

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
August 25, 2021

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

Members absent: All Members Present

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 William DeMasi, seconded by Holly Hughes to accept the Minutes of the August 9, 2021, Special Meeting. Motion carried: 10-1, 1 abstention.

Chairwoman Szaro then reviewed the evening’s agenda.

ANNOUNCEMENT of APPLICATION CARRIED

PB Application # 419-21 – Amboy Main Street Industrial Urban Renewal, LLC.

111 Main Street / Block 160, Lot 1.03

Mr. Stephen Santola Esq. requested that the above-referenced application be carried to September 22, 2021, meeting with re-notice required. All in favor

COMPLETENESS

PB Application # 421-21 – Donna Carver

136 George Street / Block 34 Lot 13

Completeness committee member, Jorge Gonzalez-Gomez, stated that he is in receipt of a letter from AJV Engineering, Inc. dated August 19, 2021, regarding Application #421-21, 136 George Street recommending **Completeness**.

Motion by Jorge Gonzalez-Gomez, seconded by Janet Kern, to accept the recommendation of **Completeness** for Application #421-21, 136 George Street.

Motion carried: 3-0, 0 abstentions.

ANNOUNCEMENT RESOLUTIONS CARRIED

PB Application # 391-18A – Metaline Products Company, Inc.
101 N. Feltus Street / Block 71, Lot 19

PB Application # 411-21 – Center SA, LLC
536 Center Street / Block 136, Lot 1

PB Application # 408-20 – Brian Valle, Ken Barton, Charnie Stein
167 N. Broadway / Block 47, Lot 16

PB Application # 412-20 – Johnrose FM, LLC
3630 and 3640 Highway 35 / Block 9, Lots 3&6

RESOLUTION

PB Application # 420-21 – Alex Zhang
25 Lighthouse Drive / Block 165, Lot 1

Motion by Scott Kominkiewicz, seconded by Jorge Gonzalez-Gomez to accept the resolution as written granting Bulk Deviation Approval for Maximum Lot Coverage.
Motion carried: 11-0, 1 abstention.

PUBLIC HEARING

PB Application # 417-21 – Manhattan Beach Phase I Urban Renewal, LLC.
Rosewell Street / Block 161.02, Lot 21, 23, 24, & 24.01
Please refer to the transcript

Chairwoman Szaro asked for a motion to open this portion of the meeting to the public. Motion by Thomas Kelly, seconded by Gary Forshner. Planning Board Members Jorge Gonzalez- Gomez and Andrew Horzega were noticed on the 200 foot list for Application# 417-21. Jorge Gonzalez-Gomez and Andrew Horzega spoke as members of the public. Please refer to the transcript in regards to their questions, comments, and replies on Application PB #471-21. With no other public member wishing to speak, Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Gary Forshner seconded by Janet Kern.

Due to time restrictions, Chairwoman Szaro asked for a motion to continue this application to the next in-person regularly scheduled meeting on September 22, 2021, with no further notice required. Motion by Janet Kern, seconded by Scott Kominkiewicz. All in favor

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

Planning Board Member Holly Hughes resigned from the Planning Board Committee on the August 25, 2021, virtual meeting.

Chairwoman Szaro asked for a motion to open the meeting to the public. Motion by Janet Kern, seconded by George Baranowski. 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 Thomas Kelly, seconded by Janet Kern.

Chairwoman Szaro announced that the next in-person scheduled meeting would be held on Wednesday, September 22, 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 September 22, 2021, In-Person Meeting

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VIA GO-TO-MEETING TELECONFERENCING
CITY OF SOUTH AMBOY LAND USE BOARD
WEDNESDAY, AUGUST 25, 2021
COMMENCING AT 7:00 P.M.

.....
IN THE MATTER OF : TRANSCRIPT
: OF
APPLICATION 417-21 : PROCEEDING
Manhattan Beach Phase 1 Urban :
Renewal, LLC :
Rosewell Street :
Block: 161.02 Lots: 21,23,24&24.01 :
Final Preliminary Major Site Plan :
.....

B E F O R E:
CITY OF SOUTH AMBOY LAND USE BOARD
THERE BEING PRESENT:

- MARY SZARO, CHAIRWOMAN
- SCOTT KOMINKIWIECZ, VICE CHAIRMAN
- FRED A. HENRY, MAYOR
- THOMAS B. REILLY, COUNCILMAN
- THOMAS KELLY, MEMBER
- GEORGE BARANOWSKI, MEMBER
- HOLLY HUGHES, MEMBER
- JANET KERN, MEMBER
- DR. JORGE GONZALEZ-GOMEZ, MEMBER (RECUSED)
- GARY FORSHNER, 1ST ALTERNATE MEMBER
- WILLIAM DiMASI, 2ND ALTERNATE MEMBER
- ANDREW HOREZGA, 3RD ALTERNATE MEMBER (RECUSED)

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
P.O. BOX 505
SADDLE BROOK, NJ 07663-0505
201-641-1812
LauraACarucciLLC@gmail.com

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

JAMES E. STAHL, ESQUIRE
Counsel to the Land Use Board

PRIME LAW, LLC
BY: JASON R. TUVEL, ESQUIRE
2 University Plaza, Suite 109
Hackensack, New Jersey 07601
Counsel to the Applicant

A L S O P R E S E N T :

JASON C. VALETUTTO, P.E., P.P
AMY RUSSO, LAND USE BOARD SECRETARY

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1 CHAIRWOMEN SZARO: Good evening,
2 everyone.

3 Adequate notice of this meeting has
4 been provided under the Open Public Meeting Act of
5 New Jersey by advertisement published in The Home
6 News Tribune, on the City of South Amboy Planning and
7 Zoning Board website and by posting on the
8 information board at city hall.

9 Roll call please?

10 MS. RUSSO: Chairwoman Mary Szaro?

11 CHAIRWOMEN SZARO: Here.

12 MS. RUSSO: Scott Kominkiwiecz?

13 VICE CHAIRMAN KOMINKIWIECZ: Here.

14 MS. RUSSO: Mayor Fred Henry?

15 MAYOR HENRY: Here.

16 MS. RUSSO: Councilman Tom Reilly?

17 COUNCILMAN REILLY: Here.

18 MS. RUSSO: Tom Kelly?

19 (No response.)

20 MS. RUSSO: George Baranowski?

21 MR. BARANOWSKI: Here.

22 MS. RUSSO: Holly Hughes?

23 MS. HUGHES: Here.

24 MS. RUSSO: Janet Kern?

25 (No response.)

1 MS. RUSSO: Janet Kern is here. She
2 just texted me, though.

3 Jorge Gonzalez?

4 MR. GONZALEZ-GOMEZ: Yes.

5 MS. RUSSO: Gary Forshner?

6 MR. FORSHNER: Yes.

7 MS. RUSSO: William DiMasi?

8 MR. DiMASI: Yes.

9 MS. RUSSO: Andrew Horezga?

10 MR. HOREZGA: Yes.

11 MS. RUSSO: Roll call complete.

12 CHAIRWOMEN SZARO: Thank you.

13 (Board Agenda Items.)

14 MAYOR HENRY: We have one application
15 for this evening 417-21 Manhattan Beach Phase 1 Urban
16 Renewal, L.L.C.

17 Before we begin I'd just like to make
18 just a few -- just for clarity, just to mention that
19 this application is independent of the Manhattan
20 Beach that's currently going on right now.

21 Again, it's -- it's an independent
22 application. This is also independent of our last
23 month's meeting that we had for Rosewell. There's no
24 connection. Just to make sure that we all have that
25 that straight.

1 The hearing is for the approval of the
2 site plan. We have no jurisdiction or input as far
3 as any kind of PILOT. So I just wanted to make sure
4 that we're all clear on that.

5 Tonight we're going to hopefully get as
6 far as we can, I would like to set a target time of
7 about 10:00 or so, to close.

8 The public will have an opportunity to
9 speak, if we do get to a vote tonight, prior to that
10 vote.

11 And I will, again, make sure that we're
12 mindful of the time, but we will make sure that
13 anyone who wishes to speak will be allowed to during
14 the public session.

15 And I also want to say that we have
16 three of our board members, due to the 200-foot
17 notice, who will be recused this evening.

18 So they will not be part of the
19 application, but they may take part in the public
20 section.

21 So, Jim, is there anything you would
22 like to add to that?

23 MR. STAHL: No.

24 As usual, Madam Chairwoman, you have
25 done a marvelous job.

1 There is three members, as you have
2 indicated, who will not participate. They have been
3 instructed and that the public portion they have the
4 opportunity as public citizens of public members to
5 ask questions.

6 I saw, Mr. Tuvel, that you have a court
7 reporter. I saw a CSR on the list of participants.

8 I'm correct, am I not?

9 MR. TUVEL: Yes, Mr. Stahl.

10 MR. STAHL: And, Amy, if I can, you
11 have reviewed the list of property owners and the
12 publication affidavit and the board does have
13 jurisdiction.

14 Is that correct?

15 MS. RUSSO: Yes.

16 MR. STAHL: And I just remind the
17 public as Ms. Szaro did, this is a project which is
18 in the Beach Club District Redevelopment Area and is,
19 therefore, subject to the South Amboy Redevelopment.

20 And the items, as Mr. Tuvel and his
21 team will identify, are what we call, if any,
22 deviations from a redevelopment area and preliminary,
23 and I guess, final site plan approval of this will be
24 identified by Mr. Tuvel.

25 And so the use is -- has been approved.

1 This is not a -- just for everyone's -- the board all
2 understands this, but just for the callers and the
3 public, this is not a use variance. This is a use
4 which was approved in this district by virtue of the
5 redevelopment zone previously approved by the Mayor,
6 Council and the Planning Board.

7 So with that, unless Ms. Szaro has
8 other questions, Mr. Tuvel would start.

9 CHAIRWOMEN SZARO: Thank you, Jim.
10 Mr. Tuvel, welcome. You have the
11 floor.

12 MR. TUVEL: Great. Thank you.

13 Good evening, Madam Chair, Members of
14 the Board, Jason Tuvel attorney for the applicant.

15 Before I get started, I noticed that
16 the board indicated you were waiting on one member to
17 log in.

18 Is that member logged in or do we still
19 need to wait?

20 Are we good?

21 CHAIRWOMEN SZARO: She's here.

22 Janet, you're good?

23 MS. KERN: I'm here.

24 MS. RUSSO: Well, Janet is here and Tom
25 Kelly. Tom Kelly is trying to log on.

1 I just re-sent him all the information.

2 MR. TUVEL: Just let me know if you'd
3 like me to wait or otherwise I'll get started.

4 CHAIRWOMEN SZARO: Amy, do you know if
5 Tom Kelly is able to join us?

6 MS. RUSSO: Yeah, I just -- I literally
7 just sent it to him. I am going to give him, like,
8 maybe a minute, see if he can log back on.

9 MR. TUVEL: I just think for procedure,
10 right, it's just better if he could just view the
11 whole thing.

12 So if you want to wait one minute, I'm
13 happy to do that.

14 MR. STAHL: All right. Because I have
15 a -- I have a valid question to ask Mr. Kominkiwiecz.

16 Are you on a boat?

17 VICE CHAIRMAN KOMINKIWIECZ: No, I'm
18 not on a boat.

19 No, I'm in a home in Anderson, South
20 Carolina right now.

21 MR. STAHL: Oh, I saw that door you
22 went through, it looked like a boat door.

23 VICE CHAIRMAN KOMINKIWIECZ: It's some
24 old closet.

25 MS. RUSSO: I think we're --

1 MR. STAHL: While we're waiting, for
2 the record. Mr. Tuvel --

3 MS. RUSSO: Oh.

4 MR. STAHL: I'm sorry. Who was -- is
5 everybody on now, Amy?

6 MS. RUSSO: I'm waiting for Tom to
7 respond to me. He still hasn't.

8 So go ahead and...

9 MR. STAHL: Well, I just want to ask
10 Mr. Tuvel, and one up Mr. Valetutto.

11 Mr. Tuvel, you acknowledge on behalf of
12 the applicant and your team, that you're in receipt
13 of the review letter dated August 19th, 2021 from
14 Mr. Valetutto addressed to the Board Chairwoman
15 Ms. Szaro.

16 Is that correct?

17 MR. TUVEL: Correct, Mr. Stahl.

18 We went through it thoroughly. And
19 we'll address the items set forth in there and also
20 stipulate to the items which are most of them that
21 we'll be able to comply with at the end of the
22 presentation.

23 MR. STAHL: All right.

24 Thank you.

25 MR. VALETUTTO: And I would like the

1 opportunity to one up Mr. Stahl and ask is there a
2 court reporter present, just to be sure that we have
3 a record.

4 MR. TUVEL: Yes.

5 Mr. Valetutto, I got a court reporter,
6 just in case for any reason we need a transcript
7 later.

8 I do have a court reporter taking down
9 the meeting.

10 MR. STAHL: I thought I already asked
11 that. Okay.

12 We're good.

13 MR. VALETUTTO: Can you just let us
14 know which person that is so we know whenever -- so
15 we know who to ask if she needs a break or he needs a
16 break?

17 MR. TUVEL: Yes.

18 Laura, or, Candice, I don't know which
19 one of you jumped on, but can you just come on for
20 one second.

21 IT MODERATOR: It says there's a Laura
22 something or another that's a CSR.

23 MR. TUVEL: Yes, it should be Carucci.
24 Laura Carucci. She should be on.

25 CHAIRWOMEN SZARO: She may be muted.

1 MR. VALETUTTO: The attendance list
2 reflects a Laura Carucci CCR, RPR.

3 MR. STAHL: Right I saw that.

4 MR. TUVEL: Yes, she'll let me know or
5 text me if she needs a break.

6 MR. STAHL: Okay.

7 MS. RUSSO: I think we're okay to
8 start.

9 MR. TUVEL: That's fine.

10 So, Madam Chair, I'll just do a brief
11 introduction, if that's okay?

12 CHAIRWOMEN SZARO: Certainly.

13 MR. TUVEL: So, again, for the record,
14 Jason Tuvel attorney for the applicant.

15 This is an application for preliminary
16 and final major site plan approval, and as identified
17 in Mr. Valetutto's letter there are four deviations
18 for signage, as well as design waiver relief.

19 It's a project for 499 units that's
20 governed by the Beach Club District Redevelopment
21 Plan as Mr. Stahl indicated earlier.

22 The 499 units will be comprised of
23 three buildings: Building 1 will have 224 units;
24 Building 2, 168; and Building 3 107.

25 The distribution of the units, just for

1 the board's edification as you're listening, is 433
2 one-bedrooms and 66 two-bedrooms.

3 Also with this project, and we'll get
4 into this in some detail, are some very nice outdoor
5 amenity space including a beach. There will be
6 public and private walkways. And we'll get into
7 which aspects are public and which aspects are
8 private during the course of the presentation, as
9 well as other amenities such as a pool, a gym, yoga
10 studio, and other things associated with the project.

11 The application is in full compliance
12 with the higher (Audio Distortion) of zoning with
13 regards to the redevelopment plan.

14 So other than those deviations that I
15 indicated for signage earlier, the application fully
16 complies otherwise with the redevelopment plan.

17 So we have a 54-acre tract and the
18 density is 12 units per acre that's permitted under
19 the plan. And we're at 90.21 units per acre. So a
20 lot lower than what's permitted under the
21 redevelopment plan.

22 And in terms of a front yard setback,
23 specifically on Rosewell, 5 feet is allowed, but we
24 set the building back 22.4 feet from the property
25 line and the parking structure 17.9 feet.

1 So, well over three times what's --
2 what's permitted in the ordinance.

3 In terms of height, the redevelopment
4 plan allows the applicant to go up to 100 feet or
5 eight stories. This is a five-story building and
6 averages 58 feet 10 inches at the highest point 63
7 feet 10 inches.

8 In terms of impervious coverage and
9 building coverage, which I think are always good
10 metrics of the project in terms of intensity and
11 compliance, the impervious coverage permitted in the
12 zone is 70 percent, we're at 13.9. Building coverage
13 40 percent, we're at 8.5 percent.

14 So I think those metrics show the
15 lengths that the applicant went with the municipality
16 to fully comply with the redevelopment plan.

17 And also I should note parking as well,
18 that under the redevelopment plan we're required to
19 have 639 spaces and we have 752 spaces.

20 So, again, substantial compliance other
21 than those signs that are associated with the
22 project.

23 Just some operational characteristics
24 that I think are just important as the board listens
25 to the presentation and we'll also put this on the

1 record through witness testimony, in addition to the
2 management company that will be associated with the
3 project. There will be a super living in each of the
4 three buildings. There will be a doorman at each of
5 the three buildings.

6 The amenities associated with the
7 individual buildings and the project as a whole will
8 be for the residents and things associated with the
9 residents of the building.

10 And, obviously, the private amenity
11 areas as well as the building and the parking garages
12 will all have secured access which is a requirement
13 under the redevelopment plan and, obviously,
14 something that Mr. Valetutto appropriately mentioned
15 in his letter that he would ask us to confirm.

16 There's also several sustainability
17 factors of this project. It's very rare that I get
18 to do a project that incorporates a beach as well as
19 a natural marshland habitat. So I think that's a
20 very exciting and interesting aspect of this project
21 that we'll talk about at some length.

22 Also we got our DEP Waterfront
23 Development Permit before coming to the board. So,
24 typically, most of the DEP permits -- and we still
25 have several to work through, but I think it's worth

1 noting that we did get that DEP Waterfront Permit
2 already, even before coming to the board. So that's
3 not even as though that's a condition.

4 I have five witnesses that I plan on
5 calling, Madam Chair. We're going to start with our
6 site engineer Tom Muller from Dynamic Engineering.
7 Then we'll go to our landscape architect Tom Balsley.
8 Then we'll do traffic engineering which is Corey
9 Chase from Dynamic Traffic. I'll save the architect
10 until all the site issues have been covered and Bob
11 Hillier, who is our architect, will go fourth. And
12 then if we get there, depending on the time of the
13 evening, our professional planner Keenan Hughes from
14 Phillips Preiss Grygiel Leheny will be our -- well,
15 he's fifth, so I can't say clean-up hitter, usually I
16 say clean-up hitter, but will go last in terms of the
17 testimony.

18 So unless there's any other operational
19 questions for me or any other procedural questions
20 for me, Madam Chair, I would ask your permission to
21 call my first witness which would be Thomas Muller
22 from Dynamic Engineering.

23 CHAIRWOMEN SZARO: Certainly.

24 Go right, ahead.

25 MR. TUVEL: Thank you. Thank you very

1 much.

2 Tom, if you can -- there you go.

3 If you can unmute.

4 MR. STAHL: Jason?

5 Jason, just -- can I just? I think we
6 should leave some time at the end of the meeting as
7 you and I discussed, after each witness the board
8 will have an opportunity -- the board will have an
9 opportunity to question the witnesses and then we'll
10 probably --

11 MR. TUVEL: Sure.

12 MR. STAHL: -- open for the public.

13 So going to your first witness.

14 MR. TUVEL: Sure.

15 Thank you, Mr. Stahl.

16 So, Madam Chair, I guess we should
17 swear in Mr. Muller.

18 MR. STAHL: Mr. Muller, I'm just
19 looking for you on the grid.

20 Mr. Muller, in this matter do you swear
21 the testimony you're about to give is the truth, the
22 whole truth, and nothing but the truth, so help you
23 God?

24 MR. MULLER: I do.

25

1 T H O M A S M U L L E R, P.E.,
2 245 East Main Street, Unit 110, Chester,
3 New Jersey, having been duly sworn, testifies as
4 follows:

5 MR. STAHL: Please state your name,
6 spelling your last name please.

7 MR. MULLER: Thomas Muller,
8 M-u-l-l-e-r.

9 MR. STAHL: Thank you.

10 All right, Mr. Tuvel.

11 MR. TUVEL: Sure.

12 VOIR DIRE EXAMINATION

13 BY MR. TUVEL:

14 Q. Tom, if you could just give the board
15 the benefit of your educational background, licenses
16 held and experience testifying as the civil engineer
17 in the State of New Jersey?

18 A. Absolutely.

19 I am a licensed professional engineer
20 in the State of New Jersey in good standing.

21 I have my Bachelor of Science in Civil
22 Engineering from Rutgers University, as well as my
23 Masters in Civil Engineering from Rutgers University.

24 I have been with Dynamic Engineering
25 for ten years. I am currently employed by, as a

1 senior principal, with the firm.

2 Overall I have about 12 years of civil
3 engineering experience.

4 I've presented to many planning and
5 zoning boards throughout the State of New Jersey as
6 well as New York.

7 I'm very familiar with this site. I've
8 visited this site personally on a number of
9 occasions.

10 The plans that have been submitted as
11 part of this application were prepared under my
12 direct oversight, as well as signed and sealed by
13 myself.

14 This is my first opportunity in front
15 of the -- the Planning Board with the City of South
16 Amboy however.

17 MR. TUVEL: Madam Chair, I would ask if
18 the board would accept Mr. Muller as an expert in
19 civil engineering please.

20 CHAIRWOMEN SZARO: Does the board have
21 any objections to accepting the credentials of this
22 expert?

23 (No response.)

24 CHAIRWOMEN SZARO: No objections.

25 MR. TUVEL: Thank you.

1 So, Amy, Tom can share his screen,
2 correct?

3 So we premarked several exhibits.

4 So, Tom, if you could, I guess, start
5 sharing your screen so we can move forward.

6 MS. RUSSO: I'm going to make him --
7 I'm going to make him a presenter.

8 So then --

9 MR. TUVEL: Great.

10 MS. RUSSO: -- so then he can share his
11 screen.

12 MR. TUVEL: Great.

13 Thank you very much.

14 DIRECT EXAMINATION

15 BY MR. TUVEL:

16 Q. So, Tom, what I would like you to do
17 first is just orient the board and the public to this
18 site and describe the existing conditions currently
19 thereon, as well as some of the surrounding
20 properties in the vicinity of the of the project.

21 A. Yeah. Absolutely.

22 Q. So we tried to streamline this a little
23 bit from a making standpoint, so we premarked the
24 exhibits.

25 So, Tom, if you could identify what

1 this first exhibit is.

