time whether it was  
23 used for both the bar and assembly, but it was a  
24 kitchen support space, which we know was used for  
25 the bar.

1           So with that being said, on the lower  
2 left-hand side you see the bar area that's being  
3 repurposed, reused to restore to its existing  
4 conditions. We have an opening in this wall here  
5 that allows us to go into some support dining area  
6 and a small kitchen area that supports the bar and  
7 dining area.

8           The rear deck off the bar area again is  
9 something Mr. French had indicated. That's an open  
10 air wood deck. It has a 6-foot-high board-on-board  
11 fence for privacy around as well as sound. And  
12 also, the owner would like to in the future possibly  
13 put a seasonal cover over it. Maybe it would be a  
14 vinyl temporary structure or not, but that's  
15 something we would go into the board as a separate  
16 application to protect the occupants from weather.

17           The banquet side of the building, which  
18 is your left, larger side of the building, is being  
19 demised into seven -- one, two, three, four, five,  
20 six, seven studio units. The building right now is  
21 not handicapped accessible. We're providing a new  
22 handicap lift at the lower center portion of the  
23 plan. This new lift enters an existing vestibule  
24 area that's accessed on the other side from a set of  
25 steps. We have a center corridor that runs down the

1 center of the building and discharges out to the top  
2 left, which utilizes an existing egress door that  
3 discharges back out onto the street. Off of that  
4 center corridor area, you have access to all of the  
5 studio units, and indicated the studio units are  
6 approximately 430 square feet big. The units all  
7 have their own kitchen area, which consists of a  
8 sink, a stove, refrigerator, handicap accessible  
9 toilet rooms, and a living space. All of the units  
10 on this level are handicap accessible.

11           There is also a set of stairs located in  
12 the front third of the building, which brings you up  
13 above the board area into the two existing  
14 residential units. We reconfigured the residential  
15 units to be more usable as far as open space. You  
16 enter a common landing area and you enter each of  
17 the units in the space. On this common landing  
18 area, you have a little alcove here. This little  
19 alcove has a small little ladder that takes you up  
20 to a dotted line, which is a door, and the door  
21 brings you up to our roof plan. We're creating a  
22 platform on the roof in this area to basically have  
23 all of the mechanical equipment that may be needed  
24 for the kitchen as well as condensers for the  
25 apartment -- for the studio apartments.

1           There'll be no equipment on the roof of  
2 the -- above the apartments above the bar. It's  
3 going to be on this platform that is basically  
4 screened from the corner from both the Center Street  
5 and Cedar Street. In this -- if you guys can see  
6 this dotted line in here, this is the extent of the  
7 platform which we anticipate having the equipment on  
8 there, and access through this little corridor.

9           So above the units, above the studio  
10 units, you see these little dotted squares with  
11 access panels. Because of the parallel vault let's  
12 say like a bowling alley type of ceiling, you have a  
13 lot of height. Initially, the owner wanted to put  
14 lofts up in this space, and we didn't find it to be  
15 feasible and even -- we didn't find it to be  
16 feasible or economical with respect to the ability  
17 to use these spaces on a studio because of the  
18 spaces of the large trusses, so we have essentially  
19 abandoned that from an occupancy standpoint and used  
20 it as an attic. So these little stairs are going to  
21 basically go up to an attic space that will have  
22 HVAC units, little package units that you'd have in  
23 your house, located up in these areas. These areas  
24 will be accessible for maintenance and just  
25 serviceability to the large area just for these

1 units, but it's there.

2 The entire building is anticipated to be  
3 sprinklered. So the sprinkler units would go back  
4 to the lower level. The utilities are coming off of  
5 Cedar Street, as Mr. French indicated. They would  
6 come in under the deck and most likely, the  
7 sprinkler to be designed hopefully if approved in  
8 this area. We have the main utility meters that are  
9 going to be located along Cedar Street, which will  
10 be the main unit meter. The submeters will be  
11 located inside the garage area along this exterior  
12 wall so -- and it would be for each of the units.  
13 We would coordinate with Middlesex Water with access  
14 into this garage. This is the purpose of this man  
15 door here. The man door will be required for egress  
16 out of the garage as well as ingress for the utility  
17 company to get into that lower area to I guess get  
18 at their RPC valves or whatever utility items are  
19 needed.

20 I'd like to share -- I don't know how to  
21 go to another image.

22 MR. STAHL: Hold it, Mike, because I  
23 don't want to get too far ahead. You've now  
24 identified A-3 and A-4; is that correct?

25 THE WITNESS: I have identified sheets

1 A1, A2, A3, and A3.1.

2 MR. STAHL: Stop. Let's go -- I just  
3 want to -- we're up to -- we are up to exhibits A-3,  
4 which was sheet A1 of the basement. We then had  
5 A-4, which was a first floor, okay. So I'm just  
6 doing exhibit numbers for the record. And what  
7 sheet was A-4, the first floor?

8 MR. PAPE: Mr. Stahl, we're doing  
9 submission items. There's no -- these are  
10 submission items that were filed as part of the  
11 application. Does that change the way you approach  
12 it?

13 MR. STAHL: It will. So the first  
14 exhibit was A-1. That's on your sheets. What was  
15 the first floor? Was that A-2?

16 THE WITNESS: First floor would be A2,  
17 Mr. Stahl.

18 MR. STAHL: And what was the next sheet.

19 THE WITNESS: The next sheet would be  
20 A3, second floor.

21 MR. STAHL: Oh, that -- you were moving  
22 very quickly. All right, A3 is second floor. And  
23 what is A4?

24 THE WITNESS: There's a sheet in between  
25 A3 and A4, and that's sheet A3.1, and A3.1 is a roof

1 plan.

2 MR. STAHL: Okay. Got it.

3 THE WITNESS: Now we have A4, which I  
4 haven't discussed yet. Now, what I'd like to do is  
5 -- A4 images are just flat black and white  
6 two-dimensional images of what we'd like to do. I'd  
7 like to run through these quickly and then go over  
8 to the color rendering, which better -- it's a  
9 better diagram of what we intend to do and what the  
10 town or the city will see from the street. So as  
11 you can see here, this is the front elevation on A4.  
12 It's along Center Street. It shows -- it's pretty  
13 much the same building frontage. We've added some  
14 parapets and squared off the front vestibule that's  
15 there now. We've added some windows along the  
16 front, added some canopies, shutters, and we've  
17 continued the existing stucco finish across with  
18 these existing vertical lines that were on the  
19 original building into the new building just to  
20 articulate the facade.

21 The proposed right side of the building  
22 is on the -- is adjacent to a residential property.  
23 It's -- right now it's existing. We're not doing  
24 any work other than cleaning up that facade. We  
25 have existing windows there that are going to be

1 removed and replaced with new windows along that  
2 building edge.

3 The front facade you see above here.

4 There are two windows, square windows in this area.

5 The window on the left is an extension of the

6 existing vestibule, which screens the handicap lift.

7 So if you are on the street, you would not see the

8 handicap lift. Handicap lift has been screened by

9 this wall, which you can see the screen wall on the

10 plan, but it's open to the air. So you would come

11 around this left side, you would access the handicap

12 lift and enter into the building.

13 Sheet A5 are two more elevations. The

14 top is the rear elevation, which again faces another

15 residential property, which we are not touching

16 other than to repair and clean up and paint the

17 existing cement stucco. You can see the stair

18 coming down. That's the existing egress stair I

19 spoke of before. Beyond you see fencing, which

20 we've increased this fencing in this area based on

21 Mr. Valetutto's request up to a 6-foot

22 board-on-board fence.

23 And in the lower area you see the Cedar

24 Street elevation in two dimension. Again, this is

25 just -- on the lower left is a set of stairs going

1 to the egress door out of the residential. You have  
2 the screen wall here screening the trash compactors.  
3 These are the two overhead doors, which are somewhat  
4 slightly lower than street level that you would  
5 descend down to. This is the new outdoor deck with  
6 the 6-foot-high fence, screening material under the  
7 deck, and this dotted line is the man door that's  
8 behind that's kind of notched out from the deck.

9 These windows up above the garage doors  
10 are new windows. They are not in the existing  
11 banquet hall right now, which we are adding to the  
12 existing -- or to the proposed residential units.

13 As we come up to the corner of Center  
14 Street is primarily the existing facade that's there  
15 now that we cleaned up. We've added some horizontal  
16 tree details, shutters, some new windows and awning,  
17 and just cleaning up that whole facade.

18 So if you could help me out, this is  
19 new. This program is new. I've been doing a lot of  
20 Zoom meetings. How do I switch exhibits? Anyone?

21 MS. RUSSO: How do you switch what?

22 THE WITNESS: Exhibits. I would like to  
23 move to another exhibit.

24 MS. RUSSO: Is it a separate file?

25 MR. VALETUTTO: You're sharing your

1 screen, Mike, so you'd have to just open up whatever  
2 -- another window.

3 THE WITNESS: Okay.

4 MR. VALETUTTO: And while you're doing  
5 that, I'm going to talk to Mr. Stahl for a second.

6 Jim, I think what you're confused --  
7 what you're confused by is the presentation  
8 Mr. Testa just did was on plans that were the second  
9 submission, not the original submission from the  
10 original packet, which my report was based on.  
11 These were the ones that were submitted on the 10th  
12 day before the meeting that have not been reviewed  
13 that the board has not looked at. So I get what  
14 you're going by trying to do exhibits and whatnot,  
15 but I believe when Mr. Pape is saying that these  
16 were in the board's hands, but the board has not  
17 really reviewed them. I have not really reviewed  
18 them. So how you wish to handle, that's up to you,  
19 but these are revised plans. They aren't the  
20 original submission, and that one roof plan, 3.1, is  
21 something that was not contained in the original  
22 submission.

23 MR. STAHL: Okay. I got you.

24 THE WITNESS: And the roof plan was the  
25 result of Mr. Valetutto's comments with respect to

1           how we were handling mechanical equipment for the  
2           project, so those drawings were created to help  
3           clarify and satisfy the board as well as the -- as  
4           Mr. Valetutto's request.

5                         Can everyone see the three-dimensional  
6           rendering we have up -- I have up on screen now?

7                         MR. STAHL: This is Mr. Testa speaking.

8                         THE WITNESS: Yes, sir, still Mr. Testa.  
9           What I have here is a perspective rendering from the  
10          corner of Cedar Street and Center Street.

11                        MR. VALETUTTO: Just to interrupt you,  
12          Mike, this is Valetutto. Jim, this is something the  
13          board has not seen so this should be definitely  
14          entered as an exhibit.

15                        MR. STAHL: Thank you.

16                        THE WITNESS: Yes, I agree.

17                        MR. STAHL: All right. Let's make this  
18          A-3, applicant 3.

19                                 (Three-dimensional rendering of project  
20                                 marked A-3 for Identification)

21                        THE WITNESS: A-3.

22                        MR. PAPE: Pape speaking. Mr. Testa,  
23          please read the title block, then describe it, and  
24          then continue with the testimony.

25                        THE WITNESS: The title block just

1 basically described the applicant's name, Center SA,  
2 LLC, and it is a colored three-dimensional rendering  
3 of the project located at the corner of Center and  
4 Cedar Street.

5 Q. If you could, your architect's  
6 perspective, describe the features of the building.

7 A. Thank you, Mr. Pape. This is Testa  
8 speaking. We have basically a three-dimensional  
9 perspective color rendering of the building. The,  
10 building, as you can see here, is primarily focusing  
11 on the existing structure of the bar. You have the  
12 lower bar area with new windows, new door, existing  
13 stairs up into the bar. We have the upper level  
14 with new double hung windows being located in the  
15 existing openings with shutters and horizontal  
16 architectural accents to basically scale the  
17 building down, bring it into proportion.

18 Off to the right of the rendering, we  
19 have the existing vestibule, which is this square  
20 window here now, which we have extended a screen  
21 wall, and as you can see behind this nice red fire  
22 hydrant with no dog, we have a handicap accessible  
23 lift that will bring you up into the residential  
24 area.

25 To the far right we have the existing

1 set of steps that bring us into the building as it  
2 is now, the existing condition.

3 To the left side of the property you can  
4 see the screen wall. There are no trash corrals  
5 indicated in this rendering. We do have a vehicle  
6 exiting the parking area. Behind the existing  
7 masonry screen wall you can see a fenced area coming  
8 up to a door, which is the existing egress door out  
9 of the residential. These two windows all the way  
10 to the left are the windows I indicated in the  
11 two-dimensional building elevations as new windows  
12 for the residential units.

13 The railing that we have around the back  
14 deck here were part of the original design concept.  
15 This rendering was created some time ago prior to  
16 the delays caused by the COVID, and everything has  
17 not been updated based on I guess comments from  
18 Mr. Valetutto and evolution of the project, but this  
19 is the intent of the deck area. There would be a  
20 6-foot-high board-on-board fence that you would not  
21 be able to see here, and then there be screening  
22 under the deck that right now we're calling out as a  
23 board-on-board fence to match the upper area.

