

**CITY OF SOUTH AMBOY**  
**PLANNING BOARD**  
**REGULAR MEETING/MINUTES**  
**June 23, 2021**

Members present: Mary Szaro, Scott Kominkiewicz, Mayor Fred A. Henry, Councilman Tom Reilly, Holly Hughes, Janet Kern, Jorge Gonzalez-Gomez, William DeMasi, George Baranowski, Gary Forshner

Members absent: Thomas Kelly

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 Janet Kern, seconded by Holly Hughes to accept the Minutes of the May 26, 2021, meeting. Motion carried: 7-0, 3 abstention.

Chairwoman Szaro then reviewed the evening’s agenda.

**NEW BUSINESS**

Chairwoman Mary Szaro announced that a new policy was implemented regarding the re-submission of plans effective July 1, 2021, located on page 7 of the Planning Board Application. The newly added policy is:

In order to provide Planning Board Professionals adequate time for review and consideration of application documents, initial and revised documents must be submitted to the Board Secretary **a minimum of twenty calendar days (20) prior** to the scheduled date of the application hearing. Late submission of documents, received less than twenty days prior to the scheduled meeting, will **not** be considered during the scheduled Planning Board monthly meeting.

**ANNOUNCEMENT of APPLICATIONS CARRIED**

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

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

Motion by Janet Kern, second by George Baranowski to accept the request made by Mr. Kenneth Pape, Esq., to carry the application to July 28, 2021, meeting with no further notice required. All in favor

**COMPLETENESS**

PB Application # 420-21 – Alex Zhang

25 Lighthouse Bay / Block 165, Lot 1

Completeness committee member, Holly Hughes, stated that she is in receipt of a letter from AJV Engineering, Inc. dated June 11, 2021, regarding Application #420-21, Alex Zhang recommending **Completeness**.

Motion by Holly Hughes, seconded by Jorge Gonzalez-Gomez, to accept the recommendation of **Completeness** for Application #420-21, Alex Zhang.

Motion carried: 3-0, 0 abstentions.

**RESOLUTIONS**

PB Application # 418-21 – Huiwen Yu

23 Lighthouse Bay / Block 166, Lot 4

Motion by Scott Kominkiewicz, seconded by Janet Kern to accept the resolution as written granting Bulk Deviation Approval for Maximum Lot Coverage.

Motion carried 7-0, 3 abstentions.

Historic Designation of Independence Engine & Hose Co. Firehouse – PB# 6-21

127 N. Broadway / Block 47 Lot 4

A report was authored by AJV Engineering, Inc. dated April 26, 2021, confirming the identification of the Independence Fire Company Firehouse as a historic landmark was consistent with the Ordinance with the City of South Amboy. The South Amboy Historic Preservation Commission recommended to the Planning Board that the Independence Fire Company Firehouse be added to the Historic Preservation Plan element and that it be designated as an individual landmark according to the Resolution, the Historic Preservation Commission, Resolution HPC-1-21. The Planning Board by referral forwarded the recommendation of the Historic Preservation Commission to the Mayor and Council of the South Amboy City Council. Resolution of the City of South Amboy's City Council the matter was referred back to the Planning Board to conduct such a study as may be necessary to add the Independence Fire Company as a historic landmark according to N.J.S.A.40:55B-65.1

Motion by Holly Hughes, seconded by William DeMasi to accept the resolution recommending the Adoption of Ordinance Amending the Master Plan of the City of South Amboy Historic Preservation Element and Zoning Ordinances.

Motion carried 8-0, 2 abstentions.

**PUBLIC HEARING**

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

101 N. Feltus Street / Block 71, Lot 19

Please refer to the attached transcript

Chairwoman Szaro asked for a motion to open this portion of the public. Motion by Janet Kern, seconded by Jorge Gonzalez-Gomez. 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 William DeMasi. All in favor

Motion by Janet Kern, seconded by William DeMasi to Amend the Approval of the Site Plan portion of the application subject to all the testimony and all conditions outlined in the letter from AJV Engineering, Inc. dated April 23, 2021.

PB Application # 411-21 – Center SA, LLC

536 Center Street / Block 136, Lot 1

Please refer to the attached transcript

Chairwoman Szaro asked for a motion to open this portion of the public. Motion by Janet Kern, seconded by George Baranowski. Please see attached transcript for information regarding the public section of this application. Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Jorge Gonzalez-Gomez seconded by Janet Kern. All in favor

Motion by Janet Kern, seconded by Scott Kominkiewicz 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 May 17, 2021.

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

167 N. Broadway / Block 47, Lot 16

Please refer to the attached transcript

Chairwoman Szaro asked for a motion to open this portion of the public. Motion by Janet Kern, seconded by Scott Kominkiewicz. Please see attached transcript for information regarding the public section of this application. Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Janet Kern seconded by Jorge Gonzalez-Gomez. All in favor

Motion by Janet Kern, seconded by George Baranowski 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 June 8, 2021.

HBD South Amboy, LLC – PB Application # 416-21

139 Rosewell Street Block 161.02 Lot 21 & 22

Please refer to the transcript

Motion by George Baranowski seconded by Janet Kern that this application is to be continued. Submission of redesigned plans must be submitted by July 8, 2021, to be heard at the next regularly scheduled meeting on July 28, 2021, with no further notice required. Chairwoman Szaro asked for a motion to open this portion of the meeting to the public. Motion by Janet Kern, seconded by William DeMasi. Please see attached transcript for information regarding the public section of this application. Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Janet Kern, seconded by Gary Forshner.

Chairwoman Szaro asked for a motion to open the meeting to the public. Motion by Janet Kern, seconded by Jorge Gonzalez-Gomez. 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 Janet Kern, seconded by George Baranowski.

Chairwoman Szaro announced that the Planning Board will resume in-person meetings on Wednesday, September 22, 2021, at 7:00 pm.

Chairwoman Szaro announced that the next virtually scheduled meeting would be held on Wednesday, July 28, 2021, at 7:00 pm.

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

The connectivity connection to this Planning Board Meeting was difficult with multiply disconnections this meeting ended at 11:11 pm.

Respectfully submitted,

Amy Russo  
Planning Board Secretary  
Minutes Approved on July 28, 2021

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

In the Matter of )  
The Application of: ) Transcript of  
CENTER SA, LLC ) proceedings  
#411-20 )  
536 Center Street )  
Block 136, Lot 1 )  
-----

Wednesday, June 23, 2021  
Remote Proceedings Via  
GoToMeeting Videoconference

LAND USE BOARD

MARY SZARO, Chairwoman  
SCOTT KOMINKIEWICZ  
GEORGE BARANOWSKI  
HOLLY HUGHES  
JANET KERN  
JORGE GONZALES-GOMEZ  
WILLIAM DeMASI  
GARY FORSHNER

AMY RUSSO, Recording Clerk  
JASON VALETUTTO, Planner/Engineer

-----  
-----

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

1           A p p e a r a n c e s :

2                           BORRUS, GOLDIN, FOLEY,  
3                           VIGNUOLO, HYMAN & STAHL, P.C.,  
4                           Attorneys for the BOARD

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

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

	<u>WITNESS</u>	<u>PAGE</u>
1		
2		
3	ANDREW FRENCH	
4	DIRECT EXAMINATION BY MR. PAPE	7
5	MICHAEL TESTA	
6	DIRECT EXAMINATION BY MR. PAPE	22
7	CHRISTINE COFONE	
8	DIRECT EXAMINATION BY MR. PAPE	37
9	DAVID KALES	
10	SWORN	42
11	JOSEPH SURMAN	
12	SWORN	47

I N D E X T O E X H I B I T S

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-1	Turning template	16

1 THE CHAIRWOMAN: Our next application up  
2 is 411-20, Center SA, LLC, 536 Center Street. Mr.  
3 Pape, you have the floor.

4 MR. PAPE: Madam Chair, board members,  
5 board professionals, and public, good evening, all.  
6 Kenneth Pape from the firm Heilbrunn Pape on behalf  
7 of your applicant, Center SA, LLC. Am I coming  
8 through clearly for all? Am I coming through  
9 clearly?

10 THE CHAIRWOMAN: Yes.

11 MR. PAPE: Thank you. This is an  
12 application --

13 MR. STAHL: Ken, you're very soft  
14 spoken. That makes you a great guy. Try and keep  
15 your voice a little bit -- up a little bit more so  
16 that Debbie makes sure she doesn't miss you, okay?

17 MR. PAPE: I'm going to lean right into  
18 the picture.

19 MR. STAHL: Thank you.

20 MR. PAPE: Thank you. Madam Chair,  
21 board members, this is an application for  
22 reconsideration of site plan and variance relief.  
23 (Audio disruption) at its April meeting entertained  
24 the request for reconsideration and authorized the  
25 applicant to proceed this evening. This evening

1 we're prepared to present the revised plan to you.  
2 In an effort to be succinct and brief, this is an  
3 application where previously there was a catering  
4 hall, a bar, and a restaurant (audio disruption) the  
5 applicant (reporter asks for clarification)

6 THE CHAIRWOMAN: Can the public please  
7 go on mute.

8 MR. BARANOWSKI: There's seven callers  
9 down on the bottom that aren't on mute.

10 THE CHAIRWOMAN: Okay, folks, please  
11 mute your lines.

12 UNKNOWN SPEAKER: Go off of mute?

13 THE CHAIRWOMAN: Please go on mute.

14 UNKNOWN SPEAKER: Oh, okay. Sorry.

15 THE CHAIRWOMAN: Thank you.

16 MR. PAPE: The applicant has revised the  
17 plans so that there are eight residential units.  
18 There are five one-bedroom and three two-bedroom  
19 units. There is no commercial (audio disruption)  
20 there is no bar, and there's no restaurant, and  
21 there's no catering hall. The applicant has also  
22 amended the plans to create eight on-site parking  
23 stalls where previously there were seven.

24 The presentation will be made initially  
25 by Drew French, who will describe the minor

1 revisions to the site plan, followed by Michael  
2 Testa, who will describe the substantial revisions  
3 to the interior of the structure, and then Christine  
4 Cofone, our planner, will conclude the presentation.

5 With your permission, Madam Chair, I'd  
6 like to call Mr. French. He was previously sworn,  
7 and his credentials are on the record. I look to  
8 you as to whether you wish me to (audio disruption)

9 MR. STAHL: We'll swear him again, Mr.  
10 Pape. I just want for the record to indicate that  
11 this was an application that had been presented, and  
12 there had been a vote, and then you made a timely  
13 application, the magic word being timely,  
14 application for reconsideration. The board at a  
15 subsequent meeting indicated that they granted your  
16 request for reconsideration. The appropriate  
17 notices were sent out as required in the form that  
18 was appropriate by you, of course, and I may have --  
19 okay, so we have -- the board has jurisdiction. The  
20 application will now be -- there's still a use  
21 variance for eight units in a single-family RA zone,  
22 and then there are the bulk variances. You put on  
23 what you believe. I don't think everything has to  
24 be redone. Again, I never tell you how to put on a  
25 case. You're rather experienced. I think we should

1 have some consistent testimony, not that much, of a  
2 planner, again, just indicating the requirements for  
3 the use variance even though there's been a  
4 significant change, and then I know there's some  
5 residents on here, who hopefully will give you a  
6 positive feedback.

7 So, Mr. French, where are you? Let me  
8 find you here. There you are waving your hand.  
9 Usually I have a bigger screen, but I can't fit  
10 everybody on this computer. Mr. French, raise your  
11 hand.

12  
13 A N D R E W F R E N C H, sworn.

14 DIRECT EXAMINATION BY MR. PAPE:

15 MR. STAHL: Will you please state your  
16 name, spelling your last name, please.

17 THE WITNESS: Andrew French,  
18 F-r-e-n-c-h.

19 MR. STAHL: Thank you. Keep your voice  
20 up for the court reporter, and what we usually ask  
21 is that -- she can see you so I don't think -- it's  
22 not a conference call so she should have no problem,  
23 but Debbie does, she will tell us. Trust me.

24 THE WITNESS: Okay. Thank you.

25 MR. STAHL: Mr. Pape.

1 MR. PAPE: Thank you. Screen sharing  
2 this evening, is it the applicant's engineer screen  
3 share, or will it be the host?

4 MR. STAHL: Did you just say screen  
5 share?

6 MR. PAPE: Yes, Mr. Stahl.

7 MR. STAHL: Amy --

8 THE CHAIRWOMAN: We got to cross our  
9 fingers on that one.

10 MS. RUSSO: Mary, you have the --

11 THE CHAIRWOMAN: I can't even --

12 THE WITNESS: I think there's something  
13 on the bottom of the screen.

14 MS. RUSSO: If you click on Mr. Pape and  
15 those three little dots come up, it should say make  
16 a presenter.

17 THE CHAIRWOMAN: Click on Mr. Pape?

18 MR. PAPE: Mr. French, please, Mr.  
19 French.

20 MS. RUSSO: Oh, I'm sorry, yes.

21 THE CHAIRWOMAN: Okay, and I'm going to  
22 make presenter?

23 MS. RUSSO: Yes.

24 THE CHAIRWOMAN: Fingers crossed. I  
25 think it worked, Mr. French.

1 THE WITNESS: Yes, you can see my screen  
2 now?

3 THE CHAIRWOMAN: Yes.

4 MR. PAPE: Yes. Thank you. Mr. French  
5 was previously sworn and his credentials as a  
6 professional engineer were placed on the record. He  
7 will continue in that capacity.

8 Q. Mr. French, I'm going to ask if you  
9 would in a succinct manner describe the revisions to  
10 the plan, the revisions that were made from the plan  
11 that was previously presented to this board.

12 A. Yes, certainly. So this color rendering  
13 that's up on the screen is the site plan sheet 3 of  
14 8 of the set of plans that were submitted to the  
15 board with a revision of March 26, 2021. It's the  
16 same thing except we just added color in there for  
17 presentation purposes.

18 Q. Proceed.

19 A. This plan indicates that the property is  
20 a 75-by-100 foot lot, 7,500 square foot in the RA  
21 single-family residential zone. Existing  
22 conditions, a majority of the property is taken up  
23 with the existing two-story masonry building which  
24 is hatched in this plan. So we're looking to the  
25 existing condition there is a bar, restaurant, a

1 banquet hall area, and two residential apartments.  
2 We're looking to repurpose the building with a new  
3 interior design to eliminate the bar/restaurant, the  
4 banquet area, and provide eight residential  
5 apartments, which would be five one-bedroom and  
6 three two-bedroom units.

7           As far as the site plan, you can see on  
8 the left side of the screen is Cedar Street. What  
9 we have is a two-way access driveway off of Cedar  
10 Street to provide access to the lower level of the  
11 existing building, which provides access to the  
12 seven parking spaces located in the lower portion of  
13 the existing building. As one of the changes that  
14 has occurred, as you come off the access drive from  
15 Cedar Street, before you enter the lower area, we've  
16 added one parking space to the rear area of where  
17 the bar/restaurant previously was. So now there  
18 will be a total of eight parking spaces, on-site  
19 parking spaces where there's eight residential  
20 units, so one parking space per unit.

21           We also as part of the minor changes,  
22 since we eliminated the commercial use of the  
23 property, there is no longer a need for a dumpster.  
24 So on the north side of the property, northwest  
25 side, you'll see that there is an area, there is an

1 existing concrete retaining wall. We're going to  
2 repurpose that area and put a board-on-board  
3 6-foot-high fence with gates on the front, and it  
4 creates an area for the recycling and the garbage  
5 containers to be stored. So that was also changed  
6 as part of the plan. We did add landscaping the  
7 lawn areas, which you can see in green. That  
8 previously had decking or other concrete impervious  
9 areas, so we've softened up the site by adding some  
10 of these lawns areas onto the property, and then on  
11 Center Street, itself, the two accesses to the  
12 residential apartments, the steps, a handicapped  
13 lift are being redone to provide better access to  
14 the apartments, as well as, just south of that on  
15 Center Street, we're adding one on-site handicapped  
16 parking space that will be on-the-street parking.

17 That's just a brief overview of the new  
18 site improvements, which are very minor.

19 Q. Thank you very much, Mr. French.

20 MR. PAPE: Madam Chair, board members, I  
21 have nothing further of Mr. French on direct. He is  
22 available to you if you wish to examine him at this  
23 time.

24 THE CHAIRWOMAN: Any questions from the  
25 board for Mr. French? Do I see Jason? Jason, go

1 ahead.

2 MR. STAHL: Madam Chairlady, I just want  
3 to remind any residents who are here for this  
4 application that the policy of the board is that we  
5 open at the end of all the testimony, not for each  
6 witness. So we're not cutting them off. They will  
7 all have an opportunity to the extent they want to  
8 to ask questions or make statements when the board  
9 opens this for public comment.

10 MR. VALETUTTO: Mary, can I go now?

11 THE CHAIRWOMAN: Go ahead, Jason.

12 MR. VALETUTTO: Hey, Drew. I just want  
13 to point out for the board. I wasn't sure if you  
14 made mention of it. I know you talked about the new  
15 parking space that was going before you get into the  
16 garage. Just wanted to point out that there was a  
17 deck that was previously there and being removed,  
18 that there's no more outdoor portion to your  
19 application.

20 THE WITNESS: Yes, Jason, that is  
21 correct. That outside deck space was located with  
22 the bar/restaurant, and it's been eliminated from  
23 the application, and in its place is that extra  
24 on-site parking space that we are going to  
25 incorporate, as well as the lawn area is there, but

1 that is correct.

2 MR. VALETUTTO: And you received my  
3 report of May 17, 2021?

4 THE WITNESS: Yes, I did.

5 MR. VALETUTTO: And have you reviewed  
6 it, and are you in agreement with comments I make  
7 that are mostly I think just more typographical in  
8 nature and more bookkeeping?

9 THE WITNESS: Yes, we can certainly  
10 address all those comments. I don't know if there's  
11 anything in particular that you want us to discuss.

12 MR. VALETUTTO: There's only maybe two  
13 things and one that actually came up as I was  
14 reviewing the file today. Going to need some help  
15 from our -- I guess Bill DeMasi since Tom Kelly is  
16 not here.

17 Would the garage level be considered a  
18 story, because if it is, indeed, considered a story,  
19 then this would become a three-story building.

20 THE WITNESS: In that, I think Mike  
21 Testa the architect, can probably elaborate a little  
22 more detail, but my understanding that that lower  
23 level there and then above where the parking is is  
24 only a one-story structure where the banquet hall  
25 was, so in essence, it really still remains a

1 two-story building. We're going to have the parking  
2 on the first floor and then the apartments on that  
3 second floor. I think Mike Testa can probably  
4 provide a little more detailed information on the  
5 configuration of the building, but I believe it's  
6 still existing two-story structure which will remain  
7 two-story.

