

CITY OF SOUTH AMBOY
PLANNING BOARD
SPECIAL MEETING/MINUTES
August 9, 2021

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

Members absent: Councilman Tom Reilly, 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 Jorge Gonzalez-Gomez to accept the Minutes of the July 28, 2021, meeting. Motion carried: 10-0, 0 abstentions.

Chairwoman Szaro then reviewed the evening’s agenda.

PUBLIC HEARING

Johnrose FM, LLC – PB# 412-20

Block 90, Lot(s) 1, 2, 3 & 6

Please refer to the attached transcript

Chairwoman Szaro asked for a motion to open this portion to the public. Motion by Jorge Gonzalez-Gomez, seconded by George Baranowski. Please see attached transcript regarding the public comments of this application. Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Jorge Gonzalez-Gomez seconded by Gary Forshner.

Motion by Gary Forshner, seconded by George Baranowski to Approval the Preliminary and Final Major Site Plan portion of the application subject to all the testimony and all conditions outlined in the letter from AJV Engineering, Inc. dated May 24, 2021.

Motion carried: 9-0, 0 absetentions.

Chairwoman Szaro asked for a motion to open the meeting to the public. Motion by Gary Forshner, seconded by Scott Kominkiewicz. 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 Jorge Gonzalez-Gomez, seconded by Janet Kern.

Chairwoman Szaro announced that the next virtually scheduled meeting would be held on Wednesday, August 25, 2021, at 7:00 pm.

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

Respectfully submitted,

Amy Russo
Planning Board Secretary
Minutes Approved on August 25, 2021

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

In the Matter of)
The Application of:) Transcript of
JOHNROSE FM, LLC) proceedings
#412-20)
3630 & 3640 Highway 35))
Block 9, Lots 3 & 6)

Monday, August 9, 2021
Remote Proceedings Via
GoToMeeting Videoconference

LAND USE BOARD

MARY SZARO, Chairman
SCOTT KOMINKIEWICZ
FRED HENRY, Mayor
GEORGE BARANOWSKI
HOLLY HUGHES
JANET KERN
JORGE GONZALES-GOMEZ
GARY FORSHNER
WILLIAM DeMASI
ANDREW HOREZGA

AMY RUSSO, Secretary
JASON VALETUTTO, Planner/Engineer

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

2 BORRUS, GOLDIN, FOLEY, VIGNUOLO,
3 HYMAN & STAHL, P.C.,
4 Attorneys for the BOARD
5 By: JAMES E. STAHL, ESQUIRE

6 HEILBRUNN PAPE, LLC,
7 Attorneys for the APPLICANT
8 By: JARED PAPE, ESQUIRE

9 HEILBRUNN PAPE, LLC,
10 Attorneys for the APPLICANT
11 By: KENNETH L. PAPE, ESQUIRE

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I N D E X

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

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A-1	Overall rendering for South Village Crossing	15
A-2	Proposed site plan	15

1 THE CHAIRWOMAN: This is a special
2 meeting. We have one application to be heard,
3 application 412-20. Applicant is JohnRose FM, LLC.
4 Attorney is Mr. Pape, but we have Mr. Jared Pape
5 starting us off, so, Mr. Pape, you have the floor.

6 MR. STAHL: If the chairwoman pleases,
7 number 1, this is a planning board function with
8 respect to requested --

9 THE CHAIRWOMAN: Jim, you're breaking
10 up, Jim.

11 MR. STAHL: I said that this is a
12 planning board function. I have nothing else on.
13 Just a second. One second. I don't know where the
14 background noise is coming from. Who else is on?

15 MS. HUGHES: It was come from Mr. Pape
16 so I muted him while you're talking. I'll unmute
17 him when you're done.

18 MR. STAHL: You're a techno-genius.

19 MS. HUGHES: I try.

20 MR. STAHL: This is a planning board
21 function seeking deviations from -- seeking certain
22 deviations from the development plan to get approval
23 for the application, as Jason and I call them
24 deviations because we don't have variances in the
25 redevelopment zones. This is a permitted use, and

1 the applicant is seeking to gain final approval on
2 the project. The mayor, councilperson can vote.
3 This is a planning board function, so we have the
4 full nine-member participation with the simple
5 majority. No supermajority would be required with a
6 use variance.

7 Miss Russo, do we have jurisdiction?
8 Have you reviewed the publication and service of the
9 notice? Amy. Where's Amy? Amy Russo. Let's
10 proceed. I'll wait for her to come on later.
11 Debbie, the court reporter, is available. I see her
12 at the bottom of the screen.

13 All right, the caller please put
14 yourself on mute. All telephone callers, caller 3,
15 4, 1, 2, please put yourself on mute, or Amy will do
16 that as soon as I find her. Caller 1, 1, 2, 3, and
17 4 must put yourself on mute. We cannot proceed
18 until you do that.

19 Amy.

20 Let me try this again. Telephone
21 callers, you must put yourself on mute. I'm trying
22 to make this as clear as possible. We have
23 telephone callers. You must put your mute button.

24 THE CHAIRWOMAN: Amy, are you back?

25 MS. RUSSO: I am. I don't know you can

1 hear me.

2 THE CHAIRWOMAN: Yes.

3 MR. STAHL: I hear you, Amy. The first
4 question was -- and I'll repeat it.

5 MS. RUSSO: I heard you. I'm trying to
6 put them on mute.

7 MR. VALETUTTO: Amy, is there a blanket
8 way you can just mute everyone?

9 MS. RUSSO: I wish there was, Jason.

10 MS. HUGHES: I just did it. Sorry.

11 MR. STAHL: Thank you. I knew that our
12 tech genius would do it.

13 Amy, have you reviewed the affidavit of
14 publication and service? Amy?

15 All right, subject to that confirmation,
16 Jared, we'll proceed now. We'll all go onto mute.
17 The floor is yourself so you can begin your
18 presentation.

19 MR. J. PAPE: Thank you. How is my
20 audio? Is it coming through clearly? I guess I'll
21 take a thumbs up.

22 MR. STAHL: I hear you.

23 MR. J. PAPE: Very good. Thank you.

24 Good evening, Madam Chair, members of the board,
25 board professionals. My name is Jared Pape. I am

1 an attorney with the law firm of Heilbrunn Pape.
2 Our firm represents the applicant this evening,
3 JohnRose FM, LLC, with regard to the application for
4 preliminary and final major site plan approval for
5 the property known as block 90, lots 3 and 6, also
6 known as 3630 and 3640 Highway 35 of the City of
7 South Amboy.

8 Ken Pape will be joining a little bit
9 later. He was double booked this evening. He
10 should be here in probably 20 or 30 minutes, and
11 he'll be assisting in the presentation when he
12 arrives.

13 I think we were still looking for
14 confirmation, and I'll ask again if the -- if we
15 could confirm that our legal notices and proof of
16 publication were received and were adequate to
17 confirm that the board does have jurisdiction on
18 this application.

19 MS. HUGHES: Amy, I just unmuted you so
20 you should be able to respond.

21 MS. RUSSO: Okay, thank you. Yes, we
22 received everything.

23 MR. STAHL: Thank you very much.

24 MR. J. PAPE: Thank you.

25 MR. STAHL: Jared, just so you're

1 prepared, and this should not change your
2 presentation -- Ken may have to address it -- are
3 you in receipt of certain information from the
4 NJDOT?

5 MR. J. PAPE: I will defer to Ken and
6 our -- and Mr. Challoner with regard to that
7 question when we --

8 MR. STAHL: All right. It's not a trick
9 question. We're fine. You can proceed. Thank you.

10 MR. J. PAPE: Thank you. We do
11 acknowledge this is a special meeting date, and we
12 are very appreciative of the members and the staff
13 for accommodating this meeting.

14 MR. STAHL: I'll mention -- last
15 question. If I don't ask it, Mr. Valetutto will.
16 You and your professionals have received a letter
17 dated May 24, 2021, from AJV Engineering, Inc., to
18 Ms. Mary Szaro, board chairwoman, with the -- a
19 review, a plan review of your application; is that
20 correct?

21 MR. J. PAPE: That is correct.

22 MR. STAHL: Thank you.

23 MR. J. PAPE: So just as a brief
24 introduction, as I mentioned, this is an application
25 for preliminary and final major site plan approval

1 to construct 31 residential units, all to be
2 constructed in four buildings. The property, as I
3 mentioned, is located in the City of South Amboy's
4 redevelopment area, just known as the Route 35
5 Northbound Redevelopment Area. The property
6 currently vacant with some pavement and gravel
7 surfaces.

8 I do want to note on the record that we
9 had received a request from Mr. Valetutto to confirm
10 that there were no easements revealed by a title
11 search that would interfere with the proposed
12 development, and we did review a title search, and
13 we can confirm that is the case.

14 The only intended witness we have this
15 evening is Mr. Stuart Challoner, who will be our
16 professional engineer and professional planner. If
17 acceptable to the board, I would ask if we can have
18 him sworn.

19 MR. STAHL: Mr. Challoner, if you will.
20 I see your picture. Will you raise your right hand
21 in this matter, please.

22
23 S T U A R T C H A L L O N E R, sworn.

24 DIRECT EXAMINATION BY MR. J. PAPE:

25 THE WITNESS: My name is Stuart

1 Challoner.

2 MR. STAHL: Spell your last name.

3 THE WITNESS: Okay. My name is Stuart
4 Challoner. Last name is C-h-a-l-l-o-n-e-r, and my
5 address is 201 Main Street, Toms River, New Jersey.

6 Q. Mr. Challoner, if you could place your
7 professional and educational background on the
8 record, please.

9 A. Yes, I graduated college in 1984 with a
10 Bachelor's of Science in civil engineering. I have
11 been licensed since 1989. I've had my own practice
12 in Toms River since 1995. I have not appeared in
13 front of your board previously, but I have appeared
14 in front of at least 30 different townships and
15 municipalities throughout the State of New Jersey.
16 I have actually -- I'm doing a project down the
17 street from this on 611 Bordentown Road for
18 construction, but tonight's my first night in front
19 of your board.

20 MR. J. PAPE: Madam Chair, I'd ask if
21 the board would accept Mr. Challoner as a
22 professional engineer and professional planner for
23 the purpose of testimony this evening.

24 THE CHAIRWOMAN: Does the board have any
25 objections to the credentials of this expert?

1 MR. STAHL: I may have missed it because
2 I was looking at some of the documents with the
3 plan. Mr. Challoner, you are a -- when did you get
4 your license in professional planning?

5 THE WITNESS: I got my license in
6 planning in 1990. I've been a licensed engineer
7 since 1989, and they're both currently active.

8 MR. STAHL: Thank you. Mr. Chairman.
9 Up to you.

10 THE CHAIRWOMAN: Any objections from the
11 board? None. Please proceed.

12 MR. J. PAPE: Thank you. Will
13 Mr. Challoner be able to have the ability to share
14 screen? I know we have some exhibits that we would
15 like to put up on the screen. We'll look to you as
16 to logistically how to do that. Is it possible to
17 give Mr. Challoner control?