2 MR. TUVEL: It's Exhibit 1, but we'll
3 call it A-1, I guess, for the record.

4 (Whereupon, Aerial Photograph of
5 Existing Conditions is marked as Exhibit A-1
6 for identification.)

7 THE WITNESS: Certainly.

8 A-1 is an Aerial Map. This is a
9 colorized aerial photograph of the existing
10 conditions. It was submitted as part of the site
11 plan application as sheet 2 of the site plan package.
12 It's prepared by our office dated January 15th, 2021.

13 MR. TUVEL: Great.

14 BY MR. TUVEL:

15 Q. So, Tom, can you utilize this exhibit
16 please to describe the existing conditions of the
17 property and the surrounding area and please note
18 anything that's unique or material to the project
19 that helped in your design?

20 A. Yeah, absolutely.

21 For purposes of this exhibit, north is
22 to the left side of the screen.

23 So what you see on the -- on the left
24 is the north and the top of the screen is just for
25 orientation purposes.

1 Subject development consists of four
2 total tax lots Block 161.02, Lots 20, 23, 24 and
3 24.01. The site has frontage on Rosewell Street
4 which has a frontage of about 730 linear feet
5 (indicating). John T O'Leary Boulevard which has a
6 frontage of about 365 linear feet (indicating). And
7 then Raritan Reach Road to the south which is about
8 160 linear frontage feet (indicating).

9 The overall site is about 54 acres in
10 size. In terms of the historic uses of the site many
11 of -- many of you are familiar with this site. It
12 was at one point a petroleum distribution center as
13 well as a regional sewage treatment plant.

14 However in the last 15 years or so the
15 development has essentially been undeveloped it -- it
16 consists of lots of overgrown vegetation, very --
17 very poorly maintained for the most part and very
18 limited existing site features. I'm just going to
19 try to -- oops. Sorry. I'm just going to try to
20 zoom in on this exhibit a little bit.

21 Is that good?

22 There are existing areas of gravel on
23 the site. To this southern portion of the site is a
24 gravel parking lot with an existing boat ramp that
25 has access directly to the Raritan Bay. There is a

1 JCP&L transmission line that bisects the center of
2 the property, which is in the process of being
3 relocated.

4 There are wetlands on the site which
5 consists of wetlands and associated buffers. Located
6 essentially within the site where my mouse is being
7 circled (indicating).

8 To the north of that is another gravel
9 parking lot and an unmaintained -- essentially,
10 unmaintained basketball court.

11 And as I mentioned a majority of the
12 rest of the site is just overgrowth over the years of
13 basically non-maintenance on the site.

14 I do want to just point out quickly
15 that there are two notches that you see on the bottom
16 of the screen here (indicating). This -- this
17 rectangular piece (indicating) is the existing MCUA
18 pump station. That property is not part of this
19 assemblage. We're not proposing site improvements on
20 that department as identified as 161.02, Lot 23.01.

21 And then this other notch, the
22 triangular piece here (indicating), that consists of
23 the existing abandoned apartment buildings as well as
24 the Rosewell Market which, again, is not part of this
25 development or subject application. That's

1 identified as Block 161.02, Lot 21 and Lot 22.

2 Q. Would you --

3 A. In terms of the --

4 Q. Sorry. Go ahead, Tom.

5 A. Yes.

6 In terms of the existing zoning on the
7 site this is in the Beach Club District Redevelopment
8 Area, the underlying zoning is the M-1 Light
9 Industrial Zone as well as the RM Medium Density
10 Residential Zone.

11 The M-1 Zone is on the northern half of
12 this site identified by this zone line (indicating)
13 in the middle, and then the southern portion of the
14 site is in the RM Zone, in terms of the underlying
15 zoning.

16 There is existing site access to this
17 site, most of which is limited in terms of
18 maintenance. There's a driveway way at the terminus
19 of Augusta Street. There's existing access at the
20 terminus of Henry Street, which is basically a shared
21 access for the subject property as well as the
22 adjacent pump station and abandoned apartments.

23 Then there is a site access to the
24 gravel parking area and boat ramp area on John T
25 O'Leary Boulevard.

1 In terms of the surrounding conditions,
2 to the north of this site, this is the site of the
3 Manhattan Beach Residential Project that most of us
4 are aware is currently under construction. It's a
5 residential development relatively similar to what we
6 are presenting here tonight for our development.

7 On this screen you can see beyond that
8 is the proposed location for the ferry terminal.
9 That's about 1,000 linear feet to the north of this
10 site.

11 To the east, very simply, is the
12 Raritan Bay. It's an open water. We have direct
13 frontage on the Raritan Bay with an existing sand
14 beach.

15 To the south is John T O'Leary
16 Boulevard and Raritan Reach Road as well as the
17 Harbor Village at Lighthouse Bay residential complex.

18 Beyond that, you could see the South
19 Amboy school system and recreational fields.

20 To the east of the site -- I'm sorry --
21 to the west of the site which is the -- the bottom of
22 the sheet, we have Rosewell Street. It's in the RM
23 Zone. We have numerous residential uses in the area.
24 Along Augusta Street, David Street, Henry Street, and
25 John Street, and just off the viewport, to the bottom

1 of this page, is the South Amboy train station which,
2 again, is about 1,000 feet away from the -- the
3 project assemblage.

4 Q. And, Tom, just to reiterate the fact
5 that we're on a coastal area really drove the site
6 design as you're going to get into during your
7 testimony, correct?

8 A. Yeah, absolutely.

9 That was probably the biggest restraint
10 in terms of site development. A great deal of
11 investigation went into some of the constraints on
12 the site.

13 As I mentioned the overall site is
14 about 54 acres in size, about 38 acres of that
15 consists of the open water of the Raritan Bay which
16 is shown on the top of this screen (indicating).

17 And then we have the beach front which
18 has an associated riparian zone that's regulated by
19 the DEP which consists of about two acres on the
20 site.

21 And then centrally located on the site
22 is an existing wetlands complex with an associated
23 buffer, which is actually a deed restricted situation
24 that the city was involved with, dating back about 10
25 or 15 years ago. That consists of about four acres

1 on the site.

2 And once you -- once you subtract all
3 those restraints out of the property, we're left with
4 roughly ten acres for development for the proposed
5 499 residential units which I'll touch on in a
6 minute.

7 Q. So why don't you jump to the proposed
8 conditions.

9 A. Certainly.

10 Again, these are just existing drone
11 shots prepared by the project architect showing the
12 existing site conditions (indicating).

13 This is on Raritan -- from the Raritan
14 Bay looking westward towards the City of South Amboy
15 and Rosewell Street.

16 MR. VALETUTTO: Sorry. Sorry to
17 interrupt, Tom.

18 But, Jim, do you want to be marking
19 these as exhibits? The board has never seen these
20 before.

21 MR. TUVEL: Yes. So, Jason, what we
22 did is -- I don't know if you heard this, so I
23 apologize.

24 MR. VALETUTTO: I did not, no. And the
25 board should know. Yes.

1 MR. TUVEL: Yes, we premarked them as
2 exhibits so -- so, Tom, just next time you flip just
3 refer to the next exhibit.

4 So this is A-2. We premarked them and
5 provided them. We'll provide them to Amy so she has
6 them as well.

7 (Whereupon, Drone Photograph of
8 Existing Site, Looking Southwest is marked as
9 Exhibit A-2 for identification.)

10 MR. STAHL: Well, the question really
11 is, these are brand new exhibits that have not been
12 presented to the board before.

13 Is that correct?

14 MR. TUVEL: Correct, that's right.

15 MR. STAHL: But these are photos --
16 there are photos, are we going to see proposed
17 renderings that also do not mirror what was submitted
18 to the board.

19 MR. TUVEL: Correct.

20 There will be proposed renderings as
21 well, correct.

22 MR. STAHL: And they'll be different,
23 both in coloring and in look, from what was
24 submitted.

25 Am I correct?

1 MR. TUVEL: The look will be the same,
2 but they will be colorized.

3 MR. STAHL: Madam Chair, I mean the
4 board will have to just make a determination whether
5 they want to accept these exhibits which have not
6 previously been provided to the board.

7 CHAIRWOMEN SZARO: Well, and I think
8 historically we have set the -- the bar that we are
9 only going to be able to review what we see.

10 We did make mention, I think, at a
11 previous meeting that for purposes of just photos
12 that we did allow that. I will say, so I -- I don't
13 have a concern with this photo.

14 If you're going to change anything --

15 MR. TUVEL: Yes, I can represent, Madam
16 Chair, that --

17 CHAIRWOMEN SZARO: -- that's not just
18 color.

19 MR. TUVEL: Yes.

20 So I can represent to you that nothing
21 about the plans that have been submitted to the board
22 have changed.

23 Everything that we're going to be
24 showing as exhibits are all demonstrative.

25 Nothing is -- we're not changing the

1 look of the building, the size of the building.
2 Nothing along those lines. It's all demonstrative.

3 MR. STAHL: Because, Jason, we have
4 been confronted in the past with teams coming in with
5 changed plans --

6 MR. TUVEL: Yes.

7 MR. STAHL: -- which reflect comments
8 from Jason and Jason has not had an opportunity to
9 review those.

10 I'm just, you know, just for your --

11 MR. TUVEL: Yeah. No, that I
12 completely understand.

13 If we changed the plans and didn't
14 submit them, that I agree with. None of that is the
15 case here. Everything is simply demonstrative. The
16 plans are exactly the way they are --

17 CHAIRWOMEN SZARO: I have --

18 MR. TUVEL: Sorry.

19 CHAIRWOMEN SZARO: I have no problem.
20 Does anyone else from the board have
21 any objection?

22 (No response.)

23 CHAIRWOMEN SZARO: No objections.

24 MR. TUVEL: Thank you.

25 Thank you, Madam Chair.

1 Go ahead. Go ahead, Tom.

2 THE WITNESS: Right.

3 So Exhibit 2 is just a drone -- a drone
4 photograph of the existing site conditions.

5 Just skipping over to Exhibit 3 now,
6 which is also a drone footage of the existing site
7 conditions showing the -- the wetland area that I
8 mentioned before.

9 (Whereupon, Drone Photograph of
10 Existing Site, Looking North is marked as
11 Exhibit A-3 for identification.)

12 THE WITNESS: There's a -- there's a
13 tidal stream that is centered in that wetland area.
14 You can see on this exhibit the existing boat ramp
15 (indicating). And then the development that's being
16 constructed on the top of the screen.

17 Exhibit 4, I will be focusing on this
18 exhibit for a majority of my testimony.

19 This is a colorized site plan rendering
20 prepared by Studio Hillier. It has the same north
21 arrow orientation as the aerial exhibit that I
22 previously showed. North is on the left of the
23 screen. East is on the top of the screen.

24 (Whereupon, Colorized Site Plan
25 Rendering Prepared By Studio Hillier is marked

1 as Exhibit A-4 for identification.)

2 THE WITNESS: What this shows is a
3 colorized version of the site plan that was designed
4 and submitted as part of the site plan application.

5 As Mr. Tuvel mentioned we're not
6 proposing any changes from what was previously
7 submitted. This is simply just an architectural
8 rendering to just simply show the land cover and the
9 building locations.

10 This is Exhibit 4.

11 BY MR. TUVEL:

12 Q. Tom, will you walk everyone through the
13 proposed conditions, the locations the buildings as
14 well as the amenity space?

15 A. Absolutely.

16 So this project's commonly known as The
17 Cove at Manhattan Beach.

18 We're here seeking preliminary and
19 final site plan approval to construct 499 residential
20 units over three total buildings.

21 Just for orientation purposes we have
22 identified the three buildings as Building 1 is the
23 large building in the center of the site. Building 2
24 is this narrower building on the northern part of the
25 site on the left of the screen (indicating).

1 And then building three is on the
2 southern portion of the site L-shaped building on
3 John T O'Leary Boulevard (indicating).

4 Building 1 consists of five stories,
5 224 total residential units. It has a footprint of
6 about 61,800 square feet and the total gross floor
7 area of 271,000 square feet.

8 There's a parking garage which is
9 illustrated here on the -- on the southern portion of
10 the building (indicating) which consists of 334 total
11 parking spaces.

12 Building 2, on the northern portion of
13 the site is also a five-story building it consists of
14 168 total residential units, a footprint of about
15 37,400 square feet. And a gross floor area of about
16 204,800 square feet.

17 The parking garage for this building is
18 located closer to Rosewell Avenue. It's identified
19 on the screen here. It consists of about 266 parking
20 spaces.

21 CHAIRWOMEN SZARO: Mr. Muller, can I
22 just ask you to hold on.

23 I can hear some background noise for
24 someone who just may have joined.

25 Can you please put your phone on mute?

1 Thank you so much.

2 Go ahead, Mr. Muller.

3 THE WITNESS: And then Building 3 is
4 located on the right side of the screen. This is on
5 the south part of the property.

6 This is a four-story building. It has
7 at-grade parking below it. So you have the parking
8 and then four stories above that. Consists of 107
9 total residential units. A footprint including this
10 amenity deck of about 42,600 square feet. And a
11 total gross floor area of 115,200 square feet.

12 There is a total of 122 parking stalls
13 located below this building at grade.

14 And then just, generally, walk through
15 the general site amenities on the site, working from
16 the left side of the screen to the right, again to
17 the north, to the south. On the northern part of the
18 site we're proposing a new driveway onto Rosewell
19 Street, that parking -- that driveway will have
20 direct access to the parking garage for Building 2.

21 Beyond the parking garage will be a
22 grass paver fire lane that will extend all the way to
23 the eastern corner of the building to provide
24 emergency access for emergency vehicles to the end of
25 that building.

1 Working our way between Building 1 and
2 2 on the south here (indicating) we have a shared
3 cul-de-sac road which includes 14 total parallel
4 parking spaces which are going to be open to the
5 public. It's going to be a public amenity.

6 There's a center landscaped median in
7 this cul-de-sac lane. There's a drop-off and loading
8 area beyond the 14 parallel parking spaces which are
9 directly located immediately adjacent to the proposed
10 entrances to the lobbies for these -- for Buildings 1
11 and 2, so they are centrally located to those
12 entrances.

13 Moving forward to the (Audio
14 Distortion) turnaround area, obviously this is being
15 proposed to allow vehicles to navigate to the end of
16 this roadway and navigate back to Rosewell Street.

17 This entire roadway will be designed
18 with pedestrian access ways on all sides to provide
19 access from the public right-of-way to the proposed
20 buildings.

21 There will be gates located at the end
22 of the cul-de-sac which will prevent public access to
23 the amenities that are associated with the
24 residential use.

25 So at the end of the cul-de-sac here,

1 you could see on the exhibit a pool and hot tub
2 system. It's this blue color here (indicating).
3 There's a deck and associated patio areas. There's a
4 recreational lawn to the south of the pool with
5 walkways and shade structures.

6 And then beyond that is the public
7 beach way promenade which is open to the public.

8 And beyond that is the public beach
9 area.

10 BY MR. TUVEL:

11 Q. So, Tom, just to be clear the areas
12 that are private on the outside will be appropriately
13 signed and gated and the areas that are public will
14 also be signed as public access, correct?

15 A. Yes, absolutely.

16 Q. Can you also speak to the setbacks of
17 the buildings?

18 I know that they comply with the
19 redevelopment plan, but can you speak specifically to
20 the front yard setback and anything that's relevant
21 to that.

22 A. Yes. Absolutely.

23 In terms of the front yard setback in
24 Building 1 and 2, we're proposing about a 30-foot
25 setback. The redevelopment plan requires a minimum

1 of 5 feet so we're greatly exceeding that by 25 feet.
2 That allows us to provide substantial landscaping
3 which I'll touch on in a minute along Rosewell and
4 provide (Audio Distortion) to enhance the aesthetics
5 to the site. It also sets back the buildings from
6 Rosewell, just to help the visual impact on the site.
7 Sorry, I skipped ahead there.

8 In terms of the rear yard setback, the
9 is development is completely compliant and in terms
10 of the side yard setback the development is
11 completely compliant. And in terms of the side yard
12 setback the development is completely.

13 In terms of Building 3, again, the
14 redevelopment plan requires a 5-foot setback to the
15 public right-of-way. And we are exceeding that.
16 We're proposing about 13 feet to the parking area
17 which is identified immediately on John O'Leary
18 Boulevard where my mouse is (indicating). And the
19 building is stepped back 22 feet.

20 Again, you can see on this exhibit
21 (indicating) it does offer the opportunity to provide
22 substantial landscaping along the frontage of the
23 site to enhance the site aesthetics.

24 Q. Would you just speak to the access
25 points, Tom? I know you spoke about one of them over

1 there on Rosewell, but can you just mention all of
2 them please.

3 A. Yeah, absolutely.

4 For Building 2 we have public access
5 onto Rosewell on the northern portion of the site.
6 Access to the cul-de-sac is provided between Building
7 1 and 2.

8 For Building -- for Building 1, the
9 main public access to the parking garage will be
10 located on Rosewell Street. It's identified between
11 the pump station property and the abandoned apartment
12 building property. That is subject to an existing
13 cross-access easement. So we are maintaining access
14 to the pump station as well as to the abandoned
15 apartment complex.

16 As you move towards, into this site, we
17 have a paved driveway that has access directly to the
18 parking garage on the southern portion of Building 1.
19 The access to the -- the parking garage is then
20 internally circulated in the parking garage then
21 there is one egress point on the western side of the
22 parking garage that leads you to an egress only
23 driveway onto Rosewell Street to the northern part of
24 the existing pump station.

25 And then for Building 3 we are

1 proposing an access point on Raritan Reach Road
2 located here (indicating) where it says parking
3 access (indicating), that access is directly
4 connected to the parking field that is located
5 underneath the Building 3 building.

6 There's one consideration for a design
7 waiver as Mr. Tuvel mentioned. The Zoning Ordinance
8 requires a 31-foot setback for proposed driveways. A
9 number of these driveways do not comply with that.
10 It's simply a condition of the existing site
11 conditions and the site shape. The relief is
12 required adjacent to the pump station property as
13 well as the abandoned apartment complex which, again,
14 is part of a cross-access easement.

15 So in order to maintain that cross
16 access we need that driveway. And we are required to
17 have that waiver relief.

18 On the northern part of the site is the
19 access for Building 2 which is immediately adjacent
20 to the Manhattan Beach Residential Project that's
21 currently under construction. So we have coordinated
22 that driveway with their design to confirm that there
23 is no conflicts.

24 So there is no substantial detriment
25 for that driveway location and meeting the Zoning

1 Ordinance with respect to the 31-foot setback.

2 And then, finally, the driveway for
3 Building 3 is located on Raritan Reach Road. There's
4 an existing median or boulevard, if you want to call
5 it that, on Raritan Reach Road. And we're setting
6 the driveway beyond that so there is no conflict
7 there.

8 We also did review adjacent driveways
9 and just adjacent uses in that area. There is no
10 conflict with that driveway.

11 So from an engineering perspective
12 that's naturally where that driveway needs to be.
13 There's no substantial impact to the -- to the
14 adjacent properties and that would -- the -- the
15 setback requirement there, there's no substantial
16 detriment. And that's really it for the site access.

17 Q. So, Tom, in terms of the waiver you
18 just mentioned as well as the minimum curb distance
19 from property line that's mentioned in the board
20 engineer's letter, the design that you're presenting
21 you find to have no negative impacts on the
22 surrounding properties and it'd a very practical
23 approach, in your professional opinion, as an
24 engineer to the driveways and to the curb distance,
25 correct?

1 A. Yes. Absolutely.

2 Q. And can you also speak to Mr. Valetutto
3 in his letter also asked how garbage pick up would
4 occur and deliveries as well.

5 So can we please go over that now. I
6 think it's a good time.

7 A. Yeah, absolutely.

8 I'll start with the northern portion of
9 the site which is Building 2. There's a dedicated
10 refuse area located on the northern part of Building
11 2 at the edge of the proposed parking deck.

12 So that will be accessed through a
13 refuse vehicle. The refuse vehicle could access
14 through that parking area -- I'm sorry -- through
15 that driveway area to access that -- that refuse
16 area.

17 For Building 1, the center building,
18 the horseshoe loop around the pump station has been
19 designed to accommodate refuse vehicles. The -- the
20 refuse area for this building is located at the
21 northern corner of this horseshoe driveway.

22 So we could have a trash vehicles
23 access through that driveway aisle, access that
24 refuse room and then exit back on to Rosewell.

25 And then for Building 3, we have a

1 dedicated trash enclosure located within the parking
2 field on the eastern side which is on the top of the
3 page here (indicating).

4 So we have the access for the -- the
5 refuse vehicle to access that refuse enclosure, load
6 and then -- and then exit the site.

7 Q. Okay. And deliveries would occur in
8 the same path, correct?

9 A. Yes, it would generally follow the same
10 path. Yes.

11 Q. And in terms of the garbage pick up
12 it's your understanding in speaking with the
13 applicant that they will have a private hauler for
14 recycling and trash pick up.

15 Is that correct?

16 A. Yes. That's my understanding. Yes.

17 Q. And that will be coordinated with
18 management.

19 Is that right?

20 A. Correct.

21 Q. And also with respect to move-ins to
22 the apartments and to the homes that would also be
23 coordinated with management where they'll set it up
24 so that the moving vehicles can park appropriately
25 and unload in a sufficient amount of time?

1 A. Yes. That is my understanding.

2 Q. And there's sufficient space also for
3 moving vehicles as well to move people into the homes
4 in the future?

5 A. Yes.

6 Q. Also with respect to emergency service
7 vehicles: Fire, ambulance, the site allows those to
8 properly circulate as well?

9 A. Yes, we did provide a vehicle
10 circulation plan for a fire truck showing that the
11 site does have suitable emergency access.

12 Q. Great.

13 In terms of the number of parking
14 spaces, Tom, how many parking spaces are required and
15 how much are proposed?

16 A. Yup.

17 Again, we're proposing 499 total
18 residential units. The redevelopment plan requires
19 1.2 spaces per unit for the one-bedroom apartment
20 units. And then requires 1.8 spaces per unit for the
21 two-bedroom units.

