

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
April 28, 2021

Members present: Mary Szaro, Scott Kominkiewicz, Mayor Fred A. Henry, Councilman Tom Reilly, Thomas Kelly, Holly Hughes, Janet Kern, Gary Forshner, William DeMasi

Members absent: George Baranowski, Jorge Gonzalez-Gomez

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 the agenda posted on the bulletin board at City Hall.

Roll call was taken at this time.

Motion by Holly Hughes, seconded by Gary Forshner to accept the Minutes of the March 24, 2021 meeting. Motion carried: 9-0, 0 abstention.

Chairwoman Szaro then reviewed the evening’s agenda.

Announcement of Application Carried

Brian Vallee, Ken Barton & Charnie Stein – PB Application # 408-20

167 N. Broadway / Block 47, Lot 16

Motion by Gary Forshner, second by Scott Kominkiewicz to accept the request made by Mr. Salvatore Alfieri Esq, to carry the application to the May 26, 2021 meeting with no further notice required. All in favor

Completeness

Johnrose FM, LLC – PB Application # 412-20

3630 and 3640 Highway 35 / Block 90, Lot 3 & 6

Completeness committee member, Holly Hughes, stated that she is in receipt of a letter from AJV Engineering, Inc. dated April 9, 2021, regarding Application #412-20, Johnrose FM, LLC recommending **Conditionally Complete**.

Motion by Holly Hughes, seconded by Janet Kern, to accept the recommendation of **Conditionally Complete** for Application #412-20, Johnrose FM, LLC.

Motion carried; 2-0, 0 abstentions.

Huiwen Yu – PB Application # 418-21

23 Lighthouse Drive / Block 166, Lot 4

Completeness committee member Holly Hughes stated that she is in receipt of a letter from AJV Engineering, Inc. dated April 27, 2021, regarding Application #418-21, Huiwen Yu recommending **Completeness**.

Motion by Holly Hughes, seconded by Janet Kern, to accept the recommendation of **Completeness** for Application #418-21 Huiwen Yu

Motion carried: 2-0, 0 abstentions.

Continued Public Hearing

Helen-S Remodeling, LLC. – Application # 415-20

415 Main Street / Block 69, Lot 1

Please refer to the attached transcript

Chairwoman Szaro asked for a motion to open this portion of the meeting to the public. Motion by Thomas Kelly, seconded by Janet Kern. With no members of the public wishing to speak, Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Janet Kern, seconded by Thomas Kelly.

Motion by Gary Forshner, seconded by Janet Kern to approve the Site Plan portion of the application subject to all the testimony and all conditions outlined in the letter from AJV Engineering, Inc. dated March 17, 2021.

Public Hearing

HBD SouthAmboy, LLC – PB Application # 416-21

139 Rosewell Street / Block 161.02, Lot 21 & 22

Please refer to the attached transcript

Chairwoman Szaro asked for a motion to open this portion of the meeting to the public. Motion by Janet, seconded by Gary Forshner. With no 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 Janet Kern.

Chairwoman Szaro asked for a motion for this application PB# 416-21 to be continued. Submission of redesigned plans must be submitted by May 07, 2021, to be heard at the next regularly scheduled meeting on May 26, 2021, with no further notice required.

Motion by Thomas Kelly seconded by Janet Kern. All in favor

Metaline Products Company, LLC – PB Application # 391-18A

101 N. Feltus Street / Block 71, Lot 19

At 9:30 pm Chairwoman Szaro mentioned that PB Application # 391-18A would not have adequate time to start and finish their hearing. Chairwoman Szaro asked for a motion to move this

application to the next regularly scheduled meeting on May 26, 2021. Motioned Thomas Kelly, seconded by Janet Kern. All in favor

Discussion

Referral from Mayor and Council - Historic Preservation Action

City Council Resolution No. 21-095 dated April 21, 2021, has been referred to the Planning Board for review and recommendation of the City of South Amboy Historic Preservation Commission's Resolution HCP 1-21 dated February 24, 2021. AJV Engineering, Inc. letter dated April 26, 2021, recommends that the Planning Board designate the Independence Engine & Hose Co. 1 Firehouse as an Individual Landmark located at 127 North Broadway.

Chairwoman Szaro asked for a motion to approve the recommendation by the City of South Amboy Council. Motion by Holly Hughes, seconded by Thomas Kelly. Motion carried 9-0, 0 abstentions.

PB# 411-20 - Reconsideration of Application

536 Center Street / Block 136, Lot 1

Mr. Kenneth Pape, Esq. has requested reconsideration of his client's application in a letter dated April 12, 2021. Mr. Pape stated there is a substantial change to their application by removing the bar/restaurant component of their proposal and installing eight apartment units, broken down into five one-bedroom units and three two-bedroom units. A Recommendation of Consideration was prepared by AJV Engineering, Inc. to consider giving the applicant a hearing date subject to all conditions are met in the letter dated April 26, 2021.

Motion by Gary Forshner, seconded by Scott Kominkiewicz. Motion carried 9-0, 0 abstentions.

Chairwoman Szaro asked for a motion to open the meeting to the public. Motion by Janet Kern, seconded by Gary Forshner. With no one from the public wishing to speak, Chairwoman Szaro asked for a motion to close the public portion of this meeting. Motion by Gary Forshner, seconded by Janet Kern.

Chairwoman Szaro announced that the next virtually scheduled meeting would be held on Wednesday, May 26, 2021, at 7:00 pm.

Chairwoman Szaro called this meeting to adjourn. All in favor.

Respectfully submitted,

Amy Russo
Planning Board Secretary
Minutes Approved on May 26, 2021

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LAND USE BOARD
CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

In the Matter of)
The Application of:) Transcript of
HELEN-S REMODELING, LLC) proceedings
#415-20)
415 Main Street)
Block 69, Lot 1)

Wednesday, April 28, 2021
Remote Proceedings Via
GoToMeeting Videoconference

PLANNING BOARD

MARY SZARO, Chairwoman
SCOTT KOMINKIEWICZ
FRED A. HENRY, Mayor
THOMAS B. REILLY
THOMAS KELLY
HOLLY HUGHES
JANET KERN
GARY FORSHNER
BILL DeMASI

AMY RUSSO, Secretary
JASON VALETUTTO, Engineer/Planner

DEBORAH A. MASTERTON
Certified Court Reporter
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1 A p p e a r a n c e s :

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

4 THOMAS E. DOWNS, IV, P.A.,
5 Attorney for the APPLICANT

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ANDREW HOREZGA SWORN	

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1 THE CHAIRWOMAN: Next up, applications.
2 We have application -- this is a continued hearing,
3 number 415-20, Helen-S Remodeling, LLC. Mr. Downs.

4 MR. DOWNS: Thank you, ladies and
5 gentlemen. How are you?

6 THE CHAIRWOMAN: Good. How are you?

7 MR. DOWNS: Tough getting into this --
8 onto the web site today. Oh, boy. Speed Racer just
9 went down Main Street.

10 MR. STAHL: Mr. Downs, if you may -- and
11 I know that you're conversant in this. Please make
12 sure that your witnesses after they're sworn in
13 indicate as they're testifying, not every sentence,
14 in their testimony, Higgins, and then he would
15 testify, and if he jumps in to respond answer from
16 the board or the public, he would say Higgins, and
17 the board member will surely indicate who they are
18 when they jump in.

19 It also may be helpful for you to give a
20 5-minute update as to where we left off on this
21 prior application, and this is a planning board
22 function, so if there's anyone here who was not at
23 the prior hearing, they cannot vote unless they have
24 reviewed the transcript and executed a certification
25 with Amy. So she has a list of who can vote.

1 So the -- it is now a new court,
2 Mr. Downs. Go to it.

3 MR. DOWNS: Thanks. So basically, we
4 left off last time we had to submit a plan with
5 where the fencing was for the 6-foot plastic
6 board-on-board fence. I submitted that application.
7 Mr. Valetutto reviewed it in his letter I believe
8 of -- the letter of April 16, which I acknowledge I
9 received a copy of, and basically I have my client,
10 Mr. Plochocki, here, to elucidate some more
11 testimony based upon the fence and the reason for
12 the fence. I will note as I read the transcript
13 that I did make an application to amend -- I did
14 make the motion to amend the application to include
15 the fence as part of the application last month. So
16 that's where -- I think that's where we are right
17 now, Jim. Where are we going to go in --

18 MR. STAHL: Yes, you did amend to ink
19 the change in the plans, yes, sir.

20 MR. DOWNS: I didn't hear you.

21 MR. STAHL: Yes. I agreed with you that
22 there was an amendment to the application to include
23 the fence.

24 MR. DOWNS: Okay, so I guess we're ready
25 to go and ask Mr. Plochocki some more questions.

1 He's previously under oath so I'm assuming that the
2 oath continues?

3 MR. STAHL: Yes, it does. He doesn't
4 have to be resworn.

5

6 A N D R Z E J P L O C H O C K I, having been
7 previously sworn, resumed and testified as follows:

8 DIRECT EXAMINATION BY MR. DOWNS:

9 Q. Andrew, come closer.

10 THE CHAIRWOMAN: Can I just ask everyone
11 to go on mute. Somebody is dialing their phone, and
12 we can hear you.

13 MR. DOWNS: Anytime you're ready, Mary,
14 Jim.

15 THE CHAIRWOMAN: I think we're good. Go
16 ahead.

17 Q. Okay. Okay, Andrew, you did a survey of
18 the property after the last meeting; is that
19 correct?

20 A. Yes, correct.

21 Q. And you measured -- and you measured the
22 distances between where the fence -- where the
23 fencing is located from the front yard setback on
24 Main Street; is that correct?

25 A. Yes, correct.

1 Q. And we marked up a survey plan to show
2 where that location is; is that correct?

3 A. Yes.

4 Q. All right. I'm going to show you if I
5 can find it. It's in this -- there we go. I'm
6 going to show you a copy of the survey that we
7 marked up. Does that depict the location of the
8 6-foot fence; is that correct? This is Main Street,
9 and the fence on the Main Street side and Feltus
10 Street side of the property, it's approximately
11 25 feet back from the setback line of the corner of
12 the house that's on Main Street, which is -- I
13 believe is 17 feet off of Main Street, itself, so
14 you're approximately 42 or 43 feet behind off of
15 Main Street; is that correct?

16 A. Yes, correct.

17 Q. And on the other side, it's -- 6-foot
18 fence is approximately -- approximately 45 feet off
19 of Main Street; is that correct?

20 A. Yes, correct.

21 Q. And that chain link -- and that fence
22 matches up completely with the chain link fence of
23 your next door neighbor in their back yard; is that
24 correct?

25 A. Yes.

1 Q. Okay. Now, what kind of animal do you
2 have? You mentioned you had a dog.

3 A. I have German Shepherd.

4 Q. And how big is he?

5 A. He's average size.

6 Q. How much does he weigh?

7 A. Ninety pounds.

8 Q. So it's a big dog, right?

9 A. Yes, he's big dog.

10 Q. All right, and you need that fence for
11 the safety so that the dog doesn't get out; is that
12 correct?

13 A. Yes, correct, because the neighbor got a
14 dog, too.

15 Q. Your neighbor next door, yes.

16 A. Yes. That's why I want to separate the
17 two dogs.

18 Q. Okay. That's why you wanted the
19 board-on-board fence along the neighbor's property
20 line, also, so they don't get at each other. Okay.
21 Now, you didn't get a permit to install the fence,
22 did you?

23 A. No.

24 Q. And why not?

25 A. I just, you know, was a rush to --

1 Q. You didn't think you needed it?

2 A. I don't think I need it, you know,
3 because this was the old fence and was cut it down.
4 I just put it back in the same footing.

5 Q. And the fence that was up -- there was a
6 fence on the Feltus Street side, and that was
7 basically a 2-by-2 metal fence with the metal
8 squares, like a garden fence?

9 A. Yeah.

10 Q. Now, with the curb cuts, you understood
11 the curb cuts on the two lots, the two curb cuts,
12 one on Main Street and one on Augusta Street, they
13 were there when you purchased the property; is that
14 correct?

15 A. Yes, was correct.

16 Q. And you have learned from speaking with
17 people that those curb cuts have been there since
18 this house was built?

19 A. Yes.

20 Q. So that those two curb cuts are there
21 for about 91 years now.

22 A. Yeah.

23 Q. And did you do any rehabilitation of any
24 of the sidewalks after you purchased the property?

25 A. After the last winter, I just, you know,

1 clean up lot of pieces, you know.

2 Q. On Main Street. What did you do on Main
3 Street? You cut the roots of two of those big trees
4 up there?

5 A. Yeah, three of them I cut the roots and
6 I straighten out the sidewalk.

7 Q. You relayed sidewalks so --

8 A. Yes.

9 Q. -- it was level.

10 A. No tripping hazard, yeah.

11 Q. Okay. You have any objection to fixing
12 the sidewalk on Augusta Street that's raised where
13 the tree is?

14 A. No.

15 Q. Okay.

16 A. And the two exits from the parking lot,
17 I want to put like a small gate to prevent people
18 walk through the parking because a lot of people
19 walk through the -- with the kids, with the dogs. I
20 want to put like a small gate both sides to prevent
21 to stop the people driving through my parking.

22 MR. DOWNS: Okay. Okay. That's all
23 that I have for him at this point, Mr. -- Miss
24 Chairman. I do want to interject one thing, also,
25 just as an aside. I've been under oath, too, as you

1 know. South Amboy Police Department has been using
2 my parking lot since forever as a staging area for
3 surveilling vehicles up and down Main Street for
4 speeding and other traffic violations, and they've
5 used that with the consent of Mr. Sheehan for years
6 and myself when I -- ever since I become the tenant.
7 So that's always been used as an area where the
8 police observe the traffic coming into town.
9 Usually it's -- I think most of us realize that
10 coming down Main Street, everybody barrels into town
11 at about 35, 50 -- 35, 40, 50 miles an hour, and we
12 have a sign up by Main Liquor, speed trap sign, and
13 every so often even when I come into town, I'm doing
14 40 not realizing it, but that's what the police have
15 used that, and they use as a staging area for their
16 checkpoints.

17 I have nothing else at this point.

18 MR. STAHL: Stahl here, if I may, Madam
19 Chairwoman. Are you looking for extra points for
20 that, Tom? Is that why you bring that up, that
21 you're a good citizen?

22 Two other questions of your client. Can
23 I assume that a 4-foot fence would not be sufficient
24 to stop the dog from jumping over it; am I correct?