18 MR. STAHL: We'll have to give him
19 rights, but --

20 MS. HUGHES: I did.

21 MR. J. PAPE: Excellent.

22 MS. HUGHES: Let's see. Can you -- do
23 you have ability to share your screen now?

24 Q. Looks like you're on mute, Stu.

25 A. Sorry. There we go. I think my --

1 Q. Mr. Challoner, my understanding you have
2 three exhibits, and I was hoping we could mark those
3 in to -- mark them in now. If you want to pull up
4 one at a time and we can go through it and mark each
5 one.

6 A. Just trying to -- let me just clean up
7 my screen because I'm not really sure what -- people
8 can see your screen. Okay.

9 Q. Looks like we can see.

10 MR. STAHL: If I can see it, everyone
11 can see it. Is this a -- is this document in a
12 package of the application, Jared?

13 THE WITNESS: The two -- there would be
14 two renderings, colored renderings that were not
15 part of the package. All the other exhibits are
16 part of the site plan that had been submitted to
17 you.

18 MR. STAHL: Why don't you identify what
19 are not in the package and identify them by title
20 block or some other indication. We'll call them A-1
21 and A-2, and then Mr. Challoner will have to just
22 forward those documents to Amy Russo so that the
23 file is complete as to those two documents.

24 THE CHAIRWOMAN: If I may stop you, Jim,
25 as we've done in previous meetings, anything that's

1 not been presented, given to the board earlier will
2 not be reviewed during this meeting. I'm sorry.

3 THE WITNESS: So what did we -- we
4 prepared for the meeting back in June. What did we
5 send you back in June? Did you get the colored
6 rendering?

7 MR. STAHL: Let me ask the chairwoman.
8 The question, Mary, is -- he's not showing revisions
9 to the plan, which we absolutely never accept. It's
10 merely just an existing aerial, which, you know,
11 Madam Chairwoman, can say we can look at or not. Am
12 I correct, Jared? These are not changes to the
13 application; am I right?

14 MR. J. PAPE: Correct. The three
15 exhibits we intended to present, one's a regional
16 aerial photograph, one's a slightly closer-up aerial
17 photograph just for purposes of orienteering where
18 we are, where the property is located, and the third
19 one is a rendered site plan.

20 THE WITNESS: The third one is the site
21 plan that was submitted as part of our application.

22 THE CHAIRWOMAN: So the only thing that
23 you want to present that we haven't seen are these
24 aerial photos?

25 THE WITNESS: That's correct.

1 MR. J. PAPE: Correct.

2 THE CHAIRWOMAN: Okay. I have no
3 problem with that. Thank you for the clarification.
4 Does anyone else from the board have any issues with
5 that?

6 MR. KOMINKIEWICZ: I don't have any
7 issues with seeing this. In fact, I'd like to see
8 this. I just want to point out, though, it's pretty
9 dated aerial photo because the old Colonel's Garter
10 is still on the picture.

11 THE WITNESS: That's correct. This is
12 from 2015. We wanted to demonstrate what the
13 previous use was, and this is an exhibit that is
14 supplied by the DEP. This is what they call the --
15 well, here. Let me put it in testimony. So this
16 will be exhibit -- I guess this would be A-1. It's
17 an overall site image. It's NJVIN geodetic image.
18 It comes in perfectly to scale so it's easy to
19 overlay the property lines. You can see the old
20 entertainment facility on the property. The
21 property was previously used as a -- had a bar, and
22 it had a parking lot in the upper level, and then it
23 had overflow parking in the lower level of the
24 property. The property is currently vacant today,
25 just has a parking lot on the upper level. The

1 existing drive aisles down to the lower level are
2 still there, and there's still some remnants of
3 parking in the lower level of the property. I'm
4 going to refer to it as two levels because the
5 property has a change of grade approximately 40 feet
6 from the upper level down to the lower level where
7 the old railroad tracks used to be. So this exhibit
8 is called overall rendering for South Village
9 Crossing, lots 3 and 6, block 90. It's dated today,
10 August 9, 2021, and the scale of the image is at 1
11 to -- 1 inch equals 100.

12 (Overall rendering for South Village
13 Crossing marked A-1 for Identification)

14 THE WITNESS: The second exhibit would
15 be just a closeup view for that. It will take a
16 second to load. The images are big so it takes a
17 few seconds to load.

18 (Proposed site plan marked A-2 for
19 Identification)

20 THE CHAIRWOMAN: So that white building
21 is what was Delilah's Den?

22 THE WITNESS: Yes. I never frequented
23 the Delilah's Den, but I understand that's what it
24 was called.

25 THE CHAIRWOMAN: That wasn't a trick

1 question.

2 THE WITNESS: There it is. Okay. So
3 this is just a colored image of the proposed site
4 plan overlaid on the same image, just a little
5 closer, and it's just for descriptive purpose just
6 as an overview of what we're proposing. The
7 application in front of you tonight is to redevelop
8 this property into a residential development that
9 will consist of 31 new townhouses that will be
10 constructed in four similar style buildings. It
11 will be -- two buildings would be located in the
12 upper level, and then there will be a connecting
13 drive aisle that will have two buildings that will
14 be located in the lower level. Unique thing on this
15 exhibit in the color image is the existing
16 restaurant, which exists on the corner, I guess it
17 would be the southwest corner of the property, they
18 have a -- we are proposing a shared parking lot that
19 we're going to install in that location, and it's
20 clearly visible in this exhibit. You can see the
21 additional parking spaces that the applicant is
22 going to build to supplement the parking for the
23 restaurant because currently the restaurant uses the
24 portion of the upper parking lot that's a remnant
25 from the previous development as part of his

1 overflow parking. So we're going to provide some
2 additional overflow parking to continue that use for
3 the restaurant.

4 There will be a new driveway that will
5 be on Route 35 on the northbound lane. There will
6 just be a single access that will provide ingress
7 and egress, and it will feed into the new drive
8 aisle A, and then it will T into drive aisle B.

9 For fire purposes, we installed a RSIS
10 compliant cul-de-sac at the lower level so any
11 vehicles that travel down will have the ability to
12 turn at a 40-foot radius cul-de-sac to be able to
13 turn and come back out, and then the site has been
14 designed to be fully compliant with RSIS standards,
15 which are the Residential Site Improvement
16 Standards.

17 So just a quick exhibit of the
18 four units are four building units that will supply
19 the 31 residential townhouses. In the very
20 northeast section of the property, you see the tan
21 section, looks like a triangle. That will be the
22 stormwater management basin. As you can imagine,
23 the property is sloping from south to north,
24 dropping down approximately 40 feet, so all the
25 stormwater will be at the lower level. We have a

1 collection system that we're going to install, and
2 that collection system will collect and store the
3 water at the lower level. It will be installed
4 directly adjacent to the stormwater management basin
5 for the adjoining community, and then we discharge
6 that into a collection system behind the apartment
7 complex that is existing today and currently takes
8 the runoff that's unintended -- from the existing
9 parking lot. So there will be -- after development,
10 there will be a decrease of runoff into that
11 stormwater system that currently goes there today,
12 as required by the new Best Management Practices of
13 the DEP.

14 The site will be landscaped. We are
15 providing streetscaping along Route 35. We're
16 providing landscaping. All the units will be
17 landscaped individually. The orientations of the
18 buildings, there will be some retaining wall
19 structures that we're going to install because of
20 the change in grade, and all that will be designed,
21 and a grading plan has been submitted to your
22 engineer for his review, and the applicant -- we're
23 going to go through his review letter in a minute,
24 but obviously, the applicant will be fully compliant
25 with any comments that your township engineer would

1 have on this project.

2 Street lighting will be provided. It
3 will be -- the streets will be private. All the
4 roads will be private roads. The streetlights will
5 be owned privately. It will not be a burden onto
6 the township municipality -- or city -- I'm sorry --
7 city. I'm so used to -- I live in Toms River so
8 it's township here. The City of Perth Amboy will
9 not be burdened -- or South Amboy will not be
10 burdened with the municipal infrastructure of the
11 new roads.

12 The sewers will be connected and
13 connected down to an existing sewer system in the
14 downstream development. There are already existing
15 sanitary sewer easements in place on both -- on
16 Henry Street and the adjoining -- I think it's John
17 Street. That sewer easement will be utilized for
18 the connection for our proposed sewer, and we're
19 also going to connect the water system off of Henry
20 Street and loop the system out to Route 35. So
21 there will be a beneficial use of a looped water
22 system for the Henry Street.

23 And I think the broad scope of this I
24 touched upon. Maybe I'd like to bring out that
25 there's an existing billboard on the property today.

1 As part of this development, if the board grants
2 this approval, the billboard will be removed for the
3 development of this project.

4 And I think that's the broad stroke. If
5 there's any questions, I'd be happy to answer them
6 before we go into the technical review of your
7 engineer's report.

8 MR. STAHL: Just let me confirm. You've
9 thrown up two documents on the screen, and neither
10 of those were in the original package; am I correct?

11 THE WITNESS: That is correct.

12 MR. STAHL: All right, so this is going
13 to be B, the one that's -- I'm sorry -- is A-2, and
14 the first one was A-1; is that correct?

15 THE WITNESS: That is correct.

16 MR. STAHL: You'll get copies, please,
17 of those PDF's to Amy Russo later tonight or
18 tomorrow.

19 THE WITNESS: That would be fine. I can
20 e-mail them tonight.

21 Q. Stu, just for the record, could you read
22 the title block for what is on the screen now, which
23 is A-2?

24 A. A-2 is site rendering for South Village
25 Crossing, lots 3 and 6, block 90. This was prepared

1 for a previous planning board meeting, so it's dated
2 a little earlier, June 15, 2021, and the scale of
3 this drawing is 1 inch equals 30 feet.

4 Q. Thank you.

5 THE CHAIRWOMAN: Does the board have any
6 questions? No questions. Thank you.

7 MR. FORSHNER: I just had one simple
8 questions. The restaurant that you're going to
9 share the parking lot with that's Mara's?

10 THE WITNESS: Yes.

11 MR. FORSHNER: Thank you.

12 THE WITNESS: Yes, that will be --

13 MR. STAHL: Several questions, Stuart.
14 Has any -- has a sign -- is there a developer's
15 agreement that has been completed yet with SARA?

16 THE WITNESS: No, there has not been a
17 sign agreement yet. We're waiting to get our
18 approvals to see what the board -- what the board
19 imposes.

20 MR. STAHL: All right. Thank you.

21 THE WITNESS: Do I go right into the
22 planner's -- the engineer's report? Would that be
23 adequate, or does the board make a presentation of
24 the report, themselves?

25 MR. STAHL: You would go through the

1 report.