22 Doing the math for all three buildings
23 we would need 520 total spaces for the -- for the
24 one-bedroom units and 119 total spaces for the
25 two-bedroom units. For total requirement of 639

1 spaces.

2 As previously mentioned there's 752
3 total parking stalls proposed which substantially
4 exceeds the requirement that the redevelopment plan
5 requires.

6 In terms of the actual breakdown there
7 is 722 parking stalls proposed within the parking
8 garage for Building 1, 2 and below Building 3.

9 So just considering those parking
10 stalls by themselves we have 722 stalls which also
11 exceeds the 639 parking stalls.

12 And then as I mentioned there's 14
13 total parallel parking stall located on the
14 cul-de-sac road.

15 And then 16 parallel parking stalls
16 located on John T O'Leary Boulevard. And those are
17 going to be open for public use. And we're not
18 taking credit for those in the park calculation.

19 But they are just providing an
20 additional buffer on top is what is required for the
21 parking.

22 Q. I know that our traffic engineer,
23 Mr. Chase will get more into his opinion on the
24 adequacy of the number of spaces, but I just wanted
25 you to indicate how many there are.

1 And also do they comply with the
2 ordinance with respect to size? Are they compliant
3 in that respect?

4 A. Yes. They are.

5 We're proposing 9-by-18 parking stalls
6 within the parking garages which complies with the
7 ordinance. We are also providing ADA complaint
8 compliant parking stalls which meets federal code as
9 well.

10 Q. I'm going to do what I don't normally
11 do, Tom. I'm going to let you pick. Do you want to
12 move to landscaping now or stormwater management?
13 You make the call.

14 MR. VALETUTTO: Mr. Tuvel, I don't like
15 to interrupt, I just wanted to correct one slight, I
16 believe, misspeak.

17 If looking at the chart on page 3 of
18 your site plan it looks like you are including those
19 16 spaces that are on John T O'Leary Boulevard that
20 should not be counted towards on-site parking. It
21 doesn't create a deviation. I just want to point out
22 for accuracy that those 16 spaces are not included as
23 part of what you are providing. You said that you're
24 providing 752, I believe based on all the numbers in
25 the chart you're really only providing 736 on-site.

1 THE WITNESS: That's correct 736
2 on-site which includes the 14 parallel stalls on the
3 cul-de-sac.

4 MR. VALETUTTO: Right.

5 The cul-de-sac can be included because
6 it's on your private property, but the ones in John T
7 O'Leary cannot because that's public -- that's public
8 access.

9 THE WITNESS: Absolutely. I agree with
10 that.

11 Thank you.

12 MR. VALETUTTO: Just wanted -- just
13 wanted to make that clear. It doesn't affect
14 anything as far as deviations. I'd just like to be
15 accurate. That's all.

16 MR. TUVEL: Yes. No problem, Jason.

17 No, I appreciate the clarification.

18 THE WITNESS: Appreciate that.

19 MR. TUVEL: So, go ahead, Tom.

20 THE WITNESS: Yeah, I'll go through the
21 grading and stormwater and utility design quickly
22 while we're on this exhibit.

23 The entirety of the site is located
24 within a flood hazard area. What that means is we
25 need to raise this site about 10-feet. The finished

1 floor elevations obviously need to be raised above
2 that flood hazard elevation which results in an
3 increase in grade on the site of about 10 feet.

4 It is important to note that this
5 project, as Mr. Tuvel mentioned, was submitted to the
6 NJ DEP for waterfront development permit as well as a
7 flood hazard individual permit which the applicant
8 has obtained.

9 So what you see on this site, in terms
10 of the grading, stormwater management and utility
11 design has been reviewed and approved by the NJ DEP.

12 In terms of the stormwater management
13 we are designing the site to be compliant with
14 federal -- with state and city code in terms of water
15 quality, quantity and groundwater recharge
16 requirements. We're proposing an extensive
17 stormwater conveyance system throughout the entirety
18 of the site to convey the runoff areas from the site
19 directly to the Raritan Bay, which is actually a net
20 benefit for the surrounding drainage area in terms of
21 Rosewell and John T O'Leary Boulevard.

22 Whereas existing stormwater runoff
23 actually exits the site, we're collecting that water
24 and we're directing it directly to the Raritan Bay,
25 which is a tidal water body. The DEP recognizes that

1 as a suitable way of managing stormwater management.
2 It's actually encouraged because it is a tidal water
3 body, we are getting it to that -- to that stable
4 water body, which just simply creates a better
5 drainage condition for the overall drainage area.
6 We're proposing two water quality treatment units
7 which provide 80 percent total suspended solid
8 removal which meets the requirements of the city and
9 state code that have been designed to -- to detain
10 and treat the drivable surfaces on the site before
11 they are eventually discharged to the Raritan Bay.

12 As I touched on earlier, there's an
13 existing detention basin near Building 3 which we are
14 removing. It technically does not provide a water
15 quality benefit in terms of current state design
16 requirements.

17 However in order to go a little bit
18 above and beyond while we removed that detention
19 basin, we're replacing it with a water quality
20 treatment unit which will treat all the stormwater
21 runoff tributary to it before it's detained and
22 discharged to the Raritan Bay.

23 BY MR. TUVEL:

24 Q. Tom, just from a, you know, surrounding
25 property standpoint, do you see any negative impacts

1 to the surrounding properties as a result of your
2 stormwater design, or on the contrary do you see any
3 positives?

4 A. Yeah, I -- I see -- I see no negative
5 to the surrounding area.

6 In fact, I see a net benefit to the
7 surrounding area. We are directing stormwater away
8 from the other privately owned properties and
9 directly to the Raritan Bay which is certainly a
10 benefit to the surrounding drainage area.

11 Q. Any concerns regarding Mr. Valetutto's
12 comments regarding stormwater management?

13 A. No, I don't.

14 Q. So you would find those to be
15 acceptable, correct?

16 A. Yes, I do.

17 Q. I know we do have a landscape architect
18 that's going to go into more detail on the
19 landscaping, but can you just give an overall
20 overview of the landscaping and then Mr. Balsley can
21 go into more detail.

22 A. Absolutely.

23 I am just going to switch the
24 PowerPoint to Exhibit 6.

25 (Whereupon, Colorized Landscape Plan is

1 marked as Exhibit A-6 for identification.)

2 THE WITNESS: This is a colorized
3 landscape plan.

4 Again, this is an identical layout to
5 what was submitted to the Planning Board in terms of
6 our site plan layout Building 1, 2 and 3, parking
7 layout.

8 This is basically just a colorized
9 version of the landscape plan that identified the
10 plantings that are proposed around the entirety of
11 the site.

12 So I believe -- I believe this is --
13 I'm not sure what exhibit number this is, but it's
14 identical --

15 BY MR. TUVEL:

16 Q. We're up to A-6. That's fine.

17 A. So this is Exhibit A-6.

18 So what we're proposing is to
19 completely relandscape this entire site. The
20 existing site is overgrowth. I doesn't really
21 provide an aesthetic value to this site.

22 In fact, a lot of it is invasive
23 species which are going to be removed as part of the
24 development.

25 What we're doing is we're planting

1 substantial amount of perimeter foundation plantings
2 in the open space areas around the buildings, around
3 the driveways, around adjacent properties.

4 You could see on the center of this
5 screen the tidal marsh area (indicating) which will
6 have substantial planting with water columnar plants
7 that will be designed as a tidal marsh and living
8 shoreline component of the project, which will
9 provide numerous benefits to the surrounding area and
10 to the residents of this -- this facility.

11 It does actually provide a stormwater
12 management benefit, whereas we're not taking credit
13 for it, but it actually does increase the water
14 quality benefits of the discharge stormwater through
15 that area, which takes runoff from the public roads
16 and then eventually discharges it to the Raritan Bay.

17 It also provides, basically, a
18 recreational area for the -- not only for the public,
19 but for the -- the residents of this facility.

20 There'll be walkways through there.
21 There'll be elevated overlooks and general seating
22 areas within that walkway area for public benefit.

23 Q. And Mr. Balsley can get into more
24 detail, but go ahead.

25 A. Yeah. Absolutely.

1 I don't want to take his thunder.

2 In terms the total number of plantings,
3 we're proposing over 2,300 total plantings: 16 shade
4 trees; 156 ornamental trees; 32 evergreen trees; 657
5 evergreen shrubs, over 100 deciduous shrubs; nearly
6 700 ground cover plantings; and nearly 300 perennial
7 plantings.

8 That does not include the
9 water-tolerant plantings that are being proposed in
10 the tidal marsh and living shoreline area identified
11 in the middle of this site. That -- that area will
12 be planted with water tolerant grasses. That is
13 under the review of the NJ DEP, in terms of that
14 tidal marsh area.

15 It will be substantially replanted,
16 we're -- in fact, we're looking at a rough estimate
17 of about 50 the 70,000 grasses to be planted in that
18 area which, again, will be reviewed and approved by
19 the NJ DEP.

20 Q. Tom, do you want to describe the
21 lighting scheme for the project?

22 A. Yeah, absolutely.

23 So we did work in concert with the
24 landscape architect, the building architect, as well
25 as a lighting consultant to design the lighting that

1 you see as part of the site plan package.

2 All the lighting fixtures will be LED
3 modern lights for energy efficiency. They'll be
4 mounted at various heights throughout the site.

5 Just, generally, there'll be area
6 lights located along Rosewell to provide illuminated
7 walkways along the frontage of the site.

8 We are providing a mixture of bollard
9 lights as well as walkway lights within the public
10 amenity areas and the public walkway areas as well as
11 within the shared cul-de-sac road.

12 All of the lights will be cutoff
13 fixtures. The design has been developed to limit the
14 amount of overlap of lighting to surrounding
15 properties.

16 I did -- I did review the engineer
17 review letter in great detail and I did notice a few
18 comments which I -- I don't see any issue with
19 addressing to his satisfaction. And that's -- that's
20 really it in terms of lighting.

21 If you'd like me to get into more
22 detail on that I would be happy to.

23 Q. No.

24 If you could just also briefly just go
25 through the utilities as well?

1 A. Certainly.

2 There'll be utilities for -- utilities
3 for each of the buildings.

4 The site is serviced by public water,
5 sewer, gas, and electric. There'll be new
6 connections to the public right-of-ways.

7 In terms of the existing transmission
8 line that's centered within the middle of the site,
9 we have been in great -- in detail with JCP&L on
10 relocating that to their satisfaction.

11 In terms of the utility design, that's
12 relatively very straight forward.

13 Q. There was a comment in Mr. Valetutto's
14 letter regards the curb radii, in terms of, you know,
15 where they're located, how they extend a little bit
16 off the property line.

17 Would your agree to work with him to
18 minimize that as much as possible?

19 A. Yes, absolutely.

20 Q. What I would also like to talk about
21 now is the phasing of the project?

22 Can you just explain that as well?

23 A. Yup.

24 Building 1, 2 and 3 have been
25 identified as such intentionally.

1 Building 1 is intended to be built
2 first. That's the largest centered building on the
3 site. That will be built first, with a majority of
4 the site amenities, which include the cul-de-sac
5 area, the pool area, the recreational lawns, the
6 public walkway, the tidal marsh/living shoreline area
7 and the walkways that connect to the public
8 right-of-ways.

9 Building 2 will be built second as
10 Phase II, the associated drive aisle will also be
11 built at that time.

12 And you could see here Building 3 is
13 more of an independent building on the southern
14 portion of the site (indicating), which will be built
15 as the third phase of the project.

16 Q. And, Tom, the public amenity area, the
17 walkways, et cetera, any infrastructure, the
18 stormwater management, that'll be done with Phase I,
19 correct?

20 A. That's correct, yes.

21 Q. And during all the phasing all the
22 requisite stormwater management parking will all
23 comply with local and state regulations.

24 Is that right?

25 A. Yes, that is correct.

1 Q. Sorry.

2 Continue please.

3 A. That's really it for the -- for the
4 phasing discussion on the project.

5 Just quickly touching on signage, we
6 are proposing two freestanding signs. They're more
7 monument signs in nature.

8 One sign will be located immediately
9 adjacent to the proposed cul-de-sac road and then
10 another sign would be proposed next to Building 3.

11 The ordinance requirement is to allow
12 only one monument sign per site.

13 As I mentioned, we are proposing two
14 which would require a deviation from the
15 Redevelopment Plan and Zoning Ordinance.

16 Again, just based on naturally the size
17 of this site, the different building that are
18 proposed on the site, we do think that two monument
19 signs is sufficient for this site and is certainly
20 warranted for this site, especially considering the
21 long frontage along the public right-of-way.

22 The Zoning Ordinance also limits sign
23 area to only 6 square feet which is a very limited
24 size. What we're proposing is 19.8-square-foot
25 monument signs. Both of those signs that I mentioned

1 will be 19.8 square feet, which does require a
2 deviation.

3 Again, they're very modestly-sized
4 signs. We're not trying to over-advertise this site.
5 It is a residential development.

6 So we do think that they are
7 appropriate for the proposed development.

8 The two signs do comply with the
9 ordinance requirement 25-feet-maximum height is
10 allowed. We are proposing only a 7-foot-high
11 monument sign. And the ordinance requires a 10-foot
12 setback, whereas we are providing that 10-foot
13 setback.

14 In terms of the wall signage, there is
15 no standard in this Zoning Ordinance for wall
16 signage. We are proposing four total signs: One
17 sign on Building 1; one sign on Building 2; and then
18 two signs on Building 3.

19 Just based on the nature of the size of
20 the site -- of that site -- of that building --
21 sorry -- and the roadway system in front of it, we
22 are proposing two signs.

23 All those signs will be about
24 21.7 square feet in size. They will all have a
25 projection of greater than 15 inches off the wall

1 which does require a wavier or deviation from the
2 Zoning Ordinance.

3 So I did want to mention that.

4 Q. Is there anything else, Tom, in
5 Mr. Valetutto's letter that you would like to discuss
6 that requires testimony?

7 I know we indicated that we could
8 stipulate to almost the entire letter, but I think
9 there were a couple of items that you might want to
10 just address in testimony, if you've already covered
11 them you can let me know.

12 A. Yes. Absolutely.

13 I think we covered most of them in
14 direct testimony. I -- I have no problem agreeing to
15 most of them.

16 I think a lot of them are engineering
17 related which I could work with him directly on.

18 We talked about the radii and the
19 driveway setbacks, which was addressed. So at this
20 time there's nothing else specific that I think I
21 need to bring up.

22 Q. And you also feel that having the one
23 driveway on Building 3 is sufficient. There's no
24 need to access the right-of-way from creating a
25 secondary driveway, correct?

1 A. Yes, I think the single point of access
2 is adequate for Building 3.

3 Q. And then I also note, we should have
4 talked about this when we talked about the pool.
5 There was a comment in the letter regarding the hours
6 of operation of the pool.

7 Can you just speak to that very
8 briefly?

9 A. Yup. It will be managed by operations.
10 To my knowledge it'll be closed at
11 about 10:00 p.m.

12 There will be a lifeguard on duty at
13 all hours. It will be gated when there is no
14 lifeguard.

15 And, again, that's only for the
16 residential community for the proposed development.

17 Q. I know I spoke to this earlier, but
18 just to confirm on the record, there will be
19 security, key fobs, or some form of security to allow
20 residents into the parking garages, correct?

21 A. That's correct.

22 As well as the pool and recreational
23 lawn area.

24 Q. Tom, unless there's anything else that
25 you wanted to address -- oh, just, sorry, one last

1 thing.

2 A brief overview of where you stand
3 with just the remaining outside agency approvals
4 please?

5 A. Yes. Absolutely.

6 As I mentioned we did get waterfront
7 development permit approval from the DEP as well as a
8 flood hazard individual permit, that allows the
9 construction of the three buildings you see here
10 (indicating).

11 All of the access points to the
12 buildings and to the parking garages.

13 We are still working with the DEP on
14 getting the living marsh -- living shoreline and
15 tidal marsh area and public walkway approved by the
16 DEP, but we have been in constant contact with them
17 and we are working on getting that approval.

18 We're also pursuing Middlesex County
19 Planning Board approval which is pending, as well as
20 Freehold Soil Conservation District approval which is
21 also pending.

22 MR. TUVEL: Thank you.

23 Madam Chair, I believe that concludes
24 my direct of Mr. Muller.

25 Obviously, if you'd like to ask

1 questions of him now or I can move to my next
2 witness. I leave that to you.

3 MR. STAHL: We usually do --

4 CHAIRWOMEN SZARO: Why don't we just
5 open this up to the board for questioning right now.

6 And then, as we usually do for standard
7 practice, we'll ask the public at the end of all the
8 testimony.

9 So is there anyone from the board who
10 has any questions?

11 MR. STAHL: Yes, I do, Madam
12 Chairwoman, if you can ask a couple just on one
13 topic?

14 CHAIRWOMEN SZARO: Yes.

15 MR. STAHL: With regard to the phasing,
16 it's -- it's not clear to me, and I know you'll clear
17 it up, we're going to do one building with amenities
18 then we're going to do Building 2 and Building 3.

19 What is the timeline on building out
20 this project?

21 THE WITNESS: I would have to defer
22 back to the applicant on that one, in terms of when
23 the phasing will be done.

24 We're really focused on just the
25 engineering components of the phasing.

1 MR. STAHL: Well, the question would
2 be, I mean, you're coming in for a complete
3 preliminary and final site plan approval which would
4 ultimately entitle you to put a shovel in the ground
5 for all three phases.

6 And my question -- and Mr. Kelly is our
7 construction expert, my concern is for the board, we
8 don't want Phase I to be done and then all of the
9 sudden we have certain economic issues and Phase 2
10 and 3 are vacant and not constructed.

11 It could be resolved by, you know, the
12 timing required after the issuance of the building
13 permit.

14 So I'm trying to get a feel for the
15 board as to how this phasing is going to work.

16 MR. TUVEL: Yes.

17 So I would say this, the construction
18 timeline that my client has communicated to me is
19 five to six years.

20 But I'm happy, in a developer's
21 agreement, to agree with the city on the phasing and
22 the timeline of the phasing during construction so
23 that the issues, Mr. Stahl, you had mentioned that --
24 a lot of them would be covered by bonding obviously,
25 but we could put timelines in the developer's

1 agreement that would give the board and the city, you
2 know, a project schedule that would, you know, we'd
3 have to adhere to in terms of milestones.

4 So we're happy, as a condition, to do
5 that in a developer's agreement.

6 MR. STAHL: Because -- and the reason I
7 ask the question, Jason, you and I, I'm sure, have
8 both been involved in projects that get halfway or a
9 third through, people are living in there, and then
10 all of the sudden they say, well, how come we have
11 all this dirt and all these other items and how come
12 this project is not completed?

13 And then the first person to get the
14 phone call is Tom Kelly. And the second person is
15 Mayor Henry.

16 So you know that's -- I'm looking.
17 We're going to have to get some answers and as you
18 said the developer's agreement.

19 MR. TUVEL: Yes, I think we can have
20 strict timelines in there, triggering mechanisms that
21 the developer would have to adhere to during the
22 construction process.

23 MR. STAHL: Thank you.

24 That's all I have at this time,
25 Madam Chairwoman.

1 CHAIRWOMEN SZARO: Okay.

2 Jason and then Scott.

3 MR. VALETUTTO: Tom, I think that you
4 missed a couple of testimony points I was looking for
5 in my report.

6 If you can just flip through page by
7 page and we can just go over the testimony.

8 I mean most of the comments I give are
9 housekeeping in nature. You and I can easily work
10 that out.

11 But I think the board needs to hear
12 some testimony, like, for instance, overall site plan
13 Comment No. 2 about the LSRP and the site cleanup.

14 Can you -- I don't recall hearing much
15 about that.

16 THE WITNESS: Yes, absolutely.

17 We -- we are in the process of doing a
18 substantial investigation on the site.

19 We do have an LSRP on staff that has
20 been working very closely with the applicant on
21 establishing the existing environmental conditions on
22 the site.

23 The site has been previously developed,
24 as I mentioned, as a petroleum distribution facility
25 as well as a sewer treatment plant, which naturally

1 has some remediation and contamination considerations
2 that we need to investigate.

3 One of the main ones that we did
4 identify is just a regional historic fill condition
5 on the site. The site was -- was historically filled
6 from the Raritan Bay a very long time ago and we are
7 in the process of analyzing the soils on-site and
8 working with the DEP to establish certain engineering
9 and institutional controls to establish that historic
10 fill material situation. We also do have chlorinated
11 VOCs and point source petroleum considerations on the
12 site.

13 And, again, as I mentioned we are
14 working with the DEP to create a site remediation
15 program to -- to address those conditions with
16 engineering and institutional controls.

17 There are a number of monitoring wells
18 on the site as well, which will be decommissioned or
19 relocated with direct oversight in the LSRP and the
20 NJ DEP.

21 MR. VALETUTTO: The board has had other
22 properties that required cleanup and all that study
23 was done prior to and the board was able to see
24 locations of where things needed to be kept and
25 whatnot.

1 Just putting it out there, if you
2 receive an approval, obviously, that would have to be
3 conditioned upon providing all that information from
4 the LSRP along with plans to show, because of the
5 residential nature of the project, there is that --
6 obviously, a higher standard of protection.

7 MR. TUVEL: Jason, we don't mind making
8 sure that you're copied on all those documents
9 yourself and whoever else is required from the city
10 --

11 MR. VALETUTTO: Okay.

12 MR. TUVEL: -- that's fine.

13 MR. VALETUTTO: Okay.

14 MR. KELLY: Jason, also -- Jason, Tom
15 Kelly, we're going to want to know where the
16 monitoring wells are going to be replaced.

17 So we're not talking about eliminating
18 the monitoring wells. We're talking about relocating
19 them, correct?

20 MR. VALETUTTO: No, they testified that
21 they were going to be decommissioned. I mean if
22 they're cleaning up the site completely and then if
23 there is, like I said, capping in -- capping in
24 nature, I don't know if there are monitoring wells
25 required for capping.

1 COUNCILMAN REILLY: So are we going for
2 a complete remediation of the site or are we going
3 for capping of the soil. And then --

4 (Simultaneous Speaking.)