24 So that is my testimony at this point.  
25 Anyone has any questions, I'd love to answer any

1 questions.

2 MR. PAPE: And, Madam Chair, that is the  
3 conclusion of our direct presentation from the  
4 architect this evening. As Mr. Testa has indicated,  
5 he is available to the board, the board's  
6 professionals, and at your direction to examination  
7 from the public.

8 THE CHAIRWOMAN: Thank you, Mr. Testa.  
9 Does anyone from the board have any questions for  
10 Mr. Testa?

11 MR. GONZALES: Yes, Mary. I have a  
12 quick question. This last rendering --

13 THE CHAIRWOMAN: State your name.

14 MR. STAHL: Identify yourself.

15 MR. GONZALES: Jorge Gonzales, board  
16 member. So this rendering that's up right now that  
17 we can see does not depict the handicapped space  
18 that you have identified for the place?

19 THE WITNESS: This is Michael Testa.  
20 Dr. Gonzales, nice to speak with you, sir.

21 MR. GONZALES: Likewise.

22 THE WITNESS: Yeah, we don't indicate --  
23 this is more of a rendering of the building. As you  
24 can see, there is space adjacent to that fire  
25 hydrant on the right-hand side is where Mr. French

1 is proposing that handicapped space. That would be  
2 the closest location to the handicap accessible  
3 point of the building.

4 MR. GONZALES: Okay. Thank you for your  
5 answer, Mike. And this may be for Mr. Pape.

6 Mr. Pape, at any time is there a  
7 presentation by a structural engineer to the  
8 integrity of the building in the next presentation?

9 MR. PAPE: We didn't intend to make a  
10 presentation on the structural integrity of the  
11 building other than to state that the structural  
12 integrity of the building is a prerequisite to  
13 making these -- to making any of these corrections.  
14 All of that is not part of a planning board  
15 presentation, but it is the responsibility of the  
16 applicant to secure from your construction  
17 department.

18 MR. GONZALES: Thank you for putting  
19 that on the record, sir. Thank you.

20 MR. PAPE: You're welcome. Thank you  
21 for the opportunity.

22 THE CHAIRWOMAN: Any other questions  
23 from the board members?

24 MR. KOMINKIEWICZ: Yes, Madam Chair.  
25 This is Scott Kominkiewicz. I would like to direct

1 a question to Mr. Testa. During your testimony,  
2 Mr. Testa, you indicated that there would be seven  
3 studio dwelling units, but if I'm not mistaken, is  
4 that eight? Could you please clear that up.

5 THE WITNESS: I'm sorry,  
6 Mr. Kominkiewicz, you're right. It is eight studios  
7 and two one-bedroom units. That's the total  
8 residential unit count.

9 MR. KOMINKIEWICZ: All right. Thank you  
10 very much.

11 THE CHAIRWOMAN: Any other questions  
12 from the board?

13 MR. GONZALES: Yes hi, Mary, Jorge  
14 Gonzales. Maybe for Mr. Pape. Will this be managed  
15 by a homeowners association?

16 MR. PAPE: No. A homeowners association  
17 would be if these were condominium units and there  
18 were individual owners. This will be owned by  
19 Mr. Behar, Center SA, and he is a professional  
20 property manager. He would manage the property.

21 MR. GONZALES: Okay, and will he be  
22 operating the bistro and bar if the application is  
23 approved?

24 MR. PAPE: I do not believe so. I  
25 believe he'll be the landlord.

1 MR. GONZALES: Thank you.

2 THE CHAIRWOMAN: Any other questions?  
3 Jason?

4 MR. VALETUTTO: I have, Mary, once all  
5 the board is done.

6 Mike, I think I might have missed. Did  
7 you go over the height of basement space and if that  
8 was going to be only for the bar?

9 THE WITNESS: The basement space -- I'm  
10 sorry. Let me switch screens here. I'm sorry,  
11 guys. Let me try to pull up my PDF.

12 THE CHAIRWOMAN: Your golf course is  
13 approved.

14 THE WITNESS: Thank you. Put that up  
15 there for Mr. Kelly. I'm sorry. Must have closed  
16 it by accident. So I apologize, Mr. Behar. Okay,  
17 Jason -- I'm sorry, this is Michael Testa speaking  
18 again. So the basement area is here, Jason. I'm  
19 sorry. What was your question again?

20 MR. VALETUTTO: The height of it and if  
21 it's just purely used for the bar and storage only.

22 THE WITNESS: Well, there are two areas.  
23 There is the area directly under the bar, which is  
24 solely used for the bar space. You can see this  
25 small set of steps here, which is existing, existing

1 space we intend to be continued to be used as the  
2 bar's basement and storage area. Then to the right,  
3 the new parking area basement is solely going to be  
4 used for the parking spaces for the residents of the  
5 space above.

6 MR. VALETUTTO: Okay. The comment I had  
7 for sheet A2 about the square footages for each  
8 apartment, did you confirm if those are gross area  
9 or net usable area, just so we have that for the --  
10 to compare versus the minimum square footage per  
11 unit.

12 THE WITNESS: Those are gross areas,  
13 Jason. They're taken from sound line demising wall  
14 to exterior face of the building wall --

15 MR. VALETUTTO: Okay.

16 THE WITNESS: -- exterior face of the  
17 common wall.

18 MR. VALETUTTO: Okay. The bar, itself,  
19 I did not see a way for handicap access, but I might  
20 be mistaken. Is the bar handicap accessible?

21 THE WITNESS: The bar is not being --  
22 there's no change of use in the bar. It's an  
23 continuation of the existing use under the UCC rehab  
24 code. We are not providing any additional access  
25 into that building. We will make provisions

1 required by the code for accessibility in that  
2 space, but at this point, we're not making  
3 accessible modifications to enter that mercantile or  
4 that assembly space. We are making those provisions  
5 for the new use created on the right side of the  
6 structure into the residential portion of the  
7 building.

8 MR. VALETUTTO: Okay.

9 MR. KELLY: How about for the new dining  
10 area?

11 THE WITNESS: The new dining area. Mr.  
12 Kelly, are you talking this dining area in here?

13 MR. KELLY: Yes, sir.

14 THE WITNESS: Yes, I mean, that again, I  
15 did not have the pleasure of seeing those existing  
16 walls in place. All I could do is see the remnants  
17 of the existing partitions. I'm calling that as new  
18 dining area. I'm assuming it was previously used  
19 dining. If I need to put a door into the common  
20 corridor for access that would be accessible through  
21 the space to make that accessible, I don't think our  
22 client has any objection to doing that.

23 MR. KELLY: Thank you.

24 MR. VALETUTTO: And then last question  
25 from me, Mike -- this is Valetutto speaking -- is

1           there a seating layout for the outdoor patio? I  
2           know that you show one for inside the bar area, but  
3           is there going to be some sort of a seating layout  
4           for outside?

5                         THE WITNESS: Right now -- this is Testa  
6           speaking. Right now, Mr. Valetutto, the outdoor  
7           area we indicated as approximately 334 square feet.  
8           It's a small deck. It's primarily the size of most  
9           residential decks off the back of a house. There is  
10          not that much seating that can be put out there. We  
11          don't have a layout, but I can always provide you  
12          with one if you like at any time after this meeting.

13                        MR. VALETUTTO: Okay. That's all I had,  
14          Mary.

15                        THE CHAIRWOMAN: Okay. Thank you.  
16          Unless we have any other questions, I will ask Mr.  
17          Pape, do you have any -- anything you'd like to add  
18          before we close this session and open it up to the  
19          public?

20                        MR. PAPE: No, Madam Chair, that is the  
21          applicant's direct presentation for this evening.  
22          Opening it to the public would be appropriate at  
23          this time.

24                        THE CHAIRWOMAN: Okay. Thank you. And  
25          at this time, I'd like to have a motion to open this

1 session up to the public.

2 MR. KELLY: Make a motion.

3 MR. GONZALES: I'll second that.

4 THE CHAIRWOMAN: Thank you. Who was  
5 that?

6 MR. GONZALES: George.

7 MR. KELLY: Tom Kelly.

8 THE CHAIRWOMAN: Okay, Tom Kelly, and we  
9 have George Gonzales. So before we start, we have  
10 quite a few people here joining us. So what I'd  
11 like to do is I'm going to start this out with just  
12 asking if someone could -- who would like to speak,  
13 if you would just say your name. I will recognize  
14 you. You will need to be sworn in. I will say that  
15 again we may have quite a few people who would like  
16 to speak. We want to hear everyone. If you could  
17 be specific. I don't want to say be brief because  
18 we do want to make sure that we hear everyone, but  
19 we want to make sure that we get everybody in. So  
20 who would like to be the first one to speak?

21 MR. STAHL: Madam Chair, may I just help  
22 you as always or work with you. Jim Stahl here.

23 THE CHAIRWOMAN: Yes.

24 MR. STAHL: I just want to remind  
25 everyone that we try to limit statements from each

1 person to the chair to about 5 minutes. You know,  
2 there is no purpose to shut you down. I would  
3 suggest that (audio distortion) on the engineering  
4 and the architecture and those areas, remembering  
5 that there's going to be a planner and a traffic  
6 engineer, who will (audio distortion) suitability  
7 and zoning and parking and traffic. So I mean, you  
8 can say whatever you want. We certainly want to  
9 hear it. I usually suggest for the chair that we  
10 start with people with the first name beginning with  
11 an A and then go down the alphabet, so -- and then I  
12 will ask you to state your name, spell your last  
13 name, where you live. I will swear you in, and then  
14 you are free to question the engineer, the  
15 architect, or make any statements you wish to the  
16 board. So that's what I would suggest, Madam Chair.  
17 Is there anyone there with a first name that starts  
18 with an A. No? How about B?

19 MS. TRAPP: Yes, no, A.

20 MR. STAHL: Okay.

21 MS. TRAPP: Hi, my name is Ann Marie  
22 Trapp.

23 THE CHAIRWOMAN: State your name.

24 MS. TRAPP: I'm sorry?

25 THE CHAIRWOMAN: Please state your name.

1 MS. TRAPP: Ann Marie Trapp, T-r-a-p-p.

2 THE CHAIRWOMAN: Thank you.

3

4 A N N M A R I E T R A P P, sworn.

5 MR. STAHL: And your -- could you tell  
6 us where you live, please.

7 MS. TRAPP: Certainly, 240 Cedar Street,  
8 South Amboy.

9 MR. STAHL: Of course. Thank you.

10 MS. TRAPP: So we have a lot of grave  
11 concerns. And I apologize. I'm very nervous. This  
12 is like my debut for one of those things. However,  
13 one of my greatest concerns is parking all itself.  
14 It's already difficult. When there are events going  
15 on with the church or when CCD is on Monday nights,  
16 it's impossible to move anywhere on the entire block  
17 of Cedar Street. The influx of vehicles go down  
18 Cedar Street, and then it intersects at Center  
19 Street, and the traffic is horrendous, and it's a  
20 major safety hazard. So that's just one of the  
21 concerns.

22 The next event would be --

23 THE CHAIRWOMAN: If I could just pause  
24 you one minute. Can I ask everyone else to put  
25 themselves on mute so we can hear the person

1 speaking. Everyone else on mute except the person  
2 speaking. Thank you so much.

3 Please go ahead. You're doing great.

4 MS. TRAPP: Thanks. So my other concern  
5 is the number of apartments. There's -- they're  
6 looking at 10 apartments. So that's going to bring  
7 an incredible influx of people that's in an already  
8 crowded area. Who would they be renting to I guess  
9 would be one of my better questions. Is there going  
10 to be a constant change of residents. Is it going  
11 to be like a transitioning apartments. Either way,  
12 you're looking at even more traffic aside from the  
13 fact that you're looking at a bistro/bar.

14 My third question would be.

15 THE CHAIRWOMAN: If I could just hold  
16 up -- the only reason is -- I want to interrupt you  
17 is I want to be able to maybe take some of the  
18 questions that you have already.

19 So, Mr. Pape, do you think you or one of  
20 your experts might want to start with some of the  
21 questions that have already been asked?

22 MR. STAHL: Madam Chair, before Mr. Pape  
23 responds, if he wants to respond to the parking  
24 issue or the number of apartments, yes, but I will  
25 tell you that the law does not permit us to ask

1 questions as to who the units will be rented to. If  
2 they are going to be pure rental units -- and I  
3 understand Miss Trapp's concern -- we would not  
4 expect them -- we'd expect them to be straight  
5 conventional rental units at market value. We  
6 cannot answer questions or permit people to ask --  
7 I'll get right down to it -- are they going to be  
8 welfare hotels, are they going to be transitional  
9 for people in other towns. That is not permitted to  
10 ask that question, and we only can assume that these  
11 will be market rate, not cheap, rentals, and I'm not  
12 advocating anything. I'm just trying to educate, if  
13 you will. Thank you.