2 THE WITNESS: Okay.

3 MR. STAHL: Please identify for the
4 record -- because some engineers go quickly and go,
5 you know, in different locations, and Jason may stop
6 you from time to time -- please identify the
7 paragraph and the page that you are directing our
8 attention to.

9 THE WITNESS: Okay. So the letter that
10 we're going to be addressing is the May 24, 2021,
11 letter. It was signed by Jason Valetutto. It's
12 addressed to Mary -- I'm going to -- Szaro? Did I
13 say that correctly? I'm sorry.

14 THE CHAIRWOMAN: Just Szaro is good.
15 Szaro.

16 THE WITNESS: Thank you. And then the
17 first page of the letter is informational, describes
18 the submission package. The lower paragraph is just
19 a brief description of the location of the property.
20 So we'll start on page 2.

21 MR. STAHL: Just let me help you a
22 little bit, Stuart.

23 THE WITNESS: Go ahead.

24 MR. STAHL: This isn't -- you don't have
25 to present the letter. The board is already aware

1 of the letter and has reviewed it. So you really
2 should identify your responses to the comments made
3 by Mr. Valetutto.

4 THE WITNESS: Yes, I was thinking I
5 would just do that quick, and then I'll touch upon
6 everywhere where he said testimony should be
7 supplied. I'll provide that testimony tonight.

8 So under page 2 under survey, the
9 applicant will be compliant. We'll make some
10 revisions to the plan. There is no sanitary sewer
11 easement on the property today. There's actually
12 several utilities that utilize this property that
13 were not -- one of the original encroachments on the
14 property is the DOT has a drainage system.
15 Originally, when Route 35 was in its -- I guess its
16 infancy, there was a discharge directly just to the
17 outside of the right-of-way line. When the
18 entertainment facility was installed on the property
19 and the parking lot was installed, the DOT extended
20 that runoff through the center of the property, and
21 there's a storm drainage pipe that extends to the
22 center of the pipe and discharges down a steep hill.
23 That -- all that stormwater system is part of this
24 development will be removed, and the applicant has a
25 new DOT permit that will pick up a new -- will pick

1 up the drainage system. There will be a new
2 pass-through drainage facility or infrastructure
3 that would be installed for Route 35, and that has
4 been reviewed by the DOT and has received approval,
5 and that is the storm water system that has the
6 scour hole or the discharge pipe just to the south
7 of the proposed cul-de-sac.

8 The old foundation remains, and
9 utilities that were shown on the previous, all that
10 will be removed as part of this application, and the
11 property will be cleaned up prior to the start of
12 the new development.

13 Obviously, with the construction of the
14 residential homes, we have to ensure that the homes,
15 themselves, or the buildings, themselves, are on
16 adequate footings and foundations, and we can't
17 leave any debris or old utilities underneath those
18 new structures.

19 So I'll touch on the -- I think that
20 touched on his two comments on sheet 2.

21 MR. VALETUTTO: Stuart, just to
22 interrupt you --

23 THE WITNESS: Sure.

24 MR. VALETUTTO: The sanitary line that's
25 going from John Street to Henry Street on your

1 property, is that going to be an easement supplied?

2 I wasn't sure. I didn't hear that.

3 THE WITNESS: It will be an easement
4 supplied. When we called the township to get a
5 location of where that sewer main was, they did not
6 really know exactly where the sewer is. They gave
7 us an old map. We opened up the manholes on the end
8 of Henry Street. We got a direction. But we could
9 not find the original or the first manhole that
10 comes in from Henry Street, but we do think it hugs
11 that property line. They thought it was on the
12 adjoining property, but we feel it's on our
13 property. We will locate that, and we will do test
14 pits and dig it up. If there is a conflict -- there
15 is a comment in your letter regarding the drainage
16 basin. If it is in conflict, we will relocate that
17 into an easement that hugs that existing property
18 line and tie it in. Henry Street, the lower part of
19 Henry Street drains through a -- drains through the
20 easement on the 20-foot-wide easement at the end of
21 Henry Street. It traverses our property, and it
22 discharges into a lower manhole on John Street, and
23 we're actually going to be tying into that anyway.
24 So we'll find that sewer, and we'll make sure that
25 it's in an easement, provide a new easement.

1 All right. All the comments on the
2 lower part of -- on page 2 of 9 (audio disruption)
3 all the way from 1 and 4A through K and 5A through D
4 will be complied with. The operator will be fully
5 compliant with all those comments.

6 Sheet 2 is the -- there is a comment
7 about existing conditions. There is a small area
8 just downstream or I should say to the north or
9 downstream of the existing parking area of the lower
10 parking lot that had a -- the DEP when they came out
11 and did the walk-through, they found a small
12 isolated wetland area. That area has been flagged,
13 and the DEP has witnessed those flags and approved
14 the location of it, and we are seeking a permit to
15 fill that wetlands. It's less than an acre, it's
16 isolated, and we are going to receive a permit to
17 fill, so there will not be any transition area
18 buffers or wetlands left on the property. It would
19 all be filled as part of this application.

20 So the symbols in the testimony on sheet
21 4 of 9, there was a question regarding the symbols
22 on the property. What was located as a circle with
23 a T, those are the existing light poles on the old
24 parking lot. Those existing light poles would be
25 removed. And then the -- I think that was the

1 comment about the -- would those symbols interfere
2 with our development. The parking lot with the
3 lighting structures and electrical conduits will all
4 be removed prior to our start of our new
5 development.

6 And then the second one would be the --
7 we'll provide the sanitary sewer easement.

8 The lower part comments on sheet 3,
9 items 1 through 19, the applicant will be fully
10 compliant with those. And I'll start with the
11 testimony. There's a question about the mailboxes.
12 The applicant is proposing two locations for
13 mailboxes. Will be -- there's two buildings in the
14 upper level. They will have their own mailbox
15 location. And then there's a second mailbox
16 location down at the cul-de-sac where we provided
17 two additional parking spaces so people have a place
18 to pull over, get out, and get their mail, and they
19 will service the two lower buildings. So there's
20 two separate mailboxes. Our thought was they
21 shouldn't have to walk up, you know, 20 feet, you
22 know, up a sidewalk 20 feet higher to get to their
23 mailboxes so we located two locations, so there will
24 be two separate mailbox locations.

25 The applicant is not proposing any

1 on-site dumpsters. The NVR or Ryan Homes, who's the
2 developer of the townhouses, they prefer to provide
3 individual pickups. They will supply garbage cans
4 that will be located -- there's space inside the
5 garages, and they bring them out to the street on
6 garbage pickup day, so -- and the garbage pickup I
7 believe will be a private pickup unless the township
8 makes an agreement with townhouses that they do the
9 pickup, but there will be no trash enclosures
10 provided on the site.

11 The location of the detention basin
12 again, if the sewer easement -- if the existing
13 sewer main is in conflict, we'll relocate it to
14 within the 20 -- within the easement along the
15 property line.

16 The fourth testimony is construction and
17 wetlands. The applicant is seeking a permit to fill
18 the wetlands. Again, it's less than an acre, and --
19 it's less than a quarter acre, and it's eligible for
20 a fill permit, and we are seeking those permits.

21 The testimony regarding the billboard
22 encroaching the property. There is an existing
23 billboard, and just -- it's inside of the Route 35
24 right-of-way. That billboard will be removed if
25 this application goes forward, and -- to allow the

1 construction of the new development.

2 And the justification for the deviations
3 and proofs, I will go through those now if you'd
4 like, and if you go to page 9 of 9 of the engineer's
5 letter, there's four different deviations that the
6 applicant is seeking as part of this approval.

7 MR. STAHL: Stuart, why don't we --
8 let's just stay with the letter.

9 THE WITNESS: Okay.

10 MR. STAHL: And, yeah, stay on the page
11 by page. You'll address that when you get to
12 Jason's grid on page 9. We are now on -- go ahead.
13 It's easier that way.

14 MR. VALETUTTO: Yeah, you got a good
15 flow going.

16 THE WITNESS: So on the bottom of sheet
17 on page 5 of 9 for sheet number 4, which is the
18 grading plan, the applicant will be fully compliant
19 to items 1 through 6. Most of them are like details
20 and changes to the -- minor changes to the plan.

21 Applicant should provide testimony for
22 control of mosquitos in the detention basin. The
23 applicant is actually working with the DEP
24 currently. We are changing the basin to make it a
25 dry basin. We are no longer seeking to have the

1 water quality storm infiltrated into the ground. We
2 are either going to do the new hydroponic system, or
3 the DEP is looking into waiving the water quality
4 since the -- I'm sorry. Am I still good?

5 MR. STAHL: Yes.

6 THE CHAIRWOMAN: You're good.

7 THE WITNESS: We're working with the DEP
8 to see what the water quality structures need to be.
9 We made an argument that there is actually a
10 decrease in impervious coverage for the new parking
11 lots where cars will actually be, and if the DEP
12 allows us, we'll make it a complete dry basin.
13 Either way, it's going to be a dry basin, so there
14 won't be any concern for mosquitos. The maintenance
15 manual will be supplied by the applicant once we get
16 our approval from the DEP, and we'll put on record
17 that the -- tonight that there will be a homeowners
18 association that will be required to maintain all
19 the roads, storm sewers, and on-site sanitary sewers
20 on the property.

21 Going to sheet 5, which is the lighting
22 plan, the applicant submitted a lighting plan. We
23 will make the changes. We did a point-by-point
24 lighting plan. We'll add the contours for the .3
25 foot-candles, and we'll comply with items 1 through

1 3.

2 Sheet number 6 is a soil erosion plan,
3 and it refers to the Freehold Soil Conservation
4 District, which has jurisdiction over this project.

5 Sheet number 7 is the profiles, and the
6 applicant will make the corrections to the two
7 comments regarding the profiles.

8 Sheet number 8 is the riprap pad. We're
9 not actually doing riprap aprons. All three
10 locations are going to be scour holes, and the
11 applicant will clarify that on the plan and label it
12 appropriately.

13 And then sheet number 9, the entrance
14 island detail, apparently, when we made the prints,
15 it's not legible. We'll enlarge it to make it more
16 legible.

17 And then sheet 9, comments 1 through 11
18 are all comments regarding details, and the
19 applicant will be fully compliant to meet all those
20 comments.

21 Sheet number 10 didn't have any
22 comments, and sheet number 11 was Freehold Soil
23 Conservation detail sheet, and it refers to the
24 details.

25 And the bottom of page 7 of 9 is the

1 landscape plans. The landscaping was done. We had
2 a landscape architect do the -- prepare the plan. I
3 see the plans will be -- will ensure that there's no
4 conflicts with the landscape -- proposed street
5 trees with the new lighting plan. We'll meet
6 Mr. Bennett to make sure that that is compliant.
7 And I'll make sure that items 1 through 2 on sheet 1
8 and 1 through 4 on sheet 2 are fully complied with.
9 I don't see anything that stands out that he could
10 not address.