5 MR. VALETUTTO: Well, they're still --

6 MR. KELLY: -- DEP.

7 MR. VALETUTTO: Based on their -- based
8 on their testimony they're still determining that I
9 believe.

10 MR. TUVEL: Yes, my understanding --

11 MR. KELLY: Well --

12 MR. TUVEL: We don't have that answered
13 yet.

14 Yes.

15 Like I indicated earlier, and I think
16 it's a good idea based on Mr. Valetutto's letter,
17 we'll copy his office or whoever he indicates, he
18 feels should be copied on the correspondence with DEP
19 so that could be coordinated.

20 The LSRP's efforts under the DEP's
21 jurisdiction be coordinated with the Planning Board
22 and the city in terms of the construction phasing of
23 the project.

24 So we're happy to do that.

25 MR. STAHL: And if I may jump in,

1 Madam Chairwoman, I do believe the monitoring wells
2 will be required for a capping.

3 And with regard to periodic review are
4 we going to -- we're going to -- Jason, not we, Jason
5 will get copies of the NJ DEP correspondence because
6 the next question is going to be, it may not matter
7 to you, I guess, because of the capping there'll be
8 deed restrictions on the property.

9 Is that understood?

10 MR. TUVEL: If that's required by DEP,
11 obviously, we'd have to do that.

12 MR. STAHL: Yes. That's okay.

13 All right.

14 MR. VALETUTTO: Okay. Moving -- moving
15 on to the next one, page 4 of my report, Tom, if you
16 can touch upon if there's been any discussion with
17 the owners of the little properties that are keyholed
18 out next to the -- the pump station, both the deli
19 and that -- that abandoned apartment building?

20 MR. TUVEL: Yes, I can speak to that,
21 Jason, there has been. It's ongoing.

22 If there's anything that comes out of
23 it we could make the board aware or the city aware.

24 MR. VALETUTTO: I just wanted to -- I
25 just wanted to be sure that there was some kind of a

1 discussion going back and forth between -- between
2 the two.

3 MR. TUVEL: Yes. Yes, the parties have
4 been in communication, correct.

5 MR. VALETUTTO: At the bottom of the
6 page about the utility pole easements. I know you
7 said that that's an ongoing with the board -- I mean
8 with the city.

9 What happens if you don't secure all
10 the easements you require such as from the
11 aforementioned adjoining property where they already
12 have their own application before the board where
13 what they're currently proposing, which I don't know
14 it'll be approved, would be within your easement
15 area.

16 THE WITNESS: Yes, as part of that site
17 plan package we do have the easement shown and if the
18 applicant is not able to secure all of those
19 easements and they require a substantial redesign of
20 the location of those utility poles, it would be my
21 understanding that we would either have to return
22 back to this board of work with your office to
23 explain the changes to that easement area and the
24 utility pole situation.

25 So our design is dependent on

1 relocating those utility poles, obviously, and if
2 something happened and we need to redesign the site,
3 you'll certainly be involved with that.

4 MR. VALETUTTO: Okay.

5 Skipping ahead to page 7 of my report,
6 number one, I know you touched upon that the
7 cul-de-sac, is that going to be where the main
8 entrance to the building is going to be for, like,
9 visitors to enter or what is that?

10 THE WITNESS: I'm zooming into
11 Exhibit 6, which shows the cul-de-sac area and then
12 the main entrance for Building 1 and 2 are located at
13 the end of the cul-de-sac road before the cul-de-sac.

14 So, yeah, there's a drop-off area
15 intentionally designed there centrally located on the
16 lobby areas for the two buildings.

17 MR. VALETUTTO: So is that where
18 visitors are going to be parking only in those -- I
19 believe it's, like, 14 spaces or are the visitors
20 also going to have access to garage spacing.

21 MR. TUVEL: Yes, Jason, I was going to
22 have the traffic engineer go through that.

23 MR. VALETUTTO: Okay.

24 MR. TUVEL: If that's okay?

25 MR. VALETUTTO: Yeah, no, that's not a

1 problem. I just wanted to bring it up while I was...

2 MR. TUVEL: But to preview it, yes,
3 they would have access to the parking garage as well.

4 MR. VALETUTTO: Okay. And I know you
5 testified that the delivery vehicles are supposed to
6 utilize, for Building 2, the driveway to the north.

7 And then for Building 1 it would be
8 that little U-shaped driveway.

9 Is there going to be signage or
10 something like that to prevent them from going down
11 that cul-de-sac road because we've had other -- we've
12 had other applications where they promised this is
13 going to be a do not enter and they put the signs out
14 there and everyone just disregards and then parks and
15 double parks and blocks everything.

16 THE WITNESS: I would -- I would say
17 just because of where these lobby areas are and the
18 temporary drop-off areas are here, I could see (Audio
19 Distortion) loading area and loading (Audio
20 Distortion) in that area.

21 I am not sure if completely restricting
22 all the delivery vehicles from the cul-de-sac would
23 be the best move on that because it could be the
24 chance of very temporary loading situation in those
25 drop-off areas. Just for, you know, basic deliveries

1 for the building.

2 But if -- but if it is something that
3 the board would like us to review with you we'd
4 certainly be happy to talk about it more.

5 MR. VALETUTTO: You said drop-off area,
6 and I am looking on Sheet 9 of your -- of your site
7 plan. And there's nothing labeled "drop-off."

8 Are you talking about, like, after that
9 island, after you got the seven parallel parking
10 spaces, then you have a little island that juts out
11 are you talking about just behind that island?

12 THE WITNESS: Yeah, exactly.

13 MR. VALETUTTO: So that's where you're
14 going to have that drop-off. That's where the
15 intention was?

16 THE WITNESS: Yes. Exactly, yeah.

17 MR. VALETUTTO: Okay.

18 Mr. Tuvel, I don't know if you want to
19 wait for the architect to go over who has the access
20 to the courtyard of Building 1 and what the purposes
21 of that are?

22 MR. TUVEL: Yes, I mean that would be,
23 obviously, the residents, as we indicated all these
24 site amenities that are on the private property would
25 be --

1 MR. VALETUTTO: Not -- not necessarily
2 because in college I had a courtyard in the middle
3 that had no access whatsoever to the residents, it
4 was just for visual purposes only. That's why --
5 that's one of the reasons why I wanted to ask --

6 MR. TUVEL: Okay.

7 MR. VALETUTTO: -- to -- to see if,
8 like, the residents are going to have access to that
9 courtyard. That is an actual courtyard for use.

10 MR. TUVEL: Yes.

11 I am happy to confirm it with the
12 architect.

13 MR. VALETUTTO: Okay. Pool hours, key
14 fob.

15 Can you touch upon pets, if they're
16 allowed and whatnot?

17 THE WITNESS: Yeah, it's my
18 understanding that pets would be allowed. I think
19 it's still being developed by the operator, but at
20 this time I'm not aware of any restrictions on not
21 having pets.

22 MR. VALETUTTO: And there's no dog run
23 proposed then?

24 THE WITNESS: There's no -- yeah,
25 there's no formal dog run. There is a large

1 recreational lawn on the waterfront. There's the
2 public walkway, more than enough area for dog
3 walking.

4 But for unleashed or, you know, loose
5 dogs, there's no formal dog park or anything like
6 that proposed.

7 MR. VALETUTTO: Okay.

8 And then the Comment No. 8 was about
9 city had installed security cameras along the
10 existing waterfront walkway, would you be open to the
11 city also installing cameras as part of this
12 waterfront walkway?

13 MR. TUVEL: I think that could only
14 benefit everyone if that's something the city wants
15 to do.

16 MR. VALETUTTO: And this is -- this is
17 something for both lawyers. The public beach, based
18 on, like, the survey and the site plan appear it's on
19 your property.

20 So I don't know if that has to also be
21 included as an easement or not --

22 MR. TUVEL: No.

23 We have --

24 MR. VALETUTTO: -- because it's --

25 MR. TUVEL: I believe the applicant is

1 working with the city on that as to whether, you
2 know, there would be an instrument required in terms
3 of an easement.

4 But --

5 MR. VALETUTTO: Okay.

6 MR. TUVEL: I understand that that
7 would obviously be whatever's legally required to
8 permit access to the public we'd have to look at with
9 the city or the DEP for that matter or both.

10 MR. VALETUTTO: Okay.

11 MR. STAHL: Well, that's a question,
12 Jason, that you'll have to deal with.

13 The question is beach access by the
14 public. You don't want them to come through --
15 because you've got security, so there might be -- you
16 might want to consider another access point.

17 And I'm not trying to tell you how to
18 design the plan --

19 MR. VALETUTTO: Well --

20 MR. STAHL: -- but something --

21 (Simultaneous Speaking.)

22 MR. VALETUTTO: Well, Jim, the way I
23 understand -- the way I understand it they said that there
24 was going to be public walkways and private walkways.

25 It would be gated off and whatnot.

1 I am sure we're going to hear testimony
2 later as to which walkways are public and which are
3 private.

4 But I was just more keying in on the
5 beach, itself, because I didn't even take into
6 account that the beach actually is on private
7 property that they own, but it is being a public
8 beach.

9 MR. TUVEL: Yes, Jason, I believe that
10 Tom did indicate where there would be private
11 walkways versus public.

12 Tom, do you want to go over that again?

13 THE WITNESS: Yeah, absolutely.

14 Just referring back to Exhibit 6 the
15 public walkways include the entirety of the public
16 beach front walkway that I'm highlighting with my
17 mouse (indicating) that meanders along the edge of
18 the beach front.

19 There's a public access point on the
20 eastern portion of Building 3 that connects to
21 Raritan Reach Road (indicating).

22 They're also another public access
23 point at the end of John Street (indicating) on
24 Rosewell, which has access to the tidal marsh and
25 living shoreline walkways.

1 So the entirety of these meandering
2 walkways and overlooks are open the public use
3 (indicating).

4 And then there's a connection to the
5 beach front through the tidal marsh area as well.

6 In terms of the pool area and those
7 walkways, there will be gates at the end of the
8 cul-de-sac road which prevent public access to the --
9 to the pool and the courtyards and the recreational
10 lawn associated with residential structures.

11 So almost all of the walkways that you
12 see on this plan are open to the public with the
13 exception of the walkways immediately adjacent to the
14 pool and recreational field.

15 MR. VALETUTTO: Okay.

16 Page 8, the shoreline and the tidal
17 marsh, the only outlet's going to be underneath that
18 bridge, correct?

19 THE WITNESS: That is correct, yes.

20 It'll freely flow within that bridge
21 area. Yes.

22 MR. VALETUTTO: No. 2, was there any
23 consideration given to just having one access road
24 for Building 3 coming off of John T O'Leary Boulevard
25 instead of Raritan Reach so there wouldn't be

1 confusion between the two developments or no?

2 THE WITNESS: We definitely did
3 consider that.

4 I mentioned before this site is in a
5 flood hazard area, so we have to raise it
6 approximately 10 feet. Just due to the grade change
7 on John T O'Leary Boulevard to what we need the
8 parking area to be for Building 3 wouldn't lend
9 itself to allowing us to connect to John T O'Leary
10 Boulevard.

11 So we intentionally provided it on
12 Raritan Reach Road to meet that grade requirement.

13 I certainly agree with your
14 consideration on confusion between the two
15 developments. I'd be happy to work with you on a
16 signage plan that clearly identifies the two sites.

17 And, again, this is a residential use
18 over time, you know, naturally the residents will
19 become familiar with the area. It's not like a
20 commercial development where you might have many
21 different patrons on a daily basis.

22 This really is a local community and a
23 residential facility so the concerns with confusion
24 are relatively limited in that area.

25 MR. VALETUTTO: Okay.

1 I think the rest of the testimony would
2 be from architecture.

3 So thanks, Tom.

4 THE WITNESS: Thank you.

5 MR. TUVEL: Yes, Jason, just to answer
6 your question the courtyards would be accessible by
7 the residents. They're not just for show.

8 MR. VALETUTTO: Okay.

9 CHAIRWOMEN SZARO: Scott?

10 MR. KELLY: Hey, Jason, this is Tom
11 Kelly again.

12 Can we just go over one more time the
13 fire department vehicle access?

14 In particular, the fire department
15 vehicle access adjacent to Building No. 2 and overall
16 the fire department vehicle access for Building
17 No. 3, in as you only have...

18 MR. VALETUTTO: I think we lost Tom.

19 MR. STAHL: I think I heard the
20 question that Tom had was Building 3 is only accessed
21 from the front.

22 And I -- I guess Tom put your cursor, I
23 guess you can get to the -- the north side there,
24 what is that?

25 THE WITNESS: (Indicating).

1 MR. STAHL: No, not that one. The
2 other one, the other north.

3 THE WITNESS: Yes, for --

4 MR. STAHL: Building 3.

5 THE WITNESS: For Building 3
6 (indicating) we do have access --

7 MR. STAHL: Yeah, that's --

8 THE WITNESS: We do have full frontage
9 on John T O'Leary Boulevard so that's -- that's an
10 excellent condition for fire access.

11 So we do have full coverage along that
12 side.

13 We have access on Raritan Reach Road as
14 well. And then fire department vehicles could also
15 access this parking area adjacent to Building 3
16 (indicating) --

17 MR. STAHL: Okay. I see that.

18 THE WITNESS: -- we're surrounded on
19 three sides, but with fire access on Building 3, it's
20 a very similar situation on the other two buildings
21 as well.

22 MR. STAHL: No, no. Thank you. Thank
23 you for explaining that.

24 MR. VALETUTTO: And, Jim, that's going
25 to be --

1 CHAIRWOMEN SZARO: Tom Kelly?

2 MR. VALETUTTO: -- of the conditions --

3 MR. KELLY: Well, I think one of the
4 issues -- I think one of the concern -- one of the
5 issues here is in Building 2, if we use the left side
6 of the building for fire department vehicle access,
7 how is the fire department vehicle apparatus going to
8 turn around?

9 You're putting your fire department
10 vehicle in the collapse zone. And there's no area
11 there for them to turn around. And I don't
12 believe...

13 MR. VALETUTTO: I think we lost Tom
14 again.

15 MR. TUVEL: We're happy to meet with
16 the fire official just to make sure that they're
17 comfortable with the design.

18 If there's a concern, we'll obviously
19 have to address it.

20 MR. STAHL: Tom Kelly, you keep falling
21 off. So we don't hear anything you're saying now.

22 MR. KELLY: Yeah. I think there may be
23 an issue with the fact that there's no fire
24 department maneuverability for the apparatus between
25 the beach and...

1 MR. TUVEL: Yes, I believe --

2 MR. KELLY: And Building No. 3.

3 MR. TUVEL: Yes, Mr. Kelly, I did speak
4 with the client.

5 And my understanding is that they did
6 meet with the fire official well in advance of the
7 project being fully engineered. And the fire
8 official was comfortable with the design.

9 But we're happy to meet with him again
10 and get correspondence from his office with any
11 comments that he might have concerning the design.

12 We're happy to do that. I think it's a
13 good idea.

14 MR. STAHL: Yes, I think that would
15 give the board some comfort.

16 MR. TUVEL: No, I agree. I agree.

17 MR. KELLY: Thank you.

18 MR. VALETUTTO: I just want to point
19 out -- I did point that out in my report that the
20 fire marshall was kind of considered like an outside
21 agency so we would be submitting, like, a set of
22 plans for him to review and make his comment too.

23 So I mean...

24 MR. TUVEL: Yes. Yes.

25 No, Jason, I think that's --

1 MR. VALETUTTO: It's -- yeah. Yeah, I
2 think -- I think you're on -- I think you're on the
3 right track. I'm just trying to satisfy the board.

4 MR. TUVEL: Yes.

5 No problem. Absolutely.

6 CHAIRWOMEN SZARO: Tom Kelly, anything
7 else before we go to Scott?

8 MR. KELLY: No.

9 Thank you, Madam Chair.

10 CHAIRWOMEN SZARO: Okay.

11 Scott?

12 VICE CHAIRMAN KOMINKIWIECZ: Thank you,
13 Mary.

14 My question is about the waterfront
15 promenade that -- that was -- you spoke about
16 recently.

17 How wide is the walkway going to be?

18 THE WITNESS: Generally, it's -- it's
19 10-feet wide along the beach front.

20 And then it's about 5- or 6-feet wide
21 within the tidal marsh area.

22 VICE CHAIRMAN KOMINKIWIECZ: Right.

23 For the beach front promenade on the
24 existing development and the county park, how does --
25 how is that size? Is that about 10 feet also, Jason?

1 Would anybody know that?

2 MR. VALETUTTO: I'm sorry.

3 Say that again, Scott, I was trying to
4 read through my report and find something.

5 VICE CHAIRMAN KOMINKIWIECZ: How wide
6 is -- how wide is the promenade around Harbor
7 Village, between the beach and the development that
8 goes to the county park? How wide is that?

9 It seems pretty wide.

10 MR. VALETUTTO: Yeah, it's going to be
11 at least 10 feet, I imagine.

12 THE WITNESS: It's probably about 20
13 feet.

14 VICE CHAIRMAN KOMINKIWIECZ: Yeah,
15 that's very wide. I was just wondering if -- and
16 also that -- that might give access to adjoining, you
17 know, any kind of emergency equipment as well too,
18 the wider it is.

19 So that, you know, vehicles can go on
20 it as well in an emergency, of course, not just from
21 regular transportation.

22 THE WITNESS: It is actually
23 intentionally designed as a non-motorized walkway.
24 It's only 10-feet wide. That is the maximum the DEP
25 would allow in this situation.

1 So we -- we did try to maximize it as
2 much as we could.

3 But they do limit it to 10 feet along
4 the beach front.

5 VICE CHAIRMAN KOMINKIWIECZ: Okay.
6 Thank you.

7 CHAIRWOMEN SZARO: Any other questions
8 from the board?

9 MR. FORSHNER: Yes, I've got a few
10 questions.

11 CHAIRWOMEN SZARO: Go ahead, Gary.

12 MR. FORSHNER: First of all, I gathered
13 from what you're telling us this satisfies all the
14 public trust regulations in terms of public access to
15 the beach front?

16 THE WITNESS: Yes.

17 The DEP has very comprehensive public
18 access rule that was part of the waterfront
19 development access -- waterfront development permit
20 that we did obtain. So we did document compliance
21 with that component with the DEP.

22 MR. FORSHNER: And I think you've
23 already addressed the walkway being paved. It was
24 just hard to see that on the plan.

25 But the entirety of the walkways,

1 whether 5 feet or 10 feet is -- is all paved or
2 completed in some regard or another?

3 THE WITNESS: Yes, it's an improved
4 surface for walking.

5 MR. FORSHNER: Okay.

6 And then the area roughly where I think
7 you referred to as the tidal marsh, the -- the
8 invasive species and scrub trees and whatnot, that
9 area, based upon experience, has a fair amount of
10 ticks.

11 Will the work that you do -- and this
12 may be a question for the landscape architect, will
13 that address that issue?

14 MR. TUVEL: Gary, you stole my thunder.

15 That was going to be one of the
16 questions I asked the landscape architect to address.

17 MR. FORSHNER: I'll defer.

18 With regard to stormwater, this
19 complies with the -- the FEMA flood advisory maps?

20 THE WITNESS: Yes, it does. Yup.

21 MR. FORSHNER: Okay.

22 The osprey on the site is threatened
23 and endangered.

24 What's the setback there that's been
25 required?

1 THE WITNESS: There is no setback
2 required for that.

3 That -- that is also something that was
4 reviewed at part of the -- part of the waterfront
5 development permit process.

6 It wasn't determined as an area that's
7 suitable habitat for the osprey, so we are not
8 required to provide a buffer or anything for that.

9 But we are maintaining that tidal marsh
10 area which really wouldn't impact that existing
11 habitat there, we're actually probably improving it.

12 MR. FORSHNER: Okay.

13 With regard to Raritan Reach Road,
14 right now what I see along Raritan Reach Road, along
15 the frontage of the parkway, the area that I'll refer
16 to loosely as what has been used as a gravel parking
17 lot by members of the public in some of the adjacent
18 property owners, there's a wall adjacent to it that
19 says "Harbor Village" and landscaping that apparently
20 they maintain.

21 Can you educate me in terms of where
22 their authority ends, where the property line ends,
23 and where yours does? Because my understanding is
24 Raritan Reach, at least to the point that's relevant
25 to them, is a private road.

1 THE WITNESS: Yes, I will switch back
2 to the aerial exhibit which is Exhibit 1.

3 I'll zoom into the area you're talking
4 about.

5 The gravel walkway and driveway area
6 and full ramp is identified here in this portion of
7 the site (indicating).

8 We actually -- the property line, as
9 part of the subject property, includes that walkway
10 and the -- the landscaping and the wall that you're
11 referencing. It's actually on the subject property.
12 There's no easement that I'm aware of.

13 So, in review of Mr. Valetutto's
14 letter, we will work with him to attempt to maintain
15 that as much as possible or reconstruct it as much as
16 possible.

17 But, in terms of maintenance of that
18 area, it's actually part of our development property.

19 MR. FORSHNER: If that can remain,
20 would you be amenable to giving them a -- an easement
21 for that wall to remain and the landscaping?

22 THE WITNESS: Yes, I believe that would
23 be able to be worked out with the applicant.

24 MR. FORSHNER: Okay.

25 Trash, I have two questions with regard

1 to trash.

2 Your building -- it might be better if
3 you put back up the site plan.

4 But your Building 2, that access for
5 trash purposes...

6 Yeah, bring that up if you could.

7 So, you're -- you're utilizing what's
8 been labeled as parking access to the -- I guess the
9 north of the -- the property -- the building,
10 Building 2 that, I think, would be.

11 So the -- the trash vehicle would --
12 would enter that way and then back out the same way
13 or is there an opportunity for them to make a turning
14 movement?

15 THE WITNESS: They would pull up to the
16 end of that drive aisle, load, and then they would
17 back out back onto Rosewell.

18 MR. FORSHNER: Okay.

19 And, Jason, you're okay with that
20 movement?

21 MR. VALETUTTO: With the trash vehicle
22 or the -- yeah, they show that it had -- that it has
23 the ability to make the maneuverability so...