14 THE CHAIRWOMAN: Thank you.

15 MR. PAPE: The parking issue will be  
16 addressed when the traffic engineer testifies. As  
17 far as the type of residential units, these are not  
18 transient or short-term rentals. These are intended  
19 to be annual rental properties, and as Mr. Stahl  
20 just expressed, these will be higher end, high  
21 finished apartments. This is not intended to be --  
22 is not intended to be and it will not be a  
23 low-quality project.

24 MS. TRAPP: Thank you.

25 THE CHAIRWOMAN: Miss Trapp, would you

1 like to continue.

2 MS. TRAPP: I do have a few more things,  
3 if you will entertain me. After reading -- after  
4 reading the state's requirements that are I guess  
5 our city ordinances, I just can't understand how  
6 they can even suggest relief be granted with such an  
7 egregious inadequacy of space. I can't fathom. I  
8 just can't image how that's going to work to have  
9 such -- I mean, the shortcomings are just so huge.  
10 How is that going to pass code?

11 THE CHAIRWOMAN: You're on mute, Mr.  
12 Pape.

13 MR. PAPE: There's no relief that this  
14 board can grant from the construction or building  
15 code. Every one of these units must comply with the  
16 construction building codes.

17 MS. TRAPP: Okay. That's slightly  
18 confusing for me, but thank you. I just don't  
19 understand how that is all going to work. Then we  
20 -- we then come back to the whole traffic thing. I  
21 just can't fathom how incredibly horrible it's going  
22 to become, and I understand that the traffic  
23 engineer will be at the next meeting, which I will  
24 gladly be at; however, if Mr. Behar or whomever has  
25 ever been physically in the area on a day where

1 there's any type of activity, it is just absolutely  
2 horrendous, and we do have quite a few young  
3 children in the area, my grandchildren included, so  
4 I just can't see how they're going to be a benefit  
5 if you're going to have not only additional  
6 residential traffic, but now you're going to have  
7 establishment traffic that's going to create even  
8 more of a problem. What would the solution to that  
9 be?

10 THE CHAIRWOMAN: And I think as you  
11 mentioned, the traffic expert will be here at the  
12 next meeting, so those would be questions specific  
13 to his expertise.

14 MS. TRAPP: Okay. Last thing --  
15 actually, no, two things. I'm sorry. So now we're  
16 looking at -- we were talking about the cordoning  
17 off of the dumpster and the refuse. With 10  
18 additional apartments, just that alone, not even  
19 counting the bar/bistro, the amount of refuse that  
20 is going to be produced is going to be astronomical.  
21 So now we're looking at refuse that is going to  
22 bring more vermin, and having a restaurant is --  
23 it's just a fact of life that when you have any type  
24 of eatery, you're looking at the potential of  
25 increasing any vermin in the area. So how would we

1 be looking at even attempting to reduce that?

2 THE CHAIRWOMAN: Who would like to take  
3 that question, Mr. Pape, Mr. Testa, as far as the  
4 refuse removal?

5 MR. PAPE: We have an obligation to  
6 demonstrate to the board and to the board's  
7 professionals that the refuse area is adequately  
8 sized. We'll gladly go over that with Mr. Valetutto  
9 in detail before we return, but we're comfortable  
10 that the area that is dedicated for trash and  
11 recyclables is, in fact, adequately sized.  
12 Something we'll have to go over with Mr. Valetutto  
13 to make certain that we satisfy his requirements.

14 MR. VALETUTTO: Mr. Pape, this is  
15 Valetutto. Maybe a way to satisfy the public  
16 question would be to determine will this be trash  
17 collected by a private hauler or will you be using  
18 city services, and how often will you be having  
19 trash collected, because if it's collected numerous  
20 times during the week as opposed to once a week,  
21 that also makes a big difference.

22 MR. PAPE: I agree with you,  
23 Mr. Valetutto. The combination of the size of the  
24 area and the frequency of removal is the answer.  
25 The opportunity to review it with you before we make

1 a statement to the board. But we have an obligation  
2 to have an adequate and safe area for the refuse and  
3 recyclable storage.

4 MS. TRAPP: Great. My last thing is  
5 noise. You're going to have many more vehicles in  
6 the area, and whether there's going to be music or  
7 not, which was addressed earlier in the meeting  
8 during the testimonial session; however, the quality  
9 of life is going to be substantially reduced just by  
10 noise alone. This is a relatively quiet area. So  
11 now you have increased traffic, increased  
12 population, and I can't imagine any way that with  
13 another bar that it's not going to increase the  
14 intensity of noise in the area. Do we have any  
15 solutions for that?

16 MR. PAPE: Well, politely, that's your  
17 conclusion, and I'm not going to argue with your  
18 conclusion, but the restaurant/bar is an existing  
19 use at the site, so that's not a change in use, and  
20 the residential use of the building, it's -- I can't  
21 argue with your opinion of what that sound of people  
22 coming and going from the residence is, but there's  
23 no answer to it. There will be people coming and  
24 going from the building to their residences.

25 MS. TRAPP: Okay. Thank you so very

1 much.

2 THE CHAIRWOMAN: Thank you so much for  
3 your time and your questions. Let's move on to the  
4 next person who would like to be heard.

5 MR. STAHL: With an A. Anymore A's,  
6 first name. B's, first name. C, first name.

7 MR. SMIGA: Hi, this is Christopher  
8 Smiga.

9 MR. STAHL: All right, Mr. Stevens,  
10 would you raise your right hand.

11

12 C H R I S T O P H E R S M I G A, sworn.

13 MR. SMIGA: That is Christopher Smiga,  
14 S-m-i-g-a, and yes, I do.

15 MR. STAHL: Okay, and where do you live,  
16 sir?

17 MR. SMIGA: One forty-four Second  
18 Street.

19 MR. STAHL: Of course in the grand city  
20 of South Amboy.

21 MR. SMIGA: Yes, sir.

22 MR. STAHL: Okay. Thank you.

23 MR. SMIGA: I would like 90 seconds to  
24 make comments towards the board. So thank you. We  
25 have before us a variance request for a multipurpose

1 use of the building, an increase in the number of  
2 residential units, and relief for the continued use  
3 of a nonconforming bar/restaurant.

4 The outreach process section of the  
5 South Amboy 2017 master plan mentioned that parking  
6 availability should be addressed, and residents  
7 expressed specific concerns over lack of pedestrian  
8 traffic in the downtown. This project will  
9 exasperate the daily struggle for parking in this  
10 neighborhood, and a bar/bistro will put -- will pull  
11 patrons from the downtown.

12 Also, in light of past documented  
13 concerns, I encourage board members and the owner to  
14 further quantify residents' parking concerns before  
15 any variance is given.

16 Per the 2017 planning goals section of  
17 the same master plan, we should maintain and  
18 encourage the desired level of development and  
19 population density and promote and reinforce the  
20 city as a desirable residential location with an  
21 attractive downtown. This project produces an  
22 undesired level of development and population  
23 density, as can be observed from other properties in  
24 this neighborhood. Single-family, two-family, and  
25 an occasional three-family are tangible, organic,

1 real proof that in spite of rapid development across  
2 the city, this neighborhood's optimal desired level  
3 of density is not what this application offers.

4 Furthermore, this project makes  
5 virtually no attempt at beautification through  
6 landscaping, a fact we can only infer as an  
7 unwillingness to improve the community.

8 I implore the board to reject this  
9 application. Thank you.

10 THE CHAIRWOMAN: Thank you very much for  
11 your time and your comments.

12 Mr. Pape, would you like to respond to  
13 any of that, or shall we move to our next --

14 MR. PAPE: Madam Chair, I have no wish  
15 to answer Mr. Smiga's comments. Thank you.

16 THE CHAIRWOMAN: Thank you.

17 MR. COTTINGHAM: Cottingham.

18 THE CHAIRWOMAN: I'm sorry, please state  
19 your name again.

20 MR. COTTINGHAM: Michael Cottingham.

21 MR. STAHL: Mr. Cottingham.

22

23 M I C H A E L C O T T I N G H A M, sworn.

24 MR. STAHL: Please spell your last name  
25 and tell us where you live, please.

1                   MR. COTTINGHAM: C-o-t-t-i-n-g-h-a-m,  
2                   241 Walnut Street in South Amboy.

3                   MR. STAHL: Thank, sir. Go ahead.

4                   MR. COTTINGHAM: Okay. My one question  
5                   is, we're on a busy street here on Walnut. We're  
6                   right down the street from Sacred Heart, and it's  
7                   very much busy here even on the weekends and during  
8                   the week. With having a bar there, which I think  
9                   would be no sense, even if the bar is still there,  
10                  it's been there for years and has not been used. I  
11                  don't know why they need to have another bar in town  
12                  when we have people that are going to the bar that's  
13                  over there now, parking in front of our house and in  
14                  front of other people's houses, which is not fair,  
15                  because we pay taxes like everybody else does, and  
16                  we have to have people coming and going from that  
17                  bar, parking in front of our house, which is not  
18                  fair to us. That's what I think is wrong. And  
19                  you're going to have people there living at this  
20                  place, 10 more apartments that are going to take up  
21                  other people's spots in their house, that they have  
22                  to park a block or two away from their house to get  
23                  to their own home, which is not fair.

24                  And the noise level -- and this bar has  
25                  not been open for I don't know how long. Why would

1 you need another one here? There's no sense, no  
2 rhyme or reason to have one here, another one.

3 We oppose to having this building here.  
4 It should not be put up. It should just be used as  
5 something else other than a bar because there is no  
6 place to park. We have other people that come here  
7 from all over the place trying to park in other  
8 people's -- in front of their houses, which is not  
9 fair.

10 MR. STAHL: Madam Chair, may I ask  
11 Mr. Cottingham a question or two?

12 THE CHAIRWOMAN: Certainly.

13 MR. COTTINGHAM: Okay.

14 MR. STAHL: Mr. Cottingham -- and I  
15 represent the board, so I -- we're neutral and just  
16 listen to the testimony. Do you have information --  
17 is the bar open? Does the bar serve liquor now, or  
18 has it been closed, and if so, for how long?

19 MR. COTTINGHAM: The bar has been  
20 closed, but it's been closed since -- I've been in  
21 this town for 27 years, and we've been in this  
22 certain area for 4 years, and that bar and that  
23 building has not been open. I have not seen not one  
24 patron, anyone go in that building except for about  
25 a year ago I seen people working on the outside of

1 the building. That was it.

2 MR. STAHL: Okay. Thank you very much,  
3 sir.

4 MR. COTTINGHAM: You're welcome.

5 MR. STAHL: Anymore C's? First name  
6 C's? D, first name D, David, Don.

7 MR. KALES: David Kales.

8 MR. STAHL: How do you spell your name,  
9 sir?

10 MR. KALES: It's K-a-l-e-s.

11 MR. STAHL: And where do you live, sir?

12 MR. KALES: I live at 329 Cedar Street.

13

14 D A V I D K A L E S, sworn.

15 MR. STAHL: All right. Go right ahead,  
16 sir.

17 MR. KALES: Okay, I've got some  
18 statements to make. I've got some examples that I  
19 want to speak about, but your first question,  
20 Mr. Stahl, that bar was closed over 3 years ago when  
21 Mr. Burdak died. It was a bar, a shot-and-bar  
22 place. It was never a restaurant. It was never  
23 deemed a restaurant. What it was -- unless if you  
24 want to call pickled eggs and a bag of chips a  
25 restaurant. There was a banquet hall. To the best

1 of my recollection, there's a picture at the  
2 Protection Firehouse of the last banquet there is  
3 1966. So that's for your information to start.

4 First, I want to talk -- and I'm going  
5 to speak to the board. I'm going to speak to Mr. --  
6 South Amboy Center galley -- Center Street, and the  
7 residents.

8 Understand the architect, engineer,  
9 traffic people, they all work for the developer.  
10 Our planning board, the city engineer, and the  
11 lawyer, Mr. Stahl, and Jason, they all work for the  
12 city and the residents and the best of our ability.  
13 I am a resident of this town. I have been on Senior  
14 Street for over 20 years, and I'm telling you first  
15 and foremost, I want development there. We want  
16 building there because that building is taken -- is  
17 depreciating the values of our residents, but this  
18 proposal that you have put out is absurd.

19 And now I'll start a couple different  
20 things, and you might hear this through my  
21 presentation. Design and having built an  
22 (inaudible) okay, simply it states that you can put  
23 it on paper and design it and it all fits and all  
24 works, but the reality part is that you have to put  
25 it -- you have to build it, and then you have to

1 live with it. So as I put my presentation through,  
2 just keep that in mind.