11 The next is the parking lot easement
12 parcel map. The applicant will make the small
13 revisions to the easement parcel map to provide the
14 -- satisfy comments 1 through 4.

15 And then the architectural plans,
16 testimony should be provided for the following, and
17 first question is will the units have their own
18 utilities instead of utility closets, and, yes, the
19 answer to that would be yes, we do supply water and
20 sewer for each individual unit. It will be
21 provided, and we'll add those to the grading and
22 utility plan to show you how it's located. And the
23 air conditioners, historically with our other
24 project with Ryan Homes, the AC units are installed
25 in the back of the units adjacent to the proposed

1 patios.

2 MR. STAHL: Stuart, one question -- one
3 question, please. Yeah, go to number 1. You're
4 doing fine. Utilities are being provided by the
5 builder; is that correct?

6 THE WITNESS: That is correct.

7 MR. STAHL: So the -- are there or are
8 there not going to be submeters? Where would they
9 be located.

10 THE WITNESS: When we spoke to the water
11 company, the water company indicated that they would
12 want a single meter for the water system that came
13 into the property, and then we would have to
14 submeter it on our own, which is unusual for me.
15 I've never done it that way before. But the
16 applicant will work out whatever agreement your
17 utility company requires, and if that's the
18 requirement, then the homeowners association will
19 monitor and collect the appropriate fees for the
20 water usage, water and sewer usage.

21 MR. STAHL: Thank you.

22 THE WITNESS: But there will be a
23 separate -- there will be separate meters for each
24 unit. Who monitors those? I would imagine it's
25 going to be the HOA based on my conversations with

1 the water company. Does that answer your question?

2 MR. STAHL: Yeah. Go ahead, Stuart.

3 THE WITNESS: All right. Good. And the
4 bottom of page 8 of 9 is the drainage report. The
5 applicant will make all the changes to the drainage
6 report to be compliant, and then -- that would be
7 comments 1 through 5.

8 And then we get to the deviations
9 required for this application. So the first
10 deviation is the maximum building height. There is
11 a maximum building height in the zone of 40 feet.
12 Three of the buildings require a deviation from that
13 plan or from that requirement. The highest one is
14 40.6 feet, and the reason for that is there is such
15 a change of grade from one side of this property to
16 the other, it was very difficult for us to do the
17 grading and meet the requirement. We tried to meet
18 the requirement as best we can, but because of the
19 way the building heights are measured, we seek a de
20 minimus deviation to allow a slight increase of --
21 it's just under 8 inches higher than what the
22 ordinance permits.

23 The minimum unit width of 20 feet. The
24 interior units meet the requirement, but the end
25 units are 19.88 or just under 19 feet, 11 inches, so

1 they're just about an inch and a half short of the
2 requirement, so again, the applicant is seeking a
3 small deviation of the end units to allow them to be
4 slightly under 20 feet, and that's the model that --
5 the building that Ryan Homes is building on this
6 property.

7 And then there is a minimum garage area,
8 a 300 square foot requirement. The applicant is
9 proposing single-car garages. Obviously, with the
10 units being 20 foot wide, we could not do two-car
11 garages. There just would be -- take up the entire
12 front of the buildings. So with the single-car
13 garage, the applicant is seeking a reduced garage
14 width or garage area of 185 square feet where
15 300 feet is required.

16 And the max density, the 31 units, when
17 you divide that by the acreage of the property, it's
18 8.4 units per acre instead of 7.75, and again, we
19 feel that it's a de minimus deviation of the
20 requirements.

21 THE CHAIRWOMAN: Can I ask you to just
22 do the math for me. So what number of units fall
23 within the requirement? I just have a concern about
24 the density.

25 THE WITNESS: So the density is -- I

1 think the property is 3.7 acres or 3.7 -- 3. -- is
2 3.76 acres, 31 units, .24, and then if I went the
3 other way, 3.76 times 7.75, it's just over 29 units.

4 MR. K. PAPE: Madam Chair and board
5 member, this is Kenneth Pape. I can't get my video
6 on, but my mic is, but I just want to let you know
7 that I joined your meeting, and thank you for
8 allowing me to join late.

9 MR. STAHL: Mr. Pape, we're doing fine
10 without you.

11 MR. K. PAPE: Thank you. Stuart, if I
12 can just for one second, and that is the 31 units is
13 not only -- not only requires a limited de minimus
14 variance, but it represents the number that was
15 discussed by the applicant with SARA. The applicant
16 had originally shown 32 units, and SARA had asked
17 them to change it to 31 units, so the 31 units is
18 actually a product of those discussions with SARA,
19 Madam Chair, as well as requiring the de minimus
20 variance that Mr. Challoner has just pointed out. I
21 apologize for jumping in like that.

22 THE CHAIRWOMAN: Thank you.

23 MR. STAHL: Madam Chair, may I ask a
24 question of Stuart with regard to the garage?

25 THE CHAIRWOMAN: Certainly. Who is

1 that?

2 MR. STAHL: It's Jim, Jim Stahl.

3 THE CHAIRWOMAN: Okay. I'm sorry, Jim.
4 I have really small pictures now. Just identify
5 yourself.

6 MR. STAHL: Stuart, with regard to the
7 garages, remembering that the trash bins will be in
8 the garages, will those garages at the 185 and a
9 half feet be comfortable for a standard size car and
10 the garbage bin and ingress and egress to the
11 vehicle?

12 THE WITNESS: Yes. That's the -- I
13 mean, that was the testimony from the architect to
14 me that there was ample room for the small cans that
15 they have and the storage of a vehicle in the garage
16 to provide two off-street parking spaces on each
17 unit.

18 MR. STAHL: Thank you.

19 MR. K. PAPE: Stuart, the reduction in
20 the size of the garage really is related to going
21 from a two-car garage to a one-car garage where two
22 cars is 300 square feet and one is you've got your
23 little over 180, so it would seem that there's more
24 than 50 -- more than half the typical garage with
25 only one car. So if you could please clarify that

1 the end units.

2 MR. STAHL: Stuart already -- I don't
3 want to be rude. You're doing fine, but Jared and
4 Stuart had addressed those with -- he has just
5 finished up the deviations and I think was ready to
6 go into the positive and negative criteria. I just
7 have one question since I'm on.

8 Ken, we're aware that the state, the
9 NJDOT, has some plans for the ramp widening. I'm
10 assuming you and your client are aware of that.

11 MR. K. PAPE: Mr. Stahl, first, I'm
12 going to take your guidance to be quiet and allow
13 Jared Michael Pape to finish this presentation,
14 which he has so ably started, but I will speak to
15 the DOT because that was something that our -- that
16 I handled.

17 The DOT has expressed an interest in
18 this area for DOT improvements for at least 20 years
19 and has had active work for at least 10 years, and
20 in the past year, they indicated that they were
21 working on a plan. So, yes, we are aware that the
22 DOT has been looking at, thinking about, and talking
23 about this property for a very long time, and it
24 looks like they may actually be coming forward with
25 a plan. If there is a plan and the DOT wishes to

1 condemn the property, there is nothing that this
2 board, the city, the applicant or the property owner
3 can do, but we are treating it as our responsibility
4 to bring to the City of South Amboy a redevelopment
5 plan consistent with your redevelopment plan.

6 MR. STAHL: Thank you, Ken, and Stuart
7 and Jared were doing very well. I say that
8 honestly, not sarcastically.

9 I have to advise the board, also, Mary,
10 that we cannot -- and we've all been involved with
11 this -- we cannot assume anything with the NJDOT.
12 If it's a compliant application, notwithstanding the
13 state's desire or future plans, we have to -- the
14 board will have to consider it as is, and if
15 something happens in the future, so be it, but we
16 cannot -- we get this all the time, as the board
17 knows and as the mayor knows and Tom Reilly, in
18 these type of things. You never know what's going
19 to happen. The plans could change, be accelerated,
20 be slowed, but we have to work with what is given to
21 us by this applicant. That's all I have on that
22 one. So, Jared --

23 THE CHAIRWOMAN: Understood. Thank you.

24 MR. STAHL: Pardon me?

25 THE CHAIRWOMAN: I said it's understood.

1 Thank you, Jim.

2 MR. STAHL: Stuart, you didn't finish.

3 THE WITNESS: Yes, so just on the
4 positive and negatives to meet the planning aspect
5 of the project, obviously, the building height, the
6 unit width, and -- are very de minimus waivers that
7 we're seeking from the standards. The building
8 heights, the intent of the building is to be
9 40 feet. Because of the change in grade from one
10 side of the property to the other, it was impossible
11 to meet that, although the applicant met it with
12 the, you know, as close as they could with the
13 retaining walls that we're proposing for this
14 property. Some units will have walk-out basements.
15 Some will not because of the change in grade. But
16 the intent is to meet those, so we feel that the
17 intent of the ordinance is met and that the actual
18 ordinance is being enhanced in the fact that the
19 applicant is bringing forth a redevelopment plan as
20 originally presented for this property very similar
21 to the original proposal to the town that would be
22 an improvement to this piece of property. The
23 density going from 7.75 units per acre to 8.24 is
24 the additional two units that the applicant is
25 seeking that when they met with the town, again,

1 it's keeping with the type of density with the
2 surrounding community. The properties just to the
3 southeast of us is an apartment complex that has a
4 very similar density, and there is other multifamily
5 units close in the area, so again, it's in keeping
6 with the neighborhood. We feel that the master plan
7 and the -- for this area is enhanced with the
8 develop -- this development going forward.

9 THE CHAIRWOMAN: Thank you. Any
10 questions from the board? Jason.

11 MR. VALETUTTO: Yeah, I just wanted to
12 see if Stuart knew the answer for this. It's
13 probably better for the architect. Can you tell for
14 the board which buildings are being built in which
15 location. I mean, he labeled the first building
16 A-001. We know that's the seven-unit building so we
17 know that's the one all the way to the south, but
18 then the next three the board has no idea which
19 style building they're using or he designed for it
20 or like the facades, either. The board has no idea
21 what facades have been chosen for each of those
22 buildings because there's the three different types,
23 the Beethoven, Mozart, and Strauss that are labeled
24 on the plans.