25 MR. DOWNS: Say it again, Jim.

1 MR. STAHL: A 4-foot fence would not be
2 enough to stop a dog --

3 MR. DOWNS: He's else got inside the
4 fence a tree line of arborvitaes that are already
5 6 feet that extend over top of the fence --

6 MR. STAHL: And, Mr. Downs --

7 MR. DOWNS: -- about 18-inch center on
8 center.

9 MR. STAHL: You have received
10 Mr. Valetutto's letter of August 16, 2021, with
11 additional comments and revisions and requirements,
12 and does your client have any objection to complying
13 with that letter?

14 MR. DOWNS: With respect to the sidewalk
15 on Augusta Street, no. Main Street, as Mr.
16 Valetutto rightly indicates, is a county
17 right-of-way. It's not a -- it's not a city
18 right-of-way, so I think the county has jurisdiction
19 for whatever is on Main Street. Mr. Higgins may put
20 his two cents in on that if you need it.

21 MR. STAHL: Well, and then the last
22 question is your client understands, as do you as
23 his representative, that all conditions and terms
24 set forth in the prior report of AJV and the
25 testimony given at the prior hearing are in full

1 force and effect. Do you understand that?

2 MR. DOWNS: (Audio disruption) what we
3 agree to, but -- I don't think there's a complete
4 agreement on everything of Jason's letter of last
5 month.

6 MR. STAHL: Well, if you haven't, then
7 Jason will go through it. I -- but the
8 representations on record still stand.

9 MR. DOWNS: I understand that.

10 MR. STAHL: I'll go through -- let Jason
11 go through his report.

12 THE CHAIRWOMAN: Jason, would you like
13 to --

14 MR. VALETUTTO: Do that now? The
15 April 16 letter, the first comment, number 4, they
16 have agreed to replace those two sections that I had
17 discovered as tripping hazards. Again, Main Street
18 is not a board jurisdiction. I just pointed out
19 that the sidewalk did not appear in good condition.
20 Board does not have any jurisdiction or right to
21 force them to into replacing or making it better;
22 however, I'm always a big safety person, so we can
23 always put that request in or bring it up to them
24 that if somebody should fall or whatnot, they are
25 aware that the condition of the sidewalk is not up

1 to standard.

2 Number 5 was in regards to the parking
3 lot. There was discussion last month, and it seemed
4 that the board agreed and was okay with the parking
5 lot staying as is with the amount of parking and
6 still maintaining the two driveways, one entrance on
7 Main Street and one entrance on Augusta Street. The
8 issue I had witnessed was a vehicle traveling on
9 Augusta made a right turn into the parking lot, sped
10 through the parking lot, and made a left turn onto
11 Main Street in order to beat a red traffic light.

12 I heard the testimony Mr. Downs that his
13 applicant is willing to put up gates to prevent
14 people from walking and entering on the property. I
15 think that's a good suggestion; however, I have a
16 concern with adding a gate to the Main Street side
17 with that being a major road, a county road where
18 cars are indeed speeding. If there is a gate up,
19 how are they going to -- are they just going to stop
20 in the middle of the road, get out, open the gate so
21 they can pull into their driveway? I don't think
22 that's a very safe condition. So if they're going
23 to be putting up a gate, it almost seems like they
24 are really going to be utilizing Augusta Street for
25 entrance and exit of their parking lot. I think the

1 board should heavily -- or not heavily -- I think
2 the board should just have the slight discussion on
3 the issue of gates and the possibility of at least
4 closing off that Main Street side.

5 The new comments were in regards to the
6 fence. I highlighted where front yards are on the
7 property. There are some sections of fence that are
8 6 feet that are within a front yard. That creates
9 the variance, the bulk variance that they would be
10 seeking. I did hear testimony that they have a
11 German Shepherd that they wish to enclose on their
12 property, and that was the reason why they wanted
13 6-foot fence; however, they do have 4-foot fence
14 along Augusta Street, so the dog can still jump off
15 onto Augusta Street, so I don't really understand
16 how the dog is going to magically not want to exit
17 on the shorter side of the fence. If that's the
18 issue, the reason why they're giving for 6-foot,
19 they really should be able to provide the 4-foot,
20 but I leave that up to the board to decide.

21 I believe that's the end. I have
22 provided a picture just to show the existing fence
23 as is that's out there. You can see the 4-foot and
24 the 6-foot difference, and as I said, this is a
25 marked-up survey. We do not know if that 4-foot

1 fence is even on the property. It goes right to the
2 sidewalk, as you can see in my photo that I
3 provided, and not -- property lines don't always go
4 to the sidewalk. Usually, there is some grass area
5 before sidewalk that's still part of the public
6 right-of-way. So that fence might not even be on
7 the property, so it might be wise for them to have a
8 surveyor actually locate that fence to ensure that
9 it is either on the property line or within their
10 property, not the city right-of-way.

11 That's all the comments I have from my
12 report.

13 MR. DOWNS: Just from my background --

14 THE CHAIRWOMAN: Thank you, Jason. Mr. --

15 MR. DOWNS: Tom Downs. Just from my
16 background, I cut the grass on Saturday, and there's
17 grass between the fence and the sidewalk that I had
18 to cut. I need a weed wacker to get the rest
19 because I couldn't get it all, but it's not up to
20 the sidewalk. There is spacing. Probably about a
21 foot there.

22 MR. VALETUTTO: Okay, there's maybe --
23 I'm not -- I didn't --

24 MR. DOWNS: Foot and a half.

25 MR. VALETUTTO: Probably like 3 -- I

1 don't think there's a foot and a half based on that
2 photo. Agree to disagree, but I don't believe that
3 that is the property line.

4 MR. FORSHNER: Can someone possibly put
5 up the plans, share their screen so we're all
6 looking at that.

7 MR. VALETUTTO: I don't have a digital.

8 THE CHAIRWOMAN: Amy, do we have the
9 ability to put that up?

10 MR. DOWNS: Looking for this, Gary?

11 MR. FORSHNER: Yeah. That's the plan
12 that I'd like to see, but we're not going to be able
13 to see it on that.

14 MR. DOWNS: No, not at all, not on
15 this --

16 MS. RUSSO: I can try.

17 MR. VALETUTTO: I can see if I can find
18 the -- Amy, you can find the file that I sent to
19 you.

20 THE CHAIRWOMAN: While we're waiting for
21 that -- does anybody --

22 MR. FORSHNER: I have it on my screen.
23 I can share it now if you'd like.

24 THE CHAIRWOMAN: Amy, can you give Gary
25 rights. Amy. Amy, are you there?

1 MR. FORSHNER: I think we put her to
2 sleep. Okay. Now I've got it. Says I've been made
3 a presenter. Hold on. Maybe this will work. Okay.
4 Are you guys seeing this?

5 THE CHAIRWOMAN: Yup, here it comes.

6 MR. FORSHNER: Okay, so I heard what
7 Jason said about the 4-foot fence. Are you guys
8 seeing it?

9 THE CHAIRWOMAN: Yes.

10 A BOARD MEMBER: I'm not.

11 MR. FORSHNER: You're not. It's saying
12 that you guys can see the screen. I was just trying
13 to clarify because Jason had mentioned a 4-foot
14 fence that I didn't notice before along Augusta, so
15 I have the question about, you know, keeping the dog
16 in, if that's going to be a concern. I don't have a
17 problem with the fence. Frankly, where it's located
18 it doesn't appear to me, although, Jason, I'll defer
19 to you because I haven't looked at the site, itself,
20 but I wouldn't object to putting in in an
21 appropriate location subject to Jason's approval a
22 6-foot fence if that's what's required for a dog
23 that they have. You know, they're stuck with two
24 front -- sort of three with Feltus -- front yards,
25 and so they don't have a back yard that they can put

1 a fenced up area, and I don't know -- I don't
2 perceive that putting a 6-foot fence in along
3 Augusta is detrimental in any way. That's why I
4 raised the question.

5 MR. VALETUTTO: Well, Gary, they're
6 already asking for the variance for the 6-foot on
7 the two sides, so adding the 6-foot along Augusta
8 Street isn't an issue. The only issue with 6-foot
9 fences in the front yards is sight visibility as
10 cars are trying to leave or back out or whatever.
11 You could see on the survey, their driveway curb cut
12 is actually to the left side of the driveway
13 furthest away from the fence, so they will have the
14 visibility of cars on Augusta Street if the board
15 approves it.

16 MR. FORSHNER: So, Tom, did your client
17 want to do a 6-foot fence along Augusta?

18 MR. DOWNS: Yeah, they'll accept that.

19 MR. FORSHNER: I mean, is that something
20 they desire? I don't want to impose it upon them,
21 but it seems to me if they're going to put a --

22 MR. DOWNS: Here's the one thing Jason's
23 missing. There's a 12-foot hedgerow where that
24 6-foot fence is on the Feltus Street side of the
25 building. That fence -- that hedgerow is 12 feet

1 tall, so that's --

2 MR. VALETUTTO: There is no requirements
3 on height of the fence or -- I'm sorry -- hedgerow,
4 Tom. There is a requirement of the fence.

5 MR. DOWNS: You're talking about sight
6 distance triangle basically, and that --

7 MR. VALETUTTO: And I'm not -- Tom, I'm
8 not arguing. I was actually helping your case by
9 saying that the curb cut is further away, so I don't
10 know why you're arguing why me.

11 MR. DOWNS: I'm not.

12 THE CHAIRWOMAN: Okay, well, let's not
13 argue. Let's get back to the fact that we were
14 talking about the 4-foot fence that's on Augusta
15 Street and would you like to increase it to a 6.

16 MR. DOWNS: The answer is yes.

17 MR. VALETUTTO: Mary, I would suggest
18 that they should have a surveyor locate that
19 property line to ensure that when the 6-foot fence
20 is installed, it is indeed on their property, not in
21 the city right-of-way.

22 MR. FORSHNER: And I would concur with
23 that recommendation.

24 THE CHAIRWOMAN: Is your client
25 acceptable to that?

1 MR. DOWNS: I don't think he wanted to
2 incur a thousand dollars for a survey, but if that's
3 what it is, that's what it is.

4 MR. KELLY: This is Tom Kelly. Jason,
5 are we going to ask them to come for a zoning
6 permit, in which case if they want to step the fence
7 in 6 inches from what we assume is the property
8 line, that may alleviate the problem or the issue
9 for them to go out and get a survey done. If they
10 step it in 6 inches, do we get away from the
11 discrepancy of where the property may or may not be?

12 MR. VALETUTTO: See, that's the key
13 right there, Tom, may or may not be. I'm not a
14 surveyor; you're not a surveyor. We can't locate
15 where this property line is. If they had sidewalk
16 or the curb on that survey, it would be a lot easier
17 to try to approximate where that property line is.
18 They don't have to get a surveyor to go out there
19 and do an entire survey. All they got to do is
20 locate that property corner and then just run it
21 pretty much parallel to the sidewalk.

22 And, Gary, you're still sharing your
23 screen. We can see everything you're typing.

24 MR. FORSHNER: Okay.

25 THE CHAIRWOMAN: The other consideration

1 as far as the Augusta Street fence if it's going to
2 be moved back is the fact that there are two --
3 right behind the fence, there are two -- Tom, help
4 me with this -- two balls that I know were the
5 original builder that was set -- like his -- how
6 should I say this --

7 MR. STAHL: That was my great
8 grandfather's signature as a mason. That's the last
9 set of the basketballs, for lack of a better word,
10 in town right now. It's true.

11 THE CHAIRWOMAN: Right, so hopefully,
12 any movement of the fence wouldn't have to harm
13 them.

14 MR. DOWNS: Yes, that's true. That is
15 history. That's almost a hundred years.

16 THE CHAIRWOMAN: Or are you going to
17 take those with you, Tom?

18 MR. DOWNS: They weigh about 250 pounds
19 each.

20 THE CHAIRWOMAN: Okay. So where do we
21 land on this?

22 MR. KELLY: So, Jason, I guess my
23 question is are we going to handle it here at the
24 board level, or are we just going to say that the
25 applicant is going to come for a zoning permit for

1 the location of the 6-foot fence along Augusta
2 Street and then we'll move on from there, in which
3 case, the board will approve the 6-foot fence, the
4 location to be determined by a zoning permit
5 application.

6 MR. VALETUTTO: That's a good --

7 MR. DOWNS: Zoning permit application or
8 fence permit application?

9 MR. VALETUTTO: That's a good
10 suggestion, Tom, but in order to grant them that
11 zoning permit, we need to verify that it's -- well,
12 I guess the town is protected by the zoning permit,
13 itself, that we don't verify where property lines
14 are located, but that lies on the shoulders of the
15 applicant, and if it's discovered that they did not
16 build it on their property, they would be required
17 to move it back to their property. So it's a good
18 suggestion, Tom, if the board wishes to handle it
19 that way that they will grant them the variance for
20 the 6-foot fence within the front yard, and then the
21 installation of that fence has to be done by zoning
22 permit. That way they can verify -- they can get a
23 surveyor to verify where that property line is.
24 That's probably the easiest and quickest.

25 MR. DOWNS: If I may, I spoke to my

1 client. What we would propose to do is to move the
2 fence to the inside of the arborvitae tree line that
3 is presently inside the fence so that -- move it in.
4 That would move it in definitely behind those two
5 concrete balls, Mary.

6 THE CHAIRWOMAN: Okay.

7 MR. DOWNS: I think that will be -- so
8 the balls would be showing out on Augusta Street.

9 THE CHAIRWOMAN: Which would certainly
10 be within your property line.

11 MR. DOWNS: I think the ball's
12 definitely within the property line.

13 MR. STAHL: So based upon Tom Downs's --
14 his client's relocation of the fence within the
15 arborvitae, do not now have to go get a zoning
16 permit with respect to the survey. I just don't
17 want loose ends.

18 MR. FORSHNER: I think what we're saying
19 is, as long as they get a zoning permit for a 6-foot
20 fence in approximately the location it's in now that
21 we're granting them the 6-foot fence. That seems
22 easy and makes sure that, you know, staff at City
23 Hall is comfortable with the location of the fence
24 without them having to jump through unnecessary
25 hoops.

1 MR. STAHL: I agree, and that's Tom
2 Kelly's domain.

3 MR. FORSHNER: Right.

4 MR. KELLY: Actually, Mr. Stahl, that's
5 actually Mr. Valetutto's domain.

6 MR. VALETUTTO: I'm the zoning officer.

7 MR. STAHL: You're building -- I got it.
8 I know. I remember.

9 THE CHAIRWOMAN: Okay. Any other
10 questions for Mr. Downs or his -- or the applicant?

11 MR. KELLY: Actually, I just have one
12 quick question. I know we broached the subject last
13 meeting. The advertisement sign is going to be
14 removed, correct?