3 My first statement I want to make is in  
4 regards to the handicap parking stall that you --  
5 that the engineer has provided on Center Street. So  
6 you've offered us six parking spaces. Can somebody  
7 tell me if those are for full-sized vehicles,  
8 mid-size, compact?

9 THE CHAIRWOMAN: Mr. Pape, I believe  
10 they're for subcompact?

11 MR. PAPE: Yes, I think --

12 MR. KELLY: Mr. French can really answer  
13 that.

14 MR. PAPE: Mr. French's plans they are  
15 denoted as compact car parking spaces.

16 MR. KALES: Okay. They are compact  
17 cars. So you're offering me seven spaces, and we  
18 have 10 apartments. By code, we are required to  
19 have 18 parking spaces, off-street parking, on site.  
20 So in behalf of that -- of the seven, so if you take  
21 those seven, if you gave me seven full-size, then  
22 there's seven parking spaces available for all the  
23 residents, but seeing that there is only seven  
24 compact, you are only giving me a 33 percent  
25 possibility of the residents parking in that

1 location. So I just want to make a point that seven  
2 is not really seven, it's two, possibly three.

3 Now, to your -- to your on-street, on  
4 Center Street, you currently have just put  
5 off-street parking -- and, Jason, this is really  
6 something I want to direct at you because I know you  
7 requested the handicapped spot, all right. You  
8 asked them to move that back 10 feet according to  
9 Mr. French, which he did, but the law states that  
10 you have to be 25 feet from the crosswalk, and what  
11 you presented there is -- further is not 25 feet  
12 from the crosswalk. So if you go 25 feet from the  
13 crosswalk and then you add on the 30 feet for the  
14 handicapped parking space, that takes up 55 feet of  
15 space, now, you currently, if you go there and you  
16 look at that location, the curb depress from the  
17 residence next to it is 5 feet into the property.  
18 So in all actuality, besides a handicap parking  
19 space, in front on Center Street, there is no  
20 parking land.

21 Now we go back -- now we go to Cedar  
22 Street. With Cedar Street, you opened up two lanes  
23 coming in, which now we come 25 feet down the Cedar  
24 Street you can't park because the law states you  
25 can't park. Now you've opened up a 30-foot driveway

1 plus two 5-foot curb regresses, so you removed  
2 30 feet there. I will -- I'll concede that you  
3 possibly can get one vehicle parked on the side of  
4 Cedar Street. So at currently, you've taken all the  
5 parking in front of Center Street and Cedar Street  
6 and moved it to one vehicle. So you've given us  
7 realistically two vehicles underneath and one  
8 vehicle on the street in that area for parking for  
9 10 apartments. Okay, so --

10 THE CHAIRWOMAN: Any comments on that  
11 before we go any further, Mr. Pape or Jason?

12 MR. PAPE: Jason, I don't if he -- on  
13 behalf of the applicant, all matters traffic  
14 related, including parking, will be addressed at the  
15 next meeting.

16 MR. KALES: It's on the record to have  
17 that addressed then. Thank you very much. Okay.

18 So I'm going to assume you give me  
19 credit for three underneath -- I'll give you the  
20 extra parking spot -- one on the outside, so there's  
21 four parking spaces that I want you to be aware of,  
22 the board. There's four parking spaces. I have 10  
23 apartments. On a conservative one car per  
24 apartment, and then I have a bar and a restaurant  
25 that you're saying it's a bar and a restaurant that

1       you're proposing, or a bistro, so I have to have a  
2       cook, I have to have a waitress or a waiter,  
3       possibly two, and a bartender. So right off the bat  
4       before we even have anybody come into the bar and  
5       the restaurant, we have already got 14 parking  
6       spaces, and you're providing four.

7                   The handicapped entrance, you have  
8       addressed that when Mr. Kelly said that you will  
9       put -- you will have the entrance into the  
10      bar/restaurant. That's correct. I'm okay with  
11      that.

12                   The one thing I do want to make aware  
13      that it was never a bar/restaurant. It was a bar, a  
14      shot-and-beer place, and then there was a banquet  
15      hall. You could -- at no time have I ever found  
16      anybody to be able to go in there and order a fish  
17      fry on a Friday night. So if you can produce  
18      records of it being something differently -- I agree  
19      100 percent it was a banquet hall, so that means  
20      when they had a party, the banquet hall would be  
21      produced, and that's what it was, but they never  
22      mixed the use, all right, unless you can show me  
23      something differently. I'm not sure.

24                   One of the things I'm going to have a  
25      concern about -- and this is if this gets

1 approved -- the construction in the area, you have  
2 no on-site area for construction, such as dumpsters,  
3 dump trucks, backhoes, and I know, but I would hope  
4 to think that you made some kind of safety plan for  
5 this area.

6 Our apartment sizes. Has anybody did  
7 any studies on behalf of the owner -- because maybe  
8 he's not from this area -- of rentals of efficiency  
9 apartments in South Amboy, because efficiency  
10 apartments in South Amboy don't really rent. You  
11 say they're high end, and I understand what you're  
12 saying. You're building a top quality product. I  
13 understand that. But you still have to be able to  
14 rent them. In South Amboy, the requirements for a  
15 one-bedroom, two-bedroom apartments, you can't keep  
16 them if you're a landlord. They're rented all the  
17 time. Efficiency apartments, although you can get  
18 more of them, why wouldn't you propose a realistic  
19 rental that would enhance our community. Efficiency  
20 apartments -- and I'm sure you're going to rent them  
21 -- but what ends up happening in efficiency  
22 apartments in the South Amboy area -- and I know  
23 this because I am a landlord in South Amboy -- they  
24 end up turning around to be -- they're 1-year  
25 leases, but most people don't even keep them 1-year

1 leases, and then they turn around, and the next  
2 thing you know they become failed efficiency  
3 apartments, and what happens is they go to the  
4 option of upgrading to Section 8 or whatever it  
5 might be, and I'm not saying that's what your  
6 intentions are, but let's look at what we have. We  
7 haven't had, you know -- you want -- you're doing us  
8 a favor by taking away a banquet hall. If you put a  
9 banquet hall back there for business purposes,  
10 there's nobody going to turn around and open a  
11 banquet hall there because nobody's going to rent a  
12 banquet hall with no parking at this time. In 1966,  
13 they did, but 2020, it's not realistic.

14 All right. They have explained every  
15 apartment will have its own electric meter, own gas  
16 meter, fire suppression system, and the existing  
17 436- and 437-square-foot apartments are going to  
18 stay and exist. The town ordinance requires 1,000  
19 square foot per apartment. You haven't even given  
20 us half of that in any of the apartments.  
21 Everything has been under 500 square feet. In  
22 Manhattan, the requirement of Manhattan, New York  
23 City, is to have a minimum building of 600 square  
24 feet, and you're presenting to us that all these  
25 efficiency apartments are under 500. That's -- you

1 have plenty of space to build a very good apartment  
2 rentals, not efficiencies, one- and two-bedrooms.  
3 Efficiency apartment will bring 700 to 800 in. A  
4 one- and two-bedroom in South Amboy right now is  
5 bringing 1,300 to 1,400, maybe even 1,500 because of  
6 the quality you're going to provide. So the owner  
7 of these buildings are not here, but he might need  
8 to see the demographics of South Amboy. We are an  
9 up and growing town. Our property values are  
10 skyrocketing, and I understand why he wants to build  
11 here, because this is the place to build, but bring  
12 something to the table that's going to be good for  
13 the owner, the city, and the residents.

14 We're asking the board to turn this  
15 down. We're not asking the board not to let you  
16 build, but what you're presenting to us is not even  
17 efficient for our area.

18 All right. Okay, so I'm going to speak  
19 about the banquet hall very quickly. We -- I  
20 understand, Mr. Stahl, you've told us it's not on  
21 here, they're not asking to reopen the banquet hall.

22 MR. STAHL: Help me -- you've been --  
23 all of you have been doing fine, all of the  
24 residents who speak. The banquet hall is not part  
25 of the application, so -- and I don't want to

1 face -- I don't want to say a waste of time because  
2 you're doing well, but it's not within this board's  
3 wheelhouse, so to speak, because the banquet hall,  
4 if it is approved, if, and we don't say any -- it's  
5 a nonissue. If it is not approved, whether or not  
6 they open the banquet hall is an issue that is a Tom  
7 Kelly, the city, and Jason's initial decision for  
8 zoning. So firstly, I would say we really don't  
9 want to get into that right now, I mean, unless you  
10 think it's important because it's not before the  
11 board.

12 MR. KALES: Okay. I understand,  
13 Mr. Stahl, it's not important, but what I do want to --

14 MR. STAHL: I didn't say it wasn't  
15 important. I said it isn't something the board has  
16 within its jurisdiction now.

17 MR. KALES: Okay. I'll respect that at  
18 this point in time, but there are a couple of things  
19 that I want to say about the banquet hall. Can  
20 anybody on the development or the planning board  
21 tell me when this area become RA zoned?

22 MR. STAHL: Mr. Valetutto, do you have  
23 that information?

24 MR. VALETUTTO: I don't have that  
25 information, no, but I can -- this area hasn't been

1 rezoned in forever. I mean, it's well before my  
2 time.

3 MR. KALES: So RA -- well, we say that  
4 it was probably after -- there probably wasn't in  
5 1966 a zoning of residential. It was just probably  
6 we built a place, it was efficient, and we did it,  
7 so in 1966, that's probably what we didn't do. I  
8 just want to make sure Mr. Stahl is aware that there  
9 is case law out there that when this is zoned  
10 residential, and if in zoning residential, well, in  
11 Euneva versus Keansburg, if this was not an up and  
12 running bar or an up and running banquet hall when  
13 it was zoned RA, there's case law that's simply  
14 stating that if it was not up and running when it  
15 was rezoned, it doesn't fall into the existing use.  
16 That's all I wanted to put out there for you.

17 MR. STAHL: You've done your homework,  
18 sir, but again, we'll have to review that at the  
19 appropriate time.

20 MR. KALES: Okay, so if it comes up,  
21 you're aware of it.

22 One other -- couple other questions I  
23 still have. The alcohol permit that is assigned to  
24 that place, is there a current liquor license?

25 MR. STAHL: Sir, again, I'm just taking

1 -- trying to expedite things. That's a question  
2 that Mr. Pape is going to provide us for, and I will  
3 probably do an inquiry with the city clerk and the  
4 city administrator just so that we know where that  
5 license stands because, you know -- go ahead.

6 MR. KALES: And I want to talk to you on  
7 the outside deck that's attached to the bar  
8 currently. I just want to make sure that we're  
9 aware that there is no outside dining in what was  
10 existing, so there is a variance that needs to be  
11 because it is over 250 square feet, and there is  
12 going to be a bulk variance requested for that deck,  
13 correct?

14 MR. PAPE: That is correct.

15 MR. KALES: The deck is attached to the  
16 restaurant and not the apartments, correct?

17 MR. PAPE: Mr. Testa, please.

18 MR. TESTA: Yes, the deck is for the bar  
19 and restaurant use, yes, only.

20 MR. KALES: Thank you, Mike. So okay.  
21 The other -- now, has Mr. Pape and his engineers and  
22 everybody contacted the police department in regards  
23 to the traffic issues? Have they contacted the fire  
24 department, what stress this is going to be  
25 additionally onto the fire department. The DPW,

1 who's picking up the garbage, who's not picking up  
2 the garbage. Our first aid. Has that been  
3 entertained yet, Mr. Pape?

4 MR. PAPE: We don't contact those  
5 individually. We made the application to the city,  
6 and the city distributes the application to those  
7 persons that they want to comment on it.

8 MR. KALES: Okay. Thank you.

9 THE CHAIRWOMAN: May I ask maybe one  
10 final question and then we can move on to the next  
11 person.

12 MR. KALES: Well, I'll be -- I still  
13 have a few more, and my father-in-law, Louis Cuesta,  
14 is at 327. I'll take his time. He asked me to  
15 speak for him if it's okay.

16 THE CHAIRWOMAN: Three twenty-seven --

17 MR. KALES: Cedar Street. He's there.  
18 He can wave a little bit. He's not very computer  
19 savvy so he asked me to speak.

20 THE CHAIRWOMAN: Okay, but -- and I  
21 don't want to limit anyone, but again, I just want  
22 to make sure that everybody has the opportunity  
23 tonight to speak. So please go ahead.