24 MR. FORSHNER: So -- but what they're
25 saying is with regard to the trash vehicle along the

1 side of that Building 2 is that it would front in and
2 back out?

3 MR. VALETUTTO: On Building 2?

4 MR. FORSHNER: Yeah.

5 MR. VALETUTTO: Yes, that's the only --
6 and that would -- that's similar to the concern that
7 Tom Kelly had with the fire engine.

8 I mean we're talking about North
9 Rosewell Avenue. I'm sure Mr. Tuvell, when he has his
10 traffic engineer testify, he can testify to how busy
11 Rosewell actually is, and being able to back out onto
12 it. I don't believe it is a complete thoroughfare
13 where it gets a lot of traffic.

14 MR. FORSHNER: Okay.

15 So how do you get to answer to make
16 sure that that's a safe movement?

17 MR. VALETUTTO: Save that question for
18 the traffic engineer until he testifies on how many
19 cars and vehicles are going to be in the area and
20 then if you -- if you feel that it's too great then
21 we'll readdress them.

22 MR. FORSHNER: Okay.

23 Fair enough.

24 MR. STAHL: There's also a timing issue
25 of when there's collection, you're going to have

1 conflicts with the parking and everything.

2 So they may -- they may have to do it
3 either later in the day because all the residents
4 will have left or this is not a space where you can
5 do early in the day because people are still, you
6 know, in their residences. So that's an issue.

7 MR. FORSHNER: Thank you.

8 With regard to the dumpster location
9 for Building 3, is adjacent to Harbor Village the
10 other residential project, is there some flexibility
11 in terms of location of that dumpster pad?

12 THE WITNESS: We want to keep it as
13 close to the driveway as possible. It'll -- it'll be
14 completely surrounded with a masonry wall.

15 We are buffering it. I believe
16 Mr. Valetutto requested additional evergreen trees
17 around it to provide an additional buffer which we
18 have no problem providing.

19 So we -- we are -- we are focused on
20 keeping it in that location, but we are going to have
21 a substantial buffer to that adjacent property.

22 MR. FORSHNER: With regard to the
23 parking, I understand the overall site complies with
24 the parking requirements.

25 Can you give us a sense of that on a

1 per building basis?

2 In other words, does it comply with the
3 ordinance -- and let me clarify, there's not a
4 standard here for -- for parking for the building,
5 but what I'm just trying to make sure is that we're
6 not going to have a problem if, for instance, most of
7 the parking is associated with one building, you
8 know, most of the parking was associated with
9 Buildings 1 and 2, and Building 3 didn't have enough
10 parking. You may end up with a problem.

11 Can you elucidate that a little bit?

12 THE WITNESS: Yes, absolutely.

13 In terms of the parking for -- for
14 Building 1, based on the unit count we're required to
15 have 288 parking stalls. We're providing 334 within
16 the parking garage, itself.

17 For Building 2, we're required to have
18 216 parking stalls. And we're providing a total of
19 266 parking stalls.

20 So just simply based on the parking
21 garage for Building 1 and 2, those two buildings are
22 compliant independently.

23 And then for Building 3, we have 115 --
24 we have 135 total residential units. We're providing
25 a total of 122 parking stalls.

1 So we -- we actually would be
2 underparked for Building 3, but for the overall
3 development we are compliant with the parking.

4 So the -- the applicant is aware of
5 that condition. They would be able to dedicate
6 parking stalls within the Building 1 and 2 facilities
7 in the event it's needed for Building 3.

8 MR. TUVEL: Yes.

9 Tom, just to make sure we address
10 Mr. Forshner's question correct, there's 107 units in
11 Building No. 3.

12 Is that correct?

13 THE WITNESS: That's correct.

14 I apologize. It's 135 required parking
15 stalls for 107 units on Building 3.

16 Thank you.

17 MR. FORSHNER: And you've got 122?

18 THE WITNESS: Underneath the building,
19 correct.

20 MR. FORSHNER: Okay.

21 MR. TUVEL: Yes.

22 And, again, because you understand the
23 question from Mr. Forshner, but most of the units in
24 Building 3 are one-bedrooms, correct?

25 Ninety-six of the 107 are one-bedrooms,

1 correct.

2 THE WITNESS: That is correct, yes.

3 MR. TUVEL: All right.

4 MR. FORSHNER: So what would -- is the
5 one -- I think you said 135 was if you -- if you
6 followed the RSIS requirements or maybe it's the --
7 the --

8 MR. TUVEL: Redevelopment Plan.

9 MR. FORSHNER: -- the redevelopment
10 plan requirements, you're -- you're under parked by
11 about 13 parking spaces if I'm correct.

12 THE WITNESS: That's correct, yes.

13 MR. FORSHNER: Okay.

14 So here's -- here's the concern, I want
15 to be just clear about so you guys can make sure
16 whoever needs to address it.

17 My perception is that Harbor Village
18 struggles, you know, with regard to parking. And --
19 and as a result some of the folks park around the
20 adjacent streets. And some of the folks have been
21 parking in this gravel, what I will refer to as a
22 parking lot, that's how it's been utilized.

23 Matter of fact the wall that's there in
24 between the parking lot -- again, a misnomer, but
25 hopefully you understand what I mean when I say

1 parking lot, the gravel area and Harbor Village, that
2 wall someone inappropriately, in my humble opinion,
3 but someone painted on there "parking for residents
4 only."

5 And -- and while that's certainly not
6 appropriate, the fact is they've used this site for
7 overflow parking on their site, best I can tell and
8 -- and I'm just concerned about the fact that you're
9 a little under parked there, in terms of the
10 requirements.

11 So I -- I just wanted to highlight that
12 issue and -- and ask for some sensitivity towards it,
13 I don't know if there's a way to address it.

14 I do know that you said there was some
15 additional parking, but I don't think it was anywhere
16 associated with this Building 3, so I wanted to just
17 raise that as a concern.

18 MR. TUVEL: Yes, I think, Gary, that
19 based on the fact that we have at least one space per
20 unit for that Building 3, if there was necessarily an
21 overflow, where if somebody wanted a second car in
22 the development, if that were to take place, we could
23 accommodate it in one of the other buildings, if they
24 wanted that second car, but it would permit for
25 easily to have one car per unit.

1 MR. FORSHNER: I understand.

2 I'm just concerned about the fact that
3 that may not be sufficient for the actual need at
4 that site, particularly with, you know, the overflow,
5 if you would. Again, my perception is that there's
6 an overflow need for --

7 MR. TUVEL: Okay.

8 MR. FORSHNER: -- for Harbor Village.

9 With regard to the detention basin
10 within that general -- same general area where
11 Building 3 is located, there's a sign out there --
12 and you may have already indirectly addressed this
13 issue. There's a sign out there that says that
14 there's a DEP case, as I recall, on the -- the fence
15 there's, like, a cast iron or a cast-iron-like fence
16 around that detention basin. And there's a sign on
17 it that says something about contamination. And I
18 think it has a DEP number and reference.

19 Can you address that for us and how
20 that's going to be addressed?

21 THE WITNESS: Yeah, I am familiar with
22 that sign in that area. And our -- and the LSRP for
23 the site has been in direct contract with the
24 previous LSRP of the site who has been actively
25 working on the site in terms of what they have been

1 monitoring and remediating.

2 So the existing remediation plan that's
3 ongoing is certainly in the forefront of the
4 investigation that we're proposing for in current
5 development that we have here.

6 MR. FORSHNER: And then just one
7 clarification, there was a discussion about
8 monitoring wells. The monitoring wells would be for
9 the -- for any soil contamination -- water
10 contamination, groundwater contamination, whereas I
11 think the capping would effect, principally, soil
12 contamination, but -- but, you know, as you say it's
13 subject to the review and addressing all of that by
14 the LSRP.

15 THE WITNESS: Yes.

16 MR. FORSHNER: With regard to the wall
17 signs particularly, so I assume that the wall signs
18 with regard to Buildings 1 and 2 are going to be
19 facing Rosewell?

20 THE WITNESS: Correct, yes.

21 MR. FORSHNER: And you've asked for two
22 wall signs for Building 3.

23 Can you show us where those are going
24 to be located?

25 THE WITNESS: Yeah, the architect will

1 have elevation drawings that'll clearly show it.

2 But there's one -- there's one on the
3 -- I'm sorry -- the southern and western side of the
4 building. The western side would be John T O'Leary
5 Boulevard.

6 And then the southern would be around
7 this corner (indicating) where the office is for the
8 -- the lobby and the office is for the building.

9 MR. FORSHNER: So they would both face
10 O'Leary, not face Raritan Reach Boulevard or Raritan
11 Reach --

12 THE WITNESS: Yes, they're both --

13 MR. FORSHNER: -- Road.

14 THE WITNESS: Yeah, they're both
15 directed towards O'Leary Boulevard.

16 MR. FORSHNER: Okay.

17 And then you mentioned that they're 15
18 inches off the wall.

19 Can you describe what -- what the signs
20 are and how they're illuminated and why they're 15
21 inches off the wall?

22 THE WITNESS: I do have to defer back
23 to the architect on the signage design. That was
24 part of the facade design.

25 MR. FORSHNER: Okay.

1 THE WITNESS: So he could -- he could
2 touch on that.

3 MR. FORSHNER: I think that's all I had
4 by way of questions.

5 Thank you very much.

6 CHAIRWOMEN SZARO: Thank you.

7 Any other questions from the board?

8 (No response.)

9 CHAIRWOMEN SZARO: Jason?

10 MS. KERN: Mary, I have a question, but
11 I don't know if I missed the presentation for
12 emergency vehicles getting into the development.

13 Can I ask that now or...

14 CHAIRWOMEN SZARO: Yes.

15 We did go over, but did you have a
16 specific question, like emergency vehicles in general
17 or any specific building?

18 MS. KERN: Yes, I know -- can I ask
19 that?

20 CHAIRWOMEN SZARO: Go right ahead.

21 MS. KERN: Okay.

22 I know the fire marshall was contacted
23 about the emergency vehicles getting into that
24 development.

25 But has anyone actually talked about,

1 maybe, a fire chief or its members, of how they're
2 going to maneuver into the building or into the
3 development --

4 MR. STAHL: Janet, Mr. --

5 MS. KERN: -- because they could --

6 MR. STAHL: -- Mr. Tuvel said -- not to
7 cut you off, but one of the requirements we're going
8 to have is meeting with the fire marshall or fire
9 chiefs -- excuse me -- so they're going to have to
10 come back with a letter report or something whereby
11 they -- that being the fire people, prove the -- the
12 access and the ability to come in and get out.
13 That's also something the board will ask of their
14 traffic engineer when it's his or her turn to
15 testify.

16 MS. KERN: Okay. Thank you.

17 And also another question about the
18 beach access, I know the city cleans it and that
19 vehicle gets into the waterfront area, was there a
20 plan that maybe I missed, how that vehicle's going to
21 enter the beach area?

22 THE WITNESS: The walkways will be
23 10-feet wide and they will -- they will be suitable
24 for just light equipment, just for basic maintenance
25 of the beach. They are non-vehicular roadways in

1 terms of actual trucks or passenger vehicles
2 accessing it, but it would be suitable for small
3 maintenance vehicles to access those walkways to get
4 to the beach.

5 MS. KERN: Okay. Thank you.

6 MR. VALETUTTO: Tom, I -- Tom, I think
7 what she was really asking was the existing beach
8 waterfront --

9 MS. KERN: Right.

10 MR. VALETUTTO: -- the access to that is
11 next to where the boat launch is.

12 So on your color -- where it says
13 "public access promenade," that is the existing
14 waterfront walkway.

15 So she's saying a vehicle's now able to
16 drive right up to that public access promenade
17 because there's those two gates, I believe, those
18 triangular gates that go across that prevent public
19 vehicles from getting up there, but they can be
20 opened by the maintenance vehicles that have to get
21 to the existing beach that's further east of -- east
22 of your color drawing.

23 I think that's the access that she was
24 asking about, not -- not necessarily the public beach
25 that you're creating.

1 MS. KERN: Correct.

2 THE WITNESS: Yeah. We're actually
3 maintaining or even improving, like you said, that
4 access which is in this area (indicating) --

5 MR. KELLY: But isn't it -- I'm sorry.
6 Tom Kelly here (Audio Distortion).

7 Isn't (Audio Distortion).

8 CHAIRWOMEN SZARO: Janet, you're
9 breaking up.

10 MR. VALETUTTO: That was Tom Kelly.

11 MS. KERN: That wasn't -- it wasn't me.

12 MR. KELLY: Isn't the walkway being
13 extended (Audio Distortion) out to Raritan Reach?

14 THE WITNESS: Yes, part of our proposed
15 walkway is next to --

16 MR. KELLY: Isn't the walkway being
17 (Audio Distortion) where it...

18 MR. TUVEL: I'm sorry. We couldn't
19 hear you, Mr. Kelly, you were breaking up.

20 MR. KELLY: I said it appeared (Audio
21 Distortion) on page 8 that walkway goes in both
22 directions so the termination point that was being
23 referenced by Jason is not going to go in both
24 directions.

25 Aren't we going to access it from

1 Raritan Reach Road now?

2 THE WITNESS: Yes, there is the
3 opportunity the access it from Raritan Reach Road.
4 It does go in both directions so we're actually
5 probably improving it by giving access directly to
6 Raritan Reach Road now.

7 MR. VALETUTTO: So then a vehicle -- is
8 there -- is there an apron there then? Because is a
9 vehicle going to have to hop the curb and then that
10 sidewalk's going to have to be reinforced like an
11 apron in order to get to that walkway?

12 THE WITNESS: We don't actually have an
13 apron now, but I -- I don't think there would be an
14 issue proposing a depressed curb in that area just a
15 small driveway apron basically for maintenance
16 vehicles only.

17 MR. VALETUTTO: Okay.

18 MR. KELLY: Well, that's going to have
19 to be --

20 MR. VALETUTTO: Would --

21 MR. KELLY: -- a depressed curb for ADA
22 purposes regardless, correct?

23 THE WITNESS: Yes, we do have ramps
24 that cross the driveways. We're not proposing a ramp
25 immediately where the access to the -- to the

1 vehicles would be, but, yeah, in addition to the ADA
2 ramps we could add a depressed curb for maintenance
3 vehicles to get in there.

4 MR. KELLY: Perfect.

5 MR. FORSHNER: So related to that, over
6 on the area where the existing beach is, not in this
7 area because it's not accessible, I don't know if
8 it's the town or the county or whoever, but they sent
9 out some equipment including a beach tray that's not
10 a -- a -- some sort of a -- I think it would be
11 described as heavy equipment.

12 If -- I don't know if there's a plan to
13 extend that operation to this beach front, but if
14 there is, is there sufficient opportunity for that
15 equipment to get here? And, if not, how can that be
16 accommodated?

17 MR. TUVEL: I think we can work -- I
18 don't know if we can have the answer to that question
19 now, but we can reach out to the appropriate person
20 at the city to get the answer.

21 MR. FORSHNER: Okay. Because I -- I
22 would think that they would want to continue that
23 operation to this area because if I understand
24 correctly this is intended to be a beach for public
25 use and if that's the case I would imagine they'd

1 want to maintain it similarly.

2 MR. TUVEL: Yes, and part of the
3 easement agreement that we'll have with the city,
4 obviously, will address maintenance issues so I'm
5 assuming if they want to do what you're saying or
6 intend to keep doing it, they'd probably want that in
7 the easement agreement as well.

8 MR. FORSHNER: Yes, and then -- and
9 then the question not only is the easement agreement,
10 is how do they physically get the equipment there?

11 MR. TUVEL: Right.

12 No, I understand.

13 So we'll address that with the
14 appropriate members, I guess, of the city
15 administration that would deal with that issue.

16 MR. FORSHNER: Great, thank you.

17 MR. TUVEL: Sure.

18 CHAIRWOMEN SZARO: Jason, did you have
19 anything else?

20 MR. VALETUTTO: Yeah, I just wanted to
21 bring up one more question that I didn't have listed
22 as testimony, I actually had it as a comment. It's
23 page 7 of my report and it regards the pool.

24 Tom, can you show where the fencing is
25 going to be along the beach side of the pool?

1 Because the way I was reading it from some of the
2 renderings from the architect it almost looked like
3 you guys are trying to keep fencing away from the
4 pool side to create views of the beach and the water,
5 maybe like an infinity pool type of look.

6 But also at the same token I don't know
7 from a safety standpoint, I don't know how tall that
8 wall's going to be behind the pool.

9 And then for access, like, security
10 purposes, a person can get out of the pool onto the
11 walkway or from the walkway now into your pool?

12 MR. TUVEL: Jason, I think the
13 landscape architect might be the best person, since
14 they designed that area, to talk about that.

15 Would that be okay?

16 MR. VALETUTTO: Yeah, we can wait for
17 that, but I was just figuring because that's also a
18 grading issue, right, that's an elevation.

19 MR. TUVEL: No, I understand.

20 Tom, do you --

21 MR. VALETUTTO: Yeah.

22 MR. TUVEL: -- have an answer or --

23 THE WITNESS: Yeah, yeah, we designed
24 the pool in connection with the landscape architect
25 as well as the building architect.

1 Like you mentioned, it is an infinity
2 pool type of an edge, so there's a coping around the
3 edge of the pool.

4 And then on the beach front side it's
5 actually a lower elevation.

6 I'm -- I'm not personally designing the
7 pool, but it would be my anticipation that
8 appropriate barriers would be provided for that
9 infinity pool edge that would prevent people from
10 walking or swimming over the edge of that, so
11 there'll be a safety component there so that people
12 can't jump over and go directly onto the beach.
13 They're -- they'll be forced to exit the pool back
14 onto the walkway and patio areas.

15 MR. VALETUTTO: And then likewise the
16 reverse, which was what I was really trying to get at
17 for security from your own property standpoint of
18 anyone on that public walkway trying to gain access
19 to your property climbing up that wall to get into
20 the pool and go that way, that's all. It was, like,
21 the both directions I was trying to get at.

22 THE WITNESS: Yeah, I think appropriate
23 barriers could be provided in that area. We're --

24 MR. VALETUTTO: Okay.

25 THE WITNESS: -- there's actually going

1 to be substantial landscaping between the public
2 walkway and that pool that's naturally going to
3 prevent people from walking through that area.

4 MR. VALETUTTO: We all know people are
5 going to do what they're going to do and there's
6 always a way, but we just want to try to -- and I'm
7 always a big proponent of safety and just trying to
8 be -- although I do know and understand that you're
9 trying to get the look of that pool to try to give
10 the views and whatnot.

11 THE WITNESS: Exactly.

12 CHAIRWOMEN SZARO: Any other questions
13 from the board?

14 MR. FORSHNER: Yes, regarding --

15 MR. KELLY: Well, Jason, I believe the
16 architect can speak to it, I hope, but...

17 CHAIRWOMEN SZARO: But who is -- who is
18 that?

19 MR. VALETUTTO: That's Tom Kelly.

20 CHAIRWOMEN SZARO: Go ahead.

21 MR. KELLY: I'm sorry. Tom Kelly --

22 CHAIRWOMEN SZARO: Go ahead --

23 MR. KELLY: -- I just had a quick
24 question.

25 CHAIRWOMEN SZARO: Go right ahead, Tom.

1 MR. KELLY: So -- I -- I believe, I am
2 hoping that the architect's going to be able to speak
3 to it because the elevation between the walkway and
4 the pool is not 4 feet, and as Jason was referencing,
5 it's not so much somebody leaving the pool going into
6 the beach, it's a small child on the walkway
7 potentially getting into the pool.

8 So what it's going to require is a
9 4-foot barrier, so -- and landscaping or natural
10 vegetation is not going to be acceptable.

11 So I am sure the architect will speak
12 to it, but we're going to be need some type of, at
13 least, 4-foot-minimum barrier.

14 MR. TUVEL: Tom Muller, would there be
15 any issue with the DEP in doing something like that?

16 THE WITNESS: No, I see no issue.

17 There're certainly building code
18 requirements for pool safety that would be addressed.
19 I think the landscape architect can touch on that
20 when he goes through his testimony.

21 MR. TUVEL: Okay.

22 CHAIRWOMEN SZARO: Any other questions
23 from the board?

24 MR. DiMASI: Yes, please, Hi. Bill
25 DiMasi.

1 So regarding the parking at Building 3,
2 it was stated that the excess parking would be in
3 part of the garage of Building 1.

4 Is that correct?

5 THE WITNESS: Yes, that's correct.

6 MR. DiMASI: Okay.

7 So there's no direct walkway from
8 Building 1 parking garage to Building 3, correct?

9 THE WITNESS: There's a walkway, it
10 would be along Rosewell. I -- they could also use
11 the tidal marsh walkway as well.

12 MR. DiMASI: So as they're walking from
13 Building 1 to Building 3, actually they're going to
14 pass John Street, George Street and John T O'Leary
15 Boulevard, where there is -- and Rosewell where there
16 -- it's closer parking than actually Building --
17 Building 1.

18 So my concern is that they would end up
19 parking on the streets, rather than trying to use --
20 utilize the excess parking at Building 1.

21 So I would rather see additional
22 parking at Building 3, if that's what the intention
23 is to have that -- enough parking for everybody.

24 THE WITNESS: Yes, it's -- it's a valid
25 concern.

1 The operator's going to have full
2 control over the parking and what parking stalls get
3 dedicated to the residents of this facility.

4 If it's something the board wanted us
5 to consider, perhaps we could talk about providing
6 appropriate signage on the public parking areas, but
7 as I mentioned the applicant does have the
8 opportunity to dictate exactly where the residents of
9 this area park, in terms of Building 1 versus
10 Building 3.