15 MR. DOWNS: That's correct, Mr. Kelly.
16 That's Jason's first letter back in April -- back in
17 March, rather. That's going with me to the new
18 location hopefully.

19 MR. KELLY: Okay. Thank you.

20 MR. FORSHNER: And then the only thing I
21 would add to that --

22 MR. DOWNS: Good advertising.

23 MR. FORSHNER: The only thing I'll add
24 to that by way of a recommendation is they mentioned
25 a gate. I believe Jason recommended that it be

1 along Augusta, not along Main Street, and I would
2 just defer to Jason in terms of his satisfaction as
3 to what they actually install there.

4 MR. VALETUTTO: Well, I'm okay with it
5 being on Main Street; however, I just don't foresee
6 how they are going to access their site with a gate
7 there where they're going to have to get out of
8 their vehicle to open the gate and then pull in.
9 Augusta Street's the side street, so to speak. Main
10 Street is the main artery road. So, I mean, that's
11 the board -- that's the board's decision if they are
12 happy with them having gates on both sides or having
13 only a gate on one side.

14 MR. FORSHNER: I don't think they were
15 proposing gates on both sides. I got the impression
16 they were proposing gates on one side, and I thought
17 your suggestion -- I think it was yours -- that it
18 be on the Augusta Street side makes sense to me.

19 THE CHAIRWOMAN: Jason, is that
20 something when the gates are put up that there has
21 to be an application before the zoning, or can they
22 just go ahead and do that? Or how does that work?

23 MR. VALETUTTO: You can grant them the
24 gate as part of this approval.

25 MR. FORSHNER: Second to --

1 MR. VALETUTTO: And they're also putting
2 in for that fence permit. I mean, they can include
3 that as part of the fence permit. I mean, it can be
4 all done on one -- the same permit. They don't need
5 separate permits. But I think you're right that
6 Mr. Downs should clarify if they are trying to put
7 up one gate or two gates or where.

8 MS. HUGHES: This is Holly. The drawing
9 shows them requesting two gates, one immediately
10 adjacent to the left side of the house on the Main
11 Street side and one at the walkway on Augusta.

12 MR. VALETUTTO: Holly, I --

13 MR. FORSHNER: Talking about two
14 different gates, are we not. I thought the gate we
15 are talking about now is a gate so that the parking
16 area wasn't a cut-through from Augusta to Main
17 Street to avoid the traffic light.

18 MS. HUGHES: Oh.

19 MR. FORSHNER: I thought that was --

20 MR. VALETUTTO: Right.

21 MR. DOWNS: You're right, Gary, that's
22 what it was. I know Tom Sheehan had two 3-inch
23 galvanized poles filled with concrete and a chain
24 across both driveways years ago to keep the (audio
25 disruption) people out, and they just promptly ran

1 it down, so -- that's what happened years ago, but
2 that's something else. We'll make the fence
3 application with the fence on Augusta Street side.

4 MR. KELLY: This is Tom Kelly. So I
5 think it should be left up -- because I don't think
6 the board -- it makes a difference. I think the
7 access point should be determined by the property
8 owner, which better fits their needs, and propose a
9 gate at the opposite side other than the gate, the
10 one they desire for access, and they make the
11 decision and we go from there.

12 MR. DOWNS: And I would just add --

13 THE CHAIRWOMAN: I agree. I do think
14 that they should make that decision, and although
15 we've made our recommendations, I do think it's up
16 to the property owner to make the way in because, I
17 mean, we took no issue with both sides being open,
18 although we did make recommendations, but from what
19 I said, I think it should be up to the property
20 owner.

21 MR. FORSHNER: And I would just add to
22 that that the type of gate and location should be
23 subject to the approval of the board engineer,
24 subject to approval of Jason, and then we don't have
25 to get into the details.

1 MR. VALETUTTO: As long as it's stated
2 as part of if they receive the approval that there
3 is only one gate that's going to be installed, it
4 will be either on Augusta Street side or Main Street
5 side, that's enough for when they come with their
6 zoning permit, they reference the board approval,
7 they give me a copy of the resolution, and then on
8 the survey, they'll have to mark up just to show me
9 what side they're putting the gate on. That's
10 simple.

11 THE CHAIRWOMAN: I think that's fair.
12 Mr. Downs, your thoughts.

13 MR. DOWNS: That's acceptable, Miss
14 Chairman.

15 THE CHAIRWOMAN: Okay. Any other
16 questions or comments for Mr. Downs or his
17 applicant? Okay. Thank you for sharing.

18 Gary, can you take this down.

19 MR. FORSHNER: Sure.

20 THE CHAIRWOMAN: If there's no other
21 questions, can I have a motion to open up to the
22 public.

23 MR. KELLY: Make a motion.

24 MR. STAHL: This is Stahl here.

25 MS. KERN: Second the motion.

1 THE CHAIRWOMAN: I think that was -- was
2 that Janet and Tom Kelly?

3 MS. KERN: Yes.

4 THE CHAIRWOMAN: Okay. At this time,
5 I'd like to open up to the public. Is there anyone
6 from the public who'd like to speak only on this
7 application?

8 MR. HOREZGA: Yes, questions from 120
9 South Rosewell Avenue.

10 THE CHAIRWOMAN: Amy, do you see a
11 question? I still see them on mute.

12 MS. RUSSO: I heard someone ask a
13 question. I don't see anything.

14 MR. HOREZGA: Just a general question.

15 THE CHAIRWOMAN: One twenty South
16 Rosewell. Do you have a question?

17 MR. HOREZGA: Yes, just a general
18 question.

19 THE CHAIRWOMAN: Sir, can you please
20 state your name.

21 MR. HOREZGA: My name is Andrew Horezga.
22 I'm at 120 South Rosewell Avenue.

23 MR. STAHL: Sir, do you have video or
24 no?

25 MR. HOREZGA: No video, but audio. Is

1 that okay?

2 MR. STAHL: Yes.

3

4 A N D R E W H O R E Z G A, sworn.

5 MR. STAHL: And your full name, spelling
6 your last name please.

7 MR. HOREZGA: Full name is Andrew, first
8 name. Last name is Horezga, H-o-r-e-z-g-a.

9 MR. STAHL: And you reside where, sir?

10 MR. HOREZGA: At 120 South Rosewell
11 Avenue in the City of South Amboy.

12 MR. STAHL: Thank you very much.

13 MR. HOREZGA: Am I free to proceed with
14 a question?

15 THE CHAIRWOMAN: Yes, please go ahead.

16 MR. HOREZGA: So my question is just a
17 question of general inquiry, and the question is --

18 THE CHAIRWOMAN: As to this application?

19 MR. HOREZGA: Correct.

20 THE CHAIRWOMAN: Okay. Please go ahead.

21 MR. HOREZGA: So the question is very
22 simple, and the question is simply does this
23 application in any way contest what the standard
24 applicant for a person requiring a disposition from
25 the city to install a fence in this particular

1 location contend? Meaning, is this fence request
2 just simply a fence request, or was there some
3 unique feature of this particular request that was
4 deviant from a standard fence request?

5 THE CHAIRWOMAN: If I understand your
6 question -- I'll probably pass this over to Jason.
7 The original application, the fence we found out
8 during the earlier hearing, and anything other than
9 a 4-foot fence you needed a zoning permit for, so
10 we -- that's probably the reason you're hearing us
11 go back and forth about the fence, because it
12 should have -- they should have gotten a permit
13 before they did it, so we're including it in this,
14 and it's an odd piece of property, so there's
15 probably a little bit more conversation than there
16 would be in general.

17 Jason or Jim, you want to add to that.

18 MR. STAHL: Well, I just wanted to tell
19 the gentleman that this is the second hearing. The
20 first hearing dealt with the return of the use of
21 the property from an office to a single-family
22 resident and a confirmation of a minor C variance,
23 and as part of that, the questions came up about the
24 location and height of the fence, and then today,
25 this evening, those questions were answered.

1 MR. HOREZGA: Thank you. And my
2 question again -- I apologize if this seems
3 tedious -- was my understanding of the city
4 ordinance is that any fence within property limits
5 that's 6 feet in height or less shouldn't require
6 this extensive of debate by the counsel. Is there
7 something unique about this fence that required this
8 level of debate and kind of exploration?

9 MR. KELLY: I think, Mr. Horezga, what
10 the problem is, the fence in question is in the
11 front yard setback. The ordinance doesn't permit a
12 6-foot fence in the front yard. This subject
13 property has two front yards. It fronts on two
14 streets. Technically, it fronts on three streets.
15 So the fence that's being proposed is actually in
16 the front yard setback; therefore, it doesn't meet
17 the ordinance. That's why it needs a variance to go
18 from 4 feet, which is permitted by the ordinance, to
19 6 feet.

20 MR. HOREZGA: I really appreciate that
21 explanation. Again, this is just a general
22 question. I have no interest in this approval or
23 denial of this fence. So I just was curious about
24 the nature of the debate, and I think Mr. Kelly
25 explained that perfectly. So thank you.

1 THE CHAIRWOMAN: Thank you for your
2 comments. It was a bit a lot about a fence.

3 Anyone else from the public would like
4 to be heard? Okay. Do I have a motion to close to
5 the public.

6 MS. KERN: Motion to close the public.

7 THE CHAIRWOMAN: Second.

8 MR. KELLY: Second.

9 THE CHAIRWOMAN: Okay. Thank you. At
10 this time, Mr. Downs, do you have anything closing
11 or any other comments?

12 MR. DOWNS: I think I'll submit, Miss
13 Szaro. I think we beat this horse pretty dead
14 today.

15 THE CHAIRWOMAN: Okay. Thank you. Then
16 at this time, do I have a motion to approve this
17 application, and, Jim, I will refer to you for the
18 details of that.

19 MR. STAHL: I'm back on. Stahl here.
20 The motion is to grant the approval from the
21 original approval, which was a use variance for
22 return of the structure to a residence, which was
23 heard at the last meeting, and also to -- for the C
24 variance with regard to --

25 (Audio disruption, reporter

1 clarification)

2 MR. STAHL: I'm trying to -- let me get
3 Jason's -- just give me one second. There it is.
4 Okay. So the application was for a conversion or
5 return of the building to that which it was years
6 ago to a residence. There were issues with regard
7 to the driveway and a C variance, and the board has
8 to, A, grant if they are, the approval would be to
9 grant the relief requested, number 1, and after
10 that, the -- just looking at my notes here -- wait
11 just a second. This application was submitted
12 November of 2020.

13 THE CHAIRWOMAN: Excuse me, please;
14 everybody else on mute except Mr. Stall.

15 MR. STAHL: It's a C variance, it's a D
16 variance, and there's also the fence variance
17 pursuant to the terms of the discussions and
18 acknowledgements by the applicant tonight. That
19 is -- will be incorporated in the resolution for the
20 6-foot-high fence within the boundaries of the
21 property to be confirmed by submission to
22 Mr. Valetutto as the zoning officer of the town. So
23 it all be consistent with the representations and
24 requirements as set forth in the prior testimony and
25 what the ultimate impact will be. This house will

1 be a single-family residence. The driveway will
2 remain, and the cops can use it for radar. There
3 will be an overhang approved. The fence is
4 approved. And to the extent of any other items,
5 they are in the record, and I will capture them in
6 the resolution for the board for next month.
7 Mr. Downs will give me this transcript, or Miss
8 Masterton will, at earliest convenience because we
9 have a lot of resolutions for next month, and I want
10 to make sure that Jason and I have the time to get
11 it all done. And that's the motion.

12 THE CHAIRWOMAN: Thank you. Do I have a
13 motion.

14 MR. FORSHNER: Can I just ask
15 clarification on one item. I know there was some
16 discussion about police being able to use it for
17 radar purposes. Are we requiring that?

18 MR. STAHL: No. I'm sorry. I shouldn't
19 speak for the board, Gary. No, no, it is just
20 Mr. Downs, you know, solicited comments. We're not
21 requiring him to do that.

22 MR. FORSHNER: I just want to be clear.
23 I wasn't asking to require it.

24 MR. KELLY: I think that's an item that
25 has to be addressed between the South Amboy Police

1 Department and property owner.

2 MR. STAHL: That's not something that is
3 in the police power. Many homeowners permit the
4 police to sit in driveways or vacant land, but I
5 assume the board is not requiring that, and I would
6 recommend if I was asked for a legal opinion that
7 the board should not entertain such a condition.

8 MR. FORSHNER: So to be clear, I only
9 raised the question because I thought you were
10 including that in the motion. I'm more than happy
11 not to have that as a condition of approval.

12 MR. STAHL: Yeah, I just raised, Gary,
13 the issue was it's a large driveway, and Mr. Downs
14 last month justified the size of the driveway
15 because it was used for Tom Sheehan's office, his
16 office, and we all indicated -- not we -- the board
17 indicated that there's no reason to require the
18 homeowner to make the parking lot and driveway
19 smaller. So be it.

20 THE CHAIRWOMAN: Okay, so the motion is
21 without that. Thank you for the clarification. Do
22 I have a motion?

23 MR. FORSHNER: So moved, Gary Forshner.

24 THE CHAIRWOMAN: That was Gary. Do I
25 have a second?

1 MS. KERN: Second, Kern.

2 THE CHAIRWOMAN: That was Janet Kern.

3 Thank you. Roll call, Amy.

4 MS. RUSSO: Chairwoman Mary Szaro.

5 THE CHAIRWOMAN: Yes.

6 MS. RUSSO: Scott Kominkiewicz.

7 MR. KOMINKIEWICZ: Yes.

8 MS. RUSSO: Mayor Fred Henry.

9 MAYOR HENRY: Yes.

10 MS. RUSSO: Tom Reilly. Thomas Kelly.

11 MR. KELLY: Yes. I just want to make
12 one comment. Mr. Downs, please inform your client,
13 although this has nothing to do with the board
14 approval, because it's going from a business back to
15 a residence, he does need to secure permits because
16 of smoke detection, egress requirements for the
17 residence, but Tom Kelly votes yes. Thank you.

18 MR. STAHL: Mr. Reilly did not vote and
19 nor did the mayor; am I correct?

20 MS. RUSSO: No, the mayor did. Tom
21 Reilly, I did not hear him.

22 MR. STAHL: No, the mayor doesn't vote
23 in this application. This is a use variance
24 application; am I correct, Jason?

25 MR. VALETUTTO: No, this is not a use

1 variance.