24 MR. KALES: I'm just reviewing what came  
25 out, so at this point in time, I'm just asking the

1 board to take into consideration and deny this  
2 proposal. I'm ask Mr. Pape and the owner to come  
3 back with something better that is more feasible to  
4 the residents, to the town, and for him. We're  
5 not adding -- you know, we are not -- just one thing  
6 I want to say. We're not the residents crying wolf.  
7 We're not the residents who bought a house across  
8 the street from the firehouse and complain because  
9 the siren goes off. There's 2 percent of -- maybe  
10 2 percent of the residents all were here in 1966.  
11 You're turning around and using this location to try  
12 to develop something that is just not feasible. You  
13 know, on paper you can make it work, but in reality,  
14 this area -- come up and see. You know, we knew  
15 that the bar hasn't been open for 3 and a half years  
16 because we live here. We go by there every day. I  
17 know everything that they said, Mr. Testa -- listen,  
18 Mr. Testa did a fantastic job on the layout. It's  
19 not his job to tell the owner of that property that  
20 you're not going to meet the requirements. He just  
21 did what the owner did. The engineer did the same  
22 thing. I'm asking the owner to come back to us, the  
23 city, the residents, with something that is a  
24 reasonable proposal because we don't want it to be  
25 what it is. It's been like that for too many years,

1 devaluing our property. Put something in there  
2 that's going to increase our property value and be  
3 beneficial for everybody, not just one side,  
4 everybody.

5 Thank you very much for your time.  
6 Please, I'm asking everybody else to support and  
7 deny this proposal.

8 THE CHAIRWOMAN: Thank you so much for  
9 your time and all your comments.

10 Next, Jim.

11 MR. STAHL: Is there anymore --

12 THE CHAIRWOMAN: What letter are we on?

13 MR. STAHL: First name D, any first name  
14 D's. E, first name E.

15 MR. McDONOUGH: Yes, Edward McDonough.

16 MR. STAHL: What is your full name, sir,  
17 and spell your last name.

18 MR. McDONOUGH: Edward McDonough. My  
19 last name is M-c-D-o-n-o-u-g-h.

20 MR. STAHL: And where do you reside,  
21 sir?

22 MR. McDONOUGH: I'm the owner of 527  
23 Center.

24 MR. STAHL: Okay, you're the owner?

25 MR. McDONOUGH: Yes.

1           MR. STAHL:  And you can speak, but you  
2   don't live -- do you live in the city?

3           MR. McDONOUGH:  No, I don't live in  
4   South Amboy.

5           MR. STAHL:  All right, but you own the  
6   property.  I understand.  You have the right to  
7   speak.

8

9   E D W A R D   M c D O N O U G H,   sworn.

10           MR. STAHL:  Thank you very much.  All  
11   right.  Go right ahead, sir.

12           MR. McDONOUGH:  Okay.  Based off the --  
13   based off the current zoning of the area as  
14   residential, if you were building something out of  
15   the ground, I would approximate the size of that  
16   property would be about two or three residential  
17   homes; am I correct?

18           MR. STAHL:  Who are you addressing  
19   that --

20           MR. McDONOUGH:  I guess to Mr. Testa,  
21   you know, if he has knowledge of that information.

22           MR. TESTA:  We haven't looked for  
23   property to develop it as single-family homes.  We  
24   looked at it as the use which we presented to the  
25   board this evening.

1 MR. STAHL: Mr. Testa, I think just  
2 help -- you know, I try to help everybody. Assuming  
3 that there -- we were going -- with the current  
4 zoning, how many single-family residences could be  
5 put on that property? Estimate.

6 MR. KELLY: Mr. Stahl.

7 MR. STAHL: Yes, Tom.

8 MR. KELLY: Mr. Stahl, Tom Kelly. I  
9 would say because it's a corner piece of property,  
10 with the required setbacks, it's probably two  
11 single-family homes.

12 MR. STAHL: Okay. Thank you.

13 THE CHAIRWOMAN: That was Tom Kelly I  
14 believe.

15 MR. STAHL: Yes, ma'am.

16 MR. KELLY: Yes.

17 MR. McDONOUGH: Okay. In comparison to  
18 current zoning, there would be a lot more traffic  
19 there. Also, I know that Mr. French had stated that  
20 previously there was no parking on site, previously  
21 when Burdak had owned it. There was an apron put on  
22 the side of the building. The grassed area was  
23 actually where he parked to be off the street and  
24 not around any of the residences. So I believe  
25 that, you know, there should be a site correction

1           there that there was previously no parking.

2                       Has anybody -- being they're looking at  
3           a bar and a restaurant now and something that's  
4           going to be more active than what was previously  
5           there, because I know even when Mr. Burdak was still  
6           alive and owned it, you know, the only group I ever  
7           saw there was a couple of his, you know, personal  
8           friends who came in, and, you know, I assume they  
9           kept the license open, but, you know, it was less of  
10          an enter-off-the-street type facility. It was more,  
11          you know, you knew the owner, and, you know, you  
12          came in, and that was about it.

13                      Has anybody accounted for, you know, the  
14          trucks for deliveries are going to happen? Is there  
15          anything underground where they'll be unloading, or  
16          is it just going to be on the street?

17                      MR. STAHL: Mr. French or Mr. Pape.

18                      MR. PAPE: Sure. I think there is no  
19          loading dock or zone for the proposed building.

20                      MR. McDONOUGH: Okay, so everything will  
21          be off the street.

22                      I guess the next thing would be with a  
23          property of, you know, this size and this many  
24          units, when you were scrolling through the  
25          architecturals, is there any sort of a mail room

1       accounted for, or how -- has anybody thought about  
2       how that actual distribution is going to happen at  
3       this point?

4               MR. TESTA:   May I, Mr. Pape?   This is  
5       Michael Testa.   The existing vestibule area could be  
6       utilized as a mail drop.   You could have mailboxes  
7       on that wall along the existing vestibule for the  
8       total of 10 residential units inside that space or  
9       on the wall outside.   So that's something that can  
10      be provided within the building if need be.

11              MR. McDONOUGH:   Okay.   And then I know  
12      that you're talking about doing some vents and  
13      exhaust and, you know, certain things extra on the  
14      rooftop there to accommodate for the bar.   Has  
15      anybody taken into account the sight lines of, you  
16      know, for say like my property is approximately one  
17      to two stories higher than the top of the tavern at  
18      the moment, so anything that goes on up there is  
19      going to be an addition to what, you know, what was  
20      previously up there.

21              MR. TESTA:   Yes, we presented a roof  
22      plan denoting a platform on which rooftop equipment  
23      would be located.   There was equipment on that roof  
24      in that area, a small platform for the previous  
25      grill in area, and we were just basically expanding

1 upon that. That will be screened from both Center  
2 Street and the side street from anybody's visual,  
3 you know, for the view from the street level for the  
4 equipment up there. It would just be a basically a  
5 makeup area and exhaust for the cooking equipment.  
6 Again, small amount equipment. There's really not a  
7 large dining area. It's really just a small kitchen  
8 for some quick cooking.

9 MR. McDONOUGH: Okay. Also, I'd just  
10 like to state something to put everything into  
11 perspective from the way I'm viewing this. I work  
12 in miscellaneous metals so I deal with a lot of  
13 mid-rise projects between New York and New Jersey,  
14 and based off the three current projects that I'm  
15 working on in New Jersey, I took their sizes, and  
16 they're Bayonne -- in Bayonne, Park Ridge, and  
17 Englewood. On their studio apartments, they range  
18 anywhere from a base of around -- the smallest one  
19 was 513 square foot to around 633 square foot, and  
20 that's also in a mixed building with, you know,  
21 one-bedrooms, two-bedrooms, you know, inside of all  
22 those facilities, and, you know, in my  
23 consideration, I would consider Bayonne, Park Ridge,  
24 and Englewood near their train stations and their  
25 center hubs to be more built up of an area than what

1 is currently surrounding everything that's here in  
2 this neighborhood in South Amboy. So, you know,  
3 from my perspective, you guys are trying to fit  
4 10 pounds of stuff into a 5-pound bag at the moment,  
5 and, you know, it's a lot to try and take in.

6 And, you know, basically, my last thing  
7 would probably be that I know -- I don't know if it  
8 ever made it to the planning board, but I know the  
9 property was for sale for a decent amount of years,  
10 and previously at one point, I know there were in  
11 the local newspapers articles that a church was  
12 proposing to take it over, you know. My belief, I  
13 don't know if it made it to the planning board. I  
14 don't know how far it made it. I know that in the  
15 original proposal there was a concern of parking,  
16 and, you know, now it's up to the planning board,  
17 and, you know, you're -- not only is it not a  
18 one-day-a-week church where you have a whole bunch  
19 of people there, but now you're proposing something  
20 that's going to be a continuous, you know, full week  
21 long venue that's open, and, you know, the general  
22 parking situation isn't good to begin with with the  
23 church that exists already. There's a bar  
24 catercorner to you guys, and then there's also an  
25 existing school that currently isn't open even if

1       you were to study it, but if that school ever  
2       reopened, the parking is just absolutely atrocious  
3       in the area.

4                   I think that's everything that I have.

5                   THE CHAIRWOMAN: Thank you for your time  
6       and comments.

7                   MR. STAHL: Thank you very much.

8       Another E, first name with an E. How about F. Do I  
9       have any Franks or Freds? Any F's? All right, how  
10      about a G, first name with a G. None. H, first  
11      name with an H. I, first name with an I? I know  
12      I'm going to get J's. First name with a J.

13                  MR. DOWNEY: Yes, Jim Downey.

14                  MR. STAHL: Jim Downey. All right,  
15      Mr. Downey, just spell your last name for us,  
16      please.

17                  MR. DOWNEY: D-o-w-n-e-y.

18                  MR. STAHL: And where do you live, sir?

19                  MR. DOWNEY: 325 Cedar Street, South  
20      Amboy.

21                  MR. STAHL: Thank you.

22

23      J A M E S    D O W N E Y,    sworn.

24                  MR. STAHL: Put your hand down, and the  
25      board will be glad to hear you.

1           MR. DOWNEY: So with the bar, are there  
2 provisions for smoking area for patrons outside the  
3 bar?

4           MR. STAHL: I don't -- that's a good  
5 question. That's an operational question. Mr.  
6 Pape, do you have any response to that?

7           MR. PAPE: I think that I know the  
8 answer, but I'm going to wait until I have the  
9 operation statement from Mr. Behar at the next  
10 meeting.

11          MR. DOWNEY: Okay. With everything else  
12 that was said, then I choose to oppose the project.

13          MR. STAHL: Okay. Thank you.

14          THE CHAIRWOMAN: Thank you for your time  
15 and comments.

16          MR. STAHL: Do I have another J, a Jim  
17 or a John or a Jay?

18          MR. MESS: Yes, Jack Mess.

19          MR. STAHL: All right, Mr. Mess, thank  
20 you. State your name and spell your last name for  
21 us, please.

22          MR. MESS: Yes, my name is Jack Mess.  
23 Last name is M-e-s-s.

24          MR. STAHL: And where do you live, sir?

25          MR. MESS: Three oh three Walnut Street,

1 South Amboy.

2 MR. STAHL: In the city of South Amboy.

3 Thank you very much.

4

5 J A C K M E S S, sworn.

6 MR. STAHL: Thank you. Go right ahead.

7 MR. MESS: I'd just like to start off by  
8 saying I do oppose this for a couple different  
9 reasons. First off, I don't see the absolute  
10 possibility of eight studio apartments being rented  
11 out at high end within this neighborhood. I am one  
12 I bought into this neighborhood. I have taken tens  
13 of thousands of dollars and made my property better.  
14 Studio apartments at a high end rate in this  
15 neighborhood are not going to rent for what they're  
16 going to be asked for, and eventually, the numbers  
17 are going to go down and down and down to the point  
18 where you're not going to see the clientele you want  
19 as this neighborhood is trying to come up, and  
20 therefore, the property values are going to just go  
21 down and not going to -- it's just not going to  
22 succeed. That's just what I see. I don't have the  
23 numbers. I don't know exactly what would happen,  
24 but that's what I see happening.

25 Furthermore, the parking is a major

1 issue. I am very fortunate enough to be able to  
2 have two cars off-street parking. My driveway has  
3 been blocked more times than I can count, and it  
4 just happens, and it's going to happen even more  
5 with that many apartments being in that location.  
6 It's a very major concern. It's everybody through  
7 this whole neighborhood.

8 At 10 apartments being rented in there,  
9 it's just not feasible for the neighborhood. I  
10 really would like to say I oppose this. I would  
11 love to say I approve it, but I can't, not at 10  
12 apartments being in there. Thank you for your time.

13 MR. STAHL: Thank you, sir.

14 THE CHAIRWOMAN: Thank you.

15 MR. STAHL: Do we have another J?

16 MR. SURMAN: Yes, sir.

17 MR. STAHL: Do we have a J now, Joseph  
18 or let's see J-o -- a Joseph. Yes, sir, Joseph.

19 MR. SURMAN: I'm a Joseph if you guys  
20 will take me.

21 MR. STAHL: I'm sure that the chairlady  
22 -- the chairwoman will take you. Your full name,  
23 sir?

24 MR. SURMAN: My name is Joseph Surman,  
25 S-u-r-m-a-n. I'm here with my mother. Her name is

1 also a J, J-a-d-w-i-g-a.