11 MR. DiMASI: Right, but it doesn't stop
12 -- there's nothing stopping them from parking on the
13 streets?

14 THE WITNESS: Yeah, unless -- unless
15 the board would like to entertain signage along the
16 lines of "public parking no residents," or something
17 like that, but --

18 MR. STAHL: Let me -- let me confirm
19 that --

20 THE WITNESS: I'm sorry.

21 MR. STAHL: -- let me interrupt and
22 confirm, Bill --

23 MR. DiMASI: Yes.

24 MR. STAHL: -- did you receive a
25 200-foot notice?

1 MR. DiMASI: No, I did not.

2 MR. STAHL: No? I didn't think so.

3 Okay. I just -- you know, we went through it before,
4 you were not one of the --

5 MR. DiMASI: Yes.

6 MR. STAHL: -- board members that had to
7 recuse?

8 MR. DiMASI: No.

9 MR. STAHL: Forgive me for -- no, just
10 forgive me for interrupting.

11 Go ahead.

12 MR. DiMASI: Not at all. Not a
13 problem.

14 MR. TUVEL: Tom, aren't there also 16
15 new on-street spaces in that area as well?

16 THE WITNESS: Yes, exactly. They're --
17 they're going to be for public use.

18 CHAIRWOMEN SZARO: Could you point
19 those out?

20 THE WITNESS: Yes, they're identified
21 here on this exhibit (indicating).

22 They're not shown striped on this
23 exhibit, but my site plan shows striping, but it's
24 where this curb notch is along the -- the radius here
25 of John T O'Leary Boulevard where my mouse is

1 (indicating).

2 CHAIRWOMEN SZARO: And the 16, you
3 said?

4 THE WITNESS: Correct.

5 MR. TUVEL: Yes.

6 And that also we probably should have
7 brought that up when Mr. Forshner brought up his
8 comment regarding the parking area there is that
9 you're adding 16 new spaces to the public street,
10 correct.

11 THE WITNESS: That is correct, yes.

12 MR. TUVEL: Probably should have
13 addressed that then, but I'm glad we brought it up
14 now.

15 MR. VALETUTTO: Mary, if I could just
16 offer one thing, in the past there was an application
17 for an apartment building located at 234 1st Street
18 where the entire building was the entire property.
19 And they purchased the property over a block away on
20 the corner of 1st Street and Broadway that was
21 utilized for parking. And part of their contract for
22 those apartments was that they had to utilize that
23 parking lot and not parking on 1st Street.

24 So I don't know if the applicant would
25 be agreeable or consider with their contracts, with

1 their individual tenants for the ones that get an
2 additional space that they are required to use the
3 one in Building 1 that they are assigned and not be
4 utilizing public parking.

5 MR. TUVEL: I don't think the applicant
6 would have any issue with that.

7 CHAIRWOMEN SZARO: I do think that's a
8 great idea and I think it's a good point that's being
9 brought up because although -- and I think the 16
10 spaces will certainly accommodate, because my other
11 concern is even though they -- they might be one
12 bedroom, you're talking about possible or likely
13 guests coming over and maybe the overflow going into
14 the -- the other development.

15 So I think those are two good
16 resolutions so to speak, the -- the 16 spaces plus
17 that condition.

18 Any other questions from the board?

19 (No response.)

20 CHAIRWOMEN SZARO: Bill, were you
21 finished?

22 MR. DiMASI: I'm finished.

23 Thank you.

24 CHAIRWOMEN SZARO: Okay.

25 I just have one -- one question, how

1 will you accommodate the requirements for affordable
2 housing? Any units within this already designated?

3 MR. TUVEL: No, so my understanding,
4 Madam Chair, is that the applicant, as part of its
5 redevelopment process with the city, is going to have
6 to construct 15 affordable units off-site at a
7 location to be found in conjunction with the city to
8 provide the number of affordable housing units that
9 are required.

10 CHAIRWOMEN SZARO: And if you're not
11 able to?

12 MR. TUVEL: Well, it would be a
13 prerequisite of the redevelopment agreement. And it
14 would also have to be --

15 CHAIRWOMEN SZARO: Okay. Thank you.

16 MR. TUVEL: -- phased.

17 It would also have to be phased
18 according to the affordable housing regulations in
19 terms of you can only have a certain amount of
20 market-rate housing constructed before you have
21 affordables constructed.

22 So we'd be tied to that. We'd have to
23 get it done.

24 MR. VALETUTTO: That -- that would --

25 CHAIRWOMEN SZARO: Okay. Thank you.

1 MR. VALETUTTO: -- probably be part of
2 Sarah's approval, Mary.

3 MR. TUVEL: Yes.

4 It would be --

5 CHAIRWOMEN SZARO: Thank you.

6 MR. VALETUTTO: Or before -- before the
7 redevelopment agreement they have to be approved and
8 all that.

9 They have to be named the redeveloper
10 and all that.

11 MR. STAHL: Yes, I concur.

12 CHAIRWOMEN SZARO: Thank you.

13 MR. STAHL: That's what Jason had said.
14 It's going to be part of the overall approval in a
15 developer's agreement required for Sarah.

16 CHAIRWOMEN SZARO: Okay. Any other
17 questions from the board?

18 (No response.)

19 CHAIRWOMEN SZARO: Mr. Tuvell, would you
20 like to call your next expert?

21 MR. TUVEL: Yes, sure.

22 Our next expert, Madam Chair, is our
23 landscape architect Tom Balsley.

24 Tom, you there?

25 (No response.)

1 MR. TUVEL: Tom?

2 MR. BALSLEY: Yes.

3 Sorry, Jason, I was muted.

4 MR. STAHL: Raise your right --

5 MR. TUVEL: It's okay.

6 Just, if you can put your camera on,
7 that would be great.

8 MR. STAHL: Tom, are you on the --
9 there you are.

10 Raise your right hand please.

11 In this matter, do you ensure the
12 testimony you're about give is the truth, the whole
13 truth and nothing but the truth, so help you God?

14 MR. BALSLEY: Yes.

15 T H O M A S B A L S L E Y, FASLA

16 31 West 27th Street, 9th Floor, New York, New
17 York, having been duly sworn, testifies as
18 follows:

19 MR. STAHL: Put your hand down please.

20 And state your full name, spelling your
21 last name.

22 MR. BALSLEY: Thomas Balsley,
23 B-A-L-S-L-E-Y.

24 MR. STAHL: Thank you very much.

25 Mr. Tuvel, your witness.

1 VOIR DIRE EXAMINATION

2 BY MR. TUVEL:

3 Q. Tom, if you could just give the board
4 the benefit of your credentials as a landscape
5 architect, educational background, experience held,
6 as well as the fact that you're a registered
7 landscape architect in the State of New Jersey.

8 A. Sure.

9 I've been a registered landscape
10 architect in the State of New Jersey for the last
11 35 years.

12 I was educated in landscape
13 architecture at the -- at the State University of New
14 York College of Environmental Science And Landscape
15 Architecture at Syracuse.

16 And I have been -- had my own practice
17 since 1970, practicing in New York City, but in doing
18 so practicing in areas all around the New York
19 Metropolitan area and, of course, in New Jersey.

20 MR. TUVEL: Great. Thank you.

21 Madam Chair, I would ask if the board
22 would accept this witness as an expert in landscape
23 architecture?

24 CHAIRWOMEN SZARO: Does the board have
25 any objections to accepting the credentials of this

1 expert?

2 (No response.)

3 CHAIRWOMEN SZARO: No objection.

4 MR. TUVEL: Thank you.

5 DIRECT EXAMINATION

6 BY MR. TUVEL:

7 Q. So, Tom, before you get into the
8 details if you can just give an overview of what your
9 task was and what your goal was in connection with
10 the landscape design for this project.

11 A. Sure.

12 When I first -- when Luke -- the
13 developer brought me out to the site to -- to get me
14 excited, I was immediately struck by the potential
15 that the site offered. I saw a wetland that was
16 waiting to be more than a wetland.

17 I -- I thought it could help in these
18 days of climate change, I thought it could help be a
19 sustainable landscape, one that could buffer the
20 neighborhoods from storms. And it could have a
21 public walkway that would finally connect the town in
22 a proper way to its waterfront, to its shoreline and
23 to each other for that matter.

24 So we -- we pursued that goal, but we
25 did it in a very collaborative way which is a more

1 contemporary way to approach these things where
2 landscape architects and civil engineers and
3 architects all work together in collaboration.

4 And what we did is we actually
5 leveraged the development's elevation requirements.

6 The elevation requirements required
7 that the development be at elevation 16, the walkway
8 wanted to be at about elevation 5, if so we've
9 created a series of different levels of the landscape
10 shelves as we call them, and each one of them serves
11 a very distinct purpose in creating this -- this
12 special landscape.

13 Q. Great.

14 A. That's it.

15 Q. Can you give an overview, I know that
16 using this exhibit, Exhibit 6, Tom, I know, went into
17 some detail, but can you -- from your perspective,
18 just give an overview of the landscape plan that you
19 designed and worked with Dynamic Engineering?

20 A. Sure.

21 Let me just first get everyone to
22 confirm they can see my cursor.

23 Q. Yes, you're good?

24 A. Okay. Great. Great.

25 And so, generally, and as Tom Muller

1 has explained, think it's really important to point
2 out the public access points that find their way into
3 this -- this landscape. There are really three
4 points of access for the public. One from the Harbor
5 Village entrance from the south. One from the John
6 O'Leary or the Rosewell, I'm not sure what -- what
7 the streets are called at this point, but it's at the
8 -- it's at the terminus of Henry.

9 And then one over to the very northern
10 part of the site that can walk in all the way down
11 what would be an ADA lane or parallel to it and have
12 direct access to the beach from there.

13 And of those three access points, I
14 want to point out two are -- are going from city, if
15 you will, directly to the beach, but the third one is
16 that special one, if you choose to do it, to take it,
17 that third one that will actually allow you to move
18 through either directly to the beach from Henry
19 through this -- alongside this wonderful tidal marsh,
20 or you can take a longer route and circumvent it to
21 overlooks, et cetera, and find your way down to the
22 beach that way as well.

23 So the public has a lot of choices to
24 -- to really enjoy this.

25 And then the -- the public -- the

1 development's amenity spaces consists of these slopes
2 that have been heavily planted. We call them almost
3 living shoreline slopes. And they actually negotiate
4 the grade from the lowest elevation of the public
5 walkway, which is five, up to an intermediate
6 elevation at about eleven or ten. And then that
7 takes you up those -- that's at the elevation of the
8 pool deck and that -- and that amenity lawn.

9 And then there's a higher elevation
10 which is the cul-de-sac and the development terraces
11 themselves.

12 So each one of those changes in
13 elevation, you kind of define a different use and a
14 certain level of security and privacy.

15 And they also help to soften the entire
16 ascent from the development grade down to the
17 shoreline.

18 Q. Great.

19 Why don't you, maybe, delve into some
20 of the specific areas of the site there and explain
21 to the board what you created as part of your design.

22 A. Sure.

23 Well, I'll start with trying to find my
24 cursor.

25 There we go.

1 I'll start with the -- the tidal
2 wetland.

3 We've taken the -- the tidal marsh
4 rather, we've taken the wetland and actually turned
5 it into this tidal habitat marsh.

6 This is going to attract the water
7 birds. It's going to attract sea life as the tides
8 come in. We all know what a marsh does and how
9 fascinating the cycles of the tides are in the marsh.

10 And it really is an educational
11 interpretative experience for children and families
12 and adults alike to really have chance to be in a
13 marsh, get very close to it. We were even hoping for
14 an osprey nest here, but we still might find a better
15 place for one, but that's the kind of environment
16 that we wanted to foster. Almost like the Central
17 Park of this area.

18 And then -- then we have the amenity
19 lawn and a pool terrace and these are all at that
20 mid-shelf, so just imagine if you're in an infinity
21 pool and swim over to the edge, the grade below is
22 almost 5 feet below. So it's just like most infinity
23 edge pools, what that does is that uses the elevation
24 to prevent people, children, to wander in, to be
25 attracted to try to get into the pool.

1 So those grade changes have been very
2 carefully worked out with a series of gates at the
3 end -- south end of the pool and at the north end of
4 the pool, and then gates coming in from the -- from
5 the west.

6 So the entire pool area is totally
7 secured in its -- and is in compliance with the pool
8 codes.

9 But what we do have is a pool deck that
10 you'll see a little later on, has an unobstructed
11 view of the bay.

12 And then that landscape transitions to
13 the -- these terraces that are just off amenity
14 spaces within the buildings.

15 Q. So, Tom, before you leave that area in
16 the rear, I guess, is two questions that came up that
17 I remember from the board. One is, I think there was
18 a question about either mosquitos or ticks or insects
19 relating to the marsh.

20 Can you please address that?

21 A. Yes.

22 Sure, I think I -- I really wanted to
23 point out that anyone -- any of the citizens of South
24 Amboy that want to come down to the beach don't have
25 to pass through this marsh area.

1 They have unobstructed areas to the
2 beach from the south as well as the north.

3 But if you choose to come and walk down
4 through the tidal marsh paths, the path is wide
5 enough. And then there will be grasses on either
6 side, but they will be very low against the path.

7 And then the taller grasses and the
8 marsh grass will be off at a distance.

9 So we all know what it's like to walk
10 through a field and have grasses sweep against our
11 legs. We'll be -- this will be a 6-foot-wide pathway
12 and it'll provide very safe walking, freeing
13 ourselves from the ticks.

14 There will be no mosquitos and there
15 aren't any mosquitos on a body of water that is in
16 movement. So as the tides come in and out there's
17 never any standing water per se in the marsh that's
18 there long enough to breed mosquitos.

19 And there's also a storm -- a storm
20 supply, stormwater supply at the -- the western edge,
21 you can see it here (indicating) and that's
22 constantly trickling down through the marsh and down
23 into the bay as well.

24 So we'd like to believe that we're
25 pretty free of ticks and mosquitos here.

1 Q. Okay. And then there was also
2 questions about the pool and whether or not, you
3 know, an individual could go from the walking path at
4 the lower elevation and climb up towards the pool.

5 Do you believe that there is sufficient
6 barriers there or do you think the additional 4-foot
7 barrier that was discussed is an option?

8 A. No, there are -- it's been very, very
9 carefully designed and engineered so there are total
10 pool compliance barriers coming from any, direction
11 including from the beach, because the beach will
12 encounter what is in effect a 4 or
13 4-and-a-half-foot-high wall along that entire edge.

14 Of course that top of that wall will
15 have a railing as well, but the wall, itself, is
16 enough of a pool barrier.

17 Q. Can you speak to some of the
18 landscaping along the frontage, along the street as
19 well?

20 A. Well, as -- as Tom mentioned, and the
21 architects will speak to this as well, the setback
22 gives us an awful lot of opportunity to really soften
23 the -- the impact of this building on the
24 neighborhood. It's a -- it's a low -- low sky --
25 low-scale neighborhood and it really deserves a, kind

1 of, lush landscaping along its edge.

2 And, of course, there'll be street
3 trees to go along with that.

4 And then, again, Building 3 has been
5 setback so there'll be a lush landscape along here
6 (indicating).

7 And I think it will really bring a
8 quality to Rosewell, as well as John O'Leary
9 Boulevard, and help to green them, at least on that
10 side.

11 Q. Are there any other exhibits or
12 testimony that you feel you should provide?

13 A. Well, I could just flip through them
14 for a real peak of what things might look like.

15 This would be the -- the tidal marsh
16 (indicating) this would is the --

17 Q. Tom, we just have to identify them. So
18 this is Exhibit 7.

19 A. Oh, okay. There is Exhibit 7.

20 (Whereupon, Landscape Rendering of
21 Tidal Marsh is marked as Exhibit A-7 for
22 identification.)

23 BY MR. TUVEL:

24 Q. Go ahead.

25 A. Okay. This would be the path that you

1 -- if you want to move along the marsh and get a path
2 directly to the beach, you can stop at the overlooks
3 along the way and we've enhanced it a little bit with
4 lots of bird life, but we really -- we really believe
5 this tidal marsh will offer that, but you can see the
6 slopes, to navigate these very subtle grade changes,
7 have all been lushly planted and you heard the
8 planting count earlier from Tom, it's -- it's a --
9 quite an intense planting operation.

10 Just to give you a look of the pool
11 area, I talked about that, again, here we are at the
12 lower elevation for the walkway and you can see if we
13 wanted to get into that pool we're going to walk over
14 here, we'll encounter these walls all along here
15 (indicating), all along here (indicating).

16 And then if we came up on a path, and
17 tried to get in from this side or came up this path
18 and tried to get in this side (indicating) there
19 would be walls and gates at those points as well.

20 And, likewise, when you're coming from
21 the opposite direction, there's actually gates and
22 fences along the pool here (indicating), but they're
23 lower than the roadway.

24 So from the cul-de-sac you actually see
25 right over the pool without your views blocked.

1 And this will give you, kind of, a
2 sense of what that looks like (indicating).

3 And then as we get down towards the
4 marsh again --

5 Q. Tom? Tom, I'm sorry. Just identify --

6 A. Oh, I'm sorry.

7 Q. -- just identify --

8 A. I'm sorry.

9 Q. Just identify the prior slides, that's
10 all.

11 A. This was Exhibit 9.

12 (Whereupon, Landscape Rendering From
13 Pool Deck of Raritan Bay is marked as
14 Exhibit A-9 for identification.)

15 THE WITNESS: And I am now switching
16 over to Exhibit 10.

17 (Whereupon, Landscape rendering from
18 Raritan Bay of Tidal Marsh is marked as
19 Exhibit A-10 for identification.)

20 BY MR. TUVEL:

21 Q. Okay.

22 A. And this is the -- the recreation lawn
23 that's at the same elevation at the pool deck.

24 And then there'll be a -- a -- a keypad
25 for people from the public walkway, you can get up

1 there if you have the keypad, but otherwise you're at
2 elevation 5 moving all along the walkway enjoying the
3 marsh.

4 And then as you can see there's a whole
5 trail system along the edge of the marsh, a great
6 jogging path and here you have overlooks and the
7 osprey nest in that lush planting I referred to
8 before (indicating).

9 And one last view this is Exhibit 11
10 and this would be the view from the public walkway.

11 (Whereupon, Landscape Rendering From
12 Promenade Walkway towards Buildings 1 & 2 is
13 marked as Exhibit A-11 for identification.)

14 THE WITNESS: It will be furnished well
15 with seating, easy access down to the -- to the
16 beach, but a clear walkway and as you know it will
17 eventually connect over to the ferry terminal.

18 So it -- it will serve commuting
19 purposes as well as recreational purposes.

20 And that's it.

21 MR. TUVEL: Great. Thank you, Tom.

22 THE WITNESS: Okay.

23 MR. TUVEL: Madam Chair, that concludes
24 my direct of the landscape architect.

25 We're happy to answer any questions

1 that the board or professionals may have.

2 CHAIRWOMEN SZARO: Thank you.

3 Does the board have any questions?

4 (No response.)

5 CHAIRWOMEN SZARO: Jason, did you get
6 your questions answered?

7 MR. VALETUTTO: I didn't really have
8 any testimonial questions for Mr. Balsley.

9 Most of my comments were, like,
10 housekeeping in nature on the plans and I'm sure,
11 like, Tom, the other Tom, they'll both work with me
12 to make the revisions that are proper.

13 MR. TUVEL: That's correct.

14 CHAIRWOMEN SZARO: Any other questions?

15 VICE CHAIRMAN KOMINKIWIECZ: Yes,
16 Madam Chair.

17 CHAIRWOMEN SZARO: Any other questions
18 from the board?

19 VICE CHAIRMAN KOMINKIWIECZ: Yes.

20 CHAIRWOMEN SZARO: Scott?

21 VICE CHAIRMAN KOMINKIWIECZ: Yes, from
22 Scott.

23 Yes, not directed at -- at the
24 applicant, but for our purposes, will we have access
25 to these -- these exhibits, either we can pick them

1 up or we can have -- we can request an e-mail from
2 Amy?

3 MR. TUVEL: Yes, I already sent them
4 when Mr. Stahl requested that, we sent them over to
5 Amy, but if she needs hard copies for any reason,
6 we're happy to provide those to her so that people
7 can see them, if they'd like.

8 THE WITNESS: Okay. Thank you.

9 MR. TUVEL: Sure.

10 CHAIRWOMEN SZARO: Any question from
11 the board?

12 (No response.)

13 CHAIRWOMEN SZARO: Okay. Thank you.

14 MR. TUVEL: Thank you.

15 Our next witness, Madam Chair, is our
16 traffic engineer, Corey Chase.

17 Tom, if you could just stop sharing
18 your screen, that way Corey can do it if he needs to.

19 THE WITNESS: We're working on that,
20 one second please.

21 MR. TUVEL: No problem.

22 THE WITNESS: There we go.

23 MR. TUVEL: Great.

24 So, Jim, I think you see Corey.

25 Corey, raise your hand so Jim can see

1 you.

2 MR. CHASE: Hi, Jim.

3 MR. STAHL: I see, Corey.

4 But I did have a question, one of
5 timing, without interfering with your presentation.

6 We have -- it is now 9:25.

7 What is your projected timeline for
8 Corey?

9 MR. TUVEL: Well, we're going to finish
10 the whole application tonight, right?

11 I'm just teasing.

12 Yes, I assume Corey's direct, Jim,
13 would likely be maybe ten, fifteen minutes.

14 MR. STAHL: Okay.

15 MR. TUVEL: So if we can try to get it
16 done, that'd be greatly appreciated.

17 But I obviously defer to the Chairwoman
18 and the board.

19 MR. STAHL: Well, I think we should try
20 it, Madam Chair.

21 Madam Chair, see how far we get.

22 CHAIRWOMEN SZARO: Well, and after
23 Mr. Chase there's one more expert?

24 MR. TUVEL: There's two, Madam Chair,
25 there would be the architect as well as the planner.

1 CHAIRWOMEN SZARO: Okay. Then why
2 don't we ask Mr. Chase to present and then see if the
3 board has an questions, open it up to the public, and
4 then pause.

5 MR. TUVEL: Sure.

6 So I guess we should swear in
7 Mr. Chase.

8 MR. STAHL: Mr. Chase, please raise
9 your right hand in this matter.

10 Do you swear or affirm that the
11 testimony you're about to give is the truth, the
12 whole truth and nothing but the truth, so help you
13 God?