2 MR. STAHL: You had it listed --

3 MR. VALETUTTO: We've still on Helen-S.

4 There's no use variance.

5 MR. STAHL: I apologize for the

6 confusion.

7 MS. RUSSO: Janet Kern.

8 MS. KERN: Yes.

9 MS. RUSSO: Holly Hughes.

10 MS. HUGHES: Yes.

11 MS. RUSSO: Gary Forshner.

12 MR. FORSHNER: Yes.

13 MS. RUSSO: William DeMasi.

14 MR. DeMASI: Yes.

15 MS. RUSSO: Roll call complete.

16 THE CHAIRWOMAN: Okay. Thank you. So

17 approved, and, Mr. Downs, you're all set. I will

18 just pass on a friendly reminder. Even though

19 you're on mute, people can read your lips.

20 MR. DOWNS: Thank you. Thank you,

21 ladies and gentlemen.

22 THE CHAIRWOMAN: That concludes this

23 application.

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LAND USE BOARD
CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

In the Matter of)
The Application of:)
HELEN-S REMODELING, LLC))
#415-20)
415 Main Street)
Block 69, Lot 1)

CERTIFICATE

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

DATE: May 3, 2021

License No. XI001655

1 CITY OF SOUTH AMBOY, NEW JERSEY

2 BOARD (PLANNING/ZONING)

3
4 Held on Wednesday, April 28, 2021

5
6
7 Zoom conference

8 7:00 p.m.

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

2 Members:

3 Mary Szaro, Chairwoman

4 Scott Kominkiewicz, Vice Chairman

5 Mayor Fred A. Henry

6 Councilman Thomas B. Reilly

7 Thomas Kelly

8 George Baranowski

9 Holly Hughes

10 Janet Kern

11 Dr. Jorge Gonzales-Gomez

12

13 1st Alternate

14 Gary Forshner

15

16 2nd Alternate

17 William DeMasi

18

19 Planner/Engineer

20 AJV Engineering, Inc.

21 Jason Valetutto

22

23 Board Attorney:

24 James E. Stahl, Esq.

25

1 (Time noted: 8:11 p.m.)

2 CHAIRWOMAN SZARO: Our next application is
3 416-21 HBD South Amboy LLC.

4 Mr. Rothman?

5 MR. ROTHMAN: Chair, good evening, members
6 of the board, professionals.

7 The applicant is ready to proceed. I just
8 have a quick housekeeping item.

9 Is the court reporter from Veritext here?

10 THE COURT REPORTER: I'm here.

11 CHAIRWOMAN SZARO: Please feel free if you
12 need us to -- we have a tendency to forget to
13 call names. If you need anything, please let
14 us know.

15 MR. ROTHMAN: Very well.

16 With that, we're ready to proceed. I'd
17 like to call the manager for HBD, Marc Grama.
18 Can you identify yourself for the record? For
19 your benefit, Mr. Rothman, Amy, we have
20 received the affidavit of publication, and the
21 affidavit of service, and we have jurisdiction,
22 am I correct?

23 MS. RUSSO: Yes.

24 MR. STAHL: Thank you very much.

25 Mr. Rothman, for your information, the

1 board's planner is sworn in at the beginning
2 every year so he has been sworn in. As
3 indicated for the benefit of the court
4 reporter, when your witness is -- appropriately
5 so we know who is talking, just say your last
6 name and we're in good shape, all right?

7 MR. ROTHMAN: Okay.

8 Mr. Grama, identify yourself for the
9 record so you can be sworn.

10 MR. GRAMA: Marc Grama, G-R-A-M-A.

11 MR. STAHL: Let me just find him.

12 MR. ROTHMAN: Can you just wave?

13 MR. STAHL: Raise your right hand, sir.

14 (The witness, Marc Grama, is
15 sworn.)

16 Your name is Marc with a C, and G-R-A-M-A;
17 is that correct?

18 MR. GRAMA: G-R-A-M-A.

19 MR. STAHL: Yes.

20 MR. ROTHMAN: The audio was a little
21 spotty.

22 Mr. Grama, good evening.

23 EXAMINATION BY MR. ROTHMAN

24 OF MR. GAMA:

25 Q You are the manager of HBD South Amboy

1 LLC?

2 A Correct.

3 Q Not a member, but the manager, and you're
4 familiar with the business HBD?

5 A Yes.

6 Q You have to respond orally so that the
7 court reporter can transcribe what you said.

8 A Yes.

9 Q Who are the owners of the company?

10 A Kimberly Grama and Elaine Paulekicz.

11 Q And the company you've been a manager of
12 for how long?

13 A This company approximately two years.

14 Q When was the company formed?

15 A Approximately two years ago.

16 Q How are you related to the owners of the
17 company?

18 A Kimberly is my wife and Elaine is a
19 partner.

20 Q And you're authorized to be here on behalf
21 of the company as a manager?

22 A I am.

23 Q And you're familiar with the application,
24 correct?

25 A I am.

1 Q And briefly, if you would address the
2 board with HBD's vision for what this project would
3 be?

4 A First, I want to thank the board members
5 for hearing us today. I want to thank you for the
6 opportunity to present. This project is going to be
7 a nice improvement to the neighborhood and to the
8 City of South Amboy.

9 Q You want to describe it briefly as to what
10 it is?

11 A Yes, 36 red built apartments.

12 MR. STAHL: Mr. Rothman, I want to remind
13 Mr. Grama, you must assume that the board knows
14 nothing about the application even though they
15 have seen the application. For purposes of the
16 record, I'm trying help out, that's what we do
17 here. You have to assume the board is not
18 ignorant, they're very intelligent, but you
19 have to describe for them verbally so that
20 there's something on a record that is then
21 duplicated on a transcript for the court
22 reporter. I say that with respect. I'm not
23 trying to be disrespectful to you.

24 MR. GRAMA: Appreciate it?

25 A Underground parking and three stories

1 above that, so it's a total of four stories, a
2 single building.

3 Q Briefly describe the area as it is now?

4 A The area surrounding our property is
5 improving, but our property itself is in bad shape.

6 Q What is presently at the site?

7 A We have a market, a one-story market, and
8 then two buildings consisting of 18 units in total.

9 Q What will become of those structures?

10 A Those structures since Sandy they're in
11 bad shape. They probably have to be brought down.

12 Q Your plan -- the company's plan is to
13 remove those structures?

14 A Correct.

15 Q Completely demolish them?

16 A Correct.

17 Q And in its place construct a single
18 four-story, multifamily, residential building?

19 A Correct.

20 Q Can you describe what it is that the
21 exterior of this building would like? I know we're
22 going to have testimony on it but for the board's
23 benefit.

24 A It's a beautiful, contemporary, fits in
25 their architectural likings. We did a lot of

1 research on that. I've spoken to the people in town
2 and followed their recommendation. And it's going
3 to be a mixture of units from single bedrooms, to
4 two-bedroom, to just a combination.

5 Q It will have a combination of one-bedroom,
6 two-bedroom and three-bedroom units?

7 A No, three-bedroom, no, no, no.

8 MR. ROTHMAN: That's all the questions I
9 really have for this witness. The other
10 information about the project can be elicited
11 from the professionals. If the board has
12 questions of Mr. Rothman?

13 MR. STAHL: Mr. Rothman, I have my typical
14 question that I ask, you are in receipt of a
15 review letter for Mr. Valetutto, NJB
16 Engineering dated April 22, 2021, am I correct?

17 MR. GRAMA: You broke up.

18 MR. STAHL: That was for Mr. Rothman.

19 MR. ROTHMAN: I'm sorry.

20 Yes, yes.

21 MR. STAHL: Go ahead, Mr. Rothman.

22 MR. ROTHMAN: Yes, the applicant received
23 the review letter and the professionals really
24 worked very hard to respond to the review
25 letter and as part of the testimony this

1 evening, we'll respond those comments.

2 MR. STAHL: I do have one other question
3 for you, Mr. Rothman and then I'll be quiet.

4 Looking at the review letter, what other
5 approvals, assuming you're granted the
6 approval, your client is granted the approval,
7 all prior zoning applications and approvals
8 will be avoided and have no further force and
9 effect, am I correct?

10 MR. ROTHMAN: Yes, I believe that's
11 appropriate under the circumstances. We're not
12 continuing the current use of those structures.
13 There was a development. There was an approval
14 in 2016. I'm aware of that. But it really
15 isn't appropriate considering what the
16 applicant is proposing.

17 MR. KELLY: The approval -- this is two
18 separate lots. The approval was not for
19 everything contiguous as is being proposed.
20 The approval was only for one of the lots,
21 correct?

22 MR. STAHL: I understand that, but as I
23 understand it, everything is coming down, am I
24 correct?

25 MR. ROTHMAN: Yes.

1 MR. STAHL: I understand it was only one
2 lot, but everything -- we're going to start
3 from square one.

4 MR. ROTHMAN: Yes, this is an undersized
5 lots. The applicant did its best effort to
6 increase the square footage of the lot,
7 purchase the adjoining lot that currently
8 contains the abandoned market. There were no
9 other available lots that the applicant
10 could've purchased and the lot obviously does
11 remain undersized.

12 MR. STAHL: Madame Chairwoman, do any
13 other members have any questions before he
14 presents the next witnesses?

15 CHAIRWOMAN SZARO: Any questions for the
16 board members at this time?

17 MR. FORSHNER: I think any questions that
18 I have will become apparent as we go through
19 the witnesses.

20 MR. ROTHMAN: And Mr. Grama will be
21 available.

22 CHAIRWOMAN SZARO: Any questions?

23 MR. ROTHMAN: Any questions from the
24 public?

25 MR. STAHL: Mr. Rothman, the way we do at

1 the end of the application we open it up to the
2 public as opposed to opening it up after each
3 witness. All your witnesses will be available
4 at the end of the hearing so they'll be here.
5 We find it goes a lot easier and smoother that
6 way.

7 MR. ROTHMAN: I'm sure it does.

8 The next witness is Edwin Lin.

9 MR. PEREIRAS: I think we should is that
10 right architecture first?

11 MR. ROTHMAN: No.

12 MR. STAHL: You guys decide. Tell us what
13 you're doing.

14 MR. ROTHMAN: Let's go with architecture.

15 MR. STAHL: Manny, are you the next
16 witness?

17 MR. PEREIRAS: I am the next witness.
18 Madame Chairperson, counsel, the board members,
19 it's a pressure to be here. Thank you.

20 (The witness, Mr. Pereiras, was
21 sworn.)

22 MR. PEREIRAS: My name is Manny Pereiras,
23 P-E-R-E-I-R-A-S, and I have firm called
24 Pereiras Architecture Ubiquitous. It's located
25 at 1116 Summit Avenue in Union City, New

1 Jersey.

2 Would you like me to speak about my
3 credentials?

4 MR. ROTHMAN: I'm going to ask you, would
5 you give the board the benefit of your
6 education?

7 MR. PEREIRAS: I'd be very happy to. I
8 received a Bachelor's of Architecture in 2001
9 from NJIT where I attended on full academic
10 scholarship.

11 I also studied at in France where I
12 received the architecture prize.

13 I became licensed in 2005. I opened my
14 practice in 2006. I've been in practice for
15 15 years now.

16 I am licensed in the State of New Jersey
17 as well as many other states. I am NCARP
18 certified. I have taught architectural. I've
19 taught architectural drafting, architectural
20 history.

21 I have also served on many professional
22 boards in different capacities. Currently, I
23 am the secretary of the American Institute of
24 Architects for the State of New Jersey.

25 I could keep going. I think I leave this

1 to the board and I thank you.

2 MR. STAHL: Where are your offices
3 located?

4 MR. PEREIRAS: Union City, New Jersey.

5 MR. ROTHMAN: Do you have a main phone
6 number for your office?

7 MR. PEREIRAS: Sure, the main phone number
8 is 201-616-7664.

9 MR. ROTHMAN: And you've been accepted by
10 other land use boards in this state as an
11 expert in architecture.

12 MR. PEREIRAS: I appear very regularly
13 before boards. I could say I've probably
14 appeared over 500 boards at this time -- 500
15 cases I should say. This week would be my
16 third one, third one this week I should say, my
17 first one before South Amboy and I hope it's
18 the first of many.

19 MR. STAHL: Your license is in good
20 standing, am I correct.

21 MR. PEREIRAS: Yes, it is, sir.

22 MR. KOMINKIEWICZ: I'm sorry. I just want
23 to make a comment, Mr. Pereiras. During my
24 service on this board and others, this is the
25 first time I've had a professional where I

1 could actually see their credentials, not only
2 just hear them. They're right behind you.

3 CHAIRWOMAN SZARO: Does anyone from the
4 board have any objections to accepting the
5 credentials of this expert?

6 MR. KOMINKIEWICZ: No, not me.

7 CHAIRWOMAN SZARO: Go right ahead, please.

8 MR. PEREIRAS: I would ask for your
9 permission to give me permission to share my
10 screen.

11 MR. ROTHMAN: Mr. Stahl, do you want to
12 mark these as A-1 as we go through them?

13 MR. PEREIRAS: May I proceed?

14 MR. STAHL: Do we have a full set of
15 these, Amy? If not, what I'd like to have
16 happen is that we would mark each one on the
17 record, Mr. Rothman, identifying a signature
18 block as some other identifier. I'm not going
19 to say his last name -- but we're going to have
20 Manny submit a package to us for reproduction
21 because I don't know what we have. This is
22 difficult on virtual. Let's identify each
23 exhibit.

24 MR. ROTHMAN: We can identify each exhibit
25 and then by sheet.

1 MR. STAHL: That would be perfect.

2 MR. ROTHMAN: This is going to be A-1.

3 EXAMINATION BY MR. ROTHMAN

4 OF MR. PEREIRAS:

5 Q And what does A-1 depict?

6 A A-1 is a Google Earth satellite image. It
7 is a live movement image that I'm going to use to
8 demonstrate the existing conditions of the property
9 and explain the site.

10 Q Please proceed.

11 A Thank you so much.

12 Just to orient everyone and I hope
13 you can my cursor as I move it. We have the Raritan
14 River over to the right. We have the train tracks
15 where I'm pointing to along here. We have the
16 station. Our site is located right here where I am
17 circling. And as I zoom in, we see that we have
18 John Street along here, Henry Street along here, and
19 North Roswell Street along here.

20 MR. ROTHMAN: Slow down a little bit.

21 You're moving faster than the technology will
22 allow.

23 MR. PEREIRAS: Sometimes it works
24 smoothly. Sometimes there's a lag.

25 A I'm zooming into the site right now. What

1 you see here are the existing structures on the
2 site. These were originally two independent lots.
3 You have these structures here which were
4 multifamily residential and you had this what we
5 call the market, a commercial building, along here.