2 MR. STAHL: And does she reside in South  
3 Amboy?

4 MR. SURMAN: Yes, sir. She's the  
5 property owner of 309 Cedar Street.

6 MR. STAHL: Are you going to do the  
7 testifying?

8 MR. SURMAN: I would like to, yes.

9 MR. STAHL: Would you just raise your  
10 hand.

11

12 J O S E P H S U R M A N, sworn.

13 MR. STAHL: All right. Spell your last  
14 name. Is it S-u-r-m -- spell your last name,  
15 please.

16 MR. SURMAN: S-u-r-m-a-n.

17 MR. STAHL: All right, just for the  
18 record, Mr. Pape --

19 THE CHAIRWOMAN: We are getting a little  
20 bit of background noise, so can everybody else but  
21 the person speaking just put yourself on mute.  
22 Thank you so much. Please go ahead.

23 MR. STAHL: This is Mr. Stahl again.  
24 Just for the benefit of Mr. Pape.

25 Mr. Pape, Mr. Surman did provide with me

1 and Ms. Russo certain photographs. They have not  
2 been presented to the board because they have not  
3 been authenticated yet, and if he wants to present  
4 them to the board, then I will give him the  
5 appropriate instructions, but he did provide that  
6 information, but the board has not had an  
7 opportunity to review them.

8 So, Mr. Surman, why don't you proceed.

9 MR. SURMAN: Sure, and just for the  
10 record, I did provide those photographs to Mr. Pape,  
11 as well, in anticipation of today's meeting. The  
12 photographs, which I had enclosed to the board, were  
13 photographs my late father took sometime over the  
14 course of the past 10 years. It depicts the  
15 property, which we always knew as Burdak's tavern.  
16 I grew up at that home at 309 Cedar Street. I  
17 couldn't tell you a precise year that they were  
18 taken, but I could say comfortably that they were  
19 done within the past 10 years.

20 Frankly, I would echo the sentiments of  
21 Mr. Kales and a bunch of other individuals here. I  
22 don't want to rehash the same points. I can tell  
23 you from --you know, I was born in 1982. If  
24 Burdak's tavern had any function since that time, it  
25 was, you know, to have Mr. Burdak, and, you know,

1 you were lucky to see maybe one other person there  
2 on any night of the week, whether it was a week  
3 night or weekend.

4           This project would obviously be a  
5 drastic change to the dynamic of the community.  
6 Trust me when I tell you that I got tired of looking  
7 at that drab gray wall for, you know, 25 years of my  
8 life that I lived in South Amboy, and I would be the  
9 first person who would celebrate a well thought out  
10 project being placed at that location; however, this  
11 is not the right project. I can tell you, having  
12 grown up next to that bar, there were nights where,  
13 you know, people would be, you know, fighting  
14 outside, people were relieving themselves out on the  
15 street. I have been in there on occasion when our  
16 mail accidentally got redelivered, and, you know,  
17 like I said, it's -- we have a bar catercorner. I  
18 know that, you know, South Amboy has a history that  
19 we like to joke about about, you know, how many bars  
20 in a square mile, and I shudder to see that we're  
21 transitioning back to that era where we have a  
22 residential area where we have two bars within such  
23 close proximity to one another. It's -- to put 10  
24 apartments in addition to that again changes the  
25 entire dynamic of the community. I think if any

1 individual property owner -- and no disrespect to  
2 anyone else -- is going to be affected by this, my  
3 mother's house is the one in that artist's  
4 rendition, the yellow house with the green shutters.  
5 That's her home. That was the home that my father  
6 built years and years ago. I would love something  
7 next door that's going to raise the property value,  
8 but I just don't believe that the applicant here has  
9 a sense of what the dynamics are here. This is not  
10 something that's necessarily walking distance to the  
11 train station where you're going to be able to, you  
12 know, rent a low-square-footage unit for a high  
13 rental price, with all due respect.

14 So I would encourage the board to also  
15 oppose this particular project. Again, if the right  
16 project comes along, I think, you know, it can  
17 certainly do wonders for our community and wonders  
18 for my mother's property value, but this is not  
19 going to accomplish that, you know.

20 There's things I noticed with the  
21 renditions, as well, you know. This particular  
22 driveway with the car access, there's a light pole  
23 there right now, so obviously we're going to have to  
24 reconfigure utilities in order to, you know, to send  
25 power over to the building. It's going to create a

1 stress on resources in the area, as well. That  
2 6-foot wall that I believe Mr. French had referred  
3 to, that's a wall that my father put up. That's a  
4 retention wall to keep water out of our basement,  
5 and, you know, now all of a sudden we're going to be  
6 digging into an underground basement, creating  
7 additional parking spots, creating additional weight  
8 on the building, and frankly, if there's one main  
9 concern that we have here, it's the structural  
10 integrity of the building, and I know that that's  
11 really not, you know, what's being considered with  
12 this zoning, the application on the zoning side, but  
13 I would really encourage everyone in the town to  
14 take a close look at this, and I provided the  
15 photographs. Any improvements that have been done  
16 on that particular property -- and you can see the  
17 cracks in the supporting bricks -- anything that's  
18 been placed over that I can assure you because I  
19 lived there has been cosmetic. All of a sudden now  
20 you're going to be putting additional weight and  
21 load on that building, and it's going to create a  
22 stress on that building, and again, that's a  
23 separate department -- I understand that -- but  
24 that's our primary concern here.

25 MR. STAHL: Mr. Pape -- Mr. Surman, on

1 the pictures, Mr. Pape, do you have objection to the  
2 entry of those photographs into evidence for  
3 whatever weight the board determines they have?

4 THE CHAIRWOMAN: Mr. Pape, you're on  
5 mute.

6 MR. STAHL: Mr. Pape -- I will tell  
7 Mr. Surman that, you know, the photographs are  
8 10 years old or less, and, you know, I don't know  
9 the purpose of providing them, but do you have any  
10 objection for the board accepting them for whatever  
11 weight the board determines they have?

12 MR. PAPE: Provided that the board is  
13 mindful that the person who took the pictures is not  
14 present, the time that the pictures were taken is  
15 not known, that the estimate of the time frame by  
16 Mr. Surman -- I'm sure he's done the very best of  
17 his ability, but it's not established, so knowing  
18 that we don't know when they were taken and we don't  
19 know -- and the person who took them isn't available  
20 for examination, with those caveats, I'm not going  
21 to object they be entered. They have to be given  
22 (audio distortion)

23 MR. STAHL: Thank you, Mr. Pape.

24 Mr. Surman, you understand the board  
25 will look at them for whatever they determine they

1 can be of assistance. So I would say I think there  
2 are four photographs.

3 Amy, we're going to mark them as OS-1,  
4 2, 3, and 4, which would be Objector Surman-1, 2, 3  
5 and 4, and they'll be placed in the record and in  
6 the file.

7 Thank you, Mr. Pape, and thank you,  
8 Mr. Surman.

9 (Four photographs marked OS-1, 2, 3, 4  
10 for Identification)

11 MR. SURMAN: Thank you, everyone. I  
12 appreciate your time.

13 THE CHAIRWOMAN: Thank you.

14 MR. STAHL: Do I have another J?

15 MR. FEDORKA: Yes, John Leo Fedorka.

16 MR. STAHL: Someone's got something on.

17 MR. FEDORKA: Someone's open.

18 MR. STAHL: Sir, please state your full  
19 name, spelling your last name.

20 MR. FEDORKA: John Leo Fedorka,  
21 F-e-d-o-r-k-a. I reside at 333 Cedar Street.

22

23 J O H N L E O F E D O R K A, sworn.

24 MR. STAHL: Okay, sir.

25 MR. FEDORKA: I've been a resident over

1       there since 1985 at 333 Cedar Street. I've gone up  
2       to Burdak's tavern. It's a short walk from my  
3       house. All right, there's never been any more than  
4       maybe five or six people in that tavern, all right.  
5       Also, there's the other tavern across the way.  
6       Parking and turning in that corner, in that area is  
7       absolutely horrendous. That's the first point.

8               My second point is, structurally, that  
9       building, if you're going to put cars underneath of  
10      it, heaven forbid there's a car fire under there or  
11      -- I don't know what the structural components in  
12      that basement are, but if somebody strikes one of  
13      those, a column or something under there, it causes  
14      a collapse of the building, it's going to be a  
15      disaster.

16             I adamantly, adamantly request that the  
17      board reject this idea. The apartment sizes -- I  
18      can't even fathom the apartment sizes. I've watched  
19      a lot of different things on TV of people building  
20      small houses and things like that, and nothing that  
21      they've even proposed here just even compares to  
22      some of these people that are building their own  
23      small houses off the grid. It's absolutely an  
24      insane idea to try and put somebody in a  
25      300-some-odd-square-foot studio apartment, even with

1 the maximum of -- I think largest one here is  
2 437 square feet. There's got to be a better project  
3 and a better way that they can turn around and use  
4 that property.

5 Another question that I have is how late  
6 do they intend upon having this bistro open. What  
7 kind of hours are they talking about? I mean, even  
8 at that, the parking up there is absolutely  
9 horrendous. It's just a disaster that they're  
10 barking at over here.

11 So those are my comments and my  
12 statement, and I would appreciate that time that the  
13 board has given, and I appreciate them turning or  
14 rejecting this proposal and telling the owner to  
15 come up with a better project.

16 MR. STAHL: Thank you, sir. Do I have  
17 another J?

18 THE CHAIRWOMAN: Thank you, sir.

19 MR. STAHL: Another J? No J. How about  
20 a K; do I have a K? Kind of like bingo here. Do I  
21 have an L? L. How about an M? Think I got an M.  
22 No? No M. Okay. N, N as in Nancy. O? An O? P,  
23 a P, a P? No P.

24 MS. GENT: Hello.

25 MR. STAHL: I'm sorry, going back to P.

1 What was your name, ma'am?

2 MS. GENT: Hello. My name is Jessica  
3 Gent. I am listed on the screen as owner. We're  
4 having a little bit of tech difficulties.

5 MR. STAHL: Don't you worry.

6 MS. GENT: I apologize that I'm not on  
7 screen.

8 MR. STAHL: Don't you worry at all.  
9 We're all flexible here. What is your full name,  
10 ma'am?

11 MS. GENT: My full name is Jessica  
12 Fletcher Gent, and I am one of the owners of 533  
13 Center Street, 245 Cedar, which is the three-family  
14 house directly across from the proposed  
15 construction.

16 MR. STAHL: Spell your last name for me,  
17 please.

18 MS. GENT: Yes, G-e-n-t.

19 MR. STAHL: Thank you. Raise your right  
20 hand.

21  
22 J E S S I C A F L E T C H E R G E N T, sworn.

23 MR. STAHL: Thank you. All right. Go  
24 ahead and make your --

25 MS. GENT: Thank you. I just wanted to

1 basically say I agree with what I'm hearing from the  
2 other, you know, individuals that have spoken. My  
3 husband and I have owned this property for over  
4 20 years now. We did originally live in it, and now  
5 we are -- we have our renters that have been  
6 long-term renters. We are not happy with the  
7 proposed changes. I do agree with one of the  
8 gentlemen, who said we are definitely all for the  
9 property being renovated and, you know, seeing it be  
10 brought up to where it can be, but the proposed  
11 changes are just -- the deficit that it would cause  
12 for the traffic situation. We have children that  
13 live in our apartment house right now. And the  
14 noise factor. It just really would not be conducive  
15 to this particular area, so we have a lot of  
16 concerns about the proposal. So basically, we just  
17 wanted to, you know, again, being right across the  
18 street from the property just, you know, be here,  
19 and, you know, we are in support of South Amboy and  
20 the community. We bought this place in this  
21 particular area because of its nature. It is a  
22 wonderful, quiet, family kind of an atmosphere, and  
23 we really do very much believe that having this kind  
24 of a property be brought in, it will definitely  
25 change that. Can you still hear me?

1 MR. STAHL: Yes.

2 THE CHAIRWOMAN: Yes, we can hear you.  
3 Thank you so much.

4 MS. GENT: So I'm just very concerned  
5 about it, and we just wanted to be here, you know,  
6 again in support of, you know, the City of South  
7 Amboy and, you know, what's best for the city, and  
8 we do not feel that this is what's best for the  
9 city, and we will be back next month with the next  
10 meeting because we do have a lot of questions that  
11 we would like to ask specifically regarding the  
12 traffic situation.