8 MR. VALETUTTO: Okay. We'll wait for  
9 Mike. And the one comment that I actually thought  
10 of today when I was looking at the grading of the  
11 property, what are you going to do to ensure water  
12 doesn't get in during, like, a heavy rain event? I  
13 mean, I see that you have it graded where at the  
14 entrance to the garage it's 91.1, and part of the  
15 parking stall that you've put out there kind of goes  
16 towards the garbage cans and supposed to go out  
17 towards the street, but not all of that, you know,  
18 in reality is really going to go towards the street.  
19 There's still going to be something that's going to  
20 shoot towards the garage. How are you guys going to  
21 handle that?

22 THE WITNESS: Yeah, so we graded it so  
23 that the curbline that runs perpendicular to the  
24 building but parallel with the trash container area,  
25 actually, that gutter line will have positive pitch

1 of 1 percent slope minimum from that corner out to  
2 the street. So that we're confident if they follow  
3 the plan and construct it the way we show that we'll  
4 have some proper pitch on that gutter line to get  
5 the water out.

6 MR. VALETUTTO: I'm not going to argue.  
7 I'm not going to argue that, but you and I both know  
8 we can design things to a T and it never gets  
9 constructed as is perfectly.

10 THE WITNESS: Yes, I understand.

11 MR. VALETUTTO: That's why I was a  
12 little concerned.

13 THE WITNESS: We'll make sure that that  
14 happens.

15 MR. VALETUTTO: Okay. And then --

16 THE CHAIRWOMAN: Before you do that,  
17 Jason, I'm sorry. I'm just going to take back  
18 presentation because I'm getting a low signal, and  
19 I'm afraid that we're all going to get knocked off.  
20 So are you finished with the -- is that okay?

21 THE WITNESS: Yeah, so one of the  
22 comments in Jason's review letter was regarding the  
23 accessibility of the parking in the lower level  
24 inside the building for compact cars. I do have an  
25 exhibit that shows turning templates for a mid-size

1 car that can maneuver underneath there and have  
2 access to those spots. I did want to put that on  
3 record. I can put it up.

4 THE CHAIRWOMAN: Go ahead. We'll cross  
5 our fingers.

6 THE WITNESS: Okay. This is that sheet.  
7 I don't know if everybody sees that.

8 THE CHAIRWOMAN: Yes.

9 THE WITNESS: So --

10 MR. VALETUTTO: Okay, and, Drew, this is  
11 nothing -- this is not part of your plan. This is a  
12 different thing, right, so we got to make this an  
13 exhibit.

14 THE WITNESS: Yes, so this is a turning  
15 template plan. It's identified as sheet 8 of 8,  
16 revised as per March 26, 2021, and it illustrates a  
17 mid-sized car, a Toyota Camry.

18 MR. STAHL: Let's mark this -- this  
19 particular document is A-1 with today's date,  
20 June 23, and, Mr. French, I'd ask you to forward  
21 that tomorrow because we don't have that in our  
22 file, so if you would e-mail that to Ms. Russo and  
23 Mr. Valetutto, please, so we can put it in the file.

24 THE WITNESS: Yes, absolutely.

25 (Turning template marked A-1 for

1 Identification)

2 THE WITNESS: So Exhibit A-1 shows the  
3 turning template for a mid-sized car, Toyota Camry,  
4 maneuvering from Cedar Street, different directions,  
5 accessing through our proposed two-way driveway,  
6 entering the building, and then maneuvering into --  
7 the first on the left side shows the access to the  
8 spot closest to Center Street on the one end. On  
9 the right-hand side it shows the access of a  
10 mid-sized car to the northernmost parking spot away  
11 from Center Street. So there is columns down within  
12 the basement, but -- and this turning template plan  
13 shows how a car can maneuver. You know, it is very  
14 conservative so we feel that, you know, a car driven  
15 can better maneuver than actually this template  
16 shows, but the spots, themselves, in the basement  
17 are 11-by-19-foot in dimension where RSIS only  
18 requires 9-by-18, so they're all oversized parking  
19 spaces, and the access aisle between the columns is  
20 19 feet, so it certainly provides room for two-way  
21 traffic, but there's only seven parking spots.  
22 There's going to be very low volume of traffic  
23 coming in and out of here. People that are going to  
24 be using these spots -- they'll be reserved for each  
25 unit, as well as it's just like everything else.

1 They're going to be parking in the same spot every  
2 day. They're going to understand the  
3 maneuverability of coming in and out of here because  
4 they're going to do it daily. So we're confident  
5 that a mid-sized car can fit into these spots and  
6 use them.

7 MR. VALETUTTO: Drew, the one thing I  
8 failed to see on your plan is the sprinkler room.  
9 The turning templates on the left side show a  
10 vehicle going to the bottom left corner before  
11 entering into the parking space I believe it is, and  
12 above, like, above that is where the sprinkler room  
13 would be. So how are -- I just want to be sure that  
14 you've taken that into consideration since it's not  
15 depicted here that there is still enough room for  
16 the cars that park directly opposite that sprinkler  
17 room to have that turning maneuverability.

18 THE WITNESS: Yeah, it will still have  
19 sufficient room to make that -- to move into the  
20 spots. We can add that onto the plan. But what  
21 happens is from the edge of the columns where the  
22 parking spots to that exterior wall closest to Cedar  
23 Street, it's about 30 feet, so typically, you only  
24 need 24 feet. Now with the sprinkler, it's going to  
25 take up some of that room, but it's still going to

1 have adequate space for the cars to maneuver and get  
2 in and out of the parking spot.

3 MR. VALETUTTO: Only it looks like there  
4 may be some bollards that are being installed, too,  
5 that will reduce that 24-foot backup. That's all I  
6 just wanted to be sure that they have the clearance  
7 on that.

8 THE WITNESS: Yes, I understand. Again,  
9 you know, the maneuverability, the people pulling in  
10 here, these are their reserved spots. They're going  
11 to understand how to get in and out of their spots  
12 the easiest way for themselves and knowing how they  
13 do it every day, and just like, you know, coming to  
14 the office, you park in the same spot, you know how  
15 you get in and out. It's similar to this type of  
16 situation.

17 MR. VALETUTTO: Sure.

18 THE WITNESS: As far as parking, though,  
19 we do have eight spots, which is one per unit. I  
20 know based on RSIS, 15 parking spaces would be  
21 required for this use. Eight parking is more than  
22 adequate enough, especially this is in the City of  
23 South Amboy. Washington Street there is New Jersey  
24 bus transit stops. We have the rail right down on  
25 Broadway, the train station. You have Uber and

1 Lyfts nowadays. And so the eight parking spaces for  
2 the eight units we feel is adequate for this use. I  
3 did want to mention, too, in the B1 zone of the City  
4 of South Amboy ordinance for apartment above  
5 commercial, parking requirement is one spot per  
6 unit, which again is consistent with what we're  
7 proposing here.

8 MR. VALETUTTO: Can you testify about  
9 building signage. I don't recall seeing anything  
10 for signage.

11 THE WITNESS: I guess I would defer to  
12 Mike Testa on that one. I don't believe we are  
13 having signage, but the architect could describe it  
14 on the building. Is it okay if I take down -- you  
15 want to take down the rendering? I'm not sure.

16 MR. VALETUTTO: Yeah, Mary, you want to  
17 take that down. I think I'm satisfied with the  
18 template and the answers he gave.

19 THE CHAIRWOMAN: Okay. I think I  
20 knocked Mr. French out.

21 MR. PAPE: Madam Chair, as --

22 THE CHAIRWOMAN: Mr. French, are you  
23 still in?

24 MR. VALETUTTO: I think you booted him.

25 MR. PAPE: Our examination of Mr. French

1 is concluded. If the board's is, we could move to  
2 Mr. Testa as he works his way back in.

3 THE CHAIRWOMAN: Yes. And, Amy, how do  
4 I get rid of this sharing of the screen? I took  
5 back presentation mode, but it all it did was get  
6 rid of Mr. French.

7 MS. RUSSO: That was how to do it, take  
8 back presentation.

9 THE CHAIRWOMAN: I did take back, but I  
10 can still see his presentation, but I don't see him.

11 THE WITNESS: It still says I'm  
12 presenting on the screen. Can you hear me?

13 THE CHAIRWOMAN: Yes. Can everyone  
14 still see the presentation?

15 MR. PAPE: Yes.

16 THE WITNESS: Okay, I think you just  
17 bumped me off, but you didn't take the presentation  
18 away.

19 THE CHAIRWOMAN: I did. I'm sorry.  
20 Instead of getting rid of you -- the presentation, I  
21 got rid of you. So --

22 THE WITNESS: That's okay.

23 THE CHAIRWOMAN: So make presenter.  
24 Hold on.

25 MR. PAPE: Mr. Testa will definitely

1 need to present his plans.

2 MS. HUGHES: Give Mr. Testa present --

3 THE CHAIRWOMAN: See if that works.

4 MR. STAHL: Is Mr. Testa, ready?

5 MR. TESTA: I'm here.

6 MR. STAHL: Mr. Testa, you can't testify  
7 tonight. You don't have your yellow tie on.

8 MR. TESTA: I'm actually nervous. I  
9 wore that last night, and we were approved, so I  
10 switched over to a red tie.

11 MR. STAHL: All right. Please raise  
12 your right hand, sir.

13

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

15 DIRECT EXAMINATION BY MR. PAPE:

16 MR. STAHL: And your name, please, and  
17 spell your last name.

18 THE WITNESS: Name is Michael Testa,  
19 T-e-s-t-a.

20 MR. STAHL: For the record, Mr. Testa I  
21 believe was previously qualified in the prior  
22 proceedings, which still are a part of this  
23 proceeding, and just so Amy can do some homework  
24 while we're waiting -- I mean while we're moving  
25 ahead, Amy, I sent you an e-mail or a text. I need

1 to know who voted on the prior application of denial  
2 of the -- of this matter for purposes of voting  
3 tonight, all right?

4 Okay, Mr. Pape.

5 MR. PAPE: Thank you. Thank you for  
6 assisting in qualifying Mr. Testa this evening.  
7 Mr. Testa was responsible for the preparation of the  
8 architecture of the exterior of the building, a very  
9 beautiful building. All of the (Audio disruption.  
10 Reporter asks for clarification) yeah, a lot of  
11 noise.

12 MR. STAHL: May I remind everyone again  
13 that please, please turn off your audio. The only  
14 two people that should be on right now are Mr. Pape  
15 and Mr. Testa, and then when board members or  
16 Mr. Valetutto question Mr. Testa, they will unmute  
17 themselves. Thank you very much.

18 MR. PAPE: Can we award Mr. Testa the  
19 screen sharing capability so that he can present the  
20 revised plans.

21 THE CHAIRWOMAN: We think we did.

22 MR. VALETUTTO: I believe it showed up.

23 MR. PAPE: Thank you.

24 Q. Mr. Testa, do you have access?

25 THE CHAIRWOMAN: Should be the

1 presenter. There we go.

2 THE WITNESS: Okay. Good evening, Madam  
3 Chair, members of the board. Again, my name is  
4 Michael Testa, architect for the applicant. At our  
5 last presentation, our client listened deeply to the  
6 concerns of the neighborhood, the neighbors, and the  
7 board, and in his desire to be a part of this  
8 neighborhood, he had requested that I, you know,  
9 reach out to a member or two of the neighborhood,  
10 especially the most vocal member that evening, which  
11 was a Mr. David Kales. We sat down with the owners  
12 and tried to reimagine this project to be as  
13 successful as possible and to be the best fit we  
14 could, and by doing that, we felt after listening to  
15 the community and the members of the board that the  
16 biggest problem was the commercial aspect of this  
17 building, the bar and the restaurant area. So with  
18 that in mind, we sat down, redesigned the building  
19 in a manner where we deleted those parts of this  
20 project, so the entire building now is a completely  
21 residential structure. The old banquet hall  
22 facility remained apartment areas. The area that we  
23 had dining room we converted into another  
24 single-bedroom apartment. We added an interior  
25 stair where the bar was, turned that first floor

1 unit into a one-bedroom unit, and put a separate set  
2 of stairs from the front street level up to the  
3 second floor to a new two-bedroom.

4 As previously stated, we have five  
5 one-bedroom units now and three two-bedroom units.  
6 All of the units on the right side of the building  
7 where the old banquet hall was is still 100 percent  
8 handicapped accessible with a new lift, indicated on  
9 the right-hand side, and the building portion on the  
10 left is essentially a two-family house, and again,  
11 it's completely separate from the other building.  
12 There's no cross occupancy from one building to the  
13 other where previously we had an opening which you  
14 would go from the bar into a space in the banquet  
15 hall. That has been closed up, and these two  
16 building masses act independently of each other.

17 As we discussed earlier, the ground  
18 floor level has seven parking spaces inside.  
19 There's an eighth parking space outside. We have  
20 indicated motion sensor lighting on the outside near  
21 the garage area to allow for safety and better  
22 visual access in and out of the parking area.

23 Previously, we had trash removal in the  
24 basement for the commercial. That has been removed,  
25 but we still have an interior space at that basement

1 level that's going to house the sprinkler, the new  
2 sprinklers. The building will be completely  
3 sprinklered. It will house the water meters in that  
4 room, as well. On that ground level, you'll have  
5 the electric service meters inside the garage just  
6 adjacent to where the garbage can is at the top of  
7 the plan, and then gas meters will be out in that  
8 little grassy section adjacent to the paved parking  
9 space.

10 Just to follow up Mr. French's turning  
11 radius, Jason had indicated that it might be  
12 potential conflict with the sprinkler riser room.  
13 That riser room has been moved further up in the  
14 plan closer to the man door and has been reduced in  
15 because since it's now only handling the sprinkler  
16 riser and the water meters, so that turning template  
17 shows the individual columns, and you'll see the  
18 column. The car parking traffic flow does not ever  
19 encroach beyond the left side of those columns, so  
20 I'm confident that those spaces are safe from any  
21 kind of vehicular movement.

22 So as you can see, the exterior of the  
23 building has not changed at all except for the  
24 deletion of this window here, which was never really  
25 there. We just kind of articulated to make it look

1       like in mass the other windows. The door to the --  
2       can you see my little cursor moving around or no?  
3       No. All right, so across from the -- where the fire  
4       hydrant is in this rendering, there is a door that's  
5       on the side. You can't see it. That would be the  
6       door to access the upper floor. Those are the major  
7       changes in elevation from the back, and also, the  
8       deck at the rear has been removed. The deck is  
9       going to be removed completely. We do have a door  
10      out of that back bedroom, and that's just going to  
11      be a Juliet door for light and air and also for  
12      egress out of that bedroom space.

13                 Access to the roof, the roof will have a  
14      platform, just as previously testified, where we're  
15      going to have condenser units for the mechanical  
16      unit. Access to that platform is going to be  
17      through that new interior stair at the second floor.  
18      At that landing, there will be a left turn to go  
19      into the unit. There will be a right turn to go out  
20      onto an area where we can have a small roof access  
21      hatch and ladder to get onto that platform, so that  
22      platform has remained the same. The difference is  
23      it's not going to have large kitchen equipment on  
24      there. It will just be for condensers.

25                 All the condensers on the -- all the key

1 air conditioning units on the right-hand side, the  
2 old banquet facility, those six units are going to  
3 be located in the attic space, as previously  
4 testified. There's no change there. The air  
5 conditioning units on the ground floor of the old  
6 bar area is going to be located in the basement  
7 below the bar area. That basement area will be  
8 accessed from the exterior only through a  
9 3-foot-by-4-foot access panel, which will be locked  
10 with only access from the building owner into that  
11 space, and the hot water heater will be down there,  
12 as well.

13 The second floor two-bedroom unit above  
14 the old bar area is going to have a self-contained  
15 unit in that area, heating unit located in a closet  
16 in that apartment with the condensers located on the  
17 adjacent roof.

18 Mr. Valetutto's letter, he had asked a  
19 couple of questions. I'd like to go back to  
20 Mr. French's request for a comment on the two-story  
21 building. This building is similar, to put in  
22 context of everyday terms, a split-level home. So  
23 if you walk into a split-level home, you have one  
24 level, you go up a level, and on the third level you  
25 have bedrooms, but those three levels never really

1 sit on top of each another. This is the situation  
2 we have here. We essentially have two structures  
3 that are butted up against each other that  
4 collectively is one building, but it's two stories  
5 in nature in both sides of the building, so there is  
6 not three stories on top -- stacked on top of each  
7 other.

8 There will be no signage other than the  
9 street address on the building.

10 I indicated, item number 1, where the  
11 meters will be located in the garage area. I have  
12 indicated the access to the rooftop is through the  
13 second floor stair. The basement area, the existing  
14 basement to clear height, it's a very small area. I  
15 had I'd say about 4 foot, 6, 5 feet. I had to just  
16 hunch down to walk around there.

17 Another item Mr. Valetutto mentioned was  
18 the steps. The main step that used to be into the  
19 bar, originally, we were adding a step there because  
20 we were modifying the grade in that area a little  
21 bit. That step was carried over mistakenly into  
22 this plan. Those steps will remain. We'll just  
23 provide new railings and just repair the stairs as  
24 needed. So there would be no encroachment into any  
25 of the front yard setback area.

1           And again, the access panels inside the  
2 apartment area into the attic space are going to be  
3 locked, going to be only controlled by key through  
4 the owner, and the reason why there are so many  
5 access panels because there are large barrel vault  
6 trusses that run the full length of the building,  
7 and it may be difficult, a tripping hazard to get up  
8 and over go from one to the other, so we made it as  
9 easy as possible by providing an access panel at  
10 each bay of roof trusses to access the mechanical  
11 equipment up there.

12           Indicated where the furnaces would be.  
13 Units 1 through 6 would be in the attic above the  
14 apartments. Unit number 7, which would be the old  
15 bar area, would be located in the basement, and unit  
16 8 would be the second floor above the old bar area,  
17 which would be located inside the unit.

18           Mr. Valetutto also mentioned on the  
19 elevation sheet that there's some dotted lines where  
20 the handicapped lift is showing -- depicting a  
21 stair. That dotted line is actually the old stair  
22 that's there is to be removed so we can put the  
23 handicapped lift. That handicapped lift will remain  
24 screened from the street, as you can see here in  
25 this color rendering, and will not really be visible

1 straight on. It will be visible once you get closer  
2 to the building for ease of access into that area.

3 And that would conclude my testimony at  
4 this time.

5 Q. Mr. Testa, I have one question. If you  
6 could confirm that the building mounted lighting  
7 would be motion activated as previously requested by  
8 the board.