14 MR. CHASE: I do.

15 C O R E Y C H A S E , P.E.

16 1904 Main Street, Lake Como, New Jersey, having
17 been duly sworn, testifies as follows:

18 MR. STAHL: Please put your hand down.

19 Provide us with your name and now it's
20 an easy spell, give us the spelling for the court
21 reporter please.

22 MR. CHASE: Certainly.

23 It's Corey C-O-R-E-Y, last name is
24 Chase C-H-A-S-E.

25 Licensed professional engineer in the

1 State of New Jersey.

2 Bachelor's of science degree in civil
3 engineering from the university of Massachusetts.

4 Principal with the firm of Dynamic
5 Traffic.

6 I've been qualified as an expert in
7 traffic engineering before over 100 municipalities
8 throughout the state, unfortunately not the City of
9 South Amboy.

10 MR. TUVEL: Madam Chair, I ask the
11 board accept Mr. Chase as an expert in traffic
12 engineering.

13 CHAIRWOMEN SZARO: Does anyone from the
14 board have any objections to accepting the
15 credentials of this expert?

16 (No response.)

17 CHAIRWOMEN SZARO: No objections,
18 please go ahead.

19 MR. TUVEL: Thank you, Madam Chair.

20 DIRECT EXAMINATION

21 BY MR. TUVEL:

22 Q. So, Corey, your office prepared a
23 report in connection with this application, correct?

24 A. That's correct. It was dated January
25 13th, 2021.

1 Q. And you've been to the site and the
2 surrounding area as well as you're familiar with the
3 roadway network near the site, correct?

4 A. That's correct.

5 Q. Your report covers, really, two areas
6 of the project, traffic and trip generation as well
7 as parking and overall circulation of the property,
8 right?

9 A. Exactly.

10 Q. So why don't we break down your
11 testimony into those two areas, why don't you deal
12 with traffic/trip generation first then go into
13 parking?

14 A. Yes, that sounds good.

15 So as Jason mentioned we did prepare a
16 Traffic Impact Study dated January 13th, 2021. It
17 was submitted to the board as part or the
18 application.

19 The overall goal of that Traffic Impact
20 Study is to create a pre- and post-development
21 analysis of the proposed residential development to
22 determine if there'd be any detrimental impacts to
23 the adjacent roadway network.

24 As part of that traffic impact analysis
25 we did study six intersections adjacent to the

1 subject property, mainly along Rosewell Street as
2 well as Mason Street and then the Mason Avenue -- I
3 apologize -- Mason Avenue -- the Mason Avenue
4 connection to John Street which crosses the N.J.
5 Transit railroad tracks.

6 We did a.m. and p.m. peak hour traffic
7 counts which is typical for residential development,
8 given the unique situation that we're all currently a
9 part of, we took those existing traffic counts and we
10 compared them to historical traffic data that was
11 available for Middlesex County and factored those
12 existing traffic counts up to be more representative
13 of the typical condition.

14 We also took a look at the N.J. Transit
15 train parking lot which is at the terminus of Mason
16 Street and Augusta Street and we looked at the trip
17 generation that would be associated for a train
18 parking lot and we factored that into our base
19 analysis as well to account for any potential
20 reduction in transit users as a result of the ongoing
21 pandemic.

22 Utilizing trip generation data
23 published by the Institute of Transportation
24 Engineers in the 10th Edition of the Trip Generation
25 Manual which is the current edition that's the state

1 and national recognized standard for predicting
2 traffic volumes, we projected the traffic volumes
3 which would be generated by this development upon
4 completion and that's summarized on Table 3 on page 9
5 of our report.

6 What's specific to note is we didn't
7 take any credit for potential transit utilization by
8 residents of this project.

9 Certainly the proximity to the train
10 station, the proximity to the bus stop as well as the
11 future ferry terminal are going to be a substantial
12 draw to potential tenants of this development in that
13 they won't necessarily need a vehicle to utilize to
14 commute to work. They have a variety of mass transit
15 options located in close proximity to the
16 development. So, typically, a situation like that we
17 would apply a credit to the trip generation that
18 would account for that projected reduction in the
19 overall vehicular traffic on the adjacent roadway
20 network.

21 In order to be conservative, we didn't
22 apply any of those credits, we just took the trip
23 generation at face value and applied that the
24 adjacent roadway network to get a conservative
25 estimate of the traffic impacts on the adjacent

1 roadways.

2 Q. Corey --

3 A. The results of the pre- and
4 post-development --

5 Q. Corey --

6 A. -- level of service analysis --

7 Q. Corey, before you do that just thing I
8 just want to be clear about as well, you did take
9 these counts during the pandemic that we're
10 unfortunately in. And if you said this, I'm sorry, I
11 just want to make sure we get it on the record, it's
12 in your report, but you did increase your numbers or
13 adjust your numbers conservatively based on the fact
14 that we are in this pandemic, correct?

15 A. Yeah, I did mention that, Jason, sorry
16 that you missed that.

17 We did factor it up based on historical
18 data that was available for Middlesex County and,
19 again, as I mentioned, we also took into account the
20 trip generation potential for the N.J. Transit
21 parking lot to account for any potential reduction in
22 train utilization as a result of the pandemic.

23 Q. Great.

24 Sorry about that.

25 Continue.

1 A. That's okay.

2 As I mentioned we did prepare that pre-
3 and post-development level of service analysis to
4 determine if there were any detrimental traffic
5 impacts on the adjacent roadway network.

6 That's summarized on Table 5 which is
7 located on page 11 of our report.

8 The result indicate that, you know,
9 again with that conservative assessment, not taking
10 any credit for potential transit utilization by
11 future tenants of this development, there are no
12 detrimental impacts of the adjacent roadway network.

13 The existing intersections immediately
14 adjacent to the subject property will operate at
15 acceptable levels of service.

16 The proposed site access points
17 directly on to South Rosewell and Raritan Reach Road
18 are also going to operate at acceptable levels of
19 service during each of the peak hours.

20 So from a traffic impact standpoint
21 there's no detrimental impacts on the adjacent
22 roadway network, certainly no substantial traffic
23 impact.

24 Q. And, Corey, not only are they
25 appropriate levels of service, but they're -- they're

1 extremely positive levels of service on the lower end
2 in terms of impacts and delays, correct?

3 A. Certainly, they're calculated to
4 operate at Level of Service C or better which in the
5 State of New Jersey is more than an acceptable level
6 of service.

7 Q. And, again, just so it's clear and
8 that's with all the units on our project being built,
9 operating and people living there, correct?

10 A. That's correct.

11 Q. Why don't you explain now the -- just
12 before you do that, go into the parking, all the
13 sight distances at the driveways are designed safely
14 and appropriately?

15 A. That's correct.

16 Q. So why don't we go into parking and
17 on-site circulation as well?

18 A. Certainly --

19 CHAIRWOMEN SZARO: Before we do that,
20 could I -- could I ask a question?

21 THE WITNESS: Sure.

22 CHAIRWOMEN SZARO: And just jump in and
23 -- and I have read your report and it's extremely
24 comprehensive.

25 But break it down for me really simple.

1 There's 499 units that are going in, and I understand
2 you said no detrimental impact, but based on the fact
3 of where it is and there's really only two -- there's
4 John Street or there's at the top of George Street, I
5 mean is the impact -- how do you see the impact? I
6 mean can you kind of break it down a little simpler
7 for us?

8 THE WITNESS: Of course.

9 And that's a great point. There are --
10 you know, there is really one primary point of access
11 to cross the train tracks and that's John Street. So
12 conservatively we routed all the traffic associated
13 with this development to utilize that crossing and,
14 again, found that there would be no substantial
15 impacts on the adjacent roadway networks.

16 And that's notwithstanding a point that
17 I forgot to mention, obviously is the ongoing
18 construction of the Manhattan Beach development
19 located to the north of our property. We could have
20 the ability in the future to continue north on
21 Rosewell to have direct access to Radford Ferry Road
22 which then, obviously puts you right out on Main
23 Street. So anyone that's destined to Route 9, Route
24 35 or the Garden State Parkway has another
25 alternative method to bypass the downtown area and

1 directly access Main Street to get to those, you
2 know, primary highways.

3 So conservatively --

4 CHAIRWOMEN SZARO: And that's -- that's
5 good to know.

6 So there's -- there's definitely going
7 to be an opportunity for that road to be public.

8 THE WITNESS: It's my understanding,
9 and Mr. Tuvel correct me if I'm wrong, that we do
10 have the ability either through an access easement or
11 through public roadway to utilize that connection?

12 MR. TUVEL: Yes.

13 My understanding in speaking with the
14 applicant, who's been in contact with the city as
15 well as, I believe, the developer of that site is
16 that that will be a public road that would allow
17 access through that development up to the other
18 roadway network.

19 BY MR. TUVEL:

20 Q. Which, again, as, Corey, you said you
21 didn't factor into your analysis here.

22 Your analysis just mainly took into
23 account the surrounding roads, the more local roads,
24 correct?

25 A. That's correct.

1 Q. So with that bypass, once it's
2 constructed, it would lessen the effect on the local
3 roads in that area, right?

4 A. That's correct.

5 CHAIRWOMEN SZARO: Thank you.

6 THE WITNESS: The credit for, you know,
7 residents that will utilize either the train or the
8 future ferry terminal, you know, that's obviously
9 going to have a reduction on vehicular traffic on the
10 adjacent roadway network as well.

11 But, again, just to provide a
12 conservative assessment we didn't account for any of
13 that. And we didn't account for that future
14 connection directly to Radford Ferry Road.

15 CHAIRWOMEN SZARO: Thank you.

16 VICE CHAIRMAN KOMINKIWIECZ: I read
17 your report about trip --

18 BY MR. TUVEL:

19 Q. Corey, if you can now go into the
20 second part -- oh I'm sorry.

21 VICE CHAIRMAN KOMINKIWIECZ: I'm sorry.
22 May I ask a question, Mary?

23 CHAIRWOMEN SZARO: If you don't mind,
24 Mr. Chase?

25 THE WITNESS: No, not at all.

1 VICE CHAIRMAN KOMINKIWIECZ: Oh, thank
2 you very much.

3 I'm curious, I read your report about
4 trip general and you're -- I think your speculation
5 was it was going to be about 160-some trips out and
6 trip back in a day.

7 With 499 units, I am wondering what
8 kind of calculus you used to come up with that?

9 I -- I know people are different,
10 people work from home, et cetera.

11 But rarely do I ever spend the day at
12 home where I never leave the house.

13 I'm just curious.

14 THE WITNESS: So those number that are
15 summarized on table 3 which is located on page 9 of
16 our report, those are the peak hourly trip
17 generations for the development, that's what we
18 typically focus on in traffic studies. We look at
19 the -- at the peak worst-case hour.

20 So the maximum hourly trip generation
21 that this development is expected to contribute to
22 the adjacent roadway network during the weekday
23 morning would be 166 total trips and in the evening
24 would be 208 total trips, that's a combination of the
25 in and out maneuvers.

1 That's not saying that that's all
2 that's going to occur throughout the day. That's
3 just the worse case --

4 VICE CHAIRMAN KOMINKIWIECZ: Oh.

5 THE WITNESS: -- hour.

6 VICE CHAIRMAN KOMINKIWIECZ: That's --
7 that's like -- that would be the peak -- peak
8 movement, you know, per hour.

9 THE WITNESS: Exactly. Correct.

10 VICE CHAIRMAN KOMINKIWIECZ: Okay.

11 THE WITNESS: What we found in our
12 study of existing residential developments is, you
13 know, this is the worst-case hour, but those peaks
14 are spread out among several hours to, you know, the
15 morning typically people start leaving around 6 a.m.
16 and continue all the way to 9:00 a.m.

17 And in the evening, people will return
18 home between the hours of 4 and 7.

19 So we focus on that peak single-hour
20 but that the enter and exit movements are spread over
21 a longer duration.

22 VICE CHAIRMAN KOMINKIWIECZ: Okay.

23 That makes more sense.

24 THE WITNESS: And a point that you did
25 mention, the work from home thing, you know, everyone

1 obviously they're commuting patterns have changed
2 substantially. These numbers are based on pre-COVID
3 data.

4 So this isn't accounting for any
5 potential work from home, any reductions associated
6 with that. This is pre-pandemic trip generation.

7 MR. KELLY: Did -- did we take into
8 calculation the back up in the morning with the NJ
9 Transit traffic going across John Street when the
10 trains come through, the foot traffic for the school,
11 for the high school, and also the influx of parking
12 for the commuters going to the train station.

13 THE WITNESS: Yes.

14 And, again, as I mentioned in my report
15 we did -- what we did for the train station parking
16 because based on our assessment it was under-utilized
17 at the time the traffic counts were done.

18 We took a look at trip generation
19 projections for that as well to predict what it would
20 be generating at more of a typical scenario.

21 So that was factored into our analysis.
22 And, again, you know the existing conditions, the
23 train crossings and things like that were all
24 accounted for.

25 And, again, based on the results of our

1 analysis and based on the level of traffic generation
2 by this development it's not going to have a
3 detrimental impact on the adjacent roadway network.

4 I'd be happy to --

5 MR. TUVEL: Madam Chair, would it be
6 all right if I just let Corey finish on parking and
7 circulation before we finish questions.

8 Is that okay?

9 CHAIRWOMEN SZARO: Yes. Thank you.

10 MR. TUVEL: Sure.

11 BY MR. TUVEL:

12 Q. So, Corey, could you just -- if you
13 could address the second part of your report which
14 may -- which dealt with on-site parking as well as
15 just overall circulation within the property?

16 A. Certainly.

17 And, again, I'm referring to Exhibit 4
18 which was previously entered by Mr. Muller.

19 He accurately described the access to
20 the subject facility, again, primary access to
21 Buildings 1 and 2, via Rosewell Avenue.

22 Primary access to Building 3 would be
23 via Raritan Reach Road which is John T O'Leary
24 Boulevard.

25 Again, Mr. Muller described the overall

1 parking conditions on the site and as he correctly
2 noted based on the City Redevelopment Plan we are
3 required a total of 639 spaces to be provided on
4 site. We are providing a total of 722 parking spaces
5 on site. So, well in excess of what the city
6 requirement is for the development.

7 As was also correctly noted we are
8 providing additional parallel parking spaces. We're
9 going to provide 16 parking spaces along John T.
10 O'Leary Boulevard, directly in front of Building 3.

11 And we are providing 14 parallel
12 parking spaces between Buildings 1 and 2. Those
13 weren't accounted for and no -- it was -- Jason noted
14 that it was included in the chart on the site plan,
15 but we'll certainly revise the chart on the site plan
16 to eliminate that reference.

17 These parking spaces are going to be
18 open to the public, you know, so they aren't
19 accounted for as part of our calculation to meet the
20 overall parking requirement which we do exceed.

21 Parking will be assigned within the
22 development. So each tenant is going to be assigned
23 a parking spot within a respective parking garage.
24 So those will all be dedicated. People will be
25 familiar where their parking spot is.

1 As Mr. Tuvel mentioned it was mentioned
2 earlier, the access to the parking garages will be
3 gated. There is going to be on-site property
4 management. We're going to be patrolling the parking
5 areas to make sure that everyone's parking in the
6 required parking spots.

7 There will be guest parking also
8 provided within the parking garages that'll be
9 located before the gated access to the garage area.

10 Guests will be required to get a
11 parking pass from the tenant so those will be
12 distributed through the tenants, through the property
13 managers, again. And they'll be monitoring the
14 parking garage activities within the facility to
15 ensure that everyone in there has a parking pass and
16 is appropriately parked.

17 There was some discussion relative to
18 the parking, I believe Mr. Forshner brought it up,
19 regarding Building 3 specifically and the number of
20 parking stalls in that facility versus the number of
21 units and the potential for it being under-parked.

22 As Mr. Muller mentioned there are 107
23 units within that facility, 96 of them are
24 one-bedroom, 11 are two-bedroom. There are 122
25 parking stalls being provided.

1 So even if you assign one parking stall
2 to each of the one-bedrooms and two parking stalls to
3 each of the two-bedrooms, you still could accommodate
4 all the tenants within that parking garage.

5 So any potential guest parking of
6 things of that nature may be required to be located
7 in Building 1 or utilize the on-street parking on
8 John T O'Leary Boulevard.

9 But, again, we do exceed the
10 Redevelopment Plan parking requirements for the
11 overall development. And we believe each building is
12 sufficiently parked to accommodate the needs.

13 Q. Corey, can you deal with on -- have you
14 had the chance to review the on-site circulation.

15 A. I have, yes.

16 And not to belabor it, but Mr. Muller
17 did accurately describe the on-site circulation we
18 did work in conjunction with Mr. Muller's office in
19 reviewing the on-site circulation and we feel that,
20 again, it provides adequate safe and efficient access
21 to all areas of the development.

22 Q. And we did punt this to you, so I have
23 to ask you the question, on the trash vehicle along
24 the northerly area, do you feel that that can safely
25 and adequately service the trash enclosure there and

1 go back on to Rosewell based on the volumes on that
2 road?

3 A. We do.

4 And, again, as Mr. Tuvel correctly
5 noted the volumes on Rosewell Avenue are limited in
6 nature. And the trash pick up would likely occur
7 during off-peak hours, you know, certainly we can
8 work with a private trash hauler to ensure that pick
9 up doesn't occur during peak times. Obviously it's
10 not advantageous to the trash hauler or the residents
11 of the building so that could be something that could
12 certainly be coordinated to be worked out in the
13 future, but there is sufficient turning radii and
14 sufficient width of that access to the north of the
15 building to -- to allow that trash vehicle to enter,
16 pick up the refuse container and then back out onto
17 North Rosewell.

18 Q. And you'd be happy to work with the
19 board engineer on establishing a time, based on a
20 non-peak hour of the road, for the applicant to be
21 able to provide the trash pick up there?

22 A. Certainly.

23 Q. Corey, was there anything else that you
24 wanted to mention in connection with your report?

25 A. Jason, I believe we covered it.

1 Q. Oh, one last thing, do you agree with
2 Mr. Muller's testimony from a traffic engineering
3 standpoint that the driveway locations, the waiver
4 that we're seeking for that is appropriate from a
5 design perspective?

6 A. I do, yes.

7 MR. TUVEL: Great.

8 Madam Chair, I don't have anything
9 else.

10 CHAIRWOMEN SZARO: I'm sorry. You
11 conclude?

12 MR. TUVEL: Yes, I conclude my direct
13 of Mr. Chase. Yes.

14 CHAIRWOMEN SZARO: Jason, I think I see
15 your hand.

16 MR. VALETUTTO: Yeah, that's me.

17 Just two quick ones from my report.

18 Can you just disclose -- you had
19 mentioned about the US Census, can you just disclose
20 if it was the 2010 or if it was the most current one
21 that was just completed?

22 THE WITNESS: It was the most current
23 one, Jason, that was just completed. We just put --

24 MR. VALETUTTO: Okay.

25 THE WITNESS: -- in there for

1 informational purpose only just to -- again, we
2 didn't take any credit for that, but we put it in the
3 report for informational purposes only.

4 MR. VALETUTTO: Okay.

5 And then unless I misread your report I
6 don't think you studied the intersection at John
7 Street T from Rosewell, John T O'Leary Boulevard and
8 John Street. That is like the main access as people
9 come across the train tracks.

10 How do you think that intersection
11 will, I guess, affect your report if at all?

12 THE WITNESS: We studied the
13 intersection of John Street and Mason Avenue which,
14 you know, we -- again, we funneled all the traffic
15 conservatively through that intersection to establish
16 a worst-case scenario.

17 If you -- and I apologize if you said
18 this, did you say the intersection of John T O'Leary
19 and Raritan Reach, was that the one that you were
20 referring to?

21 MR. VALETUTTO: No, I'm referring to
22 the T-intersection right directly the end of the John
23 Street where you can make a right turn onto O'Leary
24 Boulevard or you can make the left onto Rosewell
25 Street. Mason Avenue is closer to the train tracks.

1 THE WITNESS: Correct.

2 MR. VALETUTTO: I'm talking about the
3 ones directly right here (indicating) next to your --
4 adjacent to your project.

5 THE WITNESS: That's correct. My
6 apologies.

7 Again, based on the level of traffic at
8 the intersection we don't anticipate there to be any
9 substantial detrimental impacts based on the results
10 of our analysis to the other adjacent intersections.

11 MR. VALETUTTO: Okay.

12 And I know it's not a fair question
13 because of COVID and whatnot, but with the high
14 school being in that area and as kids are now
15 returning to school, does that take into account --
16 your report take into account any of that?

17 I know you did the increase, the
18 percentages to try to make it to where "normalcy"
19 was, but can you just comment on that with the
20 school?

21 THE WITNESS: Certainly.

22 Based on the location of the school,
23 through our development we took that into
24 consideration when applying those factors and we
25 provided very conservative COVID factors to our

1 traffic volumes, to just have it be a conservative
2 estimate.

3 MR. VALETUTTO: Okay. Thanks.

4 CHAIRWOMEN SZARO: Any questions from
5 the board?

6 MR. FORSHNER: I've got -- I've got two
7 questions.

8 So with regard to what I think is the
9 northernmost access drive, I think it's serving three
10 purposes: The one is for parking access; two, is for
11 trash removal; and, three, is for emergency services.

12 So I understand the testimony, the one
13 that's obviously the most concern is emergency
14 services. So it's more of a comment is to make sure
15 that we condition this on whatever steps are
16 necessary to make sure that that continues to be safe
17 and efficient.

18 So that's more of a comment than
19 anything.

20 And then the other is if no one minds,
21 I actually have a question for the landscape
22 architect that I forgot to pose, with regard to that
23 osprey, did I understand that you're saying that
24 there's not going to be a nest and you're going to
25 look for appropriate location for the existing osprey

1 there? There's an -- there's an osprey stand on that
2 property.

3 So I guess I want a clarification as to
4 whether that's going to remain, whether it's going to
5 be removed? What -- what's the story with that?

