

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
September 22, 2021

Members present: Mary Szaro, Mayor Fred A. Henry, Thomas Kelly, George Baranowski, Janet Kern, Jorge Gonzalez-Gomez, Gary Forshner, William DeMasi, Andrew Horezga, Robert Paulukiewicz, Francis Mulvey

Members absent: Scott Kominkiewicz, Councilman Tom Reilly

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.

Salute the Flag.

Roll call was taken at this time.

Motion by Gary Forshner, seconded by Janet Kern to accept the revised Minutes of the August 25, 2021, Motion carried: 9-0, 2 abstentions.

Chairwoman Szaro then reviewed the evening’s agenda.

ANNOUNCEMENT of APPLICATION CARRIED

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

139 Rosewell Street Block 161.02 Lot 21 & 22

Ms. Bianca P. Pereiras Esq. requested that the above-referenced application be carried to October 27, 2021, meeting with re-notice required. Motion by Jorge Gonzalez-Gomez, seconded by Janet Kern. Motion carried 11-0, 0 abstention.

COMPLETENESS

PB Application # 389-18A - 200 Broadway, LLC.
200 Broadway / Block 42, Lot 19.01 & 20.01

Completeness committee member, Completeness Committee Chairwoman Janet Kern, stated that she is in receipt of a letter from AJV Engineering, Inc. dated September 19, 2021, regarding Application #389-18A, 200 Broadway, LLC. recommending **Complete**.

Motion by Janet Kern, seconded by George Baranowski, to accept the recommendation of **Completeness** for Application #389-18A, 200 Broadway, LLC.

Motion carried: 3-0, 0 abstentions.

ANNOUNCEMENT RESOLUTIONS CARRIED

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

Motion by Jorge Gonzalez-Gomez, seconded by Gary Forshner. All in favor.

RESOLUTION

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

Motion by William DeMasi, seconded by Janet Kern to accept the Resolution as written granting Amended Approval for Use Variance of multiple uses on the property and Bulk Variances for minimum parking and maximum signage. Planning Board member Gary Fornsher recused himself from this application.

Motion carried: 5-0, 1 abstention.

PB Application # 411-21 – Center SA, LLC

536 Center Street / Block 136, Lot 1

Motion by George Baranowski, seconded by Janet Kern to accept the Resolution as written granting Use Variance, Bulk Variance, and Site Plan Approval.

Motion carried: 5-0, 1 abstention.

CONTINUED PUBLIC HEARING

PB Application # 417-21 – Manhattan Beach Phase I Urban Renewal, LLC.

Rosewell Street / Block 161.02, Lot 21, 23, 24, & 24.01

Continued from August 25, 2021 Planning Board Meeting.

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 Willam DeMasi. Planning Board Members Jorge Gonzalez-Gomez and Andrew Horzega recused themselves as they were noticed from the 200-foot list for Application# 417-21. Jorge Gonzalez-Gomez, Andrew Horzega, Allen Ng, Dion Roy & Savr Enkeev 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.

Motion by Gary Forshner, seconded by Janet Kern to approve the Preliminary Major Site Plan portion of the application subject to all the testimony, all conditions outlined in the letter from AJV Engineering, Inc. dated August 19, 2021, and all conditioned outlined by Mr. James E. Stahl, Esq.
Motion carried: 7-0, 0 abstention

CORRESPONDENCE – None

DISCUSSION – None

PUBLIC HEARING

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

Chairwoman Szaro announced that the next in-person scheduled Special Meeting would be held on Thursday, September 30, 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 30, 2021, In-Person Special Meeting

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

CITY OF SOUTH AMBOY LAND USE BOARD
WEDNESDAY, SEPTEMBER 22, 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 (ABSENT)
- FRED A. HENRY, MAYOR
- THOMAS B. REILLY, COUNCILMAN (ABSENT)
- THOMAS KELLY, MEMBER
- GEORGE BARANOWSKI, MEMBER
- HOLLY HUGHES, MEMBER (ABSENT)
- JANET KERN, MEMBER
- DR. JORGE GONZALEZ-GOMEZ, MEMBER (RECUSED)
- GARY FORSHNER, 1ST ALTERNATE MEMBER
- WILLIAM DiMASI, 1ST ALTERNATE MEMBER
- ANDREW HOREZGA, 2ND ALTERNATE MEMBER (RECUSED)
- ROBERT PAULUKIEWICZ, 3RD ALTERNATE MEMBER
- FRANCIS MULVEY, 4TH ALTERNATE MEMBER

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
201-641-1812
LauraACarucciLLC@gmail.com

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

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

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

I N D E X

<u>W I T N E S S</u>	<u>SWORN</u>	<u>PAGE</u>
J. ROBERT HILLIER, AIA	16	
Voir Dire Examination by Mr. Tuvel		17
Direct Examination by Mr. Tuvel		18
Board/Professional Questions		22
Mr. Stahl		22, 63
Mr. Kelly		30, 63
Mr. Forshner		46, 64,
		135
Mr. Paulukiewicz		56
Mr. Valetutto		58
Mr. Baranowski		140
KEENAN HUGHES, AICP, PP, LEED AD	66	
Voir Dire Examination by Mr. Tuvel		67
Direct Examination by Mr. Tuvel		68
Board/Professional Questions		78
Mr. Valetutto		78
Mr. Forshner		79
Chairwoman Szaro		88
Mr. Paulukiewicz		88
<u>PUBLIC PORTION</u>		
ANDREW HOREZGA 120 Rosewell Avenue	93	92
ALAN ING 105 Augusta Street	110	110
DION ROY 104 North Rosewell Street	117	117
SAVR ENKEEV 108 North Rosewell Street	123	123
DR. JORGE GONZALEZ-GOMEZ 14 Raritan Reach Road	130	130