9 A. Correct, yes, that would be correct.

10 MR. PAPE: And that is my outline of  
11 your important testimony. The purpose of  
12 redesigning the building was, A, to preserve the  
13 very fine architectural treatment that Mr. Testa  
14 created at the first round, and B, to eliminate  
15 everything that would be commercial and to make the  
16 building 100 percent residential. I think his  
17 testimony supports those revisions. I have nothing  
18 further of Mr. Testa. He is, Madam Chair, available  
19 to the board and your board professionals.

20 THE CHAIRWOMAN: Thank you. Any  
21 questions for Mr. Testa from the board?

22 MS. HUGHES: This is Holly Hughes. I  
23 just want to commend you for taking the time to meet  
24 with the public and taking such a thoughtful  
25 approach to their opinions and their concerns. It's

1 not every day that we see that level of  
2 attentiveness, and it's certainly appreciated, so  
3 thank you.

4 THE CHAIRWOMAN: Thank you. Any other  
5 questions from the board for Mr. Testa?

6 MR. FORSHNER: I have two quick  
7 questions, and they're not necessarily specifically  
8 for Mr. Testa, but I'm not sure there's a better  
9 time to ask them. With regard to the handicapped  
10 parking space, which I understand there's going to  
11 be an approach to council to ask them to convert an  
12 on-street parking space to handicapped, what happens  
13 if that's not converted, if there's not a  
14 handicapped parking space created?

15 MR. PAPE: Mr. French, if you could --  
16 Mr. Forshner, we have designed all of the stalls at  
17 11 feet in width, and we capture the additional  
18 1 foot for each to create a handicapped ramp  
19 alongside one of the units if necessary.

20 MR. FORSHNER: Okay, and perhaps that  
21 would be reflected as a condition of approval. And  
22 then one last question. First of all, I agree with  
23 Holly in her comments, and I love the plan that you  
24 have there as well as the ability to repurpose the  
25 building.

1           The only other question I had is more  
2 informational. The liquor license is just going to  
3 go inactive at this time?

4           MR. PAPE: We'll figure it out.

5           MR. FORSHNER: Okay. No problem.

6           MR. PAPE: Certainly going to be  
7 removed. There's going to be a place-to-place  
8 transfer sometime in the future. It's not going to  
9 stay here.

10          MR. FORSHNER: Understood.

11          MR. PAPE: Thank you.

12          MR. FORSHNER: Thank you.

13          THE CHAIRWOMAN: Any other questions  
14 from the board for Mr. Testa?

15          MR. KOMINKIEWICZ: Yes, Scott  
16 Kominkiewicz.

17          MR. GONZALES-GOMEZ: Mary --

18          MR. KOMINKIEWICZ: Go ahead, Jorge.

19          MR. GONZALES-GOMEZ: Go ahead, Scott.

20          MR. KOMINKIEWICZ: All right. I have a  
21 comment, not really a question, for Mr. Testa and  
22 the applicant. I do commend you on the appearance  
23 of the building, which is a huge improvement for the  
24 neighborhood, and I understand this is just a  
25 rendering, but I sure as heck hope that you keep the

1 idea of the shutters on the upstairs and the awnings  
2 on the street level part of the building. I think  
3 it really helps the neighborhood.

4 THE CHAIRWOMAN: Mr. Gonzales.

5 MR. PAPE: Duly noted, and we'll make  
6 that commitment, sir. We'll make that commitment.

7 MR. KOMINKIEWICZ: Thank you.

8 MR. GONZALES-GOMEZ: Yes, hi, Madam  
9 Chair. Just two questions. You will have seven  
10 parking spaces but eight apartments. How will you  
11 designate what apartment is left without an assigned  
12 parking space?

13 MR. PAPE: We had eight. We have eight  
14 parking spaces.

15 MR. GONZALES-GOMEZ: Well, one of them  
16 is handicapped, so --

17 THE WITNESS: No, there are seven  
18 parking spaces under the building, and we created a  
19 new eighth parking space where the old deck was in  
20 the back of the building. By removing that deck, we  
21 were able to reclaim area on the ground level  
22 outside the garage doors, and we have located an  
23 eighth parking space. The handicapped parking space  
24 on the street is an additional parking space. That  
25 would make nine. I don't think we can count that as

1 part of our parking count.

2 MR. GONZALES-GOMEZ: Okay. Thank you  
3 for that. And in past questions from the members of  
4 the community, there was questions about the  
5 structure of the building. Has a structural  
6 engineer seen the building or evaluated the  
7 capacity, the low capacity of the walls? I know  
8 some of those walls had been plastered.

9 THE WITNESS: Yes, that will be a part  
10 -- a complete part of the next phase if we are  
11 fortunate enough to be granted an approval would be  
12 to have my engineering firm get in there and do a  
13 complete structural evaluation so when we do move to  
14 the next phase of renovating the building to its new  
15 form that will be structurally sound in accordance  
16 with all state and local codes and regulations.

17 MR. GONZALES-GOMEZ: Thank you for that,  
18 and thank you for visiting the community to get  
19 their input.

20 THE CHAIRWOMAN: Any other comments or  
21 questions from the board? Okay. Thank you,  
22 Mr. Testa.

23 THE WITNESS: Thank you.

24 MR. PAPE: Madam Chair, we have one  
25 final witness. May we proceed to Christine Cofone

1 for a brief summary?

2 THE CHAIRWOMAN: Please, go right ahead.

3 MR. PAPE: Thank you. Miss Cofone is  
4 the professional planner who testified at the  
5 February meeting extensively on the use variance and  
6 bulk variance proofs with the reduction of the  
7 intensity of the use. I follow the guidance offered  
8 by Mr. Stahl to be succinct and just to go through  
9 the highlights of her testimony. Could we have Miss  
10 Cofone sworn for this evening, please.

11 THE CHAIRWOMAN: Miss Cofone, are you  
12 with us?

13 MR. PAPE: Christine.

14 MS. COFONE: Hi. How are you, Ken. I  
15 am, yes. Can you hear me?

16 MR. PAPE: We can hear you but not see  
17 you, Christine.

18 MR. STAHL: I'm sorry. I was muted.  
19 Christine, I see you -- I hear you, but I don't see  
20 you, but I know your voice. I'll accept you and  
21 without a photograph --

22 MS. COFONE: Okay.

23 MR. STAHL: -- and I won't have to -- I  
24 won't call your husband to get verification. Miss  
25 Cofone, please raise your right hand.

1

2 C H R I S T I N E C O F O N E, sworn.

3 DIRECT EXAMINATION BY MR. PAPE:

4 MR. STAHL: And please state your name  
5 and just spell your last name, please. There you  
6 are.

7 THE WITNESS: It's Christine. Hi. Here  
8 I am, yes. We don't -- we are moving today so we  
9 don't have internet service in the house. It's  
10 Christine Cofone, C-o-f-o-n-e, Herbert,  
11 H-e-r-b-e-r-t.

12 MR. STAHL: That's good to hear, and you  
13 know -- okay, Miss Herbert has been previously  
14 sworn, I mean previously accepted by the board, and  
15 -- I'm sorry, I'm fumbling. Ken, it's your witness.

16 MR. PAPE: Thank you.

17 Q. So, Christine, when you testified in  
18 February, you took us through the necessary analysis  
19 for use variance relief. Amongst your statements is  
20 you found in the master plan goals that included  
21 repurposing these older buildings and to create a  
22 variety of residential types. You -- those were  
23 your statements made on the record. Would you  
24 confirm that those goals, those purposes continue to  
25 be advanced by the application as it's amended?

1           A.       Yes.  Yes, of course.  Good evening, Mr.  
2       Pape.  I would absolutely stand by my testimony.  
3       The application has gotten substantially more  
4       conforming with the zone plan as it is now, as was  
5       testified earlier, a 100 percent conforming  
6       residential project.  So from a planning point of  
7       view, that actually makes my job this evening much  
8       easier than it was last night or last time we were  
9       together in February because the application is now  
10      only for exclusively residential uses.  And I, too,  
11      like the awnings on the building.  I think that they  
12      give it great curb appeal.  So I am happy to say  
13      from a planning point of view that I think I can  
14      stand by all my prior testimony and that as far as  
15      the negative criteria, I think that that is one of  
16      the biggest application differences between this  
17      application is that when you look at the impact on  
18      the zone plan, this is a substantially more  
19      compliant application because it is exclusively  
20      residential.

21           Q.       Speak briefly to -- by removing the  
22      commercial uses from the building, there is a  
23      dramatic reduction in traffic generation and a  
24      dramatic reduction in the number of parking stalls  
25      required.  Would you comment on how that plays into

1 your comments on the lack of negative impacts. How  
2 is that enhanced?

3 A. Yes, of course. There's also a lack of  
4 potential for conflicts with the residences that are  
5 on the street existing already, so I think that in  
6 addition to reducing the parking demand and reducing  
7 the demand for the people who will be coming to the  
8 area who don't already live there, I think you could  
9 certainly say that this building that we're  
10 proposing now blends more harmoniously with the  
11 existing neighborhood.

12 Q. I have one last. We all commented, the  
13 board members, the board professionals, as well as  
14 the applicants commented the last time about Michael  
15 Testa's building design, and we commented on that it  
16 was an attractive building and that it was much  
17 improved over the building that was there. You  
18 also -- you drew to our attention that that was  
19 consistent with goals of the City of South Amboy  
20 memorialized in their master plan.

21 With the totality of the changes,  
22 elimination of the commercial, reducing it to a  
23 single use, residential, and preserving that  
24 architectural treatment, do you find that the goals  
25 of the city's master plan continue to be advanced?

1           A.       Yes, together with our representation  
2       that we made on the record earlier this evening that  
3       we would build and -- build out the architecture and  
4       the architectural elements that we have shown to the  
5       board, so absolutely I think we would advance those  
6       goals of the master plan, and the board can  
7       certainly impose the conditions on the application  
8       to ensure that they get the architecture and the  
9       curb appeal that the master plan is looking for  
10      through those goals and objectives.

11           Q.       Thank you.

12           MR. PAPE:   Madam Chair, what we have  
13      just done with Christine so efficiently is to do the  
14      highlights of her testimony. All of her testimony  
15      from the February hearing remains part of her  
16      testimony and part of the record. If the board or  
17      any of the professionals wish to hear further or in  
18      greater depth from Miss Cofone, she's prepared to do  
19      so, but we're prepared to rest. That is the  
20      applicant's direct presentation. All of the  
21      witnesses are now available to you for --

22           MR. STAHL:   And all of your witnesses,  
23      Mr. Pape, will remain available for the next few  
24      minutes while we open to the public; is that  
25      correct?

1 MR. PAPE: Yes, sir.

2 MR. STAHL: Thank you, Ken.

3 THE CHAIRWOMAN: Before we do that, Jim,  
4 I'd like to say that I'm certainly satisfied, and  
5 thank you, Miss Cofone, but I will ask, do any of  
6 the board members have any questions specific to  
7 Miss Cofone? I'm looking around. Okay. Any  
8 questions for any of the experts before we -- or  
9 witnesses before we open up to the public? Okay.  
10 Then with that, do I have a motion to open this  
11 session up to the public?

12 MS. KERN: I make a motion, Janet.

13 THE CHAIRWOMAN: Thank you, Janet. Do I  
14 have a second.

15 MR. BARANOWSKI: Second.

16 THE CHAIRWOMAN: George Baranowski,  
17 thank you. At this time, I'd like to open the  
18 meeting up to the public on comments or comments  
19 only on this application only.

20 MR. STAHL: Madam Chair, you just need a  
21 voice vote to confirming the voting on the motion.

22 THE CHAIRWOMAN: All in favor to open up  
23 to the public.

24 MR. STAHL: Thank you.

25 THE CHAIRWOMAN: Any opposed? Okay.

1 I'll open up to the public at this time.

2 MR. STAHL: And I would just ask, as  
3 always -- I don't like to talk too much -- I know  
4 there may be people with your positive or negative  
5 or constructive comments. Please try and keep it to  
6 5 minutes and not necessarily repeat anything that  
7 any prior individual has said. We don't have a hand  
8 here, so as you --

9 THE CHAIRWOMAN: Mr. Kales' mic is on,  
10 and I'm sure he'd like to speak and not use any of  
11 all your minutes you had left over from last time.

12 MR. KALES: Thank you, Mary. Yes, my  
13 name is David Kales, 329 Cedar Street, and I want to  
14 say that everything that --

15 MR. STAHL: Mr. Kales, one second, Mr.  
16 Kales. I just I need you to -- please raise your  
17 right hand.

18

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

20 MR. STAHL: And your name is? Your  
21 first name?

22 MR. KALES: David Kales, 329 Cedar  
23 Street, South Amboy, New Jersey. As everybody from  
24 the board knows, and the owner, I was a big advocate  
25 about what was going on at this building. After the

1 denial, I was contacted by Mr. Testa and the owner,  
2 and they said the biggest thing that we wanted --  
3 everybody said they wanted something, what was the  
4 problem, and throughout the community, I passed out  
5 probably 400 fliers every time a meeting was coming  
6 up, and talking to the public, all I heard was, a  
7 bar and restaurant, there's no parking, bar and  
8 restaurant, no parking, so when they asked me, I  
9 turned around and I said get rid of the bar and  
10 restaurant, and then we can really talk, and he  
11 actually listened to it. The presentation that he  
12 told you today is exactly what he said he was going  
13 to present, no hidden agenda, no nothing. He  
14 came -- he turned around and said I'll get back to  
15 you in a week and I'll explain to you what we're  
16 going to do. He removed the bar and restaurant  
17 completely and made it all residential. They said  
18 that they wanted to do eight apartments, five  
19 one-bedrooms, three two-bedrooms. Again, this isn't  
20 negotiations. We know we're not going to get -- I  
21 said how about six, Mike, and he said, Dave -- I  
22 said four two-bedrooms and two one-bedrooms. He  
23 explained because of structure reasons, fire  
24 reasons, and he said I'll explain to you and show  
25 you with this when you see the plans why he can't do

1 less, you know, he can't make the two-bedrooms but  
2 less one-bedrooms. So I gave him the benefit of the  
3 doubt, and he did explain to me. It has to do with  
4 the people -- fire department entering into bedrooms  
5 and entering, you know, windows that they have to  
6 have different areas. It's all structural. This is  
7 an old building. You can only do so much  
8 structurally with it, and that was a -- that's a  
9 factor that Mr. Gonzales brought up.

10 But what I'm trying to say is, by me  
11 walking around our area, everybody's biggest  
12 complaint was parking a bar and restaurant, and I am  
13 speaking for myself, and I have spoken to numerous  
14 residents. They removed the bar and restaurant, and  
15 I commend him for listening to us. We do not want  
16 this building to be this piece of junk that still  
17 exists. We want this beautiful building, okay.  
18 Yeah, do I want six apartments? Yeah, I wouldn't  
19 want three apartments, but we understand that we  
20 have to at some point understand that this is a  
21 business for the owner, but he's beautifying our  
22 neighborhood. We will now lose -- understand, they  
23 could -- he could just turn around and put two  
24 apartments, go back to the bar and restaurant, and  
25 even try to put a banquet hall and not deal with all

1 this. He's willing to work with us. So us as a  
2 community, you as the planning board, I'm asking you  
3 to work with him, also, all right. Again, I'm  
4 speaking for myself, but I think there's numerous  
5 people. After I met with Mr. Testa, I met with  
6 approximately we'll say approximately 13 to 14  
7 residents in the 200-foot area that is mainly  
8 affected, because I passed out fliers to everywhere  
9 in our area, and everybody knows it. It used to be  
10 a traffic -- not only the bar and restaurant, it was  
11 a traffic issue, the unknown of the bar and  
12 restaurant, how many parking spots, how many -- and  
13 the one thing I said, if you're going to do  
14 eight units, you have to give us at least one  
15 parking spot per unit, and they did, okay, and  
16 everything else -- listen, the planning board does  
17 their job, the construction people do their job, but  
18 he listened to us. He's conceded a lot -- there's,  
19 you know, the potential in what he can make. What  
20 we don't want to do is scare somebody out and let  
21 that building sit there for another 10 years, so as  
22 a planning board, we have to look at everything,  
23 because he could take it to the next level and put  
24 it in somebody else's hands. At least he's willing  
25 to give us a product that represents our

1 neighborhood, and he's willing to work with us as  
2 a -- he's showed he's willing to work by reaching  
3 out. He didn't have to do that.

4 So I'm asking the planning board to  
5 really consider what they did, you know, what we  
6 went from, the first 10 studio apartments, bar and  
7 restaurant with all this, and now we're at eight  
8 apartments, no outside, no patios, no nighttime  
9 life, and at least we know what we -- you know,  
10 there's only so many parking spaces. He's used  
11 every bit of space at this point to put a parking  
12 space.

13 I'm asking the board to really consider  
14 his application at this time. Thank you very much  
15 for your time, and I want to commend, you know, Mr.  
16 Pape, your whole entire team for reaching out to us  
17 and listening, because I thought everybody was  
18 professional, yourself, our community, and the  
19 planning board. Thank you for your time.

20 THE CHAIRWOMAN: Thank you, Mr. Kales.  
21 Anyone else from the public like to be heard? I'm  
22 sorry, the man with the large fish behind you, are  
23 you talking to us. Are you raising your hand?  
24 Okay.

25 UNKNOWN SPEAKER: No, I'm sorry I was

1 just talking to someone in the house.

2 THE CHAIRWOMAN: That's okay. I thought  
3 you had your hand up. Would anyone from the public  
4 like to be heard?

5 MR. SURMAN: If I could, my name is Joe  
6 Surman. I'm here with my mother, Jadwiga Surman.  
7 She's the resident at 309 Cedar Street. I don't  
8 know if you guys need to swear me in.

9 THE CHAIRWOMAN: Yes. Hold on one  
10 second, please. Mr. Stahl.

11 MR. STAHL: Yes, Mr. Surman, just raise  
12 your right hand, please.

13

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

15 MR. STAHL: What's your full name, sir,  
16 your full name, and spell your last name and your  
17 address.

18 MR. SURMAN: Sure. Joseph, J-o-s-e-p-h;  
19 last name is Surman, S-u-r-m-a-n, and I'm here with  
20 my mother. Her first name is Jadwiga,  
21 J-a-d-w-i-g-a, and she's the homeowner at 309 Cedar  
22 Street.

23 MR. STAHL: All right.

24 MR. SURMAN: So I just wanted to say I  
25 agree were what Mr. Kales has said by and large, and

1 I think that this is a much better, you know,  
2 project than what was originally pitched, and I  
3 think that there is, you know, a certain amount of  
4 commendation that needs to be, you know, given to  
5 the owners of the building to keep going back to the  
6 drawing board on this, and I think we're much  
7 happier with this proposal.