25 THE WITNESS: So the Beethoven, the

1 Strauss -- so the way I understand it -- and again,
2 I'm not the architect, but I've done projects for
3 this developer that sold to Ryan Homes. The
4 Beethoven Strauss, the only thing that's different
5 between one to the other is if you were purchasing a
6 unit and you wanted to have the bigger unit, it goes
7 from the Beethoven to the Strauss. The building
8 just gets deeper, has more options. So it's -- the
9 facade, what you see in the front of the building
10 would be the same. It would not be -- it doesn't
11 change. The depth of the building gets deeper, and
12 the presentation that you see on the plan is the
13 largest unit that someone could purchase. What
14 would be different from one unit to the other, the
15 three units, the two units to the south, the
16 seven-unit building that --you know, it's funny.
17 The orientation of this property, when you pull in
18 on the property and you're like the first building
19 on the south will have beautiful views of the
20 waterway because it's so high, it looks over the
21 trees. It will actually have beautiful views of
22 waterfront, and my original thought was to design
23 all the buildings to have views to the waterfront
24 since that would be a real bonus, but because of the
25 change of slope, we needed to keep the buildings

1 parallel to the grade so they step down. Stepping
2 down, three of the buildings will have walk-out
3 first floors, so they'll have like family has
4 garages and family rooms on the first floor that
5 will be at grade. The building that's in the middle
6 of the two -- the three buildings that are parallel
7 to each other, the middle building will not have a
8 walk-out. Because of the change of grade from one
9 building to the other, it changes like 20 feet. We
10 stole 8 feet of that by burying that family room
11 will actually be a basement in that building. So it
12 will have two floors above the grade, so, you know,
13 that building will actually be the only building
14 without the walk-out. It will have a -- what would
15 be the first floor deck or the second floor deck
16 will actually be at ground level, and the other
17 buildings will have the three exposed floors exposed
18 at the rear of the building. So other than that,
19 the facades of the buildings would be the same.
20 It's based on the units that individual purchasers
21 purchase. I hope I described that correctly.

22 MR. VALETUTTO: I think that confused me
23 a little bit more than anything.

24 THE WITNESS: It did the first -- when I
25 first did one of their layouts, I was like, which

1 one's the Strauss, which one's the Beethoven, and
2 then it was explained to me it's the options.

3 MR. VALETUTTO: Okay, but the options
4 being internal, you had said something about the
5 size of each unit, so each person that comes in to
6 buy the townhouse gets to choose the size of the
7 unit and that gets adjusted? That's where you lost
8 me.

9 THE WITNESS: I think the -- when they
10 have presales, yes, that would get adjusted. If
11 they don't have presales and they build a building,
12 it would be -- I would imagine I built it as the
13 largest unit, and I would imagine if that's what
14 they project the sales will be, that's the unit
15 they'll build.

16 MR. VALETUTTO: Okay, so the actual
17 building footprint that the board is looking at now,
18 like you said, is the largest of the Strauss,
19 Beethoven, and Mozart.

20 THE WITNESS: Yes, that is correct.

21 MR. VALETUTTO: And there is the
22 possibility that if they choose a different layout,
23 it shrinks, so there's nothing -- just so the
24 board's aware that there's no -- the footprint is
25 going to -- can possibly go inward. It will never

1 grow outward. Just so they're aware of that.

2 THE WITNESS: That is correct. You
3 know --

4 MR. VALETUTTO: Is it safe to say then
5 building A-002 on -- just using the plan that's on
6 the screen now would be the next building to the
7 left of the seven-unit building and then A-3 would
8 be the next one, or A-003, and then A-004 would be
9 the one closest to the drainage retention basin; is
10 that --

11 THE WITNESS: That's how I would
12 envision that, also, yes.

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

15 THE CHAIRWOMAN: Thank you. Any other
16 questions?

17 MR. GONZALES: Yeah, hi, Mary, this is
18 Jorge Gonzales. Question. What was the total of
19 guest parking that was necessary?

20 THE CHAIRWOMAN: Seventy-eight.

21 THE WITNESS: Well, no, there's --
22 there's 32 or 31 units. You are required to have 16
23 guest parking, and the applicant does provide that.

24 THE CHAIRWOMAN: I'm sorry. I didn't
25 hear the guest.

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THE WITNESS: Yes, you're required to have one space for every two units available for guests above and --

MR. GONZALES: Okay, very good, and these will be for-sale units, correct?

THE WITNESS: Yes, that's how I understand it, yes.

MR. GONZALES: Okay, and who owns -- and who currently owns the billboard?

THE WITNESS: I would imagine that the person that advertises on the billboard, like, I don't know, is it Outdoor Advertising. I don't know, but they own the billboard, and they probably lease it from the landowner, the plot.

MR. K. PAPE: If I may, the arrangements with the billboard company are that the billboard will be terminated and removed. The lease arrangement -- the written lease agreement with the billboard permits that on 180 days advance notice. If this board finds it comfortable to grant the relief that's requested, those notices will be sent shortly and the billboard will be removed in its entirety.

MR. GONZALES: Thank you. And, Mary,

1 the last question, has -- have you folks spoken with
2 the owners of Mara to see how you're going to
3 proceed with building that adjacent parking lot
4 there for them? Because obviously during your
5 construction, you're going to have a lot of debris
6 and equipment there. How will that impact them and
7 have you spoken to them about this?

8 THE WITNESS: I haven't spoken to them.
9 We're anticipating that we would enter into an
10 agreement. Obviously, we're proposing to give them
11 an easement so we'll have to sign an agreement so
12 they accept the easement. We'll work out the
13 details.

14 There was a comment in Mr. Valetutto's
15 report regarding lighting. We're going to deal with
16 the lighting issue with them at that time. If there
17 is lighting that is required, we'll work out those
18 arrangements with the restaurant when we work out
19 the easements, the agreement for the easement.

20 Our construction into our site for the
21 development will be on the soil erosion plan. Our
22 development will utilize our new road. We'll
23 install their parking lot before we install, you
24 know, before we start construction. So they'll have
25 a minimal disturbance, you know, in order for us to

1 have just their parking lot installed, and then all
2 our construction will be done through our own
3 driveway.

4 MR. GONZALES: Thank you. That's much
5 appreciated.

6 THE CHAIRWOMAN: Any other questions?

7 MR. HOREZGA: Is there a plan as far as
8 which unit you're going to construct first, more to
9 the north or you're going to start with the unit
10 next to the restaurant?

11 THE CHAIRWOMAN: That was Andrew. Can
12 you just identify yourself.

13 MR. HOREZGA: Yes, Andrew Horezga.

14 THE CHAIRWOMAN: Thank you. The court
15 reporter.

16 THE WITNESS: This is Stuart responding.
17 I don't know. That would be totally up to the
18 builder. I don't know.

19 THE CHAIRWOMAN: Any other questions?
20 Jason.

21 MR. VALETUTTO: No, no question. I was
22 just thinking about the answer for Stuart. If I
23 were the builder, I would want to build the one
24 furthest away because if you build the one that's
25 right there in the front, now you're going to have

1 people living in a building that's going to have to
2 now deal with traffic from construction vehicles in
3 and out. It's just a safety issue. So it all
4 depends on how they lay out. I mean, they're going
5 to want to get in their drainage area, that
6 detention pond in first to capture all the water.
7 They're going to have to think about that.

8 THE WITNESS: If it played the way we do
9 our developments with Ryan Homes, we build all the
10 infrastructure first. They don't start construction
11 -- typically, they generally don't start
12 construction on any of the units until we put the
13 base pavement down. That's how far we take it. And
14 then once we put the base down, they would start. I
15 would agree with you, Jason. They would probably
16 want to walk their way out of the property so
17 construction vehicles aren't driving in front of
18 improved units, but again, I'm not the builder so I
19 don't want to put testimony down.

20 MR. VALETUTTO: Right. And then the
21 opposite is the seven units is the highest elevation
22 and most visible from the street, so from a
23 marketing standpoint, seeing that up first, you
24 know, like it goes hand in hand, but I have always
25 been a safety guy, and, you know.

1 MR. K. PAPE: For the record, the
2 contract between our clients and NVR or Ryan Homes,
3 as they're most frequently known, requires all the
4 improvements, just as Stuart Challoner just stated,
5 all the improvements to be built by our client, and
6 everything is in, not the landscaping, but
7 everything else is in before there's any buildings
8 that are constructed.

9 THE WITNESS: That's typically how we
10 handle it, that's correct.

11 THE CHAIRWOMAN: Thank you. Any other
12 questions? Would either of the Mr. Papes like to
13 say anything in closing before we open it up to the
14 public?

15 MR. J. PAPE: I'll defer to Ken Pape.

16 MR. K. PAPE: Jared, with your
17 permission.

18 MR. J. PAPE: Yes, go ahead.

19 MR. K. PAPE: Madam Chair, board
20 members, I had the opportunity to review the outline
21 of the testimony that was presented. The applicant
22 is very appreciative of the opportunity to present
23 this to the board at a special meeting in August.
24 This is an application that is designed to develop
25 the property consistent with the city's

1 redevelopment plan. There was considerable care
2 placed in the design, working first with SARA and
3 then working with Mr. Valetutto, whose guidance in
4 written form was very valuable to us. We
5 respectfully ask that the board consider the
6 application as it's presented. This is a request
7 for preliminary and final site plan approval with
8 limited bulk variance relief. Thank you.

9 THE CHAIRWOMAN: Okay. Thank you. Do I
10 have a motion to open this session up to the public?

11 MR. FORSHNER: So moved.

12 MR. BARANOWSKI: Second.

13 THE CHAIRWOMAN: I think that was Jorge
14 Gonzales second.

15 MR. BARANOWSKI: I'll second.

16 THE CHAIRWOMAN: Who is that? I'm
17 sorry.

18 MR. BARANOWSKI: The other George.

19 THE CHAIRWOMAN: Okay, thanks, other
20 George.

21 All in favor?

22 Is there anyone from the public who
23 would like to be heard on this application, any
24 comments, questions, concerns?

25 MR. FORSHNER: Could I make a

1 suggestion. If they stop sharing the screen, we
2 could actually see the people up there.

3 THE WITNESS: Sure.

4 THE CHAIRWOMAN: Okay. Let me ask one
5 more time. Is there anyone from the public?

6 THE WITNESS: Hold on. How do I stop
7 sharing?

8 MS. ORLOWSKI: Hello.

9 MR. STAHL: Just a minute. We're just
10 taking down the plan. One second, everyone.

11 MS. HUGHES: Trying to figure it out.
12 Give me a second, Stuart.

13 MR. STAHL: Our techno-genius is working
14 on it.

15 MR. FORSHNER: Typically the person who
16 shared it has to stop the sharing.

17 MS. HUGHES: That's what I think, too.

18 THE WITNESS: It's on my end.

19 MR. STAHL: Stuart, I think you've got
20 to stop the share.

21 MS. HUGHES: Do you see down at the
22 bottom of your screen, is there a microphone,
23 camera, screen, and leave.

24 THE WITNESS: Got it. Thank you. I
25 kept hitting the button. It kept saying do you want

1 to leave the meeting. I kept saying no.