13 MR. STAHL: Thank you. Forget where I  
14 was. I was at J, then K.

15 THE CHAIRWOMAN: P.

16 MR. STAHL: K?

17 THE CHAIRWOMAN: I think you were at P.  
18 We went to L, M, N.

19 MR. STAHL: Thank you, Miss Chair.  
20 Anything else on P. Q? Do I have a first name Q?  
21 R, anyone with an R?

22 MR. D'AMBROSIO: Robert here.

23 MR. STAHL: What's your full name,  
24 Robert?

25 MR. D'AMBROSIO: Good evening. Robert

1 D'Ambrosio.

2 MR. STAHL: Okay. Are you related to  
3 the doctor?

4 MR. D'AMBROSIO: I am not.

5 MR. STAHL: Okay. Please give us your  
6 full name, spelling your last name.

7 MR. D'AMBROSIO: Robert  
8 D--A-m-b-r-o-s-i-o.

9 MR. STAHL: And where do you live, sir?

10 MR. D'AMBROSIO: Five hundred Center  
11 Street.

12

13 R O B E R T D ' A M B R O S I O, sworn.

14 MR. D'AMBROSIO: My testimony is not  
15 really testimony, more of an opinion. I don't  
16 understand why the board would even consider a  
17 high-density project in an area where it is -- in a  
18 low-density area of all single and two-family  
19 houses.

20 MR. STAHL: I will answer that, sir.  
21 Just as all of you on this phone call have the  
22 absolute right to voice your opinion, the board is  
23 obligated by law to accept applications either for  
24 site plan and/or for variances. The fact that  
25 they're -- they have to consider it. They will

1 consider it, and they don't have to grant it, and  
2 they don't have to deny it, but I will guarantee you  
3 they will make a very, very in-depth decision, but  
4 this board cannot say we don't like it or it's too  
5 much or too little and therefore you cannot file it.

6 MR. D'AMBROSIO: Thank you.

7 MR. STAHL: That's not the law.

8 MR. D'AMBROSIO: Thank you for letting  
9 me know that, and I just want to say that I hope the  
10 board understands and makes the right choice. We  
11 don't want to ruin a good area. Thank you all very  
12 much.

13 THE CHAIRWOMAN: Thank you.

14 MR. STAHL: All right. We did the R.

15 THE CHAIRWOMAN: I think there's another  
16 R.

17 MR. GROSS: Mr. Stahl.

18 MR. STAHL: Yes.

19 MR. GROSS: This is Mickey Gross. I've  
20 been trying to get in for M, and you can't hear me.  
21 Can you hear me now?

22 MR. STAHL: Mr. Council President, we do  
23 -- well, actually, you're Mr. Mickey Gross, but you  
24 can also be council president for this call, and  
25 yes, we all hear you now, Mr. Gross. Why don't

1           you -- tell us your full name.

2                       MR. GROSS: Well, first off, my name is  
3 Michael Mickey Gross. I did consult with our city  
4 attorney prior to this meeting tonight, and I'm  
5 calling in as a private citizen, not as the council  
6 president.

7                       MR. STAHL: I understand. I understand  
8 that.

9                       MR. GROSS: I want to make it clear I  
10 have not spoken to our zoning board attorney. I  
11 have not spoken to our city planner about this  
12 project, or any members of the zoning board. I want  
13 to make that very clear. Does the applicant have  
14 any objection to me asking any questions or making a  
15 statement?

16                      MR. STAHL: Well, before you ask that,  
17 Mr. Gross, I just wanted for the record to indicate  
18 who you were, not giving you any special authority  
19 or strength, but you absolutely have the right as a  
20 citizen of the city to make any comments, but you  
21 and I have not had any discussion on this  
22 application whatsoever, and I'm sure that Mr. Pape  
23 has no objection. You have the right to speak your  
24 piece, as do all of the other individuals.

25                      Mr. Pape, do you have any comments?

1 MR. PAPE: No, I have no comment at all.  
2 The gentleman has identified himself as the council  
3 president on the record, and that will be the  
4 record. I make no comment.

5 MR. STAHL: And he's speaking not as an  
6 elected member of the council but as a resident, and  
7 he has that right, so I just wanted to give the  
8 people his title so that there was no  
9 misunderstanding as to who he was. To the extent a  
10 councilman wanted to say something -- or person,  
11 they have the right.

12 Go ahead, Mr. Gross.

13 MR. GROSS: Mr. Pape, are you objecting  
14 to me asking questions, yes or no?

15 MR. STAHL: No, he's not.

16 MR. PAPE: Not at all.

17 MR. GROSS: Thank you. So my first  
18 question is to your applicant. Is there going to be  
19 a manager, or is he going to -- is there going to be  
20 a manager on site or are we going to have an  
21 absentee landlord?

22 MR. PAPE: All operations testimony will  
23 be at the next meeting, but I did earlier indicate  
24 that Mr. Behar is a professional property owner, and  
25 he will be the property manager.

1 MR. GROSS: So will -- but getting back  
2 to my question, will there be someone on site, sir?

3 MR. STAHL: Mr. Gross, before you go  
4 further, I don't know whether I swore you in. You  
5 spelled your last name.

6 MR. GROSS: Yes, sir, G-r-o-s-s.

7 MR. STAHL: I want the record to be  
8 complete.

9

10 M I C K E Y G R O S S, sworn.

11 MR. STAHL: And where do you live? What  
12 is your specific address?

13 MR. GROSS: Four twenty-one Conover  
14 Street, C-o-n-o-v-e-r Street, South Amboy, New  
15 Jersey.

16 MR. STAHL: All right. Go ahead, sir.

17 MR. GROSS: Okay. So the question of an  
18 absentee landlord is something that you'll bring up  
19 at the next meeting or you'll have a manager on  
20 site. You'll bring that up at the next meeting.  
21 Okay.

22 Sir, the size of these units, this is  
23 not going to be a boardinghouse; am I correct.

24 MR. PAPE: That's correct.

25 MR. GROSS: Okay. Will not be a

1 boardinghouse. Okay.

2 We spoke about the hood system, okay.  
3 With this hood system, it will be on the roof? Have  
4 you taken in any consideration to the neighbors, the  
5 smoke or anything that would be coming from that  
6 hood system into the neighbor's property? Have you  
7 looked at that, sir?

8 MR. PAPE: Mr. Testa, is that a question  
9 that you're prepared to answer this evening?

10 MR. TESTA: Yeah. I indicated before,  
11 this is a small kitchen area not much larger than  
12 the previous cooking devices that were there before,  
13 so you have a basic hood over a small cooking area  
14 that's going to exhaust grill, small grill area, so  
15 it's going to be -- it appears there would be no  
16 more exhaust than a grilling and cooking area than  
17 previously -- that was previously being done in the  
18 facility. So it's not a large area. It's not a  
19 large amount of cooking being done, not a large area  
20 of exhaust being exhausted into the environment.

21 MR. GROSS: Okay. Is --

22 THE CHAIRWOMAN: Mr. Testa, can I just  
23 say what do you mean, no more than the cooking  
24 that's been done. There hasn't been any cooking.

25 MR. TESTA: There was -- from what I --

1       again, I'm looking at the remnants of the existing  
2       structure when I went in there and field measured.  
3       It looked like there was a small area, a small grill  
4       area that there was -- I don't know what they were  
5       cooking. Maybe it was breakfast food or anything.  
6       I don't know what they were cooking, but it looked  
7       like there was some cooking device in the building.  
8       Now, when it was taken out, I don't know, but it's  
9       going to be -- what was there or what we're  
10      proposing, it's going to be a small hood area that's  
11      going to be exhaust in a small cooking area, so it's  
12      not a large restaurant exhaust device.

13                THE CHAIRWOMAN: Okay. Thank you for  
14      clarifying that. I just don't want to make anything  
15      unclear that there was currently anything that was  
16      being cooked there. Thank you.

17                MR. TESTA: Again, I apologize if there  
18      was assumption made that there was cooking. It was  
19      just something that we've observed when we were out  
20      there. It could be, you know, just again my  
21      assumption of what might have been there, but what  
22      we are proposing is a small cooking area that is  
23      going to be exhausted in a small cooking appliance.

24                MR. GROSS: But my question to the  
25      applicant, sir, again, the hours. I think the

1 residents are on this call. I think it would be  
2 fair to say -- and if I'm wrong, please correct me  
3 -- I don't think Burdak's has ever been open past 10  
4 o'clock at night. I could be wrong so please don't  
5 quote me on that, and if I'm wrong, I apologize.  
6 But what is the plan for the owner to -- what will  
7 be the hours of operation for this tavern, quote,  
8 restaurant or bistro?

9 MR. PAPE: It's information that will be  
10 provided at the next hearing. This evening we  
11 presented only two witnesses and did not present  
12 operations testimony.

13 MR. GROSS: All right. Who's going to  
14 pick up the garbage?

15 MR. PAPE: We're going to spend some  
16 time working with Mr. Valetutto first to determine  
17 whether the area is of sufficient size or -- for the  
18 standard city pickup, and if it's not, then it will  
19 have to be a private hauler, but that will be  
20 something that we work out, first making certain  
21 that the area that we're designating is adequate,  
22 and then we'll figure it out.

23 MR. GROSS: My question for Mr. Testa is  
24 -- and, Mr. Testa, if you don't have the answer, I  
25 apologize. Mr. Testa, we talked about a dining

1 area. What do you see or foresee to be the capacity  
2 of that dining room?

3 MR. TESTA: Right now the main bar area  
4 has I guess you can see a long strip bar, and there  
5 was an area adjacent to the bar that had seating  
6 previously. We've expanded into the area adjacent  
7 to the bar with another room that would probably  
8 have about I would say about 10 to 15 people max in  
9 that space.

10 MR. GROSS: Ten, fifteen people. Okay.  
11 So if there is 10 or 15 people, would we be fair to  
12 say 10 -- maybe two or three cars or more plus the  
13 cars for the parking plus the cars for the bar  
14 tenders and waiters and the whole bit. So these are  
15 more numbers that we need to be adding into the  
16 system or to the equation.

17 Mr. Valetutto, would that be correct, or  
18 am I wrong? Mr. Valetutto?

19 MR. VALETUTTO: No, you're correct, but  
20 they have to satisfy both the city ordinance for  
21 both square footage for the restaurant bar and both  
22 the RSIS for the apartments.

23 MR. GROSS: But wouldn't we have some  
24 more parking needed because of the dining room or  
25 things like that? And if I'm wrong, please tell me

1 I'm wrong, you know.

2 MR. VALETUTTO: Like I said, it has to  
3 go based on city ordinance, and the city ordinance  
4 is based on square footage of the restaurant/bar  
5 plus the requirement of the Residential Site  
6 Improvement Standards for the apartment buildings,  
7 themselves. It has nothing to do with the amount of  
8 employees that they will have or the amount of  
9 capacity that they would be allowed. I guess that  
10 would be based on fire inspections or -- I don't  
11 know who determines what the capacity of a  
12 restaurant would be.

13 MR. GROSS: But is that something --

14 MR. STAHL: Jason, this is Stahl here.  
15 Excuse me, Mr. Gross. Does our ordinance lock in  
16 anything with regard to chairs in determining  
17 parking in a restaurant, or is it based solely on  
18 square feet?

19 MR. VALETUTTO: I believe it's based  
20 solely on square feet.

21 MR. STAHL: Okay. Thank you.

22 MR. GROSS: My question then would be to  
23 Mr. Stahl and to Mr. Valetutto. Bringing the fact  
24 up that we have more seating now we're showing, is  
25 that something that the board should be considering

1 in their decision? Or is that --

2 MR. STAHL: I think that we're going to  
3 have some operate -- Tom Kelly is going to say  
4 something in a minute. I think that's part of what  
5 we need for operational to see what the total number  
6 of consumers there will be, employees, and that's a  
7 question that should be directed to I think it's  
8 John Rea or whoever is going to do the traffic  
9 testimony next month. Go ahead, Tom.

10 MR. KELLY: Thank you, Mr. Stahl.

11 MR. GROSS: I'm done with my questions.  
12 And to all the professionals tonight, thank you for  
13 your time and your effort, and I wish everyone well,  
14 and I wish our zoning board the best of luck in this  
15 decision. Thank you.

16 THE CHAIRWOMAN: Thank you, Mr. Gross.

17 MR. KELLY: Real quick, so what happens  
18 is, as Jason stated, the parking calculation is  
19 based on the square foot. The parking for the  
20 apartments is based on RSIS. The occupancy of the  
21 building is based on the building code, and that  
22 doesn't determine parking. That only determines the  
23 amount of exits, the size of the exits, how many  
24 bathroom fixtures we need, and so on and so forth.  
25 So one has really nothing to do with the other.