8 The only I know concern -- and it was  
9 brought up at one point -- regarding water. My  
10 mother is directly adjacent to this building. My  
11 father before he passed put a retention wall because  
12 we were concerned about water runoff from the  
13 building. I know that -- yeah, into our basement,  
14 and I know that that's something that we're still  
15 concerned about with the new project. I think that  
16 the project, itself, certainly, you know, makes a  
17 lot more sense than what was originally pitched,  
18 and, you know, I hope that the board, you know,  
19 considers it, but I know that that was a particular  
20 concern of ours.

21 Obviously, the structural issues with  
22 the building will be addressed at the next phase, as  
23 was indicated, but I did just want to indicate that  
24 we do have concerns about the water runoff from the  
25 building.

1 THE CHAIRWOMAN: Thank you. Mr. Pape,  
2 is there any response to that that we can provide?

3 MR. PAPE: The answer is yes, there are  
4 two responses. Your construction officials will  
5 make certain that the building design is correct,  
6 and your professional engineer will make certain  
7 that the storm water elements of the site plan are  
8 installed correctly, and with those comments, your  
9 applicant will comply -- will comply with both of  
10 those disciplines, and there should not be any issue  
11 with the stormwater management.

12 MR. SURMAN: Thank you, Mr. Pape.

13 THE CHAIRWOMAN: Thank you, Mr. Pape.  
14 Does anyone from the public have anything else they  
15 would like to either comment or question?

16 MR. GONZALES-GOMEZ: Move to close  
17 public.

18 THE CHAIRWOMAN: I'm going to ask one  
19 more time. Anyone from the public? Okay. At this  
20 point, can I have a motion to close to the public.  
21 Is that Jorge?

22 MR. GONZALES-GOMEZ: Yes.

23 THE CHAIRWOMAN: Thank you. Second?

24 MS. KERN: Second.

25 THE CHAIRWOMAN: That was Janet. All in

1 favor? Okay. At this time we'll close the public  
2 session.

3 Mr. Pape, do you have anything closing  
4 or --

5 MR. PAPE: Very, very briefly, only to  
6 say I think that it's very clear what Mr. Behar has  
7 done with the building. I think it's very clear  
8 that this building now represents a building that  
9 fits in with the neighborhood and enjoys the  
10 neighbors' support. For all of the reasons and with  
11 all of the commitments that have been placed on the  
12 record, we ask that the board consider favorably the  
13 use variance, site plan, and bulk variance relief  
14 request. Thank you.

15 THE CHAIRWOMAN: Thank you. Then at  
16 this time, I will ask do we have a motion to approve  
17 application 411-20, Center SA, 536 Center Street.

18 MS. KERN: I'll make the motion.

19 MR. STAHL: Madam Chair, as I always do,  
20 I seem to always interrupt you, for which I  
21 apologize. I just want to confirm. I had Amy check  
22 while the testimony was being taken. Our records  
23 indicate the following individuals voted on the  
24 denial of the application, and therefore, they would  
25 be the eligible individuals for tonight. If we are

1 wrong, us being Amy and I, please tell us. I have  
2 you, Mary, Scott, George Baranowski, William DeMasi,  
3 Holly Hughes, Jorge Gonzales, Janet -- 2, 3, 4. I  
4 think those were the seven people who participated.  
5 Mr. Forshner did participate, but he was at that  
6 time an alternate, and also Katherine was involved,  
7 but she also may have been an alternate. So there's  
8 seven who can vote because they all were involved in  
9 the prior application and heard the testimony, which  
10 is being incorporated in this application are you,  
11 Mary, Scott, George, William, Holly, Jorge, and  
12 Janet, 1, 2, 3, 4, 5, 6, 7. If I'm wrong and you  
13 didn't vote, please tell us now. Okay.

14 MR. PAPE: Mr. Stahl, I just reviewed  
15 the transcript of the February hearing, and your  
16 recollection -- the statements you've made are  
17 consistent with the transcript.

18 MR. STAHL: Fine, and I think -- I'm  
19 sure I have that transcript, and as soon as Debbie  
20 gets -- and I never rush her -- as soon as I get  
21 tonight's transcript, I'll prepare a motion  
22 depending on what the board's pleasure is -- I mean  
23 a resolution. I'm sorry.

24 THE CHAIRWOMAN: So with that, do I have  
25 a motion?

1 MS. KERN: I make the motion.

2 THE CHAIRWOMAN: That was Janet. Do I  
3 have a second? I'm sorry who was that?

4 MR. KOMINKIEWICZ: Scott Kominkiewicz,  
5 second.

6 THE CHAIRWOMAN: Thank you, Scott. Roll  
7 call, Amy.

8 MS. RUSSO: Chairwoman Mary Szaro.

9 THE CHAIRWOMAN: Yes.

10 MS. RUSSO: Scott Kominkiewicz.

11 MR. STAHL: Wait, wait, stop. Hold it.  
12 I just want to confirm that the board is voting on  
13 the use variance for eight units in a zone that  
14 permits only single-family, and then there's a whole  
15 list of bulk variances per Mr. Valetutto's  
16 November 17, 2021, and I have just two questions for  
17 Mr. Valetutto.

18 Mr. Valetutto, is there a height  
19 variance or no?

20 MR. VALETUTTO: I believe based on the  
21 testimony we heard tonight that we can agree that  
22 there is not going to be a height variance.

23 MR. STAHL: All right, and then there  
24 was an issue that was raised with regard to a  
25 handicapped space and an application to the city.

1                   MR. VALETUTTO: We've had that  
2                   discussion before. Because of the number of  
3                   apartment buildings, they are required to provide a  
4                   handicapped parking space, and we had the discussion  
5                   that it did not have to be on site, that it had to  
6                   be near the entrance, which is what they're doing.  
7                   So they would have to petition the city council to  
8                   convert that on-street parking space into a  
9                   handicapped parking space.

10                  MR. STAHL: A resident -- a resident  
11                  handicapped as opposed to just --

12                  MR. VALETUTTO: At the discretion of  
13                  council. That's not -- we don't have to determine  
14                  whether it has to say resident handicapped parking  
15                  or just handicapped parking, but --

16                  MR. STAHL: Thank you. Thank you very  
17                  much.

18                  MR. FORSHNER: If I might on that issue,  
19                  if they don't get council approval, I think the  
20                  testimony was that they would convert one parking  
21                  spot to handicapped so they can still comply, and I  
22                  would ask --

23                  MR. STAHL: That was my recollection,  
24                  Mr. Forshner.

25                  MR. FORSHNER: Thank you.

1 THE CHAIRWOMAN: Jason, can you remind  
2 us where we are now, because I feel like that's  
3 where we were before.

4 MR. VALETUTTO: Remind you in regards to  
5 what?

6 THE CHAIRWOMAN: For the need for the  
7 handicapped. I thought that was for the prior  
8 application.

9 MR. VALETUTTO: Well, you have an eight  
10 apartment building -- eight-unit apartment building.  
11 I think whenever you go above four units, you  
12 have -- you have to provide a handicapped parking  
13 space. So according to I believe it was Tom Kelly,  
14 we had at a previous application, probably for this  
15 application, it was determined that the parking  
16 space did not have to be on site, that it can be  
17 provided in the street, and that's the whole issue.  
18 Once you're touching in the street, that becomes  
19 city council's authority because it's within the  
20 city right-of-way and city owned property. So we  
21 can grant them the approval subject to them getting  
22 council approval to install that handicapped parking  
23 space on the street, and like Mr. Forshner said,  
24 they had testified -- and Mr. Pape can just confirm  
25 that -- if they don't get council approval that they

1 would be able to convert one of the spaces inside --  
2 see, if they convert one of the spaces inside, then  
3 they're going to be losing a stall, and then I would  
4 be only seven. I don't know if they can convert the  
5 one that's directly opposite the garbage can  
6 location. Then there would be no change to their  
7 variance that they're getting tonight for parking.

8 THE CHAIRWOMAN: Mr. Pape, would you  
9 like to comment on any of that before we continue.

10 MR. PAPE: Sure, only that if we have a  
11 handicapped stall in the building, we still have  
12 eight stalls. One is handicapped. The number is  
13 still a compliant number, and yes, we -- because the  
14 stalls are 11 feet wide, which is (audio disruption)  
15 1 foot wider than is necessary, we could accumulate  
16 the extra 1 foot and put it next to one of the  
17 stalls and create a handicapped stall in the  
18 building.

19 MR. VALETUTTO: Mr. Pape, you need  
20 16 feet wide for a van accessible handicapped  
21 parking space. You only have 11. You're testifying  
22 that you only have 11 feet between spaces.

23 MR. PAPE: Seven stalls that are 11 feet  
24 wide, and if we took 1 foot from each, we could get  
25 the one to be at 16, and all the others are 10.

1                   MR. FRENCH: Yeah, so it may be simpler  
2 just with the exterior parking spot would then  
3 become the handicapped. The only give-back to that  
4 is what I was testifying lawn area on both sides of  
5 that, eliminate that lawn space to get the (audio  
6 disruption) work. We would just look for additional  
7 impervious coverage (audio disruption)

8                   MR. VALETUTTO: Right, I agree with  
9 Mr. French that it really should be the outside  
10 because you're talk -- what I think Mr. Pape is  
11 failing to remember is you have to deal with all  
12 those interior columns, and just because you're  
13 taking space from here, there, and everywhere, it  
14 does -- it's going -- there is going to be some sort  
15 of a shifting of those spaces, and then those  
16 columns are going to come into play. So if you do  
17 the outside space, like Mr. French testified,  
18 unfortunately you're going to have to increase the  
19 impervious coverage, so that would be an increase of  
20 one of the variances that they're requesting.

21                   THE CHAIRWOMAN: So would they have to  
22 come back?

23                   MR. VALETUTTO: Jim words the conditions  
24 appropriately that they have to try to seek council  
25 permission for the parking space out in front, which

1 I don't see why council would have an issue  
2 granting, but if council did have an issue, then the  
3 condition being that they convert that exterior  
4 parking space into a legal van accessible  
5 handicapped space and leave it at that, that that  
6 would be increased to the impervious coverage. I  
7 don't think you need to have the exact number of  
8 what that percentage would be as long as the board  
9 is agreeing to that.

10 THE CHAIRWOMAN: So, Jim, with that,  
11 would you like to go over the conditions and we'll  
12 start again with the vote.

13 MR. STAHL: Yeah. The conditions are  
14 the use variance for eight units where one is  
15 permitted, the list of bulk variances as set forth  
16 in Mr. Valetutto's letter of May 26, 2021, the --

17 MR. VALETUTTO: May 17.

18 MR. STAHL: Thank you. I meant the  
19 17th. The fact that a handicapped space is required  
20 and the applicant will go to the city for an  
21 application to permit a handicapped space on the  
22 street, either a general or a permit handicap. If  
23 he is unable to do so or if the city cannot agree,  
24 then he will have to convert one of the other spaces  
25 on site into a handicapped space.

1 THE CHAIRWOMAN: Okay. Thank you. And  
2 with that, do I have a motion based on those  
3 conditions?

4 MR. VALETUTTO: Mary, can I just add one  
5 thing to what Jim said?

6 THE CHAIRWOMAN: Yes.

7 MR. VALETUTTO: And if they are unable  
8 to provide that handicapped parking space where  
9 indeed it would reduce the parking from eight on  
10 site to seven, then they really would have to come  
11 back before the board unless the board wants to  
12 grant them a variance for seven parking spaces.

13 MR. STAHL: Well, I don't think we can  
14 do that right now because it's sort of -- I don't  
15 think it's appropriate to grant something when it's  
16 not before us. I have to be somewhat positive in my  
17 feeling that this is a nice application. It's a  
18 nice look, even though I don't vote, and I have to  
19 assume that the mayor and council would normally  
20 look positively upon this application. If they  
21 don't, then Mr. Pape will have to come back for a  
22 modification of the approval, of the site plan  
23 approval.

24 MR. VALETUTTO: I totally agree with  
25 you, Jim. I was just trying to look that one step

1 ahead to prevent them from having to come back --

2 MR. STAHL: No, I agree with you.

3 MR. VALETUTTO: -- in the event, you  
4 know.

5 THE CHAIRWOMAN: Okay. Thank you, both.  
6 With that, do I have a motion?

7 MS. KERN: I make a motion, Janet.

8 THE CHAIRWOMAN: Thank you, Janet.  
9 Second?

10 MR. KOMINKIEWICZ: Kominkiewicz, second.

11 THE CHAIRWOMAN: Thank you, Scott. Amy,  
12 roll call.

13 MS. RUSSO: Chairwoman Mary Szaro.

14 THE CHAIRWOMAN: Yes.

15 MS. RUSSO: Scott Kominkiewicz.

16 MR. KOMINKIEWICZ: Yes.

17 MS. RUSSO: George Baranowski.

18 MR. BARANOWSKI: Yes.

19 MS. RUSSO: Holly Hughes.

20 MS. HUGHES: Yes.

21 MS. RUSSO: Janet Kern.

22 MS. KERN: Yes.

23 MS. RUSSO: Jorge Gonzales.

24 MR. STAHL: Doctor Jorge, are you here?

25 THE CHAIRWOMAN: He said yes.

1 MR. GONZALES-GOMEZ: Yes.

2 MR. STAHL: I'm sorry, Jorge.

3 MS. RUSSO: Gary Forshner.

4 MR. FORSHNER: I'm not eligible.

5 MS. RUSSO: William DeMasi.

6 MR. DeMASI: Yes.

7 MS. RUSSO: Roll call complete.

8 THE CHAIRWOMAN: Thank you. Before we  
9 close, I'd like to congratulate the applicant, and  
10 I'd like to commend the applicant as well as all the  
11 professionals. This was really a combined effort.  
12 I'd also like to thank the public. This was I think  
13 a combined effort that they were listened to, they  
14 were heard, they came before, and they, you know,  
15 voiced their opinion, and I see this was a win-win,  
16 so thank you all. Appreciate all of your effort on  
17 this application. So congratulations.

18 MR. PAPE: Madam Chair, I'd like to also  
19 thank the board for allowing the reconsideration  
20 procedure. That gave us this opportunity, and I  
21 think together we achieved a great result. So thank  
22 you, every member of the board, for that  
23 consideration.

24 THE CHAIRWOMAN: Thank you.

25

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

In the Matter of )  
The Application of: )  
CENTER SA, LLC )  
#411-20 )  
536 Center Street )  
Block 136, 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: June 30, 2021

\_\_\_\_\_  
License No. XI001655

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

In the Matter of )  
The Application of: ) Transcript of  
METALINE PRODUCTS COMPANY, INC.) Proceedings  
#391-18A )  
101 North Feltus Street )  
Block 71, Lot 19 )  
-----

Wednesday, June 23, 2021  
Remote Proceedings Via  
GoToMeeting Videoconference

LAND USE BOARD

MARY SZARO, Chairwoman  
SCOTT KOMINKIEWICZ  
GEORGE BARANOWSKI  
HOLLY HUGHES  
JANET KERN  
JORGE GONZALES-GOMEZ  
WILLIAM DeMASI

AMY RUSSO, Recording Clerk  
JASON VALETUTTO, Planner/Engineer

-----  
-----

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

1           A p p e a r a n c e s :

2                           BORRUS, GOLDIN, FOLEY,  
3                           VIGNUOLO, HYMAN & STAHL, P.C.,  
4                           Attorneys for the BOARD

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

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

WITNESS

PAGE

I N D E X T O E X H I B I T S

EXHIBIT NO.

DESCRIPTION

PAGE

1           THE CHAIRWOMAN: So we're going to move  
2 on to the first application, which is application  
3 391-18A, for Metaline. Mr. Downs, I see you're with  
4 us. We're going to do our best to get through this,  
5 and if we knock off, we'll just get back on, and  
6 I'll ask everyone to please try to be as clear and  
7 concise as possible and cross your fingers. Go  
8 ahead, Mr. Downs.

9           MR. DOWNS: Thank you, ladies and  
10 gentlemen. This has been a trying evening so far.  
11 As an update, Metaline has indicated -- and I've  
12 been to the site -- that the signs are in place in  
13 the parking lot. The handicapped sign is up. The  
14 landscaping, the landscaping plants have been  
15 ordered and are ready for delivery, but the  
16 irrigation system has to be hooked up before the  
17 plants -- everything is planted. The electric from  
18 the original application is, according to  
19 Mr. Zilincar, is ready for inspection. And I can't  
20 tell you about Mr. -- about Accurate Concrete  
21 because they -- I got the permit that they were  
22 supposed to take down to the building department on  
23 my desk right as I speak, and I do know that  
24 ProStaff has filed for the zoning permit as well as  
25 filed the papers that Mr. Kelly indicated to me that

1 he wanted, which was a building permit application,  
2 an electric permit application, and fire application  
3 -- fire permit application. They were all submitted  
4 last weekend. They went back and forth for the last  
5 two days about what else needed to be done, and  
6 everything seems to be in order there. So that's  
7 where we are. That's where we left off last month  
8 so that's where we are.

9 MR. FORSHNER: One quick housekeeping  
10 matter. I've recused myself from this application,  
11 so I'll be on mute and off camera.

12 THE CHAIRWOMAN: Okay. Thank you, Gary.  
13 Thank you, Mr. Downs. And remind me, where did we  
14 leave off. I know we were just short of a vote?

15 MR. DOWNS: At that point, Mr. Kelly  
16 wasn't there --

17 MR. STAHL: What happened was, Tom and  
18 board, we were not sure we had six voting members.  
19 Mr. Downs elected to wait until this meeting in  
20 order that we could have seven voting members, and  
21 any missing members should have read and certified  
22 the transcript of the prior -- Amy, whoever (audio  
23 disruption) to go through who is -- to make sure we  
24 have seven votes because that's what Mr. Downs  
25 wanted. Hello.

1 THE CHAIRWOMAN: Amy.

2 MS. RUSSO: Yes, make sure we have seven  
3 votes. I'm sorry. It keeps on cutting in and out  
4 on me. Yes. We will have seven votes.

5 MR. STAHL: Who is the seventh?

6 MS. RUSSO: It would be Chairwoman Mary  
7 Szaro, Scott Kominkiewicz, George Baranowski, Holly  
8 Hughes, Janet Kern, Jorge Gonzales, William DeMasi.

9 MR. STAHL: Who was not here last month?

10 MS. RUSSO: It was Gary, but he is not  
11 voting, and George Baranowski, but he has already  
12 read the transcript and submitted his certification  
13 to me.

14 MR. STAHL: All right, so just for the  
15 record, Mr. Baranowski has read the transcript of  
16 the last meeting on Metaline. He has signed the  
17 appropriate certification, and that is in your  
18 possession; is that correct, Amy?