2 MS. HUGHES: There you go. Thanks.

3 THE WITNESS: Thank you.

4 THE CHAIRWOMAN: Okay. Again, is there
5 anyone from the public who --

6 MS. ORLOWSKI: Yes.

7 THE CHAIRWOMAN: -- who would like to be
8 heard?

9 MS. ORLOWSKI: Yes.

10 THE CHAIRWOMAN: Okay, I heard a -- who
11 is this first a lady?

12 MS. ORLOWSKI: My name is Nancy Orłowski
13 for Martha Orłowski.

14 MR. ORLOWSKI: And Ronald Orłowski, her
15 son.

16 MR. STAHL: Let's do one at a time,
17 please. Mrs. Orłowski, your first name is what?

18 MS. ORLOWSKI: My first name is Nancy.

19 MR. STAHL: Hold it. I think I see your
20 name on the board there. O-r-l-o-w-s-k-i?

21 MS. ORLOWSKI: Correct.

22 MR. STAHL: Where do you reside?

23 MS. ORLOWSKI: Five thirty-six Lefferts
24 Street.

25 MR. STAHL: All right. Raise your right

1 hand, even though I may not be able to see you.

2

3 N A N C Y O R L O W S K I, sworn.

4 MR. STAHL: Thank you very much. And
5 you live at 536 Lefferts Street; is that correct?

6 MS. ORLOWSKI: Correct.

7 MR. STAHL: All right. Go ahead.

8 MS. ORLOWSKI: Well, a few of the issues
9 that I have, I know that you said that you're trying
10 to seek some variances for, you know, some new
11 height that you want, but did anybody consider the
12 height that's over our house? Our roof of our house
13 is below the level of Route 35, and you're going to
14 put a 40-story -- 40-foot structure on top of that
15 parking lot, which is going to overshadow us. You
16 know, that's huge. You know, you talk about that
17 these new residents will have beautiful views of the
18 bay. Well, what about our views of the trees? And
19 you know something, I like the view of the
20 billboard. I looked at it for so many years through
21 the tree leaves after the leaves fell.

22 You know, you're also talking about the
23 landscape. I'm assuming that you're going to be
24 cutting down trees. What are you doing to retain
25 all that soil that's been protecting the ground and

1 our house for all of these years? What kind of
2 retention are you putting up there?

3 MR. K. PAPE: Stuart, you want to
4 describe the retention wall system that has been
5 incorporated into the plan.

6 MR. CHALLONER: Yes, so the applicant
7 has proposed three large retaining wall systems to
8 ensure that the property is properly graded.
9 Currently the property today is just a vacant paved
10 parking lot that has unrestricted runoff that runs
11 down that hill down towards the lower section. It
12 drains through the area that actually is causing
13 quite a bit of erosion today. It's knocking --
14 erosion is actually currently knocking trees down in
15 the back of the property.

16 The applicant is going to address all of
17 that. We are putting in a new collection system.
18 From the DOT we're going to have a collection
19 system, and also the on-site will have a collection.
20 For the most common storm events, the lower storm
21 events, the applicant is required to reduce the
22 stormwater runoff that goes towards the lower
23 section by 50 percent, so half of the runoff that
24 currently -- that you most commonly see will be
25 reduced by 50 percent, and then the higher storm

1 events will be reduced by 80 -- will be reduced by
2 20 percent to 80 percent of what currently flows.
3 So all the stormwater runoff will be addressed and
4 will actually be -- the proposed improvements will
5 bring in new infrastructure that will reduce those
6 impacts to the downstream.

7 Regarding the landscaping, obviously,
8 the applicant will be taking down some trees during
9 construction, but we are proposing to reinstall a
10 new landscaping plan with street trees and buffer
11 trees along the property, and the area that is
12 proposed for the building up on the hill, that is
13 the only building that's going to be up on the hill
14 is the one, and the other three buildings will be
15 stepped down the hill. Again, you know, I would
16 have preferred to have all of them have views of the
17 water, but unfortunately, because of the slope of
18 the property, that was the design that best fitted
19 this property.

20 MR. STAHL: And, Stuart, if you could
21 just --

22 MS. ORLOWSKI: But what you're saying is
23 that the trees that are behind our house, between
24 our property and the one building that's going to be
25 somewhat parallel to 35, you're taking those down.

1 MR. CHALLONER: Not on the steep slope.
2 If you're -- if it's -- if you're behind the first
3 building, that first seven-unit building, the steep
4 slopes --

5 MS. ORLOWSKI: We're the house --

6 MR. STAHL: Let him speak. Ma'am, Miss
7 Orlowski, you have to do it right. You asked a
8 question. Let Mr. Challoner finish, and then you
9 can ask another question, please.

10 Go ahead, Stuart.

11 MR. CHALLONER: The steep slopes behind
12 the seven-unit building, most of those trees are
13 going to remain. Our -- believe it or not, our
14 building is pretty much limited to the limit of the
15 parking lot. That's the placement of it. Because
16 it's so steep there, I didn't think that we'd be
17 able to restabilize that area so we wanted to
18 maintain the trees in that location. The area that
19 is -- that we are removing the trees is where the
20 severe -- if you ever walk back in the back portion
21 of the property, the DOT, when they discharge their
22 storm drainage, it's currently eroded like 10 feet
23 below the outlet pipe. Obviously, those trees are
24 going to be removed because we need to do those
25 repairs and bring in stabilization to that area, so

1 that area is going to be removed, the trees, but
2 that seven-unit building that's up on the hill, we
3 are keeping the majority of those trees on the
4 slope. We're not taking those out.

5 MS. ORLOWSKI: Well, you're saying
6 majority of the trees. Like, couldn't you supply
7 like a diagram of what's going to be taken.

8 MR. CHALLONER: Let me get it on the
9 plan for you. Hold on. So can I share my screen
10 again?

11 MR. STAHL: Yes, go ahead.

12 MR. CHALLONER: All right, hold on. I
13 should have the grading plan up and running. Is
14 that visible?

15 THE CHAIRWOMAN: Yes.

16 MR. STAHL: I don't think that's going
17 to help. It's up to Mrs. Orłowski. That's a
18 typical plan. Well --

19 MR. CHALLONER: So, Mrs. Orłowski, do
20 you live on Lefferts Street?

21 MS. ORLOWSKI: Lefferts Street.

22 MR. CHALLONER: Lefferts Street, okay.
23 So if you look at the exhibit that I have in front
24 of -- on the screen, that's the seven-unit building
25 that's up on the hill that you were just talking

1 about. You see we're proposing a retaining wall
2 along the back of those units just off the rear of
3 those units. From that point down to your property
4 line is all going to be left in its natural state.
5 We're -- the only area that's treed is probably 10,
6 15 feet towards the parking lot on the uphill of
7 that retaining wall. So all those trees are going
8 to remain there. That slope is going to be left
9 intact. You can actually see where the -- I have my
10 cursor moving, the 125 contour coming off the
11 southern end of the seven-unit building, that's
12 tying into the existing tree line, so that section
13 we're not taking any trees down. You can see where
14 just that tree line comes around (audio disruption)
15 it hugs that retaining wall. It does come into the
16 property a little bit towards the end of that
17 building, but that -- approximately 50 feet from
18 that property line will be left in its natural
19 state.

20 THE CHAIRWOMAN: Any other questions,
21 Mrs. Orłowski?

22 MR. ORŁOWSKI: This is Ronald Orłowski,
23 her brother.

24 THE CHAIRWOMAN: Mr. Orłowski, before
25 you do, I just want to make sure that one of the

1 other questions that she had was about the height of
2 the building, so if I could ask maybe a response and
3 the fact that the allowance is for 40-foot-high
4 requirement and the deviation that you're asking for
5 is really less than an inch above that.

6 So, Stuart, maybe could you just speak
7 on that a little bit.

8 MR. CHALLONER: Yes. Again, we're --
9 all the buildings are basically 40-foot tall.
10 Because of the grading from one side of the building
11 to the other, the way they average the average grade
12 around the building, it averages out, so it's just
13 above the 40 feet, but we are meeting the -- we're
14 meeting the intent of the ordinance to meet the
15 40 feet.

16 THE CHAIRWOMAN: Thank you.
17 Mr. Orłowski.

18 MS. ORŁOWSKI: Yes.

19 THE CHAIRWOMAN: Is Mrs. Orłowski done
20 before Mr. Orłowski, we move to him?

21 MS. ORŁOWSKI: I'm just, you know, like
22 just the concerns about like the height and removal
23 of the trees and, you know, like also the trees
24 provided a barrier for, you know, the noise from,
25 you know, Route 35, you know, taking those down, and

1 like I said, you know, we're going to be
2 overshadowed. You know, it's different when there
3 is the change of seasons and, you know, the trees
4 and the leaves are falling, and I, too, now would
5 also have a question. Who is going to maintain in
6 that area between where that retaining wall would be
7 and our property?

8 MR. CHALLONER: There will be a
9 homeowners association.

10 MS. ORLOWSKI: So they're going to come
11 out and they're going to also take care of any
12 debris that falls or any of the leaves through the
13 change of seasons around that area?

14 MR. K. PAPE: The homeowners association
15 will have a maintenance program. Whether they are
16 going to go in and blow out trees -- leaves as they
17 fall I do not know. The maintenance program will
18 include litter removal.

19 MS. ORLOWSKI: I also want to mention,
20 too, that we have an immense amount of wildlife in
21 the area, and the latest is we have some foxes that
22 are in the area, you know, some raccoons, some
23 possums, groundhogs. We have wildlife, you know,
24 and the wildlife is now -- obviously, we have the
25 fox because the fox had to move from elsewhere

1 because their homes are being absconded by
2 developments and developers everywhere. You know,
3 building these units, it's also going to create some
4 additional problems for these animals. Where do
5 they go now?

6 MR. CHALLONER: You want me to respond
7 to that, Mr. Pape?

8 MR. K. PAPE: You can. I don't know
9 that it's a necessary question to answer, but you
10 can.

11 MR. CHALLONER: This is a redevelopment
12 of a site that's already been disturbed. There's
13 already a large parking lot. The upper portion is a
14 parking lot. The majority of the lower portion is a
15 parking lot. The applicant is doing a redevelopment
16 plan. We're not taking a pristine wooded piece of
17 property that is, you know, filled with wildlife.
18 This is a property that's been developed in the
19 past, and it's being redeveloped to a good use,
20 residential use that is consistent with the
21 adjoining property owners.

22 MS. ORLOWSKI: On a highway.

23 MR. CHALLONER: All streets lead from a
24 highway.

25 MS. ORLOWSKI: Very close to a highway.

1 MR. STAHL: Mrs. Orłowski, please, this
2 is not an opportunity to have an argument, please.
3 This is the open portion of the meeting. You have a
4 right to ask questions and to make your points,
5 which I think you have. As was indicated -- and the
6 board works very hard to make sure things are
7 correct -- this is a redevelopment zone. Unless
8 there are endangered species that habitat is being
9 disturbed, the board has no jurisdiction over that
10 wildlife, and by, you know, that is where we are
11 right now. It is a redevelopment zone, and the city
12 did make determination some time ago that this area
13 was what we call in need of redevelopment based upon
14 what was there. So I just have to say that to you.