6 MR. TUVEL: Hold on, let me just make
7 sure, Gary, that Tom is back on. Hold on one second.

8 MR. FORSHNER: Sure.

9 MR. BALSLEY: I am.

10 MR. TUVEL: Can you answer that
11 question?

12 MR. BALSLEY: Yes. Let me see if I
13 can.

14 I thought I had heard that there was
15 some -- in some of the public -- or some of the town
16 meeting that I thought I had heard that there was
17 some question about whether or not this osprey nest
18 would be suitable in this location.

19 I may have heard that completely wrong.

20 And so I was hedging it a little bit by
21 saying, well, if it -- if it's not here maybe we can
22 find another place for it, but honestly this would be
23 the best place for the osprey nest we think.

24 MR. FORSHNER: Okay.

25 MR. BALSLEY: And if everyone agrees,

1 and DEP agrees than we're -- we're good.

2 MR. FORSHNER: So there's no intention
3 to remove the osprey nest you're just saying if
4 there's a better location, you're open to it?

5 MR. BALSLEY: Well, remove would be
6 relocate.

7 I'm sure where we're showing it, is not
8 exactly where it is now. We would be shifting it,
9 but -- but not removing it to take it away.

10 MR. FORSHNER: Okay.

11 And that's all within the DEP's
12 jurisdiction so any actions you take --

13 MR. BALSLEY: Yes.

14 MR. FORSHNER: -- with regard to that
15 would be subject to their approval, correct?

16 MR. BALSLEY: Yes. Exactly.

17 MR. FORSHNER: Thank you.

18 CHAIRWOMEN SZARO: Any other questions
19 of the board?

20 (No response.)

21 CHAIRWOMEN SZARO: Okay. Then I'd like
22 to suggest at this time we pause the application and
23 continue for September 22nd meeting.

24 But before we do that, what I would
25 like to do is ask for a motion to open this up to the

1 public.

2 MR. KELLY: I'm sorry, Madam Chair --
3 Madam Chair, can I just propose one question to the
4 engineer, Mr. Muller, please?

5 CHAIRWOMEN SZARO: Who -- is that Tom
6 Kelly?

7 MR. KELLY: Yes, it is. I'm sorry,
8 Madam Chair.

9 CHAIRWOMEN SZARO: Yes. Go right ahead
10 please.

11 MR. KELLY: Mr. Muller, do we still
12 have you, Mr. Muller?

13 MR. MULLER: Yes, I'm here.

14 MR. KELLY: I'm sorry. I just had a
15 quick question for you, I notice that in your drawing
16 we're depicting the location for the proposed
17 transformer pad, have we had dialogue with the
18 Middlesex Water Company and do we have a proposed
19 location for the, unfortunately, proverbial hotbox
20 that are --

21 MR. MULLER: Yes.

22 MR. KELLY: -- that are -- that they are
23 requiring or are we going to provide a room within
24 the building for the water service.

25 MR. MULLER: Yeah, there'll be an

1 internal utility room in each of the buildings.

2 Based on my discussions with Middlesex
3 Water, considering how close these buildings are to
4 the public right-of-way they're okay with us doing
5 the hotbox or utility room within the actual building
6 itself. It's -- it's when we have larger setbacks
7 away from the right-of-way where they start to ask
8 for that independent enclosure, but we're
9 accommodating it in the building on this project.

10 MR. KELLY: Thank you, sir, that is an
11 awesome response.

12 MR. MULLER: Thank you.

13 MR. KELLY: Thank you.

14 CHAIRWOMEN SZARO: With that --

15 MR. STAHL: Madam Chair?

16 CHAIRWOMEN SZARO: Yes.

17 MR. STAHL: Madam Chair, before we open
18 to the public I just wanted the public to remember
19 the following, any questions should be directed to
20 the witnesses who have already testified, not to
21 anything that has not yet been before the board,
22 number one.

23 Number two, the board has a 5-minute
24 rule for speakers that we'll try to enforce. We're
25 entitled to do that by law.

1 Number three, all of Mr. Tuvel's
2 experts will be present at the next meeting which, I
3 believe, is September the 29th. And will be a --

4 CHAIRWOMEN SZARO: The 22nd.

5 MR. STAHL: I'm sorry.

6 CHAIRWOMEN SZARO: The 22nd.

7 MR. STAHL: Okay. I counted my weeks,
8 but you know I'm not good -- I ran out of fingers.
9 Okay. The 22nd. So the 22nd of September, there
10 will be no new notice required, but the public has to
11 be aware of that fact that it is going to be a live
12 meeting, that unless things change, God forbid, the
13 meeting will be at city hall on the 22nd day of
14 September at 7 p.m.

15 I thank you, Madam Chair.

16 CHAIRWOMEN SZARO: And I'll ask you to
17 coordinate the public after we get a motion to open
18 to the public.

19 MR. STAHL: Yes. And then also the new
20 -- the location also will be on city's website.

21 So, hopefully, there will not be any
22 confused individuals.

23 CHAIRWOMEN SZARO: Can I have a motion
24 to open to the public?

25 MR. KELLY: Make a motion.

1 CHAIRWOMEN SZARO: Thank you.
2 Second?
3 MR. BARANOWSKI: Second.
4 CHAIRWOMEN SZARO: All in favor?
5 (Whereupon, all present members respond
6 in the affirmative.)
7 CHAIRWOMEN SZARO: Is there anyone from
8 the public who'd like to speak on this application?
9 Any questions? Comments? Concerns --
10 MR. HOREZGA: Hi, good evening, Andrew
11 Horezga --
12 CHAIRWOMEN SZARO: -- I'll ask you
13 coordinate this.
14 MR. HOREZGA: Hello?
15 CHAIRWOMEN SZARO: Yes, please state --
16 MR. HOREZGA: Can you hear me.
17 CHAIRWOMEN SZARO: -- your name?
18 MR. HOREZGA: Hi, my name is Andrew
19 Horezga. I live at 120 Rosewell Avenue in South
20 Amboy.
21 MR. STAHL: And spell your last name.
22 MR. HOREZGA: Horezga, H-O-R-E-Z-G-A.
23 MR. STAHL: Mr. Horezga, do you swear
24 that the testimony you're about to give in this
25 matter shall be the truth, the whole truth and

1 nothing but the truth, so help you God?

2 MR. HOREZGA: Representing that my arm
3 is raised, I do swear, yes.

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

5 120 Rosewell Avenue, South Amboy, New Jersey,

6 having been duly sworn, testifies as follows:

7 MR. STAHL: That's fine.

8 Thank you, sir.

9 CHAIRWOMEN SZARO: And just for
10 disclosure, Mr. Horezga is on the Planning Board, but
11 he has recused himself this evening.

12 So he's speaking from the public.

13 MR. STAHL: Thank you. That is
14 correct.

15 MR. HOREZGA: That is correct as I've
16 been noticed.

17 Just in lieu of the five-minute window,
18 I'll go through my comments just in order, kind of,
19 addressing the different testimonies.

20 First just comment on the traffic
21 study, I do not find it credible. I do not believe
22 that out of 722 parking spots less than a quarter,
23 more to one-fifth of the residents there will only be
24 leaving or coming on a daily basis, especially in
25 light of the comment made by Mr. Kelly regarding the

1 train tracks, the traffic, school flow and other
2 events in the community that utilize the waterfront
3 property.

4 I would ask the board if it is possible
5 within the scope of their jurisdiction to require a
6 computer animation with inputs of the traffic study
7 data to animate traffic flow just so that we can get
8 a more clear representation.

9 I don't believe that the focus of the
10 five blocks that were done in the study reflect the
11 nature of how traffic exits below the 100 block
12 address, not only at the John Street train bridge --
13 crossing, but also down by the YMCA and potentially
14 with no confirmation out to North Rosewell.

15 Regarding the landscaping, if we could
16 just reference Exhibit 6, I don't know if you can put
17 an exhibit up or -- or not, but just to comment on
18 that, it appears that they are proposing trees on
19 both sides of Rosewell which would be on the
20 residents side as well which is fairly invasive to
21 the residents who may not want a tree there
22 considering they're already giving up pretty much the
23 entire view of their waterfront.

24 So I would ask that the board consider
25 conditional to approval having the trees removed on

1 the residents side and, if not, specify who's going
2 to be responsible for maintenance of those trees,
3 leaf clean-up of the trees, and any damage to the
4 sidewalks which is something that plagues South Amboy
5 from tree positioning that causes slab disruption as
6 the root systems propagate.

7 Regarding the estuary area that is
8 proposed --

9 CHAIRWOMEN SZARO: Andrew? Andrew, can
10 -- Andrew?

11 MR. HOREZGA: Yes.

12 CHAIRWOMEN SZARO: Can I just stop you
13 only so we can address --

14 MR. HOREZGA: Sure.

15 CHAIRWOMEN SZARO: -- it one -- one at a
16 time.

17 MR. HOREZGA: That's fine.

18 CHAIRWOMEN SZARO: So as far as the
19 first comment about expanding on the traffic study --

20 MR. HOREZGA: Mr. Tuvel, do you have
21 any -- or -- I'm sorry.

22 Our traffic expert, do you have any
23 comments on that? Is there any -- anything we can do
24 to maybe bring this the life a little bit more?

25 MR. TUVEL: Yes.

1 MR. HOREZGA: I just -- just to clarify
2 my point, I --

3 MR. TUVEL: Well --

4 MR. HOREZGA: -- I understand there's a
5 set of static data and you have measurements which
6 could easily be converted into a 3D rendering and
7 propagated with, you know, a simple animation. It
8 doesn't have to be Grand Theft Auto style graphics,
9 but just something to, kind of, animate the flow of
10 what you're talking about, but I don't think
11 one-fifth of your residents, basically four-fifths
12 are going to constantly be staying there. I find
13 that not too credible.

14 MR. TUVEL: So, Madam Chair, let me
15 just address some of the items that were stated.

16 MR. STAHL: Well, let me -- time out,
17 here's my --

18 MR. TUVEL: Yes.

19 MR. STAHL: -- I think we should let --
20 the public should speak and make their points because
21 if we -- if we have a dialogue with each person we're
22 going to run this much longer than we should --

23 MR. TUVEL: Sure.

24 MR. STAHL: -- remembering that the --
25 the public -- and it's the Chairperson's -- it's

1 Mary's decision.

2 We're going to be back. And we'll have
3 open public again.

4 So I just did not want to have a
5 dialogue that ends up ten minutes, and it's not my
6 decision, I'm sorry I said it that way. I don't
7 think it's appropriate to spend ten minutes on a
8 speaker and then some people will not be able to get
9 heard tonight and will have to wait till next week
10 [sic].

11 That's only my suggestion, Madam Chair,
12 whatever you think is appropriate.

13 CHAIRWOMEN SZARO: Well, I -- I just
14 want to make sure that we can outline the concerns
15 and, excuse the pun, a parking lot, to make sure that
16 we do address them and give everyone an opportunity
17 to -- to ask the questions and then for follow up.

18 So I -- I just see those as two
19 distinct, like, is that possible.

20 And then the next, as far as the trees,
21 you know, possibly working with the residents to --
22 to incorporate them in the process.

23 MR. STAHL: So my recommendation would
24 be that we listen to each individual and we're taking
25 some of Mr. Horezga's time. We should listen to

1 them, take notes and Mr. Tuvel should make -- I'm not
2 telling him how to practice law, but his staff, his
3 people taking the notes and be able to respond at the
4 next public hearing. And that way it's an
5 informational dialogue.

6 That's all I'm saying.

7 CHAIRWOMEN SZARO: Fair enough.

8 MR. HOREZGA: And that's no problem.
9 I'll continue with my comments.

10 Just regarding some of the (Audio
11 Distortion) mentioned as far as EMS access, the
12 proposed walkway is fairly long. And it extends from
13 the Building 3 all the way past Building 1 to
14 Building 2. And there appears only to be three
15 points of access that were proposed and to the extent
16 possible I would like to see more public access
17 points, if nothing else, just to facilitate simple
18 EMS access in case somebody on the beach, God forbid,
19 has a drowning incident or sprains an ankle or
20 catches a fish hook in the back of their leg or
21 something. It seems an awful far walk to get off the
22 beach with the limited number of public access points
23 to the walkway currently designed.

24 Next comment, regarding the plans that
25 were submitted and were not actually discussed today

1 in any of the exhibits, but sheets A170, A180 refer
2 to several amenities including yoga, fitness areas
3 and what's called SoHo space which I'm not familiar
4 with.

5 So the question would be: Is there
6 proposed commercial or store frontage in any of these
7 buildings? And also will the yoga and fitness
8 centers be open to citizens of South Amboy or just
9 tenants of these buildings?

10 Regarding the building landscaping,
11 again, with regard to the access point that is coming
12 to the point where John comes to the T at Rosewell
13 and John T O'Leary Boulevard, I don't know, I have
14 not been able to find an elevation point for that. I
15 know proposed the other buildings are looking at a
16 raised grade of 10 feet, that's going to
17 substantially change the landscape here which has an
18 attended use -- an attended desire of preventing
19 stormwater intrusion.

20 However if that access point is not
21 raised as well, the concern is that it creates a
22 funnel for surge water in the event of future storms.

23 So will that area, that public access
24 point on Rosewell be elevated 10 feet as well? And
25 if it is, how will that look as far as the walkway

1 there as the incline that people would have to go up?

2 Regarding the drainage for the estuary
3 area, there's one point of what I'll call tidal flow
4 that's rendered.

5 I guess the expectation is that water
6 will flow into and out of the estuary area from that
7 point. And also possibly collects some stormwater to
8 drain in that area as well.

9 The concern, though, is that given the
10 design of the previous retaining wall that was put in
11 for the south side development which caused massive
12 sand depositing in that area, how will that area of
13 flow be maintained? Will it be dredged if it does
14 fill back in? And you know so we don't get either a
15 sandbar area or an area that doesn't have the
16 anticipated flow, will there be some sort or dig out
17 and reinforcement put in to basically maintain flow
18 or is that just something that has not been
19 considered?

20 The reason I ask is because I look at
21 Exhibit 1 of the presented information tonight the
22 current retaining wall on the south development area
23 has a T-angle that comes out facing north at 90
24 degrees which is several hundred feet up above the
25 proposed estuary area. And that's what may be a

1 concern as far as sand depositing which caused that
2 area to fill in after that wall was constructed.

3 So the concern is who is going to make
4 sure that the flow into that estuary area is
5 maintained. And if dredging or other work is needed
6 after it's put in, who will be doing that.

7 MR. STAHL: Andrew, you've run out
8 time.

9 MR. HOREZGA: I have one more --

10 MR. STAHL: Well, I gave you credit
11 because we're trying to be consistent with everyone.
12 Go ahead, last question here.

13 MR. HOREZGA: This is the last
14 question. Present in the drawings that were
15 submitted but nothing presented tonight which I find
16 frustrating is, you know, this is an area for public
17 comment, but there's no final elevation for what
18 these buildings will be as far as height.

19 Looked at sheet A-201 it appears that
20 there is a reference mark of 73 feet and 4 inches,
21 but, again, that's not even the final elevation
22 because it looks like the top story of all these
23 apartment complexes will be lofted.

24 So there is basically an unknown height
25 of how tall these buildings are. And I would just --

1 my closing comment would be, in light of the fact
2 that the developer didn't consider maintaining the
3 views from the street in the placement of his
4 buildings, which is what South Amboy -- everyone on
5 100-block enjoys their own view of the water and that
6 they've chosen to, kind of, locate Building 1 and
7 Building 2 in the line of the public roadways that
8 they, perhaps, consider reducing the loft elevation
9 on those upper floors, but at least giving residents
10 a finished height that we would know and be able to
11 comment.

12 Thank you. Appreciate it.

13 MR. STAHL: Okay.

14 CHAIRWOMEN SZARO: Thank you.

15 Is there anyone else from the public?

16 DR. GONZALEZ-GOMEZ: Yes, Mary.

17 MR. STAHL: And, Jorge --

18 DR. GONZALEZ-GOMEZ: Yes.

19 MR. STAHL: Well, it's --

20 DR. GONZALEZ-GOMEZ: Jorge Gonzalez --

21 MR. STAHL: -- you're a member --

22 DR. GONZALEZ-GOMEZ: -- 14 --

23 MR. STAHL: -- of this board.

24 DR. GONZALEZ-GOMEZ: Jorge Gonzalez, 14
25 Raritan Reach Road.

1 MR. STAHL: Oh, okay.

2 DR. GONZALEZ-GOMEZ: And I swear the
3 testimony that I'm allowed to give is the truth and
4 nothing, but the truth.

5 J O R G E G O N Z A L E Z G O M E Z,

6 14 Raritan Reach Road, South Amboy, New Jersey,
7 having been duly sworn, testifies as follows:

8 DR. GONZALEZ-GOMEZ: And let the record
9 reflect that I'm a member of the Planning Board.

10 I have not deliberated as a member of
11 the Planning Board.

12 And I am going to make some comments as
13 a public member and a citizen of the city. And I
14 will make my comments and hope that they can be
15 revisited at the next meeting.

16 MR. STAHL: Thank you, Jorge.

17 Go ahead.

18 DR. GONZALEZ-GOMEZ: Thank you, Madam
19 Chair.

20 So with that said, between Buildings 1
21 and 2 at the cul-de-sac road I did not see any gated
22 or non-gated walkways to the pool area for EMS use,
23 as we know the pool area is an area that can render
24 some -- some life-threatening issues. And if EMS
25 arrives they would need a long way to get into that

1 pool area. So I would recommend a paved -- some type
2 of a walkway that's gated for EMS purposes.

3 Number two, the northern Raritan Reach
4 Road onto John T O'Leary Boulevard wall contains
5 lighted signage for Harbor Village.

6 What is the plan to work with Harbor
7 Village to maintain, replace, relocate the sign on
8 the northern side of Raritan Reach Road?

9 The current entrance to the walkway
10 from the parking gravel lot that was previously
11 mentioned is a straight through access at about
12 20 feet in width.

13 A new adjacent walkway from Raritan
14 Reach Road which was previously mentioned that it
15 will be somewhere around five or 10 feet in width is
16 going to make it very difficult for a backhoe with a
17 rake, as Mr. Forshner previously described, to make
18 that 90-degree turn. So I would like to see that
19 addressed as well.

20 Number four, the entrance to Building
21 No. 3 from Raritan Reach Road cuts across the
22 westbound traffic and it is a concern for accidents.
23 I think Mr. Valetutto mentioned it and -- and I think
24 he was hoping that we can look at another place for
25 entering Building No. 3. So I'm hoping that that can

1 be addressed.

2 Also I commend -- I commend the
3 developer for -- for bringing some light to our
4 waterfront. And it is my hope that if The Rosewell
5 Market and the dilapidated building negotiations come
6 to fruition that housing, housing is not considered
7 for that particular piece of property if they do so
8 acquire it. Perhaps something such you as a nice
9 upscale restaurant or some type of other commercial
10 application to that location would be considered.

11 Also who will maintain? I think
12 Mr. Horezga previously mentioned it, but who will
13 maintain the concavity in the sand area marsh for the
14 water to continuously come in and out?

15 How will the beach rake that was
16 previously mentioned by Mr. Forshner, how will that
17 piece of equipment that's used by the city go from
18 the southern waterfront to the northern waterfront if
19 there is a body of water in between both beaches?
20 What is the proposed avenue for that piece of
21 equipment to traverse the beach area.

22 And, lastly, I -- I notice that --
23 again as Mr. Horezga mentioned there was trees on the
24 west side of Rosewell Street, who's going to maintain
25 those, how is it -- how's that going to -- to occur?

1 And I'm just hoping that the developer goes a little
2 bit further and talks to the neighboring community
3 Harbor Village, Lighthouse Bay and the residents, so
4 that we can have a great new neighbor in town.

5 Thank you.

6 CHAIRWOMEN SZARO: Thank you, Jorge.

7 Would anyone else from the public like
8 to be heard?

9 (No response.)

10 CHAIRWOMEN SZARO: Let me ask one more
11 time, is there anyone from the public who would like
12 to be heard this evening?

13 MR. BARANOWSKI: Motion to close to the
14 public.

15 CHAIRWOMEN SZARO: Second?

16 MS. KERN: Second, Janet.

17 CHAIRWOMEN SZARO: All in favor?

18 (Whereupon, all present members respond
19 in the affirmative.)

20 CHAIRWOMEN SZARO: Okay.

21 With that I would like to thank
22 everyone and ask for a motion to continue this to the
23 September -- this application to the September 22nd
24 meeting.

25 MS. KERN: I'll make the motion to

1 continue to September 22nd meeting.

2 CHAIRWOMEN SZARO: Second?

3 MR. STAHL: Without any further notice.

4 MS. HUGHES: Second.

5 CHAIRWOMEN SZARO: All in favor?

6 (Whereupon, all present members respond
7 in the affirmative.)

8 CHAIRWOMEN SZARO: Thank you all for
9 this evening, we will pick up where we left off --

10 MR. VALETUTTO: Just to be clear --

11 CHAIRWOMEN SZARO: -- and, again, this
12 is our last virtual meeting --

13 MR. STAHL: Jason?

14 CHAIRWOMEN SZARO: -- so we will see you
15 at City hall at 7 o'clock.

16 MR. TUVEL: Yes, just to be clear --

17 MR. STAHL: Jason, you'll have --

18 MR. TUVEL: Just to be clear, so the
19 application is being carried just because we're going
20 from virtual to in person.

21 So it's being carried to September 22,
22 2021 at 7:00 in city hall without further notice,
23 correct?

24 MR. STAHL: That's correct.

25 CHAIRWOMEN SZARO: Yes.

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MR. TUVEL: Thank you.

Just so everybody's aware. Okay.

MR. STAHL: Your experts will be present at that meeting --

MR. TUVEL: Yes --

MR. STAHL: The same ones that are here?

MR. TUVEL: Yes, we will have everybody back, correct.

MR. STAHL: Okay.

CHAIRWOMEN SZARO: Okay.

MR. STAHL: Good.

CHAIRWOMEN SZARO: Thank you all.

That closes this hearing.

MR. TUVEL: Thanks everybody.

(Whereupon, this matter will be continuing at a future date. Time noted: 10:07 p.m.)

C E R T I F I C A T E

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #50094914, Notary
Expiration Date December 3, 2023

Dated: _____