6 As you can see from these images,
7 they are in a pretty horrible state. They are not
8 suitable for habitation in any way. They are
9 structurally deficient. In addition to that, they
10 do not meet floodplain requirements because they are
11 below the floodplain requirements established by the
12 DEP.

13 So, what we want to do is to demolish
14 this eyesore and let me explain the site a little
15 bit.

16 Along North Roswell Street, we have
17 frontage of 201.9 feet. It starts right at Henry
18 and it lines up with John Street along this point.
19 Off of Henry Street, we have 50 feet that it goes
20 back. It juts in a bit and then goes back another
21 147 feet to about here. This one portion of the
22 site comes to 115 feet to this point and then on
23 this portion of the site we have 100 feet along
24 there.

25 Q It's not clear when you're testifying

1 what's on the image.

2 Can you offer a little more testimony
3 rather than just the word here?

4 A It's unfortunate that there's that lag.
5 I'll try to do it a little more clearer and what
6 I'll do is I'll reference it on the drawing so we
7 can understand what north is, south, east, and west.

8 The south portion of the site is
9 one --

10 MR. ROTHMAN: Hold on 1 sec. This is
11 going to be A-2. Is there a mark on this?

12 MR. PEREIRAS: Part of the documents are
13 submitted. This is CO2. And it actually has
14 here drawings prepared by Edwin Raymond.

15 Q In your normal practice, do you rely on
16 drawings prepared by other professionals including
17 in this case a professional engineer?

18 A Absolutely and none of these drawings were
19 prepared in isolation. We worked as a team. You
20 had a team of professionals here. You had Edwin
21 Raymond, a civil engineer; you had David Spatz, our
22 planner; and you have Joe Staigar, our traffic
23 expert; and myself, as the architect, and we worked
24 very closely to get the best project possible for
25 this board and all of us are ready to give

1 testimony.

2 MR. VALETUTTO: Mr. Pereiras, can you just
3 identify the latest revision date on that plan
4 because the board has not received these?

5 MR. PEREIRAS: No. Sir, Mr. Valetutto, I
6 hope I didn't pronounce your name incorrectly,
7 we very much appreciate your comments that were
8 issued to us a couple days ago. They were very
9 thorough, very carefully thought out. And
10 because of your comments, we wanted to respond
11 to you.

12 So, in this presentation that we're doing
13 today, these are fresh drawings that we
14 completed today basically to response to your
15 comments, so they're dated today's date which
16 is the 28.

17 MR. STAHL: Let me jump in here if I may.

18 Manny, it's not your fault. The issue is
19 that I want to identify that document but at
20 some point in time we are looking at two
21 different documents. We're looking at the
22 original document and then we're looking at
23 these when we have to correlate them with
24 Mr. Valetutto's last letter.

25 So, Jason, how do you want to deal with

1 the new plans?

2 MR. VALETUTTO: I was asking because
3 you're marking these as an exhibit but the
4 board has not received them. I was just asking
5 him to at least identify the last revision
6 date.

7 My report of April 22 is going to be based
8 on a prior plan. And to not confuse the board,
9 the prior plan is the one they should be
10 testifying upon. And if they agree with the
11 comments, and they made changes to these plans,
12 they should just be describing those changes to
13 the board as opposed to confusing them with new
14 plans that they haven't even seen yet.

15 MR. STAHL: The issue is you're not the
16 first or the last, Jason has not had an
17 opportunity to review the new plans for
18 completeness so we end up looking at this and
19 then we have others. So, however, the board
20 and Jason want to do it you may want to put
21 them side by side, the old and the new and --

22 CHAIRWOMAN SZARO: I'd like to stop you on
23 that one because the board has made a decision
24 in the past and I appreciate your efforts to
25 incorporate Jason's input, but we made a

1 decision in the past that we're only going to
2 be reviewing those plans that we had an
3 opportunity and Jason has had an opportunity to
4 look at and to review.

5 MR. STAHL: I agree with you. That's what
6 I was seeing. He's going to have to go back to
7 the prior plan and then he can raise issues if
8 you want to hear them with regard to how he has
9 complied with Jason's comments, we're on the
10 same page.

11 CHAIRWOMAN SZARO: That's fine. I don't
12 want to do a side by side.

13 MEMBER OF THE PUBLIC: As a member of the
14 public also just speaking from 120 South
15 Roswell Avenue --

16 CHAIRWOMAN SZARO: This is not open to the
17 public yet, sir. I'm sorry. We have a public
18 session for that. It's not open at this time.
19 Thank you.

20 MR. ROTHMAN: Could you revert back to
21 your submission?

22 MR. PEREIRAS: I can. I have my drawings
23 readily available, the previous drawings. I do
24 not have the previous civil engineer's
25 drawings. If the board will allow me 5 minutes

1 to get that up and going.

2 CHAIRWOMAN SZARO: Certainly. Why don't
3 we take a 5-minute recess?

4 MR. KELLY: Is the architect going to
5 testify on behalf of the engineering drawings?

6 MR. ROTHMAN: No, they were just
7 illustrative. The engineer is right behind
8 him.

9 (Whereupon, a short recess was
10 taken.)

11 CHAIRWOMAN SZARO: Do we have everyone
12 back? Please, go ahead.

13 MR. ROTHMAN: This is a new document,
14 correct?

15 MR. STAHL: Let's identify what the
16 document is.

17 Thank you.

18 MR. PEREIRAS: I will. I will be
19 presenting using the original submitted
20 documents. It has a revision date of 2-26-21.
21 Those are the same drawings that were submitted
22 to the board. Where appropriate, I will
23 reference new documents if the board sees fit
24 with today's revision date.

25 MR. ROTHMAN: This is going to be A-3.

1 Q Can you describe what A-3 depicts?

2 A A-3 is the site plan application documents
3 submitted by our civil engineer, Edwin Raymond.

4 Q Are you going to be referring to specific
5 sheets or pages within A-2?

6 A I will refer to sheet --

7 MR. ROTHMAN: After each sheet, can you
8 identify it first and we'll mark it. A-3 will
9 be the cover of the site plan revised 2-26-21.

10 MR. VALETUTTO: They don't have the
11 exhibit drawings that have already been
12 provided to the board, right?

13 MR. STAHL: No, they don't have to be
14 marked when he refers to them. I want them
15 identified as to what he's looking at. Who was
16 speaking was there? Mr. Rothman?

17 MR. ROTHMAN: No, that was Mr. Valetutto.

18 MR. VALETUTTO: Mr. Valetutto was
19 correcting Mr. -- it appeared that Mr. Rothman
20 was marking exhibits on documents that were
21 provided to the board. I was just trying to
22 correct that we don't need documents marked if
23 the board has them. They just have to identify
24 what the plan is and the sheet number.

25 MR. STAHL: So long as they're the

1 original document, that is correct.

2 MR. ROTHMAN: Proceed.

3 A I am starting with C-2 western property
4 line 2009.

5 CHAIRWOMAN SZARO: We have a horrible
6 echo.

7 A What we have along the southern line is
8 100 feet. We have 215.53 feet at an angle along the
9 easterly line looking towards the Raritan. We have
10 147.76 feet along here. It's juts out another 8.5
11 feet and comes in line with Henry Street another 50
12 feet further down.

13 The existing structures are this
14 commercial building along here where it's almost
15 touching the property line along the north. It is
16 touching the property line to the west and then you
17 have these multifamily buildings that we are
18 proposing to demolish the entire structure, so we
19 will be dealing with the new land.

20 Turning now to sheet C-3, we could
21 start understanding the real difficulty of the site
22 which is that we have to be above the floodplain.
23 So that means our parking level and garage is all
24 above -- is at the 13-foot marker the floodplain
25 when our sidewalk is a lot lower and our civil

1 engineer is going to go into details and explain
2 that through his grading plan.

3 From an architectural standpoint, I'd
4 like to start addressing how we're dealing with that
5 from a pedestrian standpoint and a vehicle
6 standpoint.

7 MR. ROTHMAN: You're changing sheets.

8 MR. PEREIRAS: It's the same sheet. We're
9 zooming in a little bit closer to it. I hope
10 there's no lag and I hope everyone can see my
11 screen.

12 A Basically, on the same document I have
13 zoomed into the area of the building. This area
14 that I am highlighting with my marker where you see
15 the parking spaces that is the building proper. The
16 access point on the southwest corner which I'm
17 pointing to now, that is the pedestrian entryway.
18 What we see here is that we have to change the grade
19 from the sidewalk to the building itself.

20 The way we accomplish that is
21 twofold. We have steps that lead you up and for
22 handicap compliance we have a ramp that leads you up
23 to the building.

24 In addition to these things which
25 lead you into a lobby and allow you to enter access

1 to the elevator and the stairwell that is a vertical
2 circulation for the building. We wanted to make
3 sure that there as a way that someone on the ground
4 level whether they have mobility issues or not, or
5 just for convenience, they don't have to go through
6 this long ADA ramp in order get up. What we created
7 was a second lobby that is at grade and we could
8 flood proofed this lobby with dams and that allows a
9 pedestrian, a person walking, to come into this
10 lobby and take the elevator at the lower point.
11 That is why we are showing an elevator with two
12 doorways because there is an elevation difference
13 between the two points. This on the northern side
14 of the elevator you can enter it from grade and on
15 the southern side you enter it from the main lobby.

16 Similarly, we need to have and deal
17 with the elevation change with vehicles as well.
18 And we have two driveways proposed to access our
19 building, one on the southern end close to Henry
20 Street and one on the northern end close to -- on
21 the northern side close to Henry Street and the
22 southern side is close to John Street.

23 One of the very well made comments by
24 your professionals was concern with the proximity of
25 this driveway on the southern side to the

1 intersection as well as other obstacles that we have
2 along this -- one of the main changes that we worked
3 on and we thought that was important to do based on
4 your professionals' comments was actual removing
5 this driveway altogether and this entry point. And
6 what we did is we completely isolated all our entry
7 into the building into one point that reduces and
8 eliminates this curb cut on the southern end and we
9 have all the traffic coming through one curb cut
10 which we think is a much better application. In so
11 doing, we're increasing the side yard along the
12 north of the property from 20 feet as we have it to
13 a full 25 feet to create proper access for two
14 vehicles coming into the building. If the board
15 feels it's appropriate, I would like to share that
16 screen at this time.

17 CHAIRWOMAN SZARO: Why don't we continue
18 with this?

19 MR. PEREIRAS: Continue with this?
20 Happily.

21 CHAIRWOMAN SZARO: Yes.

22 A So, our application, and I'm still on the
23 same sheet, shows two elements of vertical
24 circulation, you have the elevator and the stair on
25 the southwest corner and you have another stairwell

1 on that northeast corner along here.

2 We have a garbage room on the ground
3 floor with access to South Roswell with double
4 doors. There are no other doors from the inside
5 because we're at two different elevations. This
6 garbage room is accessed on grade to South Roswell
7 and the way tenants get the garbage into the space
8 is using the trash chute, and this is the trash
9 chute adjusted to this room, it goes into a
10 compacter, and then they can remove the garbage from
11 there on South Roswell.

12 The spaces to the north of that are
13 mechanical rooms. We have our gas meter, water
14 meter, our sprinkler manifolds in this room, and we
15 have to the north of that our electric room where it
16 holds the transformer if need be and all the main
17 circuits for the building along there.

18 As you can see, we set back the
19 building in strong contrast to the existing site
20 which was the commercial space that was right on the
21 property line. We set it back here so that we
22 created landscaping areas across the entire frontage
23 of building which we thought was very important and
24 lacking currently on the site. It has some
25 beautiful landscaping and our civil engineer is

1 going to explain that landscaping in a lot more
2 detail. We have landscaping drawings specifically
3 more that.

4 The vehicle access where in our
5 future plans eliminates the rear is isolated just
6 towards the front and those cars enter into the
7 proper building and they have -- currently, it's a
8 23.32 outlet. We actually corrected that to be a
9 full 24 and be a full compliance. And we have
10 access into each of the parking spaces. I would
11 like to note that each and every single one of the
12 parking spaces we proposed are a full 9 by 18
13 parking space, which is fully compliant. The
14 additional parking spaces along the rear of the
15 property currently, you drive past the property, and
16 you move towards the rear of the property along here
17 on the east, and you have access to each of these
18 parking spaces from the aisle on the rear.

19 We currently on this document show
20 some parking spaces along Henry Street. That is
21 actually a revision that we are removing from this
22 application. We believe and we were guided to put
23 parking along there from the municipality that turns
24 out to be private property and we have removed that
25 from our record in our future drawings that we will

1 be submitting.

2 We also have the ability to increase
3 this drive aisle and what we're doing in our future
4 applications is that we're isolating the couple
5 spaces in the back to be tandem spaces. However,
6 right now it's showing access from that drive aisle.

7 I'd like to move now to the
8 architectural drawings and I will identify the page.

9 MR. KELLY: Can we just stay a couple
10 minutes with the lower level?

11 What we're doing is we're putting the
12 parking spaces and everything at an elevation
13 at 13 to above the BFE.

14 CHAIRWOMAN SZARO: Who is speaking? Is
15 that Tom Kelly.

16 MR. KELLY: It is. I'm sorry. I
17 should've identified myself.

18 The garbage room, the gas meter sprinkler
19 room, the electrical room, the utility rooms,
20 they're all at an elevation of 13?

21 MR. PEREIRAS: The garbage is not at the
22 elevation of 13. Everything else it at the
23 elevation of 13. The garbage room is lower.

24 MR. KELLY: So, the garbage room is going
25 to be below the BFE?

1 MR. PEREIRAS: That is correct.

2 MR. KELLY: Obviously, the garbage room is
3 going to have to be designed to have flood
4 venting and that's a code thing. We'll deal
5 with that later on. But everything else is
6 above the BFE. The only room that's below it
7 right now is the garbage room?

8 MR. PEREIRAS: We actually have two rooms
9 that are below. We have the garbage room,
10 which I think is an absolutely critical thing
11 to have at grade because no one wants garbage
12 running through their building and to have an
13 elevation change with the garbage whether it's
14 carted out or -- it's much more convenient and
15 for safety and health reasons to have it on
16 grade, so that was kept on grade.

17 The other room that's at grade also is
18 that entry vestibule, that secondary entry
19 vestibule of the elevator, and we will deal
20 with that with floodplains and flood proofing
21 that, but I thought that was important as well
22 so that there is a grade plain access to the
23 elevator.