15 Do you have any other questions before
16 we hear from your son?

17 MS. ORŁOWSKI: He's not my son, he's my
18 brother, and I do have a problem with also potential
19 problems with the building and runoff water if
20 you're removing trees because the ground is being
21 kept intact because of the trees and the root
22 system. We don't have any water problems now, but
23 once you start that building and construction, what
24 happens and who's responsible if we start to get
25 problems and water in our basement?

1 MR. STAHL: I can just say -- let me say
2 this, Stuart. And I'm not providing legal advice,
3 Miss Orłowski. If there is an issue with water
4 which results from the development, you could have a
5 claim if it was from the development. I'll indicate
6 to you that our law indicates -- New Jersey
7 development law is that the developer cannot
8 increase the runoff, the volume, that the volume
9 must be the same if not less than which is on there
10 right now. I would assume the expectation and based
11 upon Mr. Valetutto's review and his further review
12 of the detention facilities is that it will capture
13 the water volume that is created on site. I mean,
14 that is what's supposed to occur.

15 MR. VALETUTTO: And, Jim, I'll go one
16 further since they're dealing with wetlands and
17 whatnot. NJDEP is the ones that are reviewing this
18 whole drainage, so they are the strongest and the
19 highest you can go. So they have to satisfy NJDEP.

20 THE CHAIRWOMAN: Thank you, Miss
21 Orłowski. Mr. Orłowski.

22 MR. ORŁOWSKI: Yes. I have the --

23 MR. STAHL: Please raise your right
24 hand, Mr. Orłowski.

25

1 R O N A L D O R L O W S K I, sworn.

2 MR. STAHL: And where do you reside,
3 Mr. Orłowski?

4 MR. ORŁOWSKI: Five three six Lefferts
5 Street.

6 MR. STAHL: Okay. Go ahead.

7 MR. ORŁOWSKI: Question I had with the
8 seven units that are going to be above us, how far
9 away from the top of the hill or the top of that
10 property, how far -- how far forward -- how far
11 forward are they from the edge of the hill? Are
12 they on the edge of the hill, or is it set back from
13 the edge of the hill?

14 MR. K. PAPE: Stuart, I think you're on
15 mute.

16 MR. CHALLONER: Was I on mute? I'm
17 sorry. I put the exhibit back up that has the
18 grading plan for those seven units. You can see the
19 existing contours. The majority of the building is
20 a little further uphill from the steep contours.
21 There is one unit where the contours just barely
22 touch the back of the buildings. We are proposing
23 to construct a retaining wall there to level that
24 area out and to ensure the retaining wall allows us
25 to put some grading in the back yard to ensure that

1 no runoff from those buildings will be directed
2 downslope because we don't want to have any erosion
3 problems, either, and you can see the contour lines
4 have been designed to collect that runoff and
5 discharge it into the new stormwater system on
6 proposed Road A. It will all be collected into that
7 area just slightly uphill of where the embankment
8 starts.

9 MR. ORLOWSKI: So what you're saying is
10 all of that water is not draining from the back;
11 it's going to drain towards the front, correct?

12 MR. CHALLONER: No, the water is going
13 to drain from south to north. You can see if I take
14 my cursor, here's 125 contour, 124, there's a 123,
15 122, 121. It's -- the retaining wall allows us to
16 ensure that the water will be directed towards Road
17 B so because we didn't want to have the runoff
18 draining down the slope, either. I mean, I wouldn't
19 be able to control it if it did. So we're
20 collecting it and designing a grading system that
21 allows us to control the flow of the water, and
22 that's what the retaining wall is for.

23 MR. ORLOWSKI: Okay. You also -- I
24 don't know if you're aware about it -- you should
25 have -- you should be, but we also had the -- there

1 was also erosion going into the street from the top
2 of that property.

3 MR. CHALLONER: I would imagine since
4 it's been not maintained for years that could
5 possibly be true, yeah. You know, obviously, during
6 construction we're going to redirect. You're not
7 going to have, you know, a paved parking lot that
8 doesn't have any collection systems currently on it.
9 It's going to be removed, and all the new impervious
10 buildings, driveways, roadways, sidewalks, will all
11 be collected into a stormwater management system
12 that will manage that water so it's discharged at a
13 location that will not cause erosion, and that is
14 part of the proposed improvements.

15 MR. ORLOWSKI: Okay, so then you are not
16 taking out any of those trees that are at the back
17 at the dead end of Lefferts Street, correct?

18 MR. CHALLONER: Again, we're taking out
19 a small triangle of trees, just a -- maybe a 15-foot
20 swathe behind the buildings where I'm showing my
21 cursor, but behind Lefferts Street, no, we're not --
22 we're not taking any of those trees out at all.
23 We're not changing the slope behind Lefferts Street
24 at all.

25 MR. ORLOWSKI: Okay. You also -- I

1 noticed on the site plan, there's on our property,
2 lot 7, what do you mean by tank?

3 MR. CHALLONER: Tank. Oh, we get our
4 topography -- it's done through an -- all the
5 topography is done through an aerial. So if there
6 was something in the back yard that looked like an
7 old well or -- I don't know, like it looks like a
8 fire pit, they just label it a tank. It doesn't
9 mean that there's a physical tank. It's just from
10 an aerial photograph that's what it looks like.

11 MR. ORLOWSKI: Okay.

12 MR. CHALLONER: It's not an accurate
13 survey of your property. It's an accurate depiction
14 of your topography but not, you know, your driveway,
15 sidewalks could vary slightly. We didn't go in
16 there and individually survey your property.

17 MR. ORLOWSKI: All right. That was
18 really -- my main concern -- my main concern is
19 having water, and we've -- and we've had problems.
20 This is probably within the last few years of that
21 building, of the city dropping that building, we
22 haven't had any discharge from that building coming
23 down the hill, and that was consistently always the
24 problem, and I just want to make sure that is not
25 going to happen again.

1 MR. CHALLONER: You know, I sympathize
2 with your concerns, and I think -- I hope I
3 demonstrated on our plan that we tried to address
4 that, and I'm confident that we're not going to
5 impede or create any additional water issues that
6 you have on your property.

7 THE CHAIRWOMAN: Thank you,
8 Mr. Orlowski. Is there anyone else from the public
9 who would like to speak?

10 MR. STAIR: My name is Ernest Stair. I
11 have a couple of questions.

12 MR. STAHL: One second.

13 THE CHAIRWOMAN: Just hold on one
14 second. Jim.

15 MR. STAHL: What is your first name,
16 sir?

17 MR. STAIR: My first name is Ernest.

18 MR. STAHL: Just a minute. Last name,
19 sir?

20 MR. STAIR: Last name is Stair,
21 S-t-a-i-r.

22 MR. STAHL: Stair, S-t-a-i-r.

23 MR. STAIR: Yes, just like you walk up.

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

25 MR. STAIR: Five three seven Henry

1 Street.

2 MR. STAHL: Raise your right hand,
3 please.

4

5 E R N E S T S T A I R, sworn.

6 MR. STAHL: All right, the floor is
7 yours, sir.

8 MR. STAIR: Thank you. Thank you all
9 for having this board meeting. This is my first
10 ever board meeting in my entire life so please bear
11 with me.

12 I reside -- my home is the last home or
13 residence on Henry Street that borders the retention
14 basin, and looking at the plans, I see that, you
15 know, there is just some things that of concerned to
16 my wife and I, you know, family, I guess first being
17 the retention basin, which has always been there
18 since we bought the house in 2015. What are -- I
19 kind of -- maybe I missed it. What are the plans
20 for the basin? Will it be remediated? Will it be I
21 guess removed? How does that work?

22 MR. STAHL: Stuart.

23 MR. CHALLONER: So the basin -- you live
24 on the corner of Henry, at the end of Henry Street?

25 MR. STAIR: Yes, sir.

1 MR. CHALLONER: Okay, so you're lot 26.
2 I have it up on the screen. Your existing detention
3 basin is a long, narrow detention basin on the old
4 railway right-of-way. That basin will be left --
5 that's not part of our property. We are not
6 proposing to alter that basin at all.

7 MR. STAIR: Okay.

8 MR. CHALLONER: Our basin is uphill from
9 that. It will be completely separate, and our
10 discharge point is downstream from that basin, so we
11 will not -- any runoff that currently flows down
12 this property and flows overland -- some of it does
13 flow overland over the top of that retaining wall --
14 that will all be eliminated as part of this
15 application --

16 MR. STAIR: Okay.

17 MR. CHALLONER: -- and our discharge
18 would be downstream from you.

19 MR. STAIR: Okay, because it hasn't
20 been -- I'm sorry?

21 MR. CHALLONER: No impact to you at all.

22 MR. STAIR: Okay. My second question, I
23 think the previous resident mentioned about the
24 rodent and pest control, and I didn't hear clearly,
25 but I was wondering if there will be a remedy

1 because as construction starts, those wildlife will
2 look for new residences I guess, so to speak, and I
3 was wondering if there is any consideration for any
4 kind of remedy to kind of mitigate them or direct
5 them or, you know --

6 MR. CHALLONER: Other than a fox, I
7 don't know what wildlife. I mean, I've been out
8 there several times. I haven't seen wildlife. They
9 will dissipate on their own. They'll just find new
10 places to go.

11 MR. STAIR: Okay. There's foxes
12 raccoons, possums, gophers. I've seen quite a bit,
13 especially now that the street lamp on the corner
14 has not been operating since September of last year,
15 so it's totally pitch dark over here, which leads to
16 my next question in terms of lighting. I think I'm
17 next to -- adjacent according to the proposed plan
18 will be building A-004.

19 MR. CHALLONER: That is correct.

20 MR. STAIR: I understand I think there
21 will be some lighting there if I'm not mistaken.
22 Will the lighting be --

23 MR. CHALLONER: I mean, the back of the
24 units face your building so whatever exterior
25 lighting they have will be very similar. I mean, it

1 wouldn't be anything additional than what you're
2 experiencing from your neighbor's lighting. It's
3 just --

4 MR. STAIR: Okay.

5 MR. CHALLONER: -- residential lights.
6 You know, they're just backs of units.

7 MR. STAIR: Okay. I was just wondering
8 if there was going to be some big bright lighting
9 that would, you know, light up the entire, you know,
10 especially at nighttime when -- okay.

11 MR. CHALLONER: Not unless the wildlife
12 becomes a real problem.

13 MR. STAIR: I hope not. I hope not.
14 Again, regarding that portion of the property plan,
15 there was a beige triangle, and I can't recall what
16 it was -- what the purpose of that area, because
17 that's a corner where if I'm not mistaken --

18 MR. CHALLONER: That is our proposed
19 basin.

20 MR. STAIR: Okay.

21 MR. CHALLONER: That's where our
22 stormwater management basin will be proposed. I'm
23 circling it.

24 MR. STAIR: Gotcha.

25 MR. CHALLONER: That's this triangle

1 portion. That's our stormwater management basin.
2 That's where we collect the stormwater, and it
3 stores there to allow it to discharge at a lower
4 rate. So we need a storage area. That's all it is.