19 MS. RUSSO: Yes.

20 MR. STAHL: All right, so we have seven  
21 appropriate eligible voting members. All right.  
22 Thank you.

23 Mary, Madam Chairwoman, I think it's  
24 appropriate that either if there's no question,  
25 someone has to make a motion. There has to be a

1 second, and then if there's any discussion on the  
2 application together with any conditions that the  
3 board would want to be entertained.

4 THE CHAIRWOMAN: Jason.

5 MR. VALETUTTO: I just wanted to bring  
6 up -- I don't know if we fully hashed out with  
7 Mr. Downs and Mr. Zilincar my suggestion about the  
8 emergency access, that hallway in the back, only be  
9 one directional. I know Mr. Downs had expressed  
10 (audio disruption) of his own office as a concern.  
11 I know there was talks of, oh, where are my office  
12 employees going to be able to go outside and smoke  
13 and come back in. I just want to be clear on that  
14 emergency access hallway, if that has ever truly  
15 been hashed out, that that will be one directional  
16 doors and only -- and for emergency access, that  
17 that door is not to be used for ingress or be  
18 propped open for people to go smoking. Really  
19 should be completely for fire safety only.

20 MR. DOWNS: As far as I'm concerned,  
21 Miss Szaro, that's the only way I can move in there  
22 because I have things -- and Mr. Stahl -- and you  
23 can sympathize with this. I have things that are  
24 privileged, and I have trust account checks and  
25 things of that nature that I don't want anybody to

1 have any ability to access them, so that's going to  
2 be an emergency exit only. Panic bar going out.

3 THE CHAIRWOMAN: So do we need to  
4 identify the conditions?

5 MR. STAHL: If I may, Madam Chairwoman,  
6 Jim Stahl speaking. The variances that I'm aware of  
7 are the number of businesses within a business --  
8 within a unit, maximum one unit. There are  
9 three units, so that is a use variance. Bulk  
10 variances are maximum sign signage, one unit  
11 permitted, three units proposed. Minimum off-street  
12 parking, 42 required, 10 proposed. I would indicate  
13 that Mr. Downs took the position that there's not a  
14 use variance and provided with a case that once I  
15 had I was familiar with it, and with all due respect  
16 to Mr. Downs and Mr. Tom Sheehan, who may have  
17 assisted him, I don't think that the case is  
18 applicable to this set of facts, and the board has  
19 already entertained the facts, so they should make a  
20 decision.

21 Jason, are there any other variances or  
22 waivers that you're aware of?

23 MR. VALETUTTO: No, you listed all of  
24 the variances accurately. I was going to make two  
25 suggestions as far as considerations for the board

1 when they do make the vote that if they do vote in  
2 the positive that they -- that the building for  
3 Metaline has to be completely closed out as far as  
4 the inspections from the building department and all  
5 the permits that Mr. Kelly has required them to  
6 submit as well as the inspections of the parking lot  
7 from my office for all the signage and the  
8 landscaping and whatnot.

9 And then the second part was the  
10 variance for the parking. They previously received  
11 the variance based on a permitted occupancy of the  
12 building of 23 employees on site at any one time.  
13 We heard testimony last week -- or last month -- I  
14 apologize -- that Metaline has a maximum of eight  
15 employees on site. Currently ProStaff has a maximum  
16 of eight people on site, so that's 16. That would  
17 leave a possible seven employees for Mr. Downs.  
18 Mr. Downs did testify that it is himself, a  
19 secretary, and he would possibly be hiring in the  
20 future a part-time secretary. That would be three  
21 occupants on his staff, plus he would need a couple  
22 of people that have hired him that were going to  
23 come to his office. So I would think that the board  
24 should condition Mr. Downs' office during business  
25 hours possibly to a maximum of six, allowing

1 ProStaff to go back to nine people, so there would  
2 be occupancy of Metaline, eight; ProStaff, nine; and  
3 Mr. Downs, six; and then after hours, Mr. Downs had  
4 testified that he has in the evenings meetings such  
5 as this on the computer where he may have more than  
6 he would be permitted, which would be acceptable  
7 because people from ProStaff and people from  
8 Metaline will have already vacated the building for  
9 the day so they would not be exceeding the maximum  
10 23 people -- 23 occupants of the building.

11 THE CHAIRWOMAN: Mr. Downs, your  
12 thoughts?

13 MR. DOWNS: I don't really have much of  
14 a problem with that, but as we -- as was testified,  
15 there are substantial amount of on-street parking  
16 places that are in the area. That's what the  
17 concern is, parking. It is an area that's well  
18 developed, as everyone knows. The Monkey Bar is the  
19 big parking problem there at night when they're  
20 going great guns. That's another thing. I wouldn't  
21 be there when they're having their entertainment.

22 MR. VALETUTTO: The one thing, Tom, that  
23 you're forgetting -- or maybe not forgetting -- this  
24 already was given approval for a use variance for  
25 the parking based on a maximum of 23 occupants in

1 the building, and that's all I'm trying to make this  
2 as simple as possible to the board, and as long as  
3 the occupancy does not exceed the 23, then there  
4 really isn't much of a decision to be made.

5 MR. DOWNS: Okay, I understand that, but  
6 if I have seven and ProStaff only has eight, you're  
7 limiting me to six parking spaces when there's --  
8 the wild card is ProStaff only has eight.

9 MR. VALETUTTO: Mr. Downs, the property  
10 is already limited by the previous approval, and --

11 MR. DOWNS: You're not telling me  
12 something I don't know, Jason. I'm just indicating  
13 that you're limiting my parking from six -- down to  
14 six and his up to nine when they testified there's  
15 only eight. That's the point that I'm making.

16 MR. VALETUTTO: Not talking about park  
17 -- Mr. Downs, I'm not talking about the parking lot.  
18 The parking lot is not growing from 10. It's the  
19 occupancy in the building.

20 MR. DOWNS: Never mind. Just go.

21 MR. VALETUTTO: Trying to help you, but  
22 again, you tried to get in the way.

23 THE CHAIRWOMAN: Does anyone from the  
24 board have any other questions?

25 MR. KOMINKIEWICZ: Yes, I would just

1 like clarification from Jason's comment regarding if  
2 we were to vote in the positive for this application  
3 how that would impact the inspections by the city;  
4 is that correct?

5 MR. STAHL: Not going to impact the  
6 inspections. There were outstanding inspections  
7 that we had some issues with that Mr. Downs  
8 represented COVID had delayed some, but I think  
9 Jason's recommending a motion include that all  
10 permits, all signage and all open items be resolved  
11 prior to a CO being issued; am I correct, Jason?

12 MR. VALETUTTO: The way the board -- the  
13 way the board discussed this was they wanted the  
14 original approval closed out, so the way it closed  
15 out is you get all those inspections done, you get  
16 the CO of what's existing, and then Mr. Downs can go  
17 ahead and do his modifications to the storage space  
18 on the first floor. Until they're closed out,  
19 they're still illegally occupying that building, and  
20 the board wants this to be legalized, so I don't  
21 think the board wants to give them an approval until  
22 they want to legalize what is already there. So  
23 that's what the suggestion was, that if they vote  
24 for a positive that it be conditioned upon all that  
25 stuff be legalized, and then Mr. Downs can go ahead

1 and do all his renovations.

2 THE CHAIRWOMAN: So if I understand,  
3 when I call for a motion, I'll request a motion for  
4 approval with the conditions that all open items be  
5 resolved prior to the CO.

6 MR. VALETUTTO: I think the previous  
7 approval.

8 MR. DOWNS: I need a point of  
9 clarification, Miss Szaro. Are you talking about  
10 the start of your renovations before -- all permits  
11 to be closed up before I start my renovations, or  
12 are we talking about that I don't get a certificate  
13 of occupancy until all the permits are closed out?

14 MR. STAHL: I think Mr. Valetutto's  
15 position -- and I understood to be -- that you can  
16 draw building permits -- essentially you require  
17 them, and you can do that, but no CO will issue for  
18 additional tenants until everything is closed out.  
19 Am I correct, Madam Chairlady and Mr. Valetutto?

20 THE CHAIRWOMAN: I defer to Jason.

21 MR. VALETUTTO: The way I understood it,  
22 Jim, was the board wanted everything done from that  
23 original approval, and that includes everything that  
24 ProStaff did to the building and everything Metaline  
25 did to the building. So they have to get all those

1 final inspections and get the CO for those places  
2 first before Mr. Downs can even do renovations to do  
3 his own office. I mean, the board is -- if the  
4 board grants the approval, they're giving -- it's  
5 almost like they're putting the cart before the  
6 horse. You have to finish one before you start the  
7 other.

8 THE CHAIRWOMAN: Mr. Downs, do you know  
9 offhand -- and we brought this up at the last  
10 meeting, and I think that was one of the concerns of  
11 the board was the fact that there were some  
12 lingering outstanding items, but it seems like those  
13 have been or will shortly be taken care of. So if  
14 we do put those stipulations on there, I mean, you  
15 should be close to closing out everything, correct?

16 MR. DOWNS: Here's the thing. The  
17 electrical permit is ready for inspection. That has  
18 to be closed out. The landscaping is the big  
19 bugaboo, but the landscaper has now indicated he  
20 needs to have the irrigation or you're putting in  
21 all the landscaping and it's going to die. I  
22 understand that. So that's where the getting water  
23 to the opposite side of the parking lot is the  
24 issue. That's one thing that Mr. Valetutto's office  
25 is going to be inspecting.

1           My position is or what I'm advocating is  
2           that I can draw my permits but I just can't move in  
3           until everything is closed out. Then we can move  
4           that simultaneously, because it does take a long  
5           time to get inspections from the city because of the  
6           construction that's going on down in Manhattan Beach  
7           at this point.

8           THE CHAIRWOMAN: And I would imagine the  
9           landscaping isn't as important, but you would want  
10          to make sure that all the electric was as it should  
11          be and inspected before you move in.

12          MR. DOWNS: And I'm going to do need to  
13          do my own electric permit (audio disruption)

14          THE CHAIRWOMAN: Please, everyone mute.  
15          Jason, what is the wording that we can --

16          MR. VALETUTTO: Well, Mr. Downs wants to  
17          be able to go in, draw his permits, and start doing  
18          renovations before the building prior to him  
19          occupying is legalized. So it's the decision of the  
20          board whether they want -- if they're going to allow  
21          him to have his office there, does he have the  
22          ability to go in now and do the renovations while  
23          they're trying to legalize the previous approval, or  
24          does the board want the previous approval fully  
25          legalized before Mr. Downs goes in to do his

1 renovations. That's the two -- and then also, like  
2 I said, the occupancy of the building being a  
3 maximum of 23, however the board splits that up.  
4 We've already heard the testimony of what each use  
5 requires.

6 THE CHAIRWOMAN: Do we need to split  
7 that up, or can we just say 23?

8 MR. VALETUTTO: Jim.

9 MR. STAHL: Say that -- I'm trying to --  
10 do we have to split.

11 MR. VALETUTTO: The previous  
12 resolution --

13 MR. STAHL: I would think --

14 MR. VALETUTTO: The previous resolution  
15 had split up between how many employees were on site  
16 for each business. Question is do we need to do  
17 that again for this resolution, or do we take a  
18 maximum occupancy of the entire building as 23 and  
19 leave it at that.

20 MR. STAHL: Well, I think that would be  
21 the way to do it, but that's, you know, that's the  
22 board's parameter. I don't have a problem with it.  
23 You know, just one number.

24 THE CHAIRWOMAN: Well, I'm trying to  
25 kind of meet in the middle, but again, I do think --

1 and I am still mindful of the fact that there were a  
2 lot of things that needed to be done. They did get  
3 done. There is still outstanding. And again, the  
4 landscaping doesn't concern me as much as the  
5 electrical inspection, but what does the rest of the  
6 board think?

7 MR. KOMINKIEWICZ: I'm curious -- this  
8 is Scott Kominkiewicz. The prior approval, prior --  
9 somebody's got their mics open. This is really  
10 annoying. The prior approval you're talking about,  
11 is that the one from about 2 years ago when we let  
12 Metaline divide the building? I remember -- I  
13 recall there was an issue -- we talked about  
14 enforcement really not being in the bailiwick of our  
15 board. That's where I have the holdup. I mean, I  
16 want to move our business -- make the applicant know  
17 what the expectations are and then let the  
18 enforcement people do their job, and if they deem it  
19 so that there shouldn't be a CO, there shouldn't be  
20 a CO. I don't want to be a code enforcement person  
21 on one hand, but on the other hand, I want to make  
22 sure this is -- this application is right for the  
23 city and for the applicant.

24 THE CHAIRWOMAN: I would be okay with  
25 trying to move it forward again with the 23 total

1 and not getting into the -- not, you know, dropping  
2 it into who's doing what, and -- but I do -- I'm  
3 going to stick with at least the electrical  
4 inspection, and, I mean, I think that other than  
5 that, the rest of the conditions should be  
6 completed.

7 So with that, I'm going to ask someone  
8 for a motion and based on the conditions, I will ask  
9 Jim one more time to outline those conditions and  
10 then ask for a motion and a second.

11 MR. STAHL: Madam Chairlady, since we  
12 have opened up this application and before we make  
13 the motion and since we've discussed certain things,  
14 I think we should open it to the public, and they  
15 should be made aware that this is only as to  
16 Metaline and if they have any comments or questions,  
17 keeping it to 5 minutes with no repetition. That's  
18 what I would like us to do.

19 THE CHAIRWOMAN: Certainly. Do I have a  
20 motion to approve -- open up to the public only on  
21 this application for Metaline.

22 MS. KERN: I make a motion.

23 THE CHAIRWOMAN: Thank you, Janet.

24 Second?

25 MR. BARANOWSKI: Second.

1 THE CHAIRWOMAN: Who was that, George?  
2 Okay. At this time, is there anyone from the public  
3 who would like to speak only on the Metaline  
4 application? One more time, anyone on the Metaline  
5 application? Okay. Do I have a motion to close.

6 MS. KERN: Motion to close, Janet.

7 THE CHAIRWOMAN: All in favor. Thank  
8 you, Jim. So now, Jim, can you outline the  
9 conditions and I will ask for a motion and we'll  
10 take a vote.

11 MR. STAHL: All right. We have the use  
12 variance to permit the more than one use in a  
13 building, number 1. We have the variance to permit  
14 the maximum signage for three units as opposed to  
15 that permitted at one. We have the minimum  
16 off-street parking, allowing 10 in lieu of the 42  
17 required. We've indicated that prior to the  
18 issuance of a CO, all open permits and approvals  
19 necessary by way of either the prior approval or the  
20 current approval must be completed prior to any  
21 certificates of occupancy for additional use of the  
22 premises. We also indicated that -- Jason, you need  
23 to help me on this one with regard to the occupancy.  
24 We changed the numbers several times.

25 MR. VALETUTTO: It's going to be an

1 occupancy of 23 maximum in the building at one time.

2 MR. STAHL: I think that is it.

3 THE CHAIRWOMAN: Thank you. Do I have a  
4 motion?

5 MS. KERN: Motion, Janet.

6 THE CHAIRWOMAN: Thank you. Do I have a  
7 second.

8 MR. DeMASI: Second.

9 THE CHAIRWOMAN: Roll call, Amy.

10 MS. RUSSO: Chairwoman Mary Szaro.

11 THE CHAIRWOMAN: Yes.

12 MS. RUSSO: Scott Kominkiewicz.

13 MR. KOMINKIEWICZ: Yes.

14 MS. RUSSO: George Baranowski.

15 MR. BARANOWSKI: Yes.

16 MS. RUSSO: Holly Hughes.

17 MS. HUGHES: Yes.

18 MS. RUSSO: Janet Kern.

19 MS. KERN: Yes.

20 MS. RUSSO: Jorge Gonzales.

21 MR. GONZALES: Yes.

22 MS. RUSSO: William DeMasi.

23 MR. DeMASI: Yes.

24 MS. RUSSO: Roll call complete.

25 THE CHAIRWOMAN: Okay. Thank you. That

1 completes this application. Thank you, Mr. Downs.

2 MR. DOWNS: Thank you, ladies and  
3 gentlemen. I appreciate your help. Thank you very  
4 much. Have a good evening.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

In the Matter of )  
The Application of: )  
METALINE PRODUCTS COMPANY, INC.) CERTIFICATE  
#391-18A )  
101 North Feltus Street )  
Block 71, Lot 19 )  
-----

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: June 30, 2021

\_\_\_\_\_  
License No. XI001655

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

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

Wednesday, June 23, 2021  
Remote Proceedings Via  
GoToMeeting Videoconference

LAND USE BOARD

MARY SZARO, Chairwoman  
SCOTT KOMINKIEWICZ  
FRED HENRY, Mayor  
THOMAS REILLY  
THOMAS KELLY  
GEORGE BARANOWSKI  
HOLLY HUGHES  
JANET KERN  
JORGE GONZALES-GOMEZ  
GARY FORSHNER  
WILLIAM DeMASI  
  
AMY RUSSO, Secretary  
JASON VALETUTTO, Planner/Engineer

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

**COPY**

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

2 BORRUS, GOLDIN, FOLEY,  
3 VIGNUOLO, HYMAN & STAHL, P.C.,  
Attorneys for the BOARD

4 CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC  
Attorneys for the APPLICANT  
5 By: SALVATORE ALFIERI, ESQUIRE

I N D E X

<u>2 WITNESS</u>	<u>PAGE</u>
3 MARY PORCELLO	
4 DIRECT EXAMINATION BY MR. ALFIERI	6
5 ROBERT KEE	
6 DIRECT EXAMINATION BY MR. ALFIERI	17
7 JOANN MONTERO	
8 DIRECT EXAMINATION BY MR. ALFIERI	23
9 JUSTIN AUCIELLO	
10 DIRECT EXAMINATION BY MR. ALFIERI	37

I N D E X T O E X H I B I T S

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
--------------------	--------------------	-------------

1 THE CHAIRWOMAN: Next application up is  
2 408-20, Brian Vallee, Ken Barton, and Charnie Stein,  
3 and this is for the property on 167 North Broadway.

4 Mr. Alfieri, you have the floor.

5 MR. ALFIERI: Thank you.

6 MR. STAHL: Before he gets the floor,  
7 Madam Chair, if I may, this is an application that  
8 was original -- was begun I think in January 2021.  
9 I just checked the transcript. Mr. Alfieri has come  
10 back in for -- with his client with the changes  
11 based upon some reports of Mr. Jason Valetutto.  
12 This is in a redevelopment zone, and as such, unless  
13 I'm told differently, Mr. Alfieri is going to seek  
14 deviations from minimum lot width, maximum lot  
15 coverage, minimum off-street parking, and maximum  
16 density, and I've indicated that they came back in  
17 with changes and based upon comments and  
18 contributions made by Mr. Valetutto.