24 MR. KELLY: Obviously, again, that's a
25 code. But obviously that's a configuration

1 with the elevator going below the BFE.

2 So, those are the only two rooms that are
3 being proposed below the BFE?

4 MR. STAHL: Mr. Riley, please yourself
5 when you start to talk.

6 MR. PEREIRAS: Yes, Mr. Reilly, I
7 understand, and those are the only two rooms.

8 MR. KELLY: I'm Tom Kelly.

9 I just wanted to make sure those are the
10 only two rooms below right now.

11 Thank you, sir.

12 MR. PEREIRAS: So, moving on.

13 I am going to switch to the architectural
14 drawings.

15 Moving to the architectural drawings now,
16 these are the same documents that were
17 submitted before the board, the latest revision
18 date on these documents is 2-25-21.

19 I am starting on sheet Z01. As you
20 can see here, we created this first elevated
21 platform with the ramp that I described using the
22 site plan, the stairs leading to the main entry of
23 the building along here, the -- you show what's
24 shown with stone at the base of the building where
25 it's the parking level of the building and what

1 we're proposing is very simply three levels of
2 residential apartments above and I want to go into
3 detail describing these three levels.

4 For some reason, I don't see my own
5 screen.

6 MS. HUGHES: Can I just ask a quick
7 question while we're figuring out the
8 technology? Along the same lines as Tom Kelly
9 was asking, so if I look through the drawings,
10 the elevation -- the side elevation says that
11 the ground floor is 14 feet 6 inches. And I'm
12 struggling with the math in terms of these
13 parking spots being 13 feet by if your second
14 floor starts at 14 6. Because if I do the
15 math, and I count 11 feet for each floor, 2, 3,
16 and 4, and then 11 9 for the roof attic, and
17 then the 14 6 on the first floor, your height
18 would be 59 feet 3 inches. I just don't know
19 how the cars are at 13 feet then high.

20 MR. PEREIRAS: So, the dimensions of
21 14-foot-6 are irrelevant of the grade
22 elevation. And I know that's a little bit
23 deceiving but the grade elevation along here is
24 at the first floor level which is roughly where
25 you see that parking door entryway. And this

1 is actually something that we revised in our
2 update after your engineer's commentary to make
3 it even more clear. But if you see the base of
4 our entryway, that line, that's actually the
5 13-foot marker in height. These dimensions are
6 just simply between floors.

7 MS. HUGHES: So, in reality -- I guess
8 I'll wait to see the update because I'm
9 confused as to how the building stays at
10 59 feet.

11 MR. PEREIRAS: We actually are reducing
12 the height of the building in the update.
13 We're removing the pitched roof and we added
14 some other elements to actually reduce the
15 height of the building and we look forward to
16 presenting to the board.

17 MS. HUGHES: Okay, thank you.

18 MR. PEREIRAS: Moving now to the
19 architectural plans again. Here we see a
20 typical floor. They're actually very similar
21 floor plates, the same number of apartments on
22 each floor. The difference on the second floor
23 which is the first level apartments is this
24 portion along the top right that we have here
25 which is the northeast corner.

1 And I'll walk you through the building.
2 If you take the elevator up to that second
3 floor, you're introduced into a vestibule and
4 there's a hallway that leads from that elevator
5 stairwell to the other elevator stairwell
6 bisecting the building perfectly in half.

7 If you're walking in this building, you
8 meet first apartment A. Apartment A is a
9 one-bedroom unit. You enter into a
10 contemporary space, an open floor plan of
11 kitchen, dining, living room space, and then a
12 one bedroom and one bathroom. There is a
13 mechanical closet in each of these spaces.
14 There is a coat closet in each of these spaces
15 as well. The mechanical closet houses the hot
16 water heater and the laundry washer dryer for
17 each of these spaces.

18 If you move further to apartment B, we
19 have another similar concept of a one bedroom
20 when you have the open space in the one
21 bedroom.

22 If you move to apartment number C, we
23 start seeing our first two-bedroom units. In
24 our two-bedroom units, you enter the apartment,
25 you have your coat closet on the side, you have

1 your kitchen to your left, it's all a large
2 clean, open, space, very open of 1,285 square
3 feet in total for this apartment and you have
4 two bedrooms flanking that living space, one
5 bedroom along the east with a secondary
6 bathroom, and then the master suite that has
7 two closets, reach-in closets, and the master
8 bath. This is the typical design that we have
9 for two bedrooms. We have two along here.

10 Apartment D is the same.

11 And then, apartment E becomes a
12 one-bedroom.

13 Our other two-bedrooms are along the
14 northern end of the building that we see here.
15 These are 1,090 square feet and 1,003 square
16 feet two-bedroom apartments with the same
17 conceptual layout.

18 Along the west of the building, we have
19 our studio apartments and one bedrooms.

20 Along here, we see apartments H, I, J, and
21 L, which are all studio apartments and they
22 range from 718 square feet to the smallest
23 which is 501 square feet. In between the two
24 is apartment H, which is 600 square foot. They
25 are a similar closet. They each have a nice

1 walk-in closet, they have a full kitchen, they
2 have an open dining room, kitchen living space
3 along there and each with their ADA bathroom.
4 This is a fully compliant building with ADA
5 access. And we have our closet which houses
6 our hot water heater and our washer dryer.

7 What you see here in front of the
8 stairwell is our trash vestibule. You come
9 into the room, it's isolated from the hallway
10 with the two doors. We do that for cleanliness
11 and smell and there are trash chutes that the
12 resident can take their trash, and throw it
13 down, and it comes down to that trash chute on
14 grade plane. The trash chute is the same on
15 all the floors.

16 On the second floor, the first floor of
17 apartments, we have a gym located. It's a very
18 simple gym. It's 515 square feet where we can
19 have a couple of treadmills and some weights
20 for the residents to enjoy. In order to
21 accommodate that gym, we created this jut out
22 on the building just on that second floor.

23 As you can see, when we move to the second
24 residential floor and the third residential
25 floor, we remove that jut out and we create a

1 small terrace for these apartments. The other
2 difference in all these apartments is the
3 balconies that we create along here. I didn't
4 mention that on the first one, but we have
5 balconies that are 5 feet on each of the
6 apartments facing the east.

7 The top floor is again the same concept as
8 this floor and no real changes other than that
9 last apartment does not have a large terrace,
10 it is higher up, it has a normal balcony just
11 like the other apartments along that eastern
12 side.

13 MR. KOMINKIEWICZ: May I ask a question?

14 CHAIRWOMAN SZARO: Who was that?

15 MR. KOMINKIEWICZ: May I ask a question?

16 CHAIRWOMAN SZARO: Yes, certainly.

17 Go ahead, Scott.

18 MR. KOMINKIEWICZ: I don't have the
19 benefit of having large drawings in front of me
20 here.

21 Mr. Pereiras, can you please go to the
22 visual where you have a large lane going
23 through the middle of the screen?

24 MR. PEREIRAS: A large lane.

25 MR. KOMINKIEWICZ: Yes, you have

1 apartments on the left side and apartments on
2 the right. Yeah, right there.

3 Is this sort of like there are two
4 structures coming off the first level which
5 would be the parking deck, what is that area
6 that looks like a lane in between here? I
7 don't have the benefit of a large plan right
8 now to look at.

9 MR. PEREIRAS: I'm sorry. I don't
10 understand your question completely.

11 MS. HUGHES: Scott, one is the second
12 floor and one is the third floor.

13 MR. KOMINKIEWICZ: Okay, I thought I was
14 looking at the same level.

15 Thank you, Holly.

16 MR. PEREIRAS: That was my mistake for not
17 being clear on that.

18 The entire building is that portion only.
19 This is the second floor on the left-hand side
20 of my screen and on the right-hand side of the
21 screen is the third floor.

22 MR. KOMINKIEWICZ: I was confused.

23 MR. PEREIRAS: Moving on to the elevations
24 of the building, I think it's better
25 illustrated using the rendering. What we're

1 proposing -- and this has changed a bit with
2 our new design and the driveways is removed
3 from that design, we clarified the height so
4 that there's no confusion between floor to
5 floor and grading. We added the grade markers
6 so that we can understand which floor is which.
7 But as you can see here, we broke the facade
8 up. In the proposed design, we actually
9 created a little bit greater definition and
10 clarified the colors a little bit. We kept the
11 peak roof, eliminated the tall, and eliminated
12 just a bit. It looks something like this.
13 We're proposing siding along the perimeter of
14 the building in two different colors and
15 proposing brick trims.

16 And that concludes my --

17 MR. FORSHNER: You showed us two different
18 elevations?

19 MR. PEREIRAS: Just to clarify, the
20 elevation that is on my screen right now was
21 the drawings that the city had the opportunity
22 to review. They're the documents submitted to
23 the board. We have every intention to
24 correcting a lot of the issues that your board
25 professionals ad. And in so doing, we'd like

1 to move forward is towards this design, which
2 is the future, and this is not exactly what I
3 used to present; however, this is what we
4 intend to build and we feel is an even better
5 project than what we started presenting today.

6 CHAIRWOMAN SZARO: Who was that question
7 from?

8 MR. STAHL: Gary.

9 CHAIRWOMAN SZARO: Thank you, Gary.

10 MR. PEREIRAS: For purposes of the record,
11 I'd like to clarify that the documents that we
12 contrasted right now was a rendering of the
13 application that was submitted to the board and
14 it's sheet Z-00 and the other document which
15 the board has not had the opportunity to review
16 is sheet Z-00 with a revision date of today.

17 CHAIRWOMAN SZARO: I have a few questions
18 if you don't mind.

19 For the garbage, once it goes to the
20 compacters, who takes it out and where do they
21 put it?

22 MR. PEREIRAS: What we did is we made the
23 garbage room large enough that it could be
24 contained withing that garbage and there will
25 be a maintenance person on staff, a

1 superintendent of the building, that is
2 responsible for that duty. There's 36
3 apartments that we proposed. It's definitely
4 important to have a maintenance person that's
5 going to handle the garbage instead of the
6 side. And then, the removal of the garbage is
7 done whether it's with a private entity, or
8 through the city, however it's arranged with
9 however ownership and management arranges that.

10 CHAIRWOMAN SZARO: It seems like for 36
11 units and everybody throws their garbage down
12 there, how often is this person going to check
13 the compacter. And, again, my questions was
14 when they do take it out, where are they going
15 it to put it? On the sidewalk?

16 MR. PEREIRAS: That needs to be
17 coordinated with the company that's doing the
18 garbage. That would be my proposal that it
19 gets taken out in coordination to be removed
20 out and we'd be happy to listen to the board if
21 you have any other suggestions or anything else
22 that you'd like us to do.

23 CHAIRWOMAN SZARO: Are you suggesting
24 there's going to be a private company?

25 MR. PEREIRAS: I actually don't know how

1 South Amboy handles it. If it's done through a
2 public entity, we could accommodate that.

3 CHAIRWOMAN SZARO: I don't want to harp on
4 this. I think my concern is that if garbage
5 pickup is once a week, what do you do if
6 there's an excess there? It doesn't seem like
7 any other options and really no sidewalk so
8 that's my concern with that.

9 My other question is from the landscaping
10 in the front which looks very nice, and I'm
11 going by Jason's letter from April 22, the
12 front setback you're proposing 15 feet, is that
13 where the building starts?

14 MR. PEREIRAS: Currently, it's 15 feet.
15 With Jason's comments, we actually made some
16 modifications to that. We'd like to change
17 that front yard setback to a little bit less,
18 but, currently yes, it's 15 feet, yes.

19 CHAIRWOMAN SZARO: Less than 15?

20 MR. PEREIRAS: Yes, we're proposing
21 10 feet with our changes, which is a huge
22 improvement to what was originally there. It
23 was 0 feet originally. We're looking to push
24 that back to 10 feet.

25 CHAIRWOMAN SZARO: Well, I can tell you

1 honestly I was excited when you said you were
2 going to change it, but I was looking the other
3 way, certainly not less.

4 That's all the questions I have right now.
5 Thank you.

6 MR. DEMASI: For the parking, can you go
7 back to the parking diagram, please?

8 MR. STAHL: Who is talking?

9 MR. DEMASI: Bill DeMasi.

10 You indicated there's 40 spots in the
11 white area here and there's seven spots in the
12 gray area. Is that gray area underneath the
13 building still or is that uncovered?

14 MR. PEREIRAS: It is uncovered and it's at
15 grade with the building though.

16 MR. DEMASI: So, the ramp doesn't continue
17 up from the entranceway? It levels out at that
18 point?

19 MR. PEREIRAS: Correct.

20 MR. DEMASI: And then, for exterior
21 elimination, I didn't see anything on your
22 diagrams about any exterior elimination
23 especially for entry and for the exit --

24 MR. PEREIRAS: Yeah, we have a lighting
25 slide and that's covered by the civil engineer.

1 I do want to make a note that one of the
2 improvements that we did is we actually
3 increased the number of parking spaces to this
4 site in our proposal to 50 parking spaces. So,
5 that's something we hope to present in the near
6 future.

7 MR. DEMASI: But you don't have any
8 illumination on the architecture diagrams you
9 said?

10 MR. PEREIRAS: Not on the architectural.
11 We have it on the civil engineering drawings.

12 MR. DEMASI: Thank you. That's it from
13 me.

14 CHAIRWOMAN SZARO: Any other questions
15 from the board?

16 MR. FORSHNER: I have a number of
17 questions if this an opportune time?

18 CHAIRWOMAN SZARO: Go ahead, Gary.

19 MR. FORSHNER: Is this subject to a
20 redevelopment plan?

21 MR. PEREIRAS: I think our planner is the
22 person appropriate to respond to that.

23 MR. STAHL: Jason, I don't see it.

24 MR. FORSHNER: Is the use and density
25 permitted here?

1 MR. PEREIRAS: Again, the planner will be
2 speaking to that. He'll do a much better job
3 that I can on explaining density on this.

4 MR. STAHL: Those are for the 6 variances
5 or 8 with regard to bulk that Jason has called
6 out in his April 22 --

7 MR. VALETUTTO: This is Mr. Valetutto.

8 Gary, the use is an approved use for the
9 zone. The zone does not have a density
10 requirement. However, if you turn to page 3 of
11 10 of my report comment 7C, it's called part of
12 the development regulations that the density of
13 the projection, recreational, and other spaces
14 shall be determined by characteristics of the
15 site, its location --

16 (Inaudible.)

17 -- although there isn't a bulk schedule
18 standard for the zone. There is something in
19 our land development that the density should be
20 somewhat considered.