1 MR. STAHL: Thank you. I believe I was  
2 up to R. S.

3 THE CHAIRWOMAN: I think there's a lady  
4 who's been waiting very patiently with R.

5 MR. STAHL: Yes, ma'am, your name.

6 MS. PARSONS: Renee Parsons.

7 MR. STAHL: Please spell your last name.

8 MS. PARSONS: P-a-r-s-o-n-s.

9 MR. STAHL: And your first name so I  
10 don't mix up Renee?

11 MS. PARSONS: That's it. Renee,  
12 R-e-n-e-e.

13 MR. STAHL: And where do you reside?

14 MS. PARSONS: Three fifty-six Cedar  
15 Street.

16 MR. STAHL: And raise your right hand.

17

18 R E N E E P A R S O N S, sworn.

19 MR. STAHL: Okay. Please give the board  
20 your --

21 MS. PARSONS: I appreciate the  
22 application. I am sure the gentleman isn't from  
23 this area and isn't familiar with the area at all.  
24 I was kind of shocked when I seen the number of  
25 apartments they applied for because I walk past that

1 building every day, and I just could not fathom that  
2 many apartments in that building, and now that I see  
3 underground parking, the integrity of the building  
4 is in question to me.

5 As far as the traffic and what everyone  
6 else said -- I mean, a lot of questions I had were  
7 answered, but as far as the traffic goes, have you  
8 ever driven up Cedar Street or down Cedar Street  
9 when there's parking on both sides of the street?  
10 You can't even pass a car. And do it on a day when  
11 it's snowed and we get a foot of snow and it's  
12 plowed and cars are parked up on snow banks and the  
13 butts of the cars are sticking out. This is just  
14 going to add to the horrific traffic.

15 I just implore to the board that they  
16 decline the application the way it was presented.  
17 I'm all in favor of something being done with the  
18 building in that area, but it has to make sense,  
19 just like Mr. Kales said. This does not make sense.  
20 That's all I have to say. Thank you for your time.

21 THE CHAIRWOMAN: Thank you.

22 MR. STAHL: Up to R. Anyone that I've  
23 missed?

24 MS. DRAUDT: Rachael Draudt here.

25 MR. STAHL: Please spell your last name.

1 MS. DRAUDT: Sure. D-r-a-u-d-t.

2 MR. STAHL: And where do you live?

3 MS. DRAUDT: Three one seven Cedar  
4 Street.

5

6 R A C H A E L D R A U D T, sworn.

7 MR. STAHL: Put your hand down and talk  
8 to the board.

9 MS. DRAUDT: Just one question, and this  
10 may be too soon. I'm just not familiar with the  
11 process, but what would be the -- what would be the  
12 timeline for a project like this? Has that been  
13 thought about? Just from, you know, being a  
14 neighbor just a couple doors down from this, just  
15 wondering how long that would be in construction.

16 MR. PAPE: I don't have an answer.

17 MR. STAHL: (Inaudible) to Mr. Pape or  
18 Mr. French. Construction can only start after,  
19 assuming it's granted and assuming there's no  
20 appeals, then there's a time period, and then  
21 there's a construction period. Mr. Pape or  
22 Mr. French, you want to provide that information?

23 MR. PAPE: I agree with you that no  
24 construction begins until all of the approvals are  
25 complete and all of the resolution compliance is

1 complete and all the appeals have been expired, but  
2 as to the actual time to renovate the structure, I'm  
3 not going to put a guesstimate on. Mr. Behar is an  
4 experienced developer, and when we put the  
5 operations testimony on, we'll make certain that we  
6 include that.

7 MS. DRAUDT: I appreciate that, and like  
8 I said, I understand that it may be premature for  
9 that, but I think that my neighbors in the first  
10 ward need to hear how long our neighborhood should  
11 expect to be under construction given the fact that  
12 there is no parking for any of these construction  
13 vehicles, these construction workers. So that's a  
14 consideration, not only if this were to be approved,  
15 but also within the construction, as well.

16 So with that said, I have no other  
17 questions at this time. I'm looking very much  
18 forward to hearing the testimony on the next call.  
19 The one thing that, for all the reasons listed above  
20 and by my neighbors here on the call, I oppose this  
21 application as it stands, and just speaking from,  
22 you know, living in this neighborhood for a number  
23 of years now, I know South Amboy is on the move, and  
24 we want to build everything up, and I support that.  
25 I just wish that this (audio distortion) this

1 application was a little bit more realistic to the  
2 neighborhood, taking into consideration who we are  
3 and what we stand for in this neighborhood, and I'd  
4 be happy to see an edited application, but as it  
5 stands right now, I oppose this application, and I  
6 hope that the board takes that into consideration.

7 MR. STAHL: Thank you. Do I have --

8 THE CHAIRWOMAN: Thank you so much.

9 MR. STAHL: -- anymore R's?

10 MR. BARTLINSKI: Robert Bartlinski.

11 MR. STAHL: Okay, sir, would you please  
12 state your name and spell your last name.

13 MR. BARTLINSKI: Yes, my name is Robert  
14 Bartlinski, B-a-r-t-l-i-n-s-k-i. I reside at 216  
15 Cedar Street, South Amboy, New Jersey.

16 MR. STAHL: All right, and raise your  
17 right hand in this matter.

18

19 R O B E R T B A R T L I N S K I, sworn.

20 MR. STAHL: All right. Proceed, sir.

21 MR. BARTLINSKI: I live at 216 Cedar  
22 Street now for over 25 years. Going back to  
23 Burdak's, I think John, Mr. Fedorka, Dave, Mr. Kales  
24 will tell you. The people who -- I've never went to  
25 Burdak's where you could turn around and know the

1 name of just about everybody that ever went into  
2 that place. Parking on this side of Cedar Street is  
3 ridiculous. I live right across the street from  
4 Sacred Heart School. Thank God right now it's  
5 closed down. If the school was to reopen again,  
6 there would be no parking from the corner of  
7 Washington all the way up to two houses before this  
8 block. There's been numerous times I turned around  
9 and came home, I couldn't even park in the street.  
10 I got cars double parked, triple parked. My end of  
11 the block, nobody has got driveways. I'm one of the  
12 lucky ones has a driveway. I've got four houses  
13 right alongside me that nobody can (audio  
14 distortion) driveway. There's four cars, two cars  
15 in each house, so you're looking at four houses,  
16 there's eight cars trying to park on this street.

17 I'm dead set against this. It just  
18 don't fit. Everything is too small. From an ex  
19 fire chief, I think you're just asking for disaster.

20 THE CHAIRWOMAN: Thank you for your  
21 comments.

22 MR. STAHL: I'm up to R. Anymore R's?  
23 S, any S's? T.

24 MR. PARSONS: Yes, I'm a T.

25 MR. STAHL: Okay, so what is your full

1 name?

2 MR. PARSONS: Thomas Parsons,  
3 P-a-r-s-o-n-s, and I reside at 321 Cedar Street.

4 MR. STAHL: Thank you, sir.

5

6 T H O M A S P A R S O N S, sworn.

7 MR. STAHL: Go right ahead.

8 MR. PARSONS: I've lived in 321 Cedar  
9 Street for the last just about 7 years. Prior to  
10 that, I lived at 356 Cedar Street with my parents  
11 for 26 years. I grew up in this neighborhood, and  
12 the only reason I purchased my home in South Amboy  
13 on this block is because I just like the appeal and  
14 the feeling of the neighborhood, and it is a quiet  
15 neighborhood, as Mr. Kales stated and John Leo  
16 Fedorka has stated. This is a very quiet  
17 neighborhood. The parking here, yes, it is  
18 terrible. I am also fortunate I have a two-car  
19 driveway, but there are been times I have come home  
20 and I do have not one car but two cars parked in  
21 front of my residence with a bumper of one sticking  
22 into my driveway. Luckily, I don't really use the  
23 other half of my driveway so I'm able to skirt my  
24 vehicle in, but if I have to leave in a hurry due to  
25 being in the emergency services for the city, you

1 know, there is a chance that my vehicle can be  
2 damaged or somebody else's property could be  
3 damaged, and that's just not liability I like to  
4 take.

5 As far as the building goes, I have been  
6 in this neighborhood, as I said, for all my life.  
7 I've seen that building every day. I pass it every  
8 day. I've been in there one time in my entire adult  
9 lifehood, and I am all for improving the  
10 neighborhood, but as I looked at the plans and given  
11 my background in the fire service and emergency  
12 medical services, I definitely don't see this as  
13 feasible. I would just implore the owner and the  
14 firm to look at it over, see if they can't change  
15 things around to make it more feasible for our  
16 neighborhood. And that's all I have to say.

17 MR. STAHL: Thank you very much, sir.

18 THE CHAIRWOMAN: Thank you.

19 MR. STAHL: Are there any more T's. Any  
20 other T's. Okay. Any U or V or W or X, Y, or Z?  
21 Anyone else we have missed? And if we did, you'll  
22 have an opportunity at the December 17 meeting to  
23 speak again.

24 All right, Madam Chair, I think we've  
25 concluded.

1 THE CHAIRWOMAN: I just want to make  
2 sure. Did everybody get a chance to be heard?  
3 Okay. Well, I think at this point, I'll ask for a  
4 motion to close to the public.

5 MR. KOMINKIEWICZ: I'll make the motion.

6 THE CHAIRWOMAN: Scott, and that was  
7 George Gonzales. Thank you so much.

8 I would like to say thank you to the  
9 applicant, to the experts, to Mr. Pape, to the board  
10 members, and especially to all of the public who  
11 came out. This is a long evening. I think we have  
12 the first session that's completed, and we will  
13 continue this at our next meeting, which will be  
14 December 17, and for this we will close and then  
15 just move on to our -- the remainder of our meeting.  
16 So thank you all so much for your time.

17 MR. PAPE: Madam Chair, this is Kenneth  
18 Pape.

19 THE CHAIRWOMAN: Yes.

20 MR. PAPE: There are a conflicts on our  
21 team with December 17. We did not know that was  
22 your next date. Most of us already are on an  
23 application on the 17th. What is your next date?

24 THE CHAIRWOMAN: Amy, I think that takes  
25 us into January?

1 MS. RUSSO: The new year calendar hasn't  
2 been released yet so I will have to get back to Mr.  
3 Pape.

4 MR. STAHL: Well, do we have --

5 MS. RUSSO: Usually the fourth  
6 Wednesday. The last Wednesday of the month I  
7 believe.

8 MR. STAHL: Well let's do this, Mr.  
9 Pape, because I don't really want you to go to the  
10 expense of renoticing. I would suggest that the --  
11 this matter be carried to December 17. You need not  
12 appear. On December 17, we will announce and also  
13 put on the city web site the January date for a  
14 continuation of this hearing. Does that work for  
15 you?

16 MR. PAPE: I believe that it does, but  
17 again, we'll need to know the date that you're  
18 carrying us to so we can clear with our experts to  
19 make certain that they're present. So if -- prior  
20 to the 17th if you could share with us what that  
21 date is, we'll check our calendars.

22 MR. STAHL: Amy, we should have a list  
23 by the December 17. We need it for next year.

24 MS. RUSSO: Yes.

25 MR. STAHL: Okay. That would work.

1 MR. PAPE: Very good.

2 MR. STAHL: I'm sorry to usurp, Madam  
3 Chair, but I just wanted to help out here.

4 THE CHAIRWOMAN: That's quite all right,  
5 and we did change the -- because of the holiday next  
6 month, it was changed from the usual time, so I'm  
7 glad we brought that up now.

8 MR. STAHL: And we have another matter  
9 that next month anyway, so we have plenty to do. Or  
10 don't we. I don't know. Well, we'll talk about  
11 that.

12 MR. PAPE: For the record, you're  
13 carrying us to December 17 with the intention of  
14 announcing continuation on that date. Prior to that  
15 date, I'll be in contact with either Mr. Stahl or  
16 with Amy to learn what the future date opportunities  
17 are so we can clear them with our professionals.  
18 Yes?

19 MR. STAHL: Yes, that's fine.

20 THE CHAIRWOMAN: Yes, and with all  
21 meetings, they will be made public so the public  
22 will know, as well.

23 MR. PAPE: Madam Chair, members of the  
24 board, board's professionals, and to the public,  
25 thank you all, good evening.

1 THE CHAIRWOMAN: Thank you so much.

2 MR. STAHL: And, Madam Chair, if I can.

3 THE CHAIRWOMAN: Yes.

4 MR. STAHL: I don't usually do this, but  
5 I just want to thank the public because I thought  
6 that they were all very courteous and very informed,  
7 and, you know, sometimes we get angry residents at  
8 meetings, and I just felt that this meeting and  
9 these participants handled themselves with grace and  
10 appropriate class, and I want to thank them all for  
11 doing that.

12 THE CHAIRWOMAN: Thank you, all. Have a  
13 great evening.

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

In the Matter of )  
The Application of: )  
CENTER SA )  
#411-20 )  
536 Center Street )  
Block 13, Lot 1 )  
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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 **RECORDING** of the proceedings in the above entitled matter at the time and place aforesaid.

DATE: December 1, 2020

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