19 We do have jurisdiction. There was no  
20 vote on this, so I will check later on to see who is  
21 eligible to vote tonight based upon their -- who was  
22 ever present at the prior testimony. Okay. That's  
23 all I have.

24 MR. ALFIERI: Thank you, Mr. Stahl. By  
25 way of brief (audio disruption) since the last

1 hearing, we submitted revised plans, and as your  
 2 engineer indicates, many or if not all, most of his  
 3 comments from his January 7, 2021, letter have been  
 4 addressed. There are some technical comments that  
 5 we still need to address through testimony, but we  
 6 also -- by changing the plans to address his  
 7 comments, we also reduced the number of residential  
 8 units to two units instead of three, which were  
 9 presented at the last hearing. In addition, we  
 10 can't provide -- there's no land area available to  
 11 park on site, but we did make arrangements with the  
 12 First Presbyterian Church across the street to get  
 13 three parking spaces from them to use for our  
 14 occupants, and as a result of that, I'd like to  
 15 first introduce Mary Porcello. She should be on the  
 16 call. She is an elder at the church, and I wanted  
 17 her to provide very brief testimony.

18 Mary, are you on?

19 MS. PORCELLO: I am on.

20 MR. ALFIERI: Jim, you're muted.

21 MS. PORCELLO: Can you hear me?

22 MR. ALFIERI: Yes. Jim, you're muted.

23 MR. STAHL: I'm trying to be a good  
 24 officiant. Mary, are you on, or are you just a  
 25 telephone?

1 session meeting, asked for parking spaces, and we --  
 2 everything ensued from there. So wherever you want  
 3 me -- whatever you want me to answer from there, I  
 4 shall do so.

5 Q. When you say everything ensued from  
 6 there, what was the end result of that meeting with  
 7 the elders, and what decision did the elders reach?

8 A. They provided us with the information.  
 9 To come into the community, they would need parking  
 10 spaces. We listened, told them we would take it  
 11 under advisement and get back to them. That was at  
 12 the February meeting. We did, and the March meeting  
 13 it was agreed that I could notify them via the  
 14 letter -- a letter stating that we were happy to  
 15 welcome them into the community if we could help by  
 16 offering them parking spaces, which I did give that  
 17 such letter.

18 Q. And --

19 A. Go ahead.

20 Q. I'm sorry, Mary. I didn't mean to  
 21 interrupt you. You can continue.

22 A. In any case, I have now been waiting and  
 23 hoping for this night so that we could officially  
 24 welcome them into the community.

25 Q. And you've agreed -- the church has

1 MS. PORCELLO: On the phone.

2 MR. STAHL: All right. Well, I'm -- can  
 3 you put your -- can you -- can we see you, or do you  
 4 not have that capability?

5 MS. PORCELLO: I cannot get in via the  
 6 go meeting so I got on the phone.

7 MR. STAHL: That's fine. You're not a  
 8 professional witness. I will deal with that. Will  
 9 you please raise your right hand.

10  
 11 MARY PORCELLO, sworn.

12 DIRECT EXAMINATION BY MR. ALFIERI:

13 MR. STAHL: Will you please tell us your  
 14 name and spell your last name.

15 THE WITNESS: Mary Porcello,  
 16 P-o-r-c-e-l-l-o.

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

18 MR. ALFIERI: Thank you.

19 Q. Mary, can you first of all advise the  
 20 board that -- what your position is with the First  
 21 Presbyterian Church.

22 A. I am an elder with the First  
 23 Presbyterian Church. In quick order, the standing  
 24 of the church is elders govern the church;  
 25 therefore, Mr. Barton and Brian Vallee came to a

1 agreed to allow them to use three parking spaces; is  
 2 that correct?

3 A. Three parking spaces, one of which is  
 4 handicapped.

5 Q. Okay, and those spaces would be  
 6 designated for their use, for the use of the  
 7 occupants of the property; is that correct?

8 A. That is correct.

9 Q. Okay.

10 MR. ALFIERI: That's all we have, Madam  
 11 Chair, of this witness.

12 MR. STAHL: If I may ask a few  
 13 questions, Madam Chair --

14 THE CHAIRWOMAN: Certainly.

15 MR. STAHL: -- to assist. It's Mary,  
 16 right?

17 THE WITNESS: Yes.

18 MR. STAHL: Okay. I wanted to get the  
 19 right name. Mary -- and there's no wrong answer  
 20 here. I mean, are the developers making any  
 21 contribution or payment for the use of those spaces?

22 THE WITNESS: No, sir, they did not  
 23 offer. We could not ask. There is no monetary. We  
 24 are a church. We cannot be in the business of  
 25 renting anything other than our school that's on our

1 property.

2 MR. STAHL: I understand, because you  
3 could lose your tax exempt status I assume if you  
4 had a business there. I understand. Thank you for  
reminding me, Mary.

6 And are you going to enter into -- what  
7 type of a commitment are you going to have? Is it  
8 going to be a written lease over time? Mr. Alfieri,  
9 make you can answer that question.

10 MR. ALFIERI: We have discussed that  
11 briefly with the -- with Mary specifically, and she  
12 indicated to us that whatever the board required  
13 they would certainly consider. They would rather  
14 keep it informal, but if there's something formal  
15 required, they would certainly consider that.

16 MR. STAHL: Well, the only concern --  
17 and I'm trying -- my role is to help the board to  
18 make decisions and not to make trouble for you. I  
19 mean, without -- I mean, I would honor the  
20 commitment of a church, this church, in this city.  
21 I don't want the board to be concerned that if some  
22 day there is a change of elders and the elders say,  
23 oh, we changed our mind, we don't want you here  
24 anymore, so I think the board just has to be  
25 comfortable that there is a commitment for those

1 mind is whatever you -- and I would just certainly  
2 suggest you document that, and if it's in your  
3 minutes, I don't think the board -- and speaking for  
4 myself -- you know, would require what that needs to  
5 look like or how formal it needs to be, but I think  
6 just for, you know, posterity sake, just to outline  
7 it, because I'm wondering if that building is sold,  
8 you know, does this -- does this go with the sale,  
9 you know. Just little things like that to think  
10 about, but I think it's a very generous offer.

11 THE WITNESS: Okay, Mary, I'm going to  
12 address what you just said because most people in  
13 our town don't know our wonderful -- we're very rich  
14 in history in South Amboy as well as the (inaudible)  
15 community.

16 THE CHAIRWOMAN: I know it, Mary. I'm  
17 the president of the Historical Society.

18 THE WITNESS: Okay. Well, let me just  
19 share this with you just in case you missed this one  
20 tidbit. My church, if we stop being a church, we  
21 would have to give the property back to Camden Amboy  
Railroad.

22 THE CHAIRWOMAN: Yes.

24 THE WITNESS: So if that happens, if I  
25 have to give back my church, if I were in my grave,

1 three spaces. That's all. I also assume Jason will  
2 have information that the use of three spaces will  
3 not in any way impact the previous approvals for the  
4 church and the parking requirements. Again, I'm not  
5 trying to be an obstructionist. I just want to  
6 answer the questions for this very fine board.  
7 That's all I have, Mary.

8 THE WITNESS: I can answer that if you  
9 would like me to.

10 MR. STAHL: I meant Mary -- oh, yes, go  
11 ahead Mary.

12 MR. VALETUTTO: Chairwoman Mary, not  
13 Elder Mary.

14 THE WITNESS: So as to anything that we  
15 put in writing -- it's known as our minutes -- and  
16 any -- well, a few of you are very familiar with who  
17 we are at the church. I could take you right to our  
18 building tomorrow and show you paperwork that were  
19 minutes that we have to live by since we were  
20 founded in 1864, so it's little chance of them  
21 changing their mind.

22 MR. STAHL: Thank you very much, Mary.  
23 Madam Chair, it's yours.

24 THE CHAIRWOMAN: Yes, and thank you,  
25 Mary. The other thing, though, that just comes to

1 somebody would be in a lot of trouble, but then  
2 indeed I couldn't do anything about parking spaces  
3 because I'd be fighting for the whole property.

4 THE CHAIRWOMAN: And we certainly have  
5 nothing but the utmost respect. In fact, my great  
6 great grandfather was buried from your church in  
7 1908. But be that as it may, I'm just wondering  
8 that the details, such as, again, if this property  
9 is sold, you know, would it still -- would the next  
10 tenant or the next owner so be, you know, you would  
11 still abide by that. Just something to think about,  
12 but again, I don't -- I'm not going to suggest that  
13 we get into any of that. I think it's a wonderful  
14 generous offer, you know, for you to work with the  
15 applicants.

16 MR. STAHL: Well, Madam Chair, I'm going  
17 to recommend to Mr. Alfieri, who's been around a  
18 while and knows what to do, that he would assist  
19 them in crafting minutes. I don't want any deed  
20 restrictions or anything, just minutes that they  
21 would adopt and say this is what we want to do,  
22 we're committed to helping our neighborhood, and  
23 it's our intent that this remains, you know, forever  
24 or however Mr. Alfieri wants to frame the language,  
25 that would be acceptable to the board.

1 MR. ALFIERI: That's fine, Mr. Stahl.  
 2 We will do that. And the church has been wonderful  
 3 to work with, and I'm sure we can come up with  
 4 something that would satisfy everyone.

THE CHAIRWOMAN: Jason, you had a  
 6 question?

7 MR. VALETUTTO: Yeah, I had actually two  
 8 comments. I think it is wonderful, and I'm not  
 9 trying to impede, but there's two things that need  
 10 to be considered. One, in the past, I know that  
 11 this came about where an applicant tried to rent  
 12 spaces from a church. It was not Presbyterian. I  
 13 believe it was -- I don't know what the religion  
 14 was, but I believe it was governed by the diocese,  
 15 and ultimately, the board could not accept it  
 16 because of what has been brought up that what  
 17 happens if there's a turnover in regards to bishop  
 18 or anything of that nature, how this goes about. I  
 19 understand, and I'm thankful for the history lesson  
 20 on the Presbyterian church what Elder Mary said that  
 21 they do have their own minutes that go with it, so I  
 22 would feel comfortable with that as long as the  
 23 board feels comfortable.

24 The issue that I have, though, is from a  
 25 land use perspective is the requirement of parking

1 again, and someone is going to say you're now -- you  
 2 got to go -- come back in and get -- give us  
 3 parking. I mean, that could happen in 20 or  
 4 30 years, and except for some of the young  
 5 buckaroos, us old guys won't be here to worry about  
 6 it. But, you know, I understand that, and that's  
 7 something we have to consider.

8 MR. KOMINKIEWICZ: As a board member, I  
 9 also have the same thoughts regarding having a third  
 10 party agreement for parking, and I can just tell you  
 11 that right now I am happy that such a cooperation  
 12 exists between the church and the applicant, but as  
 13 a voting member of the board, I would -- I'd  
 14 recommend that we not consider that as fulfilling  
 15 the parking requirement for this application and  
 16 that we just we judge the application on its merits  
 17 otherwise.

18 MR. FORSHNER: Scott, I think what  
 19 you're getting at is really there's no opportunity  
 20 to do parking here anyhow, and if we want this site  
 21 redeveloped, we just have to accommodate the  
 22 variance. If they can get the additional parking --  
 23 and obviously I think we want to encourage that --  
 24 that's a wonderful thing, but I don't know that  
 25 we're really in a situation where, even if they

1 for the church, itself. You're now reducing the  
 2 church parking lot by three, and you have the church  
 3 use, and I believe I heard that there was a school  
 4 there, so there's also a school use. We don't have  
 5 any sort of plans of the church parking lot to know  
 6 how many legal spaces are out there or the size of  
 7 the church or the workings of the school to  
 8 determine what the minimum requirement of parking is  
 9 for the church. So everyone -- this is a wonderful  
 10 offer, and it's a great offer, but we also have to  
 11 look at it from a land use perspective. We need to  
 12 make sure that the church is not creating their own  
 13 variance by giving these three spaces the new  
 14 hopefully approved application.

15 MR. STAHL: And, Jason, that's why I  
 16 brought that up with regard to -- because, you know,  
 17 we've all been -- when I say all, the professionals,  
 18 Mr. Alfieri -- we've been involved with, you know,  
 19 joint parking, shared parking, and what happens in  
 20 the future, but what's going to happen if the church  
 21 takes back the parking, what's going to happen --  
 22 and the resolution will so indicate -- I think that  
 23 the owners are going to have to come back in -- I  
 24 mean, it's haunted me in other towns -- all of a  
 25 sudden, the resolution is going to pop back up

1 didn't have the parking that other than short of  
 2 saying we don't want to see the site redeveloped, we  
 3 basically have to acquiesce to that. Is that a fair  
 4 summary?

5 MR. KOMINKIEWICZ: Yes.

6 MR. ALFIERI: And that's -- can you hear  
 7 me okay? Okay, I'm sorry. That's fine. I  
 8 understand the board's position. We wanted to at  
 9 least demonstrate that we've done all we could to at  
 10 least address the comment to the extent possible,  
 11 but again, we can't provide on-site parking, and  
 12 this will hopefully allay some of the concerns from  
 13 an operational point of view, but we do still have  
 14 to support the variance because we do not have  
 15 on-site parking, and the ordinance requires on-site  
 16 parking, not off-site parking.

17 And if there's no other questions for  
 18 Mary, we would like to briefly call up our engineer  
 19 and then our architect to just address the changes  
 20 that were made since the last meeting, and then our  
 21 planner, who did not testify, will provide the  
 22 necessary planning testimony.

23 THE CHAIRWOMAN: Are there any other  
 24 questions for Mary?

25 MR. VALETUTTO: I don't think there's

1 other questions for Elder Mary, but I think we do  
2 still have to address the land use portion of we  
3 cannot create a parking variance on the church  
4 parking lot if they give the three parking spaces to  
5 the application.

6 THE CHAIRWOMAN: So then we'll say thank  
7 you very much to Mary and move ahead as if there is  
8 no parking.

9 MR. ALFIERI: That's fine.

10 THE CHAIRWOMAN: All right.

11 MR. VALETUTTO: For now.

12 MR. ALFIERI: Thank you. I'd like to  
13 now call Robert Kee. Bob, I see you.

14 MR. KEE: I'm here.

15 MR. ALFIERI: Okay. And Bob, you were  
16 -- Jim, do you want to reswear him.

17 MR. STAHL: Yeah, I'm just looking for  
18 him. Mr. Kee, will you raise your right hand.

19  
20 R O B E R T K E E, sworn.

21 DIRECT EXAMINATION BY MR. ALFIERI:

22 MR. STAHL: And spell your name, your  
23 first name -- your last name, and it's very easy,  
24 but spell is for us anyway.

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

1 conform to your engineer's recommendations. We  
2 added additional construction details to (audio  
3 disruption) but most importantly, the rear of the  
4 building -- behind the building, I should say, we  
5 reduced the size of the concrete pad that we had as  
6 requested and proposed a grassed area, and that's  
7 shown where the hand is on the plan at the present  
8 time. That was the significant change was the  
9 re-layout of the -- that back yard area.

10 Q. And how is that back yard graded, or how  
11 will the grade change be accomplished, if any?

12 A. We had proposed a small retaining wall,  
13 block wall, with a fence directly on top of it to  
14 safety reasons. The pitch from the back of the  
15 building goes toward the existing parking facility  
16 on the adjacent property. We had graded it down.  
17 Our proposed grade percentage was 3.1 percent grade,  
18 and in the latest report from your engineer, he  
19 would like to modify that, and we have no  
20 difficulties with meeting his recommendation that he  
21 has in his letter.

22 Q. In addition, we're seeking waivers for  
23 lighting and landscaping. Would you just briefly  
24 describe the -- what's being provided and what the  
25 basis of the waiver is.

1 MR. STAHL: Thank you.

2 Q. And, Bob, you were qualified as -- and  
3 testified at the last hearing; is that correct?

4 A. That's correct.

5 Q. Thank you. Can you --

6 MR. ALFIERI: Can we share the screen  
7 with Mr. Kee so he can put up the revised plan,  
8 please.

9 THE CHAIRWOMAN: Yes. Fingers crossed.  
10 Okay, Mr. Kee, I believe you're the presenter.

11 Q. Can you blow that up a little, Bob.  
12 Thank you.

13 THE CHAIRWOMAN: I think we also have  
14 options on the side of the screen to make it bigger,  
15 ourselves.

16 MR. ALFIERI: Thanks.

17 Q. Bob, can you just briefly explain to the  
18 board what -- from the engineering point of view,  
19 what changes were made since the last meeting?

20 A. The revisions to the plans, it was a  
21 little bit confusing because the board saw a revised  
22 set of plans that the engineer had not reviewed yet,  
23 but we took into consideration all of his comments  
24 and everything, and we made some changes to the  
25 notes, the general notes that were on our plan to

1 A. Well, because of the uniqueness of the  
2 application, the only lighting that would be  
3 necessary would be in that little rear area that we  
4 were talking about, and we do provide some outside  
5 lights on the building, itself, which is adequate.  
6 It's just some utilities back there, some mechanical  
7 equipment, and a place for the garbage cans back  
8 there, so we don't need a lot of illumination back  
9 there whatsoever.

10 And as much as landscaping goes for  
11 right up at the front property line on Broadway,  
12 itself, and we're only adding an additional I think  
13 1 foot of sidewalk to let it butt up against the  
14 building. There's no room or way of landscaping the  
15 front of the building, and the only place we could  
16 put landscaping would be in that rear section we  
17 were just talking about, which doesn't add anything  
18 to -- it overlooks a parking lot. So we're not  
19 proposing to have any more than necessary  
20 maintenance and/or expenses with regard to the  
21 landscaping.

22 Q. And the board engineer raises a question  
23 or concern about the front elevations as relates to  
24 the first floor elevation, and would you discuss  
25 that, please.

1 A. Yes. The front elevation coming in off  
2 of the sidewalk. First of all, the sidewalk is  
3 pitched and runs -- drainage runs out to the  
4 pavement, the curblin. We are proposing a flush to  
5 that new sidewalk, that little 1 foot that we're  
6 putting in elevation, so that there's no bump or  
7 hindrance for the handicapped accessibility inside  
8 the structure, and the architect can show you when  
9 she puts up her plans and stuff. There's a small  
10 floor in there, and we can accommodate the 2-inch  
11 difference that we were looking for on the outside  
12 originally within that front area right immediately  
13 behind the door.

14 Q. Okay, and then lastly, any of the other  
15 technical engineering comments contained within the  
16 board engineer's report, you're prepared to agree to  
17 address those comments as a condition of approval;  
18 is that correct?