21 MR. FORSHNER: I appreciate that
22 clarification.

23 Can anyone tell me what the -- first of
24 all, the density of what we had before and I
25 know we're talking about there were apartments

1 there and then there was the market, so maybe
2 it's a square footage comparison. I'm just
3 trying to get a sense of how this compares to
4 what was there previously.

5 MS. HUGHES: Previously, the building was
6 18 units I may be incorrect, but I believe it
7 was 18 he said.

8 MR. PEREIRAS: 18 plus the commercial
9 space. In these two structures that you see
10 her on my screen, I'm not sure if it's updated
11 yet, the two existing multifamily structures
12 that were 18 units and then there was the
13 commercial marketplace as well.

14 MR. FORSHNER: Can you tell us how the
15 building coverage of what was there before
16 compares to what's being proposed now?

17 MR. PEREIRAS: I could calculate that for
18 you and get back to you in a little bit. I
19 don't know what the existing building coverage
20 is.

21 MR. FORSHNER: Got it.

22 I gather this lot ends at roughly the tree
23 line that's there. It doesn't extend to the
24 waterfront, correct?

25 MR. PEREIRAS: Correct.

1 MR. FORSHNER: And then, at the end of it
2 on one of the plans towards roughly where the
3 tree line is there was a meandering line on the
4 plan. Is that meandering line the tree line or
5 is that something else that's there?

6 MR. PEREIRAS: That is the tide line.

7 MR. FORSHNER: The what line?

8 MR. PEREIRAS: Tide line.

9 MR. FORSHNER: And you mentioned with
10 regard to the plan it showed some on-street
11 public parking. You said that that was private
12 property. Was that property owned by this
13 applicant or was it another private party that
14 owns it?

15 MR. PEREIRAS: It's another private party
16 that has nothing to do with this application.

17 MR. FORSHNER: Then, on the one plan and I
18 don't recall which one it is, it looks like
19 there's some areas that jut out into the right
20 of way into Rosewell is that private land owned
21 by this applicant that juts into the right of
22 way or is that something else?

23 MR. PEREIRAS: There are no pieces of the
24 property that juts over the right of way. We
25 are setback from the property line in our

1 proposal.

2 MR. FORSHNER: Can you show us the site
3 plan again? I just want to make sure what that
4 one area was that I was looking at? If you
5 could blow that up, you see along Rosewell
6 there's some areas that you have that are
7 highlighted or darkened?

8 MR. PEREIRAS: I'm looking at the civil
9 engineer's drawings right now, I'm not sure why
10 he has that highlighted. I can see what that
11 is. That is where he has to saw cut the street
12 in order to get to the utilities, I believe
13 nothing other than that. It's not any
14 structure that we propose.

15 MR. FORSHNER: I heard the discussion with
16 regard to the elevator. Will that be
17 consistent with building code and flood hazard
18 rules?

19 MR. PEREIRAS: Yes, it would. We would
20 have so comply.

21 MR. FORSHNER: If you leave this plan up
22 if you look at the driveway towards the right,
23 it looks like the entry way which I assume
24 leads to the drive aisle for the parking is two
25 way and directly in the rear of it, it's one

1 way, can you explain what that is?

2 MR. PEREIRAS: Correct, the rear aisle
3 tapers down to a much more narrow space so that
4 wasn't appropriate for two-way driving. So,
5 the two-way directional traffic would just be
6 into the building and then it would be a
7 one-way out from the rear. However, that is
8 something we completed eliminated in our
9 revision that we would like to have the
10 opportunity to present to the board in the
11 future. We eliminated that drive along the
12 right-hand side, replaced it with additional
13 landscaping, and isolated everything to one
14 driveway along the north of the property. And
15 take the drive aisle along the rear as well so
16 that we have additional parking and it's a much
17 cleaner circulation.

18 MR. FORSHNER: And I gather that's going
19 to be presented to us at a subsequent hearing?

20 MR. PEREIRAS: I would be happy and
21 thrilled to present it now. We would
22 absolutely present it at another hearing if
23 this board sees fit.

24 MR. FORSHNER: Parking, does the parking
25 meet or exceed RSIS requirements?

1 MR. PEREIRAS: We have a traffic engineer
2 that's going to talk at length about that.
3 What I will tell you right now is that we will
4 have 50 parking spaces in our revision.

5 MR. FORSHNER: How many are required, do
6 you know?

7 CHAIRWOMAN SZARO: I believe it's 67.

8 MR. PEREIRAS: That sounds right.

9 MR. FORSHNER: 67 is required and you're
10 proposing 50.

11 MR. PEREIRAS: That is correct.

12 MR. FORSHNER: Where you do intend --

13 MR. PEREIRAS: Based on RSIS standards and
14 we are close to public transit.

15 MR. FORSHNER: Are you asking for relief
16 because you don't think there's going to be as
17 much requirement for parking? And this may not
18 be a question for you, but this is where it's
19 come up so far, so if you want to defer, I'll
20 defer. I guess my question is, if you require
21 the additional parking, where will those people
22 park?

23 MR. PEREIRAS: We don't expect additional
24 demand, and we have data to support that, and
25 our traffic engineer will speak at length to

1 that.

2 MR. STAHL: Joe Staigar is the witness for
3 traffic.

4 MR. FORSHNER: I noticed him here and I
5 figured that's what he was here for.

6 The height of this building it doesn't
7 appear at first glance it's going to have a
8 major impact on propertied in the area, but can
9 you discuss that because I think this building
10 is going to taller than any of the other
11 structures in the area mostly which are
12 single-family homes?

13 MR. PEREIRAS: It is. I don't think the
14 difference in height is going to impact any of
15 the neighbors.

16 We have a planner that's going to talk a
17 little bit about that as well. What we're
18 going to propose in our revision is a building
19 height of 48 feet. We're actually reducing it
20 even further from what we showed originally and
21 I think it actually fits well into the
22 neighborhood as far as scale.

23 MR. FORSHNER: It is and I'm not
24 necessarily suggesting that there's a problem
25 with it, but it is taller than other structures

1 in that area.

2 MR. PEREIRAS: It is.

3 MR. FORSHNER: In fact, I don't think
4 there's any other structure in that area that's
5 that height, but I'll defer that because, as
6 you point out, you have a planner.

7 This is a twofold question. One is, is
8 there any affordable housing required, and, if
9 so, is there any affordable housing?

10 MR. PEREIRAS: I don't believe there's any
11 affordable housing required, but that will not
12 be my role to say. I will defer to our planner
13 as well who has reviewed the affordable housing
14 plan.

15 MR. FORSHNER: Will this project or some
16 of the units in the project have a view of the
17 water or will their view of the water be
18 blocked by the forestation that there's now?

19 MR. PEREIRAS: Everything to the east
20 should have a view of the water. Some
21 forestation is going to block the first row of
22 apartments a bit, but everything on the second
23 and third residential levels should have nice
24 views.

25 MR. FORSHNER: Just for context, from the

1 end of your property line furthest from
2 Rosewell, from there until the water, what is
3 there? Is that owned by someone? Is that
4 going to be developed? Can someone just give
5 me some context there?

6 MR. PEREIRAS: I think our civil engineer
7 is going to talk about that.

8 MR. FORSHNER: I'll defer that.

9 This is just an informational question on
10 my part if anyone knows what the expected rents
11 are going to be?

12 MR. PEREIRAS: I'll let ownership talk
13 about that.

14 MR. FORSHNER: Those are my questions.

15 The only other thing is again if you can
16 give us some idea of the square footage
17 proposed and I think rather than square footage
18 because you have at least one extra floor here,
19 I think I'd be more interested in building
20 coverage, so what your footprint is from what
21 was there and to what is proposed. And it
22 sounds like you're going to quickly go to other
23 witnesses so why don't we give you a chance to
24 calculate that come back to you but I'll defer
25 our chair.

1 MR. PEREIRAS: Our coverage currently is
2 78 percent of the site, which is 22,683. I
3 need to calculate for you what was there
4 existing.

5 MR. FORSHNER: Are you calculating
6 impervious coverage or building coverage?

7 MR. PEREIRAS: That is building coverage.
8 You know what, I'm going to check my numbers
9 and I'll give you answers for both the existing
10 and proposed when we get back online.

11 MR. FORSHNER: Thank you.

12 CHAIRWOMAN SZARO: Any other questions?

13 MR. KELLY: This is Tom Kelly. I have a
14 question in reference to the HVAC systems.

15 What type of HVAC systems do we have? Is
16 anything mounted rooftop?

17 MR. PEREIRAS: What we're proposing is --
18 let me bring it up so that we could -- we're
19 proposing PTAC units. If you look at the
20 proposed rendering that we have that we're
21 working, we show the location of those PTAC
22 units underneath the windows of each of the
23 space so there are no additional mechanical
24 units with closets within the space. There are
25 no condensers on the site. There are no

1 condensers on the roof other than what's going
2 to service the hallways which is going to be a
3 package unit that's on the roof and is hidden
4 from any view of the street by means of the
5 parapets that we have on our roof.

6 MR. KELLY: There's going to be a
7 screening proposed to --

8 MR. PEREIRAS: Yes, we're proposing a
9 small parapet that's going to cover any view of
10 the package rooftop unit. The rooftop unit is
11 located near the middle of the building and it
12 would be impossible to see that from anywhere
13 on the site. We are taller than the neighbors.

14 MR. KELLY: I'm going to go back to one
15 other area that Chairwoman Szaro brought up.
16 I'm going to go back to the garbage room.

17 It appears as though the garbage room is
18 consistent with the dimensions and I didn't
19 scale your drawings to know it's 1/8. I'm
20 going to back to approximate dimensions of the
21 parking spot being 9-foot by 18-foot. That
22 appears to be the approximate dimensions of
23 your garbage room. I heard somebody say
24 there's going to be a compacter, maybe I
25 misheard. Are there just going to be a

1 container? When it comes down the chute,
2 what's going to happen with the garbage?

3 MR. PEREIRAS: Ownership actually just let
4 me know that they're planning to have daily
5 pick up and it's going to be private daily pick
6 up so that's how they're addressing it.

7 MR. KELLY: So, we have a 9-by-18 room
8 that's going to handle garbage for all of the
9 units and there's going to be somebody who is
10 on site? So, there's going to be a
11 superintendent that resides here?

12 MR. PEREIRAS: Yes, there will be a
13 superintendent in the building addressing the
14 garbage. I'm not sure if he's going to reside
15 there or not, but he will be at the building
16 every day.

17 MR. KELLY: Again, back to the amount of
18 garbage for the amount of units, we have a
19 9-by-18 room, what type of containers do we
20 have at the end of the chutes? I think what we
21 need is somebody to make sure that we have
22 somebody that can sufficiently handle -- it's
23 not a big room for the amount of units. I
24 don't know what a recycling can is, the size of
25 it, let's say it's probably 2-foot by 2-foot,

1 how much can you fit in the room and how often
2 is it taken it out with garbage and recycling
3 it's the same room at 9-foot-by-18?

4 MR. PEREIRAS: I'll get you some
5 specifications on that and I'll be able to
6 expand on my testimony next time we speak.

7 I can say from experience in many
8 buildings this is actually a generous size room
9 for garbage for a building of this scale. We
10 have done much smaller. We have handled much,
11 much smaller. And I will prepare
12 specifications of the compacter and dimensions
13 with all the garbage material and canisters.

14 MR. KELLY: Thank you, sir.

15 CHAIRWOMAN SZARO: Any other questions?

16 MR. FORSHNER: Yeah, related to that
17 discussion about the trash, with regard to the
18 trash, I'd be interested to know how it gets
19 from the trash enclosure, or trash room, or
20 whatever you call it to the curb, and how it's
21 removed, and if it's removed by truck how that
22 truck is going to operate so it doesn't impact
23 traffic and the like?

24 CHAIRWOMAN SZARO: I think I asked that
25 earlier, but please go ahead.

1 MR. PEREIRAS: We will -- we're clearly
2 going to be expanding on our testimony. We'll
3 have information on the garbage service
4 company. We'll let you know how it's handled.
5 It depends a lot on the company if they want it
6 within bags or whether they want it in a
7 container. We'll have that set up for you and
8 we'll be able to address that in our following
9 meeting.

10 MR. STAHL: So, that may be something Mr.
11 Staigar wants to address at some point in time
12 as Mr. Forshner's question really deals, I
13 think with adjacent roadways and any conflicts
14 that may be created. I'm just making a
15 suggestion that Joe Staigar consider that for
16 his testimony.

17 CHAIRWOMAN SZARO: Anything else, Gary?

18 MR. FORSHNER: That's it.

19 CHAIRWOMAN SZARO: Any other questions?

20 MR. KELLY: One more question, Tom Kelly.

21 By the way, the ADA spaces, there's only
22 an access aisle between two of them and
23 obviously there's no van accessible space and
24 they're going to need an access aisle for each
25 ADA space unless they share one, so they're

1 probably going to lose more parking than they
2 have already.

3 MR. PEREIRAS: What we're proposing in our
4 revisions, if you can see now, I have parking
5 space 19, and parking space 18, and parking
6 space 45, these are ADA parking spaces with the
7 adequate aisle size with the adequate van size
8 and we're actually increasing the number of
9 parking that we have. We will have 50 parking
10 spaces and ADA spaces are fully compliant with
11 clear access into all --

12 MR. FORSHNER: If someone parks in those
13 handicap spaces, how do they access access to
14 the elevator?

15 MR. PEREIRAS: So, the elevator is
16 directly across the aisle to them. It's a very
17 comfortable roll right into the elevator. The
18 entrance to the main lobby is at grade with the
19 parking level and they have access directly to
20 the elevator there.

21 MR. FORSHNER: Thank you.

22 CHAIRWOMAN SZARO: Any other questions?

23 MS. HUGHES: This is Holly.

24 I just wanted to know if there was a need
25 for an elevator bulkhead or machine room at the

1 roof?

2 MR. PEREIRAS: There is going to be a
3 small elevator bulkhead. There is no need for
4 an elevator machine room in the bulkhead but
5 there will be a little bit of a bulkhead for
6 overrides. It's not going to be visible from
7 the street level.

8 MS. HUGHES: Thank you.

9 CHAIRWOMAN SZARO: Jason?

10 MR. VALETUTTO: I appreciate the testimony
11 given by Mr. Pereiras. He answered a majority
12 of comments in regards to especially the trash
13 room that was unlabeled. That's why I did not
14 know there was a chute and in regards to the
15 heating and air-conditioning of the building.