5 MR. STAIR: Okay, because I mistakenly
6 heard that there would be a road going down in that
7 part, and I was wondering if so would be there be
8 speed bumps to kind of mitigate the flow of traffic
9 Route 35.

10 MR. CHALLONER: There will be no
11 connection to Henry Street other than a water main.
12 That's the only connection that we're proposing.

13 MR. STAIR: Okay.

14 MR. CHALLONER: We're going to come from
15 the (audio disruption)

16 MR. STAIR: Gotcha. Great. And I guess
17 my last question, I did hear about the proposed
18 plans for the extension or expansion of the
19 jughandle, if you will. Am I -- did I hear
20 correctly that if the state decided to go forth with
21 that plan, there's nothing that can be done and that
22 will move forward as opposed to these units?

23 MR. K. PAPE: The statement -- Stuart,
24 this is Kenneth Pape, and I'm one of the attorneys
25 representing your applicant. What I indicated was

1 that if the State of New Jersey Department of
2 Transportation made a decision to acquire the
3 property for road improvements, there is nothing
4 that we can do, there's nothing the city can do to
5 stop that if that's what the state elects to do.
6 They have been talking about it for decades, and so
7 far nothing has happen.

8 MR. STAIR: Okay.

9 MR. K. PAPE: We're proceeding with
10 these plans.

11 MR. STAIR: Okay. Last question. Will
12 these plans be available for public viewing or do we
13 receive copies upon request? Is that available?

14 MR. STAHL: You can contact Miss Russo
15 at City Hall, and she can either tell you where to
16 find them online, because we have them online. Amy,
17 is that -- that would be the easiest way for her to
18 send them to you, or if not, you can make an
19 appointment to come into city hall and look at them
20 at city hall.

21 MR. STAIR: Okay. Thank you so much for
22 your time, everyone. Thank you so much.

23 MR. STAHL: You're certainly welcome.

24 THE CHAIRWOMAN: Thank you for your
25 comments.

1 Anyone else from the public like to be
2 heard? Okay. I'm going to just make sure one more
3 time. Is there anyone from the public who would
4 like to be heard on this application?

5 MR. GONZALES: Jorge Gonzales, move to
6 close the public.

7 THE CHAIRWOMAN: Do I have a motion to
8 close to the public?

9 MR. GONZALES: Jorge Gonzales. I just
10 moved to close the public.

11 THE CHAIRWOMAN: Thank you. Second?

12 MR. FORSHNER: Second, Gary.

13 THE CHAIRWOMAN: All in favor? Thank
14 you.

15 Okay. At this time, Mr. Stahl, we will
16 call for a vote?

17 MR. STAHL: Yeah, just so everyone
18 understands, we always -- I am always in the
19 positive; therefore, there's a motion to approve.
20 If it passes, it passes. If it does not get the
21 majority, it is not approved.

22 The conditions will be as indicated as
23 follows. If approved, there are the number of
24 deviations, which have been testified to by the
25 applicant's planner/engineer. Those include the

1 maximum building height, minimum unit width, minimum
2 garage area, and maximum density. Those are the
3 deviations listed. And also conditions of the
4 approval would be SARA approval as to any signage
5 and facades and a developer's agreement as may be
6 required by SARA -- for those residents, that's the
7 South Amboy Redevelopment Authority -- and, of
8 course, other agency approvals that include the
9 NJDOT, Freehold Soil, county, NJDEP, and all other
10 governmental entities having jurisdiction over this
11 application.

12 A vote for yes indicates a motion to
13 approve the preliminary and final major site plan
14 approval with the deviations.

15 THE CHAIRWOMAN: Thank you, Jim.

16 Based on those conditions, do I have a
17 motion to approve application 412-20, JohnRose FM,
18 LLC?

19 MR. FORSHNER: So moved. It's Gary.

20 THE CHAIRWOMAN: Gary, thank you. Do I
21 have a second?

22 MR. BARANOWSKI: Second.

23 THE CHAIRWOMAN: George Baranowski.
24 Thank you.

25 Amy, roll call.

1 MR. STAHL: Before you do that, remember
2 that this -- the eligible individuals are the first
3 nine on the planning board component of the joint
4 board. So I'm -- Amy should have those. Obviously,
5 the mayor can testify if he's still here, although I
6 don't see him. And Mr. Reilly as council
7 representative can vote if he's here. If not, we
8 just go right down to the nine eligible voters who
9 are present.

10 MS. RUSSO: Holly, can you unmute Janet.

11 MS. HUGHES: Give me a second. Do you
12 know which one she is?

13 MS. RUSSO: One second.

14 MS. HUGHES: Is she one of the callers?

15 MS. RUSSO: Yes.

16 MS. HUGHES: Do you know which one?

17 MS. RUSSO: I'm asking her right now.

18 MR. STAHL: And if there is a positive
19 vote, I would just request a brief description of
20 why the board member is voting for or against based
21 upon what they've heard this evening.

22 MR. HOREZGA: Question.

23 MR. STAHL: Who is that?

24 MR. HOREZGA: Andrew Horezga. Before we
25 take the vote, can I have an opportunity to ask a

1 question based on the questions that were provided
2 by the public?

3 MR. STAHL: Yeah. There's a motion on
4 the table. You can certainly ask a question.

5 MR. HOREZGA: So just in light of what
6 Miss Orłowski talked about regarding the elevations
7 of the building in regard to the tree line there,
8 looking at the topography of that area -- we don't
9 have the map up -- but looked like from about where
10 that retaining wall would be on the seven-unit
11 building, the first one, down to her property line,
12 115 to 110 is about a 5-foot difference. Is that --
13 everyone following? Does that make sense?

14 MR. CHALLONER: That's a 110 contour --

15 MR. STAHL: Stuart, I'd rather have --
16 since we're now a motion is on the table, I'd rather
17 confine the responses -- with respect, I'd rather
18 confine the responses to Jason rather than the
19 applicant.

20 Jason, you have a response to Andrew?

21 MR. VALETUTTO: Yeah. I mean, the
22 retaining wall is 121 on one side, 121 and a half
23 and 124 and a half on the other side, so if you want
24 to average it and make it 122 and a half, that's
25 about --

1 MR. HOREZGA: So the question -- I'm not
2 sure, Jason, if you'll be able to answer it. That
3 water view they're talking about, that would be
4 based on the current height of the tree line there,
5 mostly the second floor, correct? They're not going
6 to be clearing out the entirety of the trees in the
7 area, which are substantially tall compared to the
8 height of the house.

9 MR. VALETUTTO: The applicant's engineer
10 testified that they are only going to be clearing
11 the stuff that is on the side of the retaining wall
12 closest to the building in order to build the
13 building. Everything on the far side of that
14 retaining wall is not being touched.

15 MR. HOREZGA: Correct. So based on
16 that, my perception would be then that the shadows
17 cast by those buildings would not be significant
18 because they're not going to be substantially higher
19 than the tree line that's already there. That's all
20 I'm seeking to clarify.

21 MR. VALETUTTO: I don't know how tall
22 the trees are out there. I can't really give that
23 answer.

24 MR. HOREZGA: Okay. That's all.

25 THE CHAIRWOMAN: Okay. With that, I'll

1 just remind everyone that this is closed to the
2 public. And are we ready for a vote, Amy?

3 MS. RUSSO: Yes. Chairwoman Mary Szaro.

4 THE CHAIRWOMAN: I'd like to say thank
5 you to the applicant and the expert and certainly
6 the public as always for their input. I have a
7 minor concern with the density and the garage area
8 but not enough to overshadow the overall
9 application, so I will vote yes.

10 MS. RUSSO: Scott Kominkiewicz.

11 MR. KOMINKIEWICZ: I will be voting yes,
12 as well, but I just want to let Mrs. Orłowski know
13 that the -- what the applicant is proposing is
14 within 6 inches of what is allowed legally, and if
15 something is legally permitted, we have to have a
16 tremendously great reason not to approve that, so
17 it's not as if we don't empathize with your
18 situation or your feelings. It's just that the
19 applicant is basically within his rights to have
20 that, so I am voting yes, as well.

21 MS. RUSSO: Mayor Fred Henry, if you're
22 on the call.

23 MAYOR HENRY: Yes, I am, and I would
24 just like to remind everybody what type of business
25 was there in the past and the problems that we had

1 with it and the applicant taking a dilapidated piece
2 of property and really making positive addition to
3 South Amboy. So with those reasons -- and I
4 appreciate the comments and questions from the
5 public. They are good, and I hope that the
6 applicant will keep those comments in mind when they
7 do their work, especially with the drainage and with
8 the trees, and make sure that the residents know
9 what's going on up there. So I will be voting yes.

10 MS. RUSSO: Councilman Tom Reilly. Tom
11 Kelly. George Baranowski.

12 MR. BARANOWSKI: I'm voting yes, as
13 well. Not to be redundant, but that property has
14 been vacant for way too long, and it's been an
15 eyesore for a long time. Happy to see something
16 good looking going in there.

17 MS. RUSSO: Holly Hughes.

18 MS. HUGHES: Yes.

19 MS. RUSSO: Janet Kern.

20 MS. KERN: I'm going to vote yes, and I
21 want to piggyback off what Mayor Fred Henry said
22 about the past of that property. It's been major
23 problems for years, and I think this would be a
24 major improvement to the area. Yes.

25 MS. RUSSO: Jorge Gonzales.

1 MR. GONZALES: I vote yes, and I just
2 request that the engineer and architect when they're
3 on site they visit the neighbors, especially the
4 ones that spoke, and try to engage them and reassure
5 them that the impact will not be noticeable for
6 them. I vote yes.

7 MS. RUSSO: Gary Forshner.

8 MR. FORSHNER: For all the reasons
9 stated, yes.

10 MS. RUSSO: William DeMasi.

11 MR. DeMASI: For similar reasons, yes.

12 MS. RUSSO: Mr. Stahl, we're at nine
13 votes.

14 THE CHAIRWOMAN: Okay, then both
15 Mr. Papes, congratulations.

16 MR. J. PAPE: Thank you all on behalf of
17 the applicant, and again, thank you for
18 accommodating us with this special meeting.

19 MR. STAHL: And, Ken, I want to just
20 tell you Jared did a fine job and so did your
21 engineer, Mr. Challoner, and thank you for a nice
22 efficient application before the board.

23 MR. CHALLONER: Thank you. Enjoy the
24 rest of your summer.

25 MR. K. PAPE: Thank you.

1 THE CHAIRWOMAN: Good night. That is
2 the close of our application hearings.

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C E R T I F I C A T E

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

I do further certify that I am neither a relative, nor employee, nor attorney, nor counsel of any of the parties to this action; and that I am neither a relative, nor employee of any such attorney or counsel; and that I am not financially interested in the action.

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