19 A. Yes, we reviewed them in detail, and a  
20 lot of them are not major in nature. You want some  
21 additional notes and changes. I believe he agreed  
22 with the plans on several paragraphs that were in  
23 there, also, but anything that he had in his last  
24 review letter we can accommodate and make those  
25 changes.

1 architect answer that if for some reason he doesn't  
2 make it back any time soon, but I'm going to text  
3 him in the meantime.

4 MR. KOMINKIEWICZ: The reason I'm asking  
5 is because I know that there's property developed  
6 around it, to the side it, behind it, and both  
7 sides, actually, and I'm just curious if there's a  
8 right-of-way given or how that would work if there  
9 is any kind of access except maybe emergency access  
10 through the rear.

11 MR. ALFIERI: I just sent him a text,  
12 and hopefully he'll be back on. If we can hold that  
13 question until they get back and maybe jump on to  
14 the architect, who has also rather brief testimony.

15 THE CHAIRWOMAN: Yes.

16 MR. ALFIERI: Okay. The architect is  
17 Joann Montero. I see here on the screen.

18 THE CHAIRWOMAN: Joann.

19 MR. STAHL: I just saw her.

20 MS. MONTERO: Hello. Good evening.

21 MR. STAHL: There she is. All right,  
22 Joann, please raise your right hand.

23

24 JOANN MONTERO, sworn.

25 DIRECT EXAMINATION BY MR. ALFIERI:

1 Q. And I believe the architect will discuss  
2 the building mounted sign. Even though it's in the  
3 engineering comments, it's also, architectural, so  
4 we'll save that for the architect.

5 A. Yes, the only thing we have on the plan  
6 is a small detail with dimensions on it on our plan.

7 Q. Right. Thank you.

8 MR. ALFIERI: That's all we have for the  
9 engineer, Madam Chair.

10 THE CHAIRWOMAN: Thank you. Does the  
11 board have any questions for Mr. Kee?

12 MR. KOMINKIEWICZ: Yes, Scott  
13 Kominkiewicz.

14 THE CHAIRWOMAN: Okay. Scott, you're  
15 first. Go ahead.

16 MR. KOMINKIEWICZ: Will there be any  
17 type of deliveries or exit or entrance to the  
18 building from the rear? I'm sorry if I missed that  
19 in your testimony.

20 THE CHAIRWOMAN: I think Mr. Kee just  
21 got knocked off. I didn't do it this time because I  
22 didn't take back presenter, but I think when he  
23 stopped sharing his screen, he left, so he might  
24 have to come back.

25 MR. ALFIERI: Right, and we can have the

1 MR. STAHL: Will you please state your  
2 name and spell your last name for us.

3 THE WITNESS: My name is Joann Montero,  
4 M-o-n-t-e-r-o.

5 MR. STAHL: Thank you very much. Mr.  
6 Alfieri.

7 Q. And, Joann, you also were qualified and  
8 testified at the last hearing; is that correct?

9 A. Yes, I was.

10 Q. And are you able to share your screen?

11 A. I need --

12 THE CHAIRWOMAN: I can give you  
13 presenter rights. Hold on. And Mr. Kee I believe  
14 is back.

15 MR. ALFIERI: He is back, okay.

16 THE CHAIRWOMAN: Okay. Miss Montero,  
17 you should have presenter rights, and Mr. Kee is  
18 back.

19 MR. ALFIERI: Thank you.

20 MR. KEE: Internet went down for a  
21 couple seconds. We had to reconnect.

22 MR. ALFIERI: Thanks. That's all right.  
23 We're going to have Joann testify, Bob, and then  
24 we'll get back to you if you don't mind.

25 MR. KEE: No problem.

1 Q. Joann, would you explain to the board  
2 what changes were made to the architectural drawings  
3 since the last hearing.

4 A. From our last submission, we have  
5 changed the amount of residential units from  
6 three units down to two units, so although our  
7 application still remains three stories, the first  
8 story is designated for retail, the second story is  
9 a one-unit two-bedroom, and the third story is a  
10 one-unit with two bedrooms.

11 Q. Will there be laundry connections for  
12 the residential units?

13 A. The laundry connection will be personal  
14 for each unit. Each unit will have its own laundry  
15 connection.

16 Q. And you have confirmed that the building  
17 will be sprinklered; is that correct?

18 A. Yes, that's correct.

19 Q. In addition, can you describe for the  
20 board the signage that is proposed for the  
21 commercial unit if that's something you have the  
22 discipline to do?

23 A. We are proposing an internally lit box  
24 sign to be attached to the facade of the building.

25 Q. And that's for the commercial tenant

1 that board member was going to ask the engineer  
2 about deliveries and access, or is that something  
3 the engineer has to do?

4 A. Their access is only for the front door.  
5 They have a double door to the front, and the rear  
6 only has a single door for them to put their garbage  
7 and their recycles, and their HVAC unit is on a pad  
8 in the back.

9 Q. So all deliveries would be through the  
10 front door?

11 A. Through the front door. We don't have a  
12 right-of-way for the rear of the building.

13 Q. Okay. Thanks. And then the technical  
14 architectural comments that are contained within the  
15 engineer report dated June 8, you're able to address  
16 those comments as a condition of approval?

17 A. Yes.

18 Q. I've neglected to ask you. On the  
19 refuse room, is there going to be ventilation?

20 A. Yes, it will have its own unit from --  
21 it's located on the roof.

22 Q. Okay. Thank you.

23 MR. ALFIERI: And that's all we have for  
24 the architect. Both the architect and the engineer  
25 are on now if you want to ask questions of them.

1 only; is that correct?

2 A. Correct, correct. I'm trying to pull up  
3 the elevation right now. So on the front elevation  
4 right above the front doors and below the windows on  
5 the second floor apartment is where we're proposing  
6 the sign be located.

7 Q. What is the size? Do you have the  
8 dimensions of that sign?

9 A. It is -- I can't see it that small  
10 so bear with me. We have it at 1 foot, 2 by 10 feet  
11 long.

12 Q. All right, and where will the residents  
13 have their refuse stored before it's taken out for  
14 pickup?

15 A. On the first floor. I'm just going to  
16 switch the drawing to show the first floor plan  
17 layout. As you enter on the right side -- a little  
18 smaller -- right down here is the front door for the  
19 residences. This double door is the entrance for  
20 the retail space. So as you enter this front door  
21 here, on the right would be the stairs to go up to  
22 the second and the third floor. You would enter  
23 through this door here, which is the room designated  
24 for their garbage and their recycles.

25 Q. And are you able to answer the question

1 THE CHAIRWOMAN: Okay. Scott, did you  
2 get an answer to your question?

3 MR. KOMINKIEWICZ: Yes, I did, that  
4 there is no right-of-way, which I guess we can deal  
5 with as a board in considering the application, but  
6 just I would think that the surrounding properties  
7 (audio disruption) problem -- could have. Not  
8 saying they will. Maybe they're going to be the  
9 best of neighbors, but if people began using that  
10 rear entrance on a regular basis, I mean, I think  
11 that that can cause some problems, but if -- as long  
12 as the applicant understands he doesn't have a  
13 right-of-way to that, that's his reliability --  
14 that's his issue to deal with.

15 THE WITNESS: We're proposing a fence  
16 along that back property line, so it won't be direct  
17 access through the other property.

18 MR. KOMINKIEWICZ: Would the fence have  
19 a gate? If the garbage people can get to the  
20 garbage, I'm sure somebody would be able to get to  
21 the door from there.

22 MR. KEE: No, there's -- we have the  
23 access door just for the use of the 20-foot section  
24 there. We have a proposed fence with no gate on it.  
25 Going onto private property so there's no access.

1 The only access to that back area is through the  
2 door in the building.

3 MR. KOMINKIEWICZ: I thought you said  
4 that there would be either trash or a dumpster in  
5 the back. Did I hear that correctly?

6 MR. ALFIERI: There will be a garbage  
7 can just stored there, and then the store owner  
8 would take it out to the front when it's being  
9 picked up.

10 MR. KOMINKIEWICZ: All right, so it will  
11 be -- the receptacle will go all the way through the  
12 building to the front?

13 MR. ALFIERI: Yes.

14 MR. KEE: Yes.

15 MR. KOMINKIEWICZ: Okay.

16 THE CHAIRWOMAN: Jason, I think you had  
17 some questions.

18 MR. VALETUTTO: Yeah. Would you like me  
19 to start with Miss Montero or Mr. Kee?

20 THE CHAIRWOMAN: Roll the dice.

21 MR. VALETUTTO: I'll start with Miss  
22 Montero since she's up at the podium.

23 Did you touch base on where the meters  
24 are going to be for gas, water, and electric? Are  
25 they all in that sprinkler room?

1 down to the street level. I was keeping it at that  
2 height to able to accommodate the balcony that was  
3 there, but we can -- architecturally speaking, we  
4 can go ahead and put it underneath that area.

5 MR. VALETUTTO: Okay. I just wanted to  
6 bring that up. I do know -- I'm sure you're aware,  
7 you have to receive South Amboy Redevelopment Agency  
8 approval for the signage on Broadway, too, so it's  
9 not a condition that the board will be touching, but  
10 an outside agency will be looking into that.

11 THE WITNESS: No problem.

12 MR. VALETUTTO: I think I'm good with  
13 Ms. Montero. The slope that is going to be inside,  
14 that's all going to be controlled inside the  
15 building we heard from Mr. Kee.

16 THE WITNESS: That's correct.

17 MR. VALETUTTO: That the exterior  
18 sidewalk on Broadway is going to be even, and then  
19 once you get inside the building, that's where the  
20 sloping will take place.

21 I think the rest of the questions are  
22 for Mr. Kee. Bob, you're with us, right?

23 MR. KEE: Yes, I am.

24 MR. VALETUTTO: Okay. We touched -- the  
25 garbage -- well, I don't know if this would be for

1 THE WITNESS: The water will be in the  
2 sprinkler room, and the gas and electric will be  
3 right outside that door in that foyer.

4 MR. VALETUTTO: Okay, so everything will  
5 be internal, though; it's not exterior of the  
6 building.

7 THE WITNESS: Correct, everything is  
8 internal.

9 MR. VALETUTTO: That's all I want to  
10 know. Okay. And the apartments, can you just give  
11 the board a general idea of what the proper square  
12 footage is --

13 THE WITNESS: Yeah.

14 MR. VALETUTTO: -- for each apartment.

15 THE WITNESS: That was a good pickup on  
16 your report. So the second floor apartment its  
17 1,595 square feet. The apartment on the third floor  
18 is 1,654 square feet.

19 MR. VALETUTTO: Perfect. Thank you.

20 The sign location, it's being attached to, like --  
21 it's being attached to the residential portion of  
22 the building. There's nothing that can be done to  
23 bring that down into the retail portion of the  
24 building?

25 THE WITNESS: We can adjust that closer

1 you or Mr. Alfieri. The garbage for the residential  
2 portion, is that going to be the resident's  
3 responsibility to bring to the curb or the  
4 maintenance personnel, only because if it's the  
5 residential, like I said, if you get a quote/unquote  
6 slob living above you and then that whole room just  
7 becomes a nightmare and a mess, it's not fair to the  
8 other tenant.

9 MR. ALFIERI: The owners, who live  
10 locally, have no issue committing to being  
11 management -- or subsequent owner -- and they would  
12 make sure that the garbage is taken out on the  
13 pickup days.

14 MR. VALETUTTO: Okay. Then the next  
15 comments were about the rear, and how are you  
16 intending to mow that area if you can't get a lawn  
17 mower access to the grass in the back since we have  
18 an elevation plus a fence and you're not going to  
19 bring the lawn mower through the store.

20 MR. KEE: I believe in your latest  
21 correspondence, you had recommended that it be stone  
22 versus grassed area, and we heartily agree with  
23 that, and that's one of the changes that would be  
24 coming forth with the hopefully the approval.

25 MR. VALETUTTO: Okay, so I just want to

1 make sure the board is aware that they are not doing  
 2 lawn now in the rear. It's going to be a stone  
 3 exterior. That way they don't have to maintain from  
 4 a lawn mowing standpoint, but they will do their  
 5 own, like, weed control, something similar that they  
 6 would do to more historic towns that have -- that  
 7 are fully stoned. The stone walls will act as a  
 8 better percolation from stormwater runoff, which was  
 9 a major concern of the board last time, that they  
 10 were unsure how they were going to handle if the  
 11 back yard was completely paved or mostly concrete.  
 12 Now if it is completely stoned, that will allow a  
 13 little bit more of a retention before it leaves the  
 14 property but hopefully will also soak into the  
 15 ground a lot quicker if it is like a clean river  
 16 stone. It's not going to be a compact stone.

17 MR. KEE: No, it's not.

18 MR. VALETUTTO: I just wanted to make  
 19 sure that the board was understanding how that's  
 20 going to work. And you will be able to try to  
 21 change that slope to be just a little bit more  
 22 gentler at the 2 percent?

23 MR. KEE: Yes, that's very doable.

24 MR. VALETUTTO: Okay. And then, like I  
 25 had said on my report, I could support the waiver

1 propose. The parking I'm sure we will hear from  
 2 Miss Cofone, and the density I'm sure we will hear  
 3 from Miss Cofone.

4 So I believe I have -- I'm done with my  
 5 questions, Mary.

6 THE CHAIRWOMAN: Thank you. Any other  
 7 questions? Okay. Thank you both.

8 MR. ALFIERI: And our final witness -- I  
 9 believe Miss Cofone had -- has dropped off, but she  
 10 had Justin Auciello from her office on, as well, in  
 11 anticipation that she may not be able to stay on.  
 12 Justin, are you still there?

13 MR. AUCIELLO: Yes. Hi, Sal, I'm here.

14 MR. ALFIERI: Okay. Good. Thank you,  
 15 Justin.

16 MR. STAHL: All right, Justin, I'm  
 17 looking for you. I just have one question on  
 18 geography, Mr. Auciello. Are you from New Brunswick  
 19 Auciellos?

20 MR. AUCIELLO: Yes, I am.

21 MR. STAHL: Are you related to either  
 22 Alan or -- Alan Auciello or --

23 MR. AUCIELLO: That's my father.

24 MR. STAHL: That's your father. Okay,  
 25 so Dennis is your uncle.

1 for lighting and also for -- I can support the trees  
 2 because you're going to be using the fence in the  
 3 back. What I do have to say, though, is that the  
 4 fence has to be installed into virgin ground, not  
 5 directly on top of the wall.

6 MR. KEE: Yes.

7 MR. VALETUTTO: Because the way the  
 8 board looks upon it, if you do it on top of the  
 9 wall, it now becomes the height of the wall plus the  
 10 height of the fence. That's one structure, and we  
 11 want nothing greater than 6 feet, so if you do it  
 12 within the ground, that's acceptable.

13 MR. ALFIERI: That's agreeable.

14 MR. VALETUTTO: That's agreeable. We  
 15 did the lighting. We did the ramping. We did the  
 16 laundry. While you were away, Miss Montero did  
 17 bring up that each unit will have laundry, so if you  
 18 just adjust that note on your plan.

19 MR. KEE: Yes, sir.

20 MR. VALETUTTO: On the signage being  
 21 proposed, that's confirmed. The patio we discussed  
 22 and justification of the deviations. Board already  
 23 knows that the lot width is not going to be changed.  
 24 It can't be changed. The coverage is based on the  
 25 size of the building that your applicant needs to

1 MR. AUCIELLO: Alan's my uncle, but  
 2 don't hold it against me, please.

3 MR. STAHL: Okay, but your father is --

4 MR. AUCIELLO: Dennis.

5 MR. STAHL: Okay. All right. I know  
 6 that the Auciellos are a long-time family in New  
 7 Brunswick, so please forgive me, Madam Chair.

8 Mr. Auciello, please raise your right  
 9 hand. Where are you, Justin? Something I said,  
 10 Sal.

11 THE CHAIRWOMAN: I just got the -- he  
 12 just left.

13 He's back.

14 MR. STAHL: Okay. It was something I  
 15 said. That's all.

16 All right, Mr. Auciello, raise your  
 17 right hand, please. In this matter, do you swear  
 18 the testimony you're about to give is the truth, the  
 19 whole truth, and nothing but the truth, so help you  
 20 God.

21 You're muted. Justin, you're muted.

22 THE CHAIRWOMAN: You're muted and you're  
 23 sideways.

24 MR. STAHL: All right. Well, I know his  
 25 family. That's the way they grew up.

1 Mr. Auciello, raise your right hand.

2  
3 JUSTIN AUCIELLO, sworn.

4 DIRECT EXAMINATION BY Mr. Alfieri:

5 MR. STAHL: And state your name and  
6 spell your last name.

7 THE WITNESS: Justin Auciello, and  
8 that's spelled A-u-c-i-e-l-l-o.

9 MR. STAHL: Now, just to confirm, are  
10 you Alan's son or Dennis' son?

11 THE WITNESS: I'm Dennis' son.

12 MR. STAHL: Oh, all right. Dennis is an  
13 attorney of some note in New Brunswick. All right.  
14 Go ahead, Sal.

15 MR. ALFIERI: Thank you.

16 Q. Mr. Auciello, we're seeking to have you  
17 qualified as a professional planner. Will you place  
18 your credentials on the record, please.

19 A. Yes, absolutely. I am a licensed  
20 planner in the State of New Jersey. I've been  
21 licensed since 2008. I have a master's degree in  
22 planning from Rutgers University that was granted in  
23 2005. I have been qualified in in excess of 150  
24 land use boards in the State of New Jersey, but in  
25 addition to my expert testimony, I've also prepared

1 changed with this application. We're deficient by  
2 less than a foot. Twenty-five feet is required, and  
3 as proposed is 24.25 feet.

4 We do need the second variance for lot  
5 coverage, 50 percent required, and proposed is  
6 70.19 percent.

7 The third variance is for off-street  
8 parking. As the board is well aware, zero spaces  
9 are proposed.

10 And the last variance is for maximum  
11 density; 34.54 units per acre is proposed and 7.75  
12 is permitted.

13 The one variance that stands out here  
14 from the rest, we have three bulk variances, but the  
15 density is a D-5 variance, so the relief is somewhat  
16 different, but before I get into the justification  
17 for the variance relief, I think it's -- just to  
18 kind of set the context -- and obviously, the board  
19 is well aware of the character of the downtown, and  
20 I understand that, you know, we are a bit pressed  
21 for time, but I think for the purposes of the  
22 record, I think it's important just to establish the  
23 surroundings or the current character of the site  
24 and its surroundings.

25 As the board knows, the site is vacant.

1 a variety of master plans in municipalities  
2 throughout New Jersey, redevelopment plans, farmland  
3 preservation, so my planning practice is, you know,  
4 quite diverse, and my license is still currently  
5 valid.