16 The one topic I would like you to discuss
17 was my comment on page 8 of 10 on my report,
18 testimony for sheet Z-03 in regards to the
19 proposed attic plans. Do you have the access
20 points labeled within the ceilings of the four
21 units? I just wanted to know the nature of
22 that attic. It's unclear if it's going to be
23 for storage just for those fourth floor units
24 or if there's mechanicals up in there.

25 MR. PEREIRAS: Our initial intentions were

1 simply taking advantage of the pitched roof and
2 created some storage for those top units with
3 the pull down ladder. That said, we rethought
4 this and we're completely removing that space
5 from our application. That is completely
6 stricken from our proposal in the revised
7 drawings.

8 MR. VALETUTTO: Thank you.

9 Mary, I don't know if you said this
10 earlier in the meeting about your cut off at
11 10:00 p.m. You may want to reiterate it now.

12 CHAIRWOMAN SZARO: I didn't say it and I
13 was looking for kind of a break for that, but
14 I'm sure we have a few more experts to go. I
15 would like to stop this on or about 10 o'clock.
16 So, if you want to maybe plan accordingly with
17 your next expert or testimony.

18 What I also may do is give you an
19 opportunity to -- you talked a lot about the
20 new plans and the changes that have been made,
21 so it may also give us an opportunity to be
22 able to view those.

23 MR. STAHL: Madame Chairwoman, that's
24 going to be something Jason's going to have to
25 discuss whether or not he's going to have an

1 opportunity to review those plans prior to
2 another meeting, or stay with the old plans and
3 their comments or responses.

4 Has Mr. Downs been relieved? Has he been
5 excused since he was the last application?

6 It's up to the chairwoman, I don't think
7 we're going to get to you, but that's her call.

8 MR. DOWNS: I'm assuming you're going to
9 go with another witness in this application?

10 MR. ROTHMAN: We have several. I don't
11 know how long your application would take.

12 MR. DOWNS: Hopefully less than a half an
13 hour, but I don't know. The way it's going, it
14 looks like, I'm going to have to ask for an
15 adjournment.

16 MR. ROTHMAN: If I may, Madame Chair,
17 we're clearly not going to be done this
18 evening. If Mr. Downs can accomplish his
19 application in the half hour, we're still going
20 to need an adjournment. Our architect is going
21 to have to come back as well.

22 CHAIRWOMAN SZARO: I think again with
23 questions, I think, Mr. Downs, you're going to
24 need that. Is that what you're requesting?

25 MR. DOWNS: I guess I'm going to request

1 to be put off to the next meeting and hopefully
2 we can do this. I have my experts here that
3 are online.

4 Off the record.

5 (Whereupon, an off-the-record
6 discussion was held.)

7 CHAIRWOMAN SZARO: Mr. Rothman, how would
8 you like to proceed here?

9 MR. ROTHMAN: In light of the board's
10 policy of a hard stop at 10 o'clock, I don't
11 believe we're going to get very far with the
12 engineer. I'll ask for an adjournment which
13 would accomplish the applicant's desire to
14 submit responses to the planner and engineer's
15 review.

16 CHAIRWOMAN SZARO: Okay.

17 MR. FORSHNER: Can I make a suggestion and
18 that's whether you want to open it to the
19 public to allow them to comment or save that
20 until the next meeting.

21 CHAIRWOMAN SZARO: Let's save that for the
22 next meeting and if we just pause here because,
23 again, I think this might be a good time to
24 pause. If we have any comments for Mr. Rothman
25 or any of the experts right now, I certainly

1 will open that up.

2 MR. KOMINKIEWICZ: Point of order, there
3 still needs to be a public portion for the
4 general part of the meeting.

5 CHAIRWOMAN SZARO: We still have the rest
6 of meeting that we're going to finish up on
7 with, Scott, yes. We are going to close this
8 hearing.

9 MR. STAHL: Madame Chairwoman, if it may
10 please the board, you never know if the public
11 will be here at the next meeting, they have sat
12 through this, so we normally it up at the
13 conclusion of this session reminding the public
14 that there are witnesses that have not
15 testified who may offer some of the information
16 and then we would open it up again at the
17 conclusion of Mr. Rothman's case.

18 CHAIRWOMAN SZARO: Absolutely fine.

19 Why don't we ask if the board members have
20 any comments and then we can open it up to the
21 public?

22 MS. HUGHES: I have a question.

23 CHAIRWOMAN SZARO: Janet, can you go on
24 mute.

25 MS. HUGHES: I just want to clarify, the

1 hearing next meeting will they be presenting to
2 us all new plans with all the changes that they
3 have incorporated based on Jason's comments?
4 This is very confusing for us and it's very
5 confusing for the public, so I think as a board
6 we need to come together and establish very
7 clear defined rules as to how our applicants
8 are handling the letters that Jason sends out.
9 It doesn't do anybody in any good to be in a
10 state of confusion. I would just like to
11 identify what that looks like so the public is
12 very clear and we are very clear.

13 MR. STAHL: Jason, what is your position
14 on the receipt of and review of plans for the
15 next meeting? And then the board can opt in as
16 to what their feelings are.

17 MR. VALETUTTO: I was going suggest that
18 they definitely should be submitting the new
19 engineering plans, the new architectural plans
20 because those are obviously what the applicant
21 has changed their proposal to, and what the
22 board will be voting on. So, right now we're
23 hearing that, oh, we closed off this driveway,
24 oh, we've increased parking. The board hasn't
25 seen that. The board doesn't know what they're

1 voting on. So, I agree, they should be
2 submitting those plans as ASAP and per
3 ordinance because this is now another further
4 review, they're supposed to be providing
5 33 percent of the original escrow that was set
6 for this application. I don't have those
7 numbers in front of me but they should be
8 providing that as well to cover the extra
9 review that's going to have to occur.

10 MR. STAHL: How much prior to the meeting
11 are they required to present the revised plans?

12 MR. VALETUTTO: Well, the board had put in
13 a policy the plans should be submitted at least
14 20 days before the next meeting. However, due
15 to the size of this review, as soon as possible
16 is really what it should be if they really want
17 me to be able --

18 MR. STAHL: They may have hardly according
19 to Manny and Mr. Rothman.

20 MR. VALETUTTO: We haven't heard from Amy
21 saying she's received anything.

22 MS. RUSSO: No, I didn't receive the new
23 plans.

24 MR. STAHL: Mr. Rothman, the faster you
25 can do it would be appreciated because I know

1 that Jason and I have a number of resolutions,
2 so we have to read transcripts and then prepare
3 the resolutions, and they are time consuming,
4 and then he's got other applications he's got
5 to look at. So, as fast you can get them in,
6 then Jason can review them, and the public here
7 on the call here tonight will be available also
8 to review those plans.

9 MR. ROTHMAN: Absolutely.

10 MR. VALETUTTO: As well as escrow.

11 MR. ROTHMAN: I'll contact Amy regarding
12 the revised escrow.

13 CHAIRWOMAN SZARO: Any other questions
14 from the board right now?

15 MS. RUSSO: We're revoting?

16 MR. KELLY: It's Tom Kelly. I just want
17 to say I just want to reiterate what Holly
18 Hughes said. There's too many things going on
19 here. We need to have full plans submitted
20 from all the professionals for the applicant.
21 And I think it's unfair, I think, not only to
22 the board members but to the public because the
23 public is looking at one thing if they have
24 viewed the drawings down at city hall and the
25 applicant is talking about something else. We

1 need to get all of the paperwork together and
2 everybody that's in the public, everybody
3 that's on the board needs to be informed with
4 everything that the applicant is proposing to
5 do.

6 That's it. Thank you.

7 CHAIRWOMAN SZARO: I agree 100 percent.

8 Thank you, Tom.

9 Any other comments?

10 Amy, did you have something to say?

11 MS. RUSSO: Were we going to vote for this
12 application to be continued?

13 MR. STAHL: We're going to vote to open it
14 to the public first.

15 MS. RUSSO: Okay.

16 MR. VALETUTTO: This is Mr. Valetutto just
17 jumping in real quick. I looked up the
18 original escrow was 5,000 for this application,
19 so 33 percent of that is 1,650.

20 CHAIRWOMAN SZARO: Any other comments from
21 the board?

22 At this time, I'd like a motion to open up
23 this hearing to the public only on this
24 application.

25 MS. KERN: Janet Kern makes motion.

1 CHAIRWOMAN SZARO: Thank you, Janet.

2 Second?

3 MR. FORSHNER: Second.

4 CHAIRWOMAN SZARO: Thank you, Gary.

5 At this time, the meeting is opened up to
6 the public.

7 MR. STAHL: We didn't vote on the motion,
8 Mary.

9 CHAIRWOMAN SZARO: We're going to vote
10 after the public you said.

11 MR. STAHL: No, no, no, the motion was
12 made and seconded. We can do it by a voice
13 vote. We don't have to do a roll call since
14 it's just opening to the public like all in
15 favor.

16 CHAIRWOMAN SZARO: To open it up to the
17 public?

18 MR. STAHL: Yes.

19 (A round of ayes.)

20 MR. STAHL: Okay.

21 CHAIRWOMAN SZARO: Open it up to the
22 public.

23 Would anybody like to speak or be heard?

24 MR. HOREZCA: I'll take the opportunity
25 since I have a chance?

1 CHAIRWOMAN SZARO: Go right ahead.

2 MR. HOREZCA: My name is Andrew Horezca,
3 H-O-R-E-Z-C-A. I'm at 120 South Rosewell. I
4 apologize for jumping in earlier it's just
5 based on my lack of information about the
6 formality of the process. I appreciate you
7 having a brief period for the public comment.

8 I want to reassure you about the
9 timeliness of this.

10 Just briefly, I reserve my main comments
11 for the continuation of this application but I
12 just want to echo what Ms. Hughes, Mr. Kelly,
13 and certainly Mr. Valetutto validated as far as
14 getting some clarity as to what the applicant
15 is proposing specifically. And then, the
16 notice requirements just to confirm as a
17 resident --

18 (Inaudible.)

19 -- and my comments prepared based on the
20 notice are different than what was presented
21 tonight. So, looking forward to whenever this
22 application is continued being able to make my
23 comments then based on what specifically the
24 applicant is seeking.

25 Thank you.

1 CHAIRWOMAN SZARO: Thank you for joining
2 us and your comments certainly understanding
3 the kind of timing of everything, but we
4 certainly always want to welcome the public and
5 we want to make that sure all the public has a
6 voice, and that anything we see you see, and I
7 think I will certainly echo the comments of all
8 of the board, and that's why we don't like to
9 look at any kind of plans or drawings that we
10 haven't had an opportunity to see before
11 because as you can see all these different
12 conditions get a little bit mind boggling when
13 you're trying to remember this changed, and
14 that changed, and everything else. So, we want
15 to make sure it's fair to the board, it's fair
16 to the public, and it's also fair to the
17 applicant because we want to be able to vote on
18 what we're seeing not what we're trying to
19 remember.

20 Thank you, sir.

21 Anyone else from the public?

22 Do I have a motion to close to the public?

23 MR. KOMINKIEWICZ: Motion to close public
24 portion.

25 CHAIRWOMAN SZARO: Second.

1 MS. KERN: Second.

2 CHAIRWOMAN SZARO: Thank you, Janet.

3 All in favor?

4 (A round of ayes.) R.E.I.M.O.N

5 Our meeting is closed to the public.

6 The next is I do have a motion to this
7 would be continued, I'm correct, Jim, to
8 continue this application to our next meeting
9 which will be May 26?

10 MR. KOMINKIEWICZ: So moved.

11 MR. STAHL: Without further notice unless
12 the applicant -- we're not going to opine on
13 the notice. I didn't look at the new notice
14 but the applicant should review the notice to
15 make sure it's consistent with the MLUL and
16 inform the public as to the application being
17 presented.

18 MR. ROTHMAN: Can I just poll the
19 professionals for the applicant who are on if
20 they're available 5-26?

21 CHAIRWOMAN SZARO: Can you just hold that
22 thought until I get a second.

23 Do I have second?

24 MS. KERN: Second.

25 CHAIRWOMAN SZARO: Go ahead, Mr. Rothman.

1 MR. ROTHMAN: Madame Chair, as to the
2 applicants' professionals, is anyone not
3 available on 5-26.

4 MR. STAIGAR: No.

5 CHAIRWOMAN SZARO: Amy, do you know
6 offhand when the next meeting is in June?

7 MS. RUSSO: Offhand, no, let me check
8 really quick.

9 MR. VALETUTTO: I believe it's June 23
10 because that's the day. I'm coming back from
11 Disney.

12 CHAIRWOMAN SZARO: Mr. Rothman, May or
13 June?

14 MR. ROTHMAN: Joe, are you available 5-26?

15 MR. STAIGAR: Yes.

16 MR. ROTHMAN: Any other professionals not
17 available? We'd like to go in May. We'll be
18 ready with the submission this week.

19 MR. SPATZ: I'm available.

20 CHAIRWOMAN SZARO: Then, good to go for
21 May?

22 MR. ROTHMAN: Yes, Madame Chair.

23 CHAIRWOMAN SZARO: Thank you.

24 With that, can I have a roll call, Amy?

25 MS. RUSSO: Chairwoman Mary Szaro?

1 CHAIRWOMAN SZARO: Yes.
2 MS. RUSSO: Scott Kominkiewicz?
3 MR. KOMINKIEWICZ: Yes.
4 MS. RUSSO: Mayor Fred Henry.
5 MAYOR HENRY: Yes.
6 MS. RUSSO: Reilly?
7 MR. REILLY: Yes.
8 CHAIRWOMAN SZARO: Tom Kelly?
9 MR. KELLY: Yes.
10 MS. RUSSO: Janet Kern?
11 Holly Hughes?
12 MS. HUGHES: Yes.
13 MS. RUSSO: Gary Forshner?
14 MR. FORSHNER: Yes.
15 MS. RUSSO: William DeMasi?
16 MR. DEMASI: Yes.
17 MS. RUSSO: Janet Kern?
18 MS. KERN: Yes.
19 MS. RUSSO: Roll call is complete, Mary.
20 CHAIRWOMAN SZARO: Thank you.
21 Then, we will say you again in May.
22 MR. ROTHMAN: Thank you very much.
23 CHAIRWOMAN SZARO: Thank you, all.
24 That concludes this application.
25 (Time noted: 9:58)

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C E R T I F I C A T I O N

I, ESTAMARIE CASTELLI-VELEZ, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify the foregoing to be a true and accurate transcript to the best of my knowledge and ability.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

Estamarie Castelli-Velez
ESTAMARIE CASTELLI-VELEZ

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