6 MR. ALFIERI: We request that his  
7 credentials be accepted, Madam Chair.

8 THE CHAIRWOMAN: Do -- are there any  
9 objections to accepting the credentials of this  
10 witness, this expert?

11 MS. KERN: No.

12 THE CHAIRWOMAN: Okay. Please proceed.

13 MR. ALFIERI: Thank you.

14 Q. And, Justin, you're employed in  
15 Christine Cofone's office; is that correct?

16 A. Correct, Cofone Consulting Group in Red  
17 Bank.

18 Q. Thank you. You understand that we do  
19 require certain deviation or variance relief, in  
20 particular, a density variance and parking variance.  
21 Would you describe those variances and then place  
22 the necessary proofs on the record, please.

23 A. Absolutely. So, yes, we do require four  
24 variances this evening. The first is lot width.  
25 Again, that is a current condition that cannot be

1 It's essentially a hole in the character of the  
2 downtown area, which is, you know, a mixture of  
3 multifamily. There's some single-family on the ends  
4 and mixed use and commercial, you know, but mainly  
5 in the stretch from First Street, which is just to I  
6 believe it's the west of the site, and then even  
7 into the downtown area, the character is mainly  
8 mixed use, and many of these buildings have  
9 residential units that are on top of the commercial  
10 that's on the street, and this extends well down  
11 Broadway past the train station. So just for the  
12 purposes of the record, I thought it was important  
13 just to establish the overall character of the area  
14 and, you know, how the proposed use, you know, fits  
15 within that character, which this is a permitted use  
16 in this area, so we are not seeking a use variance,  
17 but this relates, you know, mainly to the density  
18 and the lot coverage.

19 So the redevelopment plan for this area  
20 is the plan which governs the land uses here.  
21 Relative to the lot width, as I had said, this  
22 exists. This currently is the status of this  
23 property. You know, there is no way that this  
24 applicant can, you know, meet the standard. There  
25 are two uses on either side of the property. So in

1 my opinion, that's a clear C-1 hardship due to the  
2 current state of the surroundings.

3 Relative to the lot coverage, in this  
4 instance, this is a bulk variance. The benefits in  
5 my opinion, you know, certainly do outweigh the  
6 detriments. The character of all downtown areas,  
7 but also, you know, more importantly here in South  
8 Amboy, your downtown areas tend to have, you know,  
9 more coverage than other areas just by nature of  
10 the, you know, built nature and the need to, you  
11 know, cluster together, you know, buildings and land  
12 uses.

13 I think in this instance, what's  
14 proposed from a planning standpoint is not, you  
15 know, does not raise to the level of, you know,  
16 negatively, you know, impacting the surrounding  
17 area. I also think that when you take into account  
18 what currently, you know, surrounds the area, it's  
19 consistent, and the other properties in the area --  
20 I don't have the exact numbers -- but it does appear  
21 from the aerial images maybe much more than  
22 50 percent, which is the maximum for lot coverage.  
23 So I think when looking in the totality of the  
24 surrounding area, and especially as relates to this  
25 particular property and would have currently been on

1 train station and the ferry and Uber and Lyft for  
2 their benefit. So I think that's another rationale,  
3 you know, for this parking variance.

4 Relative to the density -- and as the  
5 board is aware, the standard for a density variance  
6 is different but still quite similar to the bulk  
7 relief under the C-2. That's a showing if the site  
8 can handle the increase in the density. Density  
9 also is a -- in my opinion, in my professional  
10 opinion, is a construct of the, you know, the  
11 overall massing of the site, and it's also, you  
12 know, quite related to FAR, but I kind of see those,  
13 you know, those two standards are sort of, you know,  
14 similar when you look at the impacts of the density  
15 to the surrounding area. In this instance, on  
16 paper, it may seem high, but I think in practice,  
17 when you look at the size of the site, you know,  
18 relative to the units that are proposed, which are  
19 two units, it's my opinion that this is a density  
20 that is really consistent with the character of  
21 Broadway and the surrounding area. Up and down  
22 Broadway, you do see residential on the second and  
23 third levels with a commercial use on the bottom  
24 level. So when we look at density, again, on paper,  
25 it may seem like it's quite high, but in my

1 this property, I think the benefits in granting this  
2 variance, you know, do outweigh, and I'm going to  
3 get into that briefly, you know, relative to the  
4 master plan.

5 We did get into a bit of the off-street  
6 parking. You heard from Mary, who was from the  
7 church, who did speak to the, you know, the  
8 availability of, you know, parking on the church's  
9 site to accommodate this use, but I think as well,  
10 there is a, you know, there is -- there's on-street  
11 parking. There's also some public off-street  
12 parking. And I -- but I also think importantly from  
13 a planning standpoint -- and it's something that's  
14 encouraged in the master plan -- you know, this is a  
15 downtown that is fortunate to have a train station  
16 and a, you know, public ferry, so I think -- and, of  
17 course, with the advent in recent years with ride  
18 sharing like Uber and Lyft and those services, this  
19 is an area that, you know, would probably attract,  
20 you know, people who may want to live a car-free  
21 lifestyle. So I think from a planning standpoint,  
22 we always try to encourage, especially in downtown  
23 areas, the, you know, you know, these types of  
24 residential, which as proposed is only two units, to  
25 really take a, you know, the, you know, to use the

1 professional opinion, it's important to look at the  
2 character of the surrounding area and also the  
3 ability of the site to accommodate that density.

4 From the planning standpoint, we also  
5 look at whether or not -- and on the public side and  
6 in a plan review, which I've written probably  
7 hundreds of letters of applications on the public  
8 side, we also look at, you know, the impact on  
9 density as it relates to, you know, setbacks and  
10 whether or not a builder is trying to cram in, you  
11 know, more building coverage, you know, more units  
12 on a particular site. I think in this instance, we  
13 don't require relief from any setbacks. So I also  
14 think when you look at kind of the relationship to  
15 the site, you know, what's proposed for the site,  
16 you have a product here that in my opinion is a  
17 substantial planning rationale for the density  
18 variance.

19 I think it's also important to get in a  
20 bit on the master plan and the Broadway/Main Street  
21 plan, as well, the redevelopment plan. The overall  
22 goal of that -- of the redevelopment plan is to  
23 enhance the downtown area, and that's a segue into  
24 the master plan.

25 The last version of the master plan was

1 in 2017, and I'll just go through some of these key  
 2 issues in that master plan that I think are  
 3 pertinent to this application. Pedestrian traffic  
 4 is one thing that the residents have expressed that  
 5 they had some issues with and some concerns. The  
 6 residents had expressed that they want to see more  
 7 people, you know, walking on Broadway, and I believe  
 8 the introduction of two residential units onto a  
 9 property that is currently vacant certainly seeks to  
 10 fill that mission.

11 Under -- you know, lots that are not  
 12 utilized properly, that's also -- that's also a  
 13 problem, as well, that was found in the master plan.

14 Some other goals of the master plan that  
 15 I think are pertinent to the density, the planner in  
 16 that plan had encouraged the appropriate level of  
 17 density in the downtown area. So I think, you know,  
 18 quite frankly, you know, what's proposed tonight  
 19 with the density is, you know, is quite on point  
 20 with the objectives of the master plan.

21 Relative to some purposes of zoning that  
 22 if these variances are granted would advance,  
 23 criteria G, you know, sufficient space on this  
 24 property obviously to accommodate the use. I think  
 25 it is clear we're not cramming anything in here, you

1 know. We meet the setbacks. Lot coverage is  
 2 overall in my opinion consistent with the  
 3 surrounding area.  
 4 Criteria I, the visual environment is  
 5 certainly going to, you know, be enhanced with this  
 6 application. You saw the plans tonight, and quite  
 7 frankly, there's a hole in the ground right now,  
 8 which is a, you know, missing part of this downtown.  
 9 This is going to fill that.

10 So that's positive criteria. From a  
 11 negative criteria, the first prong is that variances  
 12 should not be granted if they will present a  
 13 substantial detriment to the public good. In my  
 14 opinion, the granting of these variances will -- the  
 15 variances, themselves, will not present a  
 16 substantial detriment. This is consistent with the  
 17 pattern of the downtown. It's consistent with the  
 18 aims of the master plan in redevelopment plan. You  
 19 know, certainly, as well, when you look at the  
 20 parking, there is parking that is being made  
 21 available by the church. There's also the presence  
 22 of other parking in the downtown, and then also  
 23 importantly, you know, ride sharing, train station,  
 24 and the ferry.

25 So in the aggregate, I certainly don't

1 see these variances if they are granted rising to  
 2 the level of being a substantial detriment to the  
 3 public good.

4 Second prong is that no variances should  
 5 be granted if they will negatively impact the intent  
 6 and the purpose of the zone plan, the zoning  
 7 ordinance, and the master plan. This is a use that  
 8 in my opinion is highly consistent with the aims of  
 9 the zoning ordinance, which are fairly consistent  
 10 with the purposes of zoning from the MLUL.

11 Relative to the zone plan and the  
 12 redevelopment plan, it's also my opinion that this  
 13 is a proposal that is squarely on point with the  
 14 aims of both, and again, this is a permitted use.  
 15 This is not a use where we're coming in trying to  
 16 make the justification that the use, itself, whether  
 17 it's consistent or not, the use overall is  
 18 consistent with the aims of the master plan and the  
 19 plan, as well.

20 So on balance, I certainly see that the  
 21 benefits of granting this variance do outweigh, and  
 22 that's my testimony. I'll be happy to take any  
 23 questions.

24 THE CHAIRWOMAN: Thank you. Any  
 25 questions? Okay.

1 MR. ALFIERI: That concludes our  
 2 presentation, Madam Chair.

3 THE CHAIRWOMAN: Okay. Any general  
 4 questions from the board, or I will open this up to  
 5 public session.

6 MR. STAHL: I was going to ask  
 7 Mr. Auciello a question. Mr. Auciello, assuming  
 8 that there is not parking available at the church,  
 9 what is your -- does that change any of your  
 10 opinions about the operation of the building?

11 THE WITNESS: No, it doesn't. I mean, I  
 12 think it relates to the point that, you know, this  
 13 is a narrow site, which is shown by the variance  
 14 relief that's required, you know, for the width. I  
 15 think whatever the board (audio disruption) would go  
 16 onto the site, you know, whether this is a  
 17 residential use or a commercial use, would more than  
 18 likely, you know, need the relief for the parking.  
 19 So I think it's really just a matter of looking at  
 20 the, you know, whether or not this use, you know,  
 21 kind of meets the aims of the master plan and  
 22 redevelopment plan. It's a permitted use, and I  
 23 certainly think it certainly, you know, meets those  
 24 aims. So I think, you know, certainly, whatever you  
 25 have on the site, given, you know, the nature of the

1 site and also being located, you know, in between  
2 two structures, you know, two properties that are  
3 already built, you know, this will be an issue one  
4 way or another.

5 THE CHAIRWOMAN: Thank you. Any other  
6 questions, Jim?

7 MR. STAHL: No. No, that was it for me.

8 THE CHAIRWOMAN: Jorge, did you have a  
9 question? Jorge.

10 MR. GONZALES-GOMEZ: Yeah, I do, Mary,  
11 and this may be for Jason.

12 Jason, since this is in a redevelopment  
13 zone, is there facade compliance that needs to go  
14 into effect here with the use of the materials, the  
15 HardiePlank that I know was used at one time and the  
16 color schemes and the specific lighting and signage  
17 of the area?

18 MR. VALETUTTO: Yes, like I had said to  
19 Miss Montero earlier, they have to go before SARA,  
20 South Amboy Redevelopment Agency, to get approval as  
21 an outside agency. So if they receive an approval  
22 from the board, it's conditioned upon all outside  
23 agencies, of which SARA is one of them.

24 MR. GONZALES-GOMEZ: Thank you.

25 THE CHAIRWOMAN: Okay. Thank you. Do I

1 would you like to outline the conditions.

2 MR. STAHL: Yes. The conditions were as  
3 set forth in Mr. Valetutto's report. I'm just  
4 getting the date here.

5 MR. VALETUTTO: June 8.

6 MR. STAHL: June 8, 2021. The request  
7 were for the deviations with regard to the  
8 following: minimum lot width, maximum lot coverage,  
9 minimum off-street parking, maximum density; two  
10 waivers, one waiver for landscaping, another waiver  
11 for lighting. It would be subject to as to signage  
12 approval by SARA. I mean, it's not a condition of  
13 approval but a condition of signage. There is an  
14 issue with regard to parking that we have not  
15 resolved that -- his choices are, A, that we permit  
16 the off-street parking at the church with some  
17 documentation, recognizing that if that parking is  
18 lost, then there would be no off-street parking  
19 available. There will be on-street parking. So I  
20 think the board has to address that. And that's all  
21 I have.

22 Mr. Valetutto, how about you?

23 MR. VALETUTTO: I was just going to add,  
24 regardless of whether they do or do not get parking  
25 from the church, it is still a variance because it

1 have a motion to open this session up to the public?

2 MS. KERN: Motion to open --

3 THE CHAIRWOMAN: Thank you, Janet, and  
4 I'll take Scott as a second.

5 MR. KOMINKIEWICZ: That's okay.

6 THE CHAIRWOMAN: All in favor? At this  
7 time, is there anyone from the public who would like  
8 to speak on this application?

9 One more time, is there anyone from the  
10 public who would like to speak on this application?

11 Okay. Thank you. Motion to close to the public.

12 MS. KERN: Motion to close to public.

13 THE CHAIRWOMAN: That was Janet, and do  
14 I have a second?

15 MR. BARANOWSKI: Second.

16 THE CHAIRWOMAN: George. Thank you.

17 All in favor?

18 Okay, Mr. Alfieri, if you have any  
19 closing words?

20 MR. ALFIERI: Out of respect for the  
21 board and the lateness of the hour, I will waive the  
22 right to give any closing argument and would request  
23 that the board grant approval.

24 THE CHAIRWOMAN: Thank you.

25 Mr. Stahl, before I request a motion,

1 is not on-site parking (audio disruption)

2 MR. STAHL: Thank you.

3 MR. VALETUTTO: And still I cannot say  
4 enough that the church cannot create a variance by  
5 giving them parking. They cannot create their own  
6 variance for parking, so that would really need to  
7 be investigated in regards to any agreement that  
8 they reach with the church.

9 MR. STAHL: And I have to agree, Mary.  
10 What happens, it's -- look, the board has to make  
11 some decisions. In a typical circumstance where  
12 it's commercial, let's say it's a retail use, and  
13 someone says I want to use next door, if it's a  
14 commercial next door and you do a 20-year land lease  
15 or something, you know, sometimes that's -- it's  
16 just tricky. The issue is tricky because how do you  
17 ensure that parking will be provided ad infinitum.  
18 The board just has to make a decision whether --  
19 strike that -- two residential units are such a size  
20 that it requires a further commitment.

21 THE CHAIRWOMAN: Certainly. Does the  
22 board have any objections to moving forward with  
23 just no parking and not considering the church?

24 MR. KOMINKIEWICZ: That was going to be  
25 my comment. I think we can protect ourselves from

1 this coming back and being brought up on a further  
2 application. I move -- I recommend that we do not  
3 consider any kind of agreement as part of the  
condition of approval.

THE CHAIRWOMAN: Anyone opposed to that?  
6 Okay. Great. Then do I have a motion to approve  
7 application 408-20 for 167 North Broadway with those  
8 conditions specifically for no parking.

9 MS. KERN: I'll make that motion.

10 THE CHAIRWOMAN: Thank you, Janet. Do I  
11 have a second?

12 MR. BARANOWSKI: I'll second, George.

13 THE CHAIRWOMAN: George Baranowski,  
14 thank you.

15 MR. STAHL: Before you vote, Madam  
16 Chair, I will tell you who are eligible. You are,  
17 of course, Mr. Kominkiewicz, Mayor Henry. Tom Kelly  
18 is not here. George Baranowski, Holly Hughes, Jorge  
19 -- I'm sorry -- Dr. Gonzales, Janet Kern, William  
20 DeMasi, and Gary Forshner, but I have to only lock  
21 it into nine, 1, 2, 3, 4, 5, 6, 7 -- I'm not sure  
22 who the first alternate is, whether it's Gary or  
23 William.

24 MS. RUSSO: It's Gary.

25 MR. STAHL: Okay. Is Fred -- is the

1 mayor here? Mayor on? No? All right. So Tom  
2 Kelly is not here. So then, Mary, Scott --

3 THE CHAIRWOMAN: Tom Reilly is here.

4 MR. STAHL: Who?

5 THE CHAIRWOMAN: Is Tom Reilly still  
6 with us? He was with us earlier. I'm not sure if  
7 he was able to stay.

8 MR. STAHL: Well, he's not eligible  
9 because he was not here for the prior. So it's just  
10 Mary, Scott, George, Holly, Jorge, Gary, Janet, and  
11 Bill, William DeMasi. That should be nine.

12 THE CHAIRWOMAN: Okay, with that, Amy,  
13 roll call.

14 MS. RUSSO: Jim, there's eight members  
15 that are here to vote.

16 MR. STAHL: Okay.

17 MS. RUSSO: Okay? Chairwoman Mary  
18 Szaro.

19 MR. STAHL: You're right, eight.

20 THE CHAIRWOMAN: Yes.

21 MS. RUSSO: Scott Kominkiewicz.

22 MR. KOMINKIEWICZ? Yes.

23 MS. RUSSO: George Baranowski.

24 MR. BARANOWSKI: Yes.

25 MS. RUSSO: Holly Hughes.

1 MS. HUGHES: Yes.

2 MS. RUSSO: Janet Kern.

3 MS. KERN: Yes.

4 MS. RUSSO: Jorge Gonzales.

5 MR. GONZALES-GOMEZ: Yes.

6 MS. RUSSO: Gary Forshner.

7 MR. FORSHNER: Yes.

8 MS. RUSSO: William DeMasi.

9 MR. DeMASI: Yes.

10 MS. RUSSO: Roll call complete.

11 MR. ALFIERI: Thank you, everyone, and  
12 good night.

13 THE CHAIRWOMAN: Thank you.

14 MR. STAHL: Thank you, Mr. Alfieri.  
15 Madam Chairlady, as I've indicated, this was -- this  
16 also came back based upon input given by Jason and  
17 others, and Mr. Alfieri and his team came back with  
18 a modified application, to which the board was  
19 pleased, so it's good for everybody.

20 THE CHAIRWOMAN: Yes. Thank you, all.  
21 Congratulations.

MR. ALFIERI: Thank you.

23  
24  
25

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

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

CERTIFICATE

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

DATE: June 30, 2021

*Deborah A. Masterton*  
License No. RI001655

23  
24  
25