I N D E X (CONTINUED)

<u>W I T N E S S</u>	<u>SWORN</u>	<u>PAGE</u>
THOMAS MULLER, P.E.	98	
Direct Examination by Mr. Tuvel		99
Board/Professional Questions		100
Mr. Kelly		100
THOMAS BALSLEY, FASLA	112	112
COREY CHASE, P.E.	113	114

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>IDENT/EVID</u>
A-1	Letter from Leonard Moffa, Superintendent of Public Works	10
A-2	Letter from Second Assistant Fire Chief John Dragotta, Dated September 21, 2021	10
A-12	Aerial from over the Bay	20
A-13	Aerial	22
A-14	Aerial	29
A-15	Material Slide	30
A-16	Material Slide	30
A-17	Material Slide	30
A-18	Material Slide	30
A-19	Elevation	33
A-20	Elevation	102
A-21	Omitted	

I N D E X (CONTINUED)E X H I B I T S

3	NO.	DESCRIPTION	IDENT/EVID
4	A-22	Building 1 - First Floor Plan Depicting residential and amenity Spaces	103
6	A-23	Building 2 - First Floor Plan Depicting residential And Amenity Spaces	103
8	A-24	Building 3 - First and Second Floors Depicting Parking, Residential, and Amenity Spaces	103
10	A-25A	Aerial View of Existing Site - Looking Southwest	103
12	A-25B	Aerial View of Proposed Project Same viewpoint as A-25A	103
13	A-26A	Aerial View of Existing Site Looking North	103
15	A-26B	Aerial View of Proposed Project Same viewpoint as A-26A	103
16	A-27	Rendering of Cove Drive from N. Rosewell Street looking Southeast	103
18	A-28	Rendering of the Cul-De-Sac Courtyard View From a Rooftop Apartment	104
20	A-29	Rendering of View from Building 3 Overlooking Tidal Marsh	104
22	A-30	Rendering of View From the Bay	104
23	A-31	Rendering of View Along the Beach Promenade	104
24	A-32	Rendered Site plan - Planning	104
25	A-33	Signage	104

1 CHAIRWOMAN SZARO: Moving on to our
2 applications.

3 This is a continued application
4 hearing, Application Number 417-21, Manhattan Beach
5 Phase I Urban Renewal, LLC.

6 Mr. Tuvel, good evening. And what --
7 since this is a continuation, what we'll ask you to
8 do is just give a little background, review the two
9 requests that's -- questions that we have from the
10 public, and then we can continue on.

11 MR. TUVEL: Sure.

12 Good evening, Madam Chair.

13 MR. STAHL: Just a little housekeeping.

14 All of those people who have, perhaps,
15 never been to a planning or zoning board before, as
16 the chairwoman had indicated, you all will have an
17 opportunity to ask questions at the end of the
18 presentation of all the witnesses.

19 All the witnesses who will testify will
20 not be speaking and then running out. They'll be
21 here for any questions at the conclusion of this
22 hearing tonight, which will be open to the public by
23 the board.

24 We ask you -- we're not on Zoom or
25 GoToMeeting, please -- this looks like a very calm

1 crowd -- no yeas or heys with regard to good things
2 or bad things, please give courtesy to all of the
3 witnesses.

4 And when we're done, you'll absolutely
5 have an opportunity to question.

6 Thank you, Jason.

7 CHAIRWOMAN SZARO: I'm sorry, one more
8 thing along with that housekeeping is that we do have
9 two board members who are recused from this
10 application -- remind me who they are -- George
11 Gonzalez and Andrew.

12 They were coincidentally the two
13 members who spoke at the last meeting.

14 And as Mr. Stahl said, what we usually
15 do is wait for all the applicants and the experts and
16 then open it up to the public.

17 But last meeting, which was Zoom, we
18 realized that the public came and they spent quite a
19 few hours listening. So we did extend the courtesy
20 just to open it up to the public, and these two
21 gentlemen were the only ones who spoke. So we want
22 to just pick that up.

23 But they're not -- since they're
24 recused, they are really members of the public, so to
25 speak.

1 MR. STAHL: Mr. Tuvel, do you have any
2 objections to them just staying in their seats up
3 here?

4 I figured you remembered.

5 MR. TUVEL: I'm okay with it. The
6 Chairwoman made it very clear that they're not
7 members of the board for purposes of this
8 application.

9 If they speak, they're speaking as
10 residents of the municipality.

11 (Whereupon, Dr. Jorge Gonzalez-Gomez
12 and Andrew Horezga have recused themselves.)

13 MR. STAHL: If they do speak they have
14 to get off the dais.

15 MR. TUVEL: That's fine. That's fine.
16 They don't have to get up. No.
17 That's fine.

18 So Madam Chair, Members of the Board,
19 good evening, it's nice to be here in person.

20 Luckily my suits still fit for this
21 meeting. I was a little concerned about that, to be
22 honest.

23 As you remember, we were here last
24 month back in August. I believe it was August 25th
25 we were before the board.

1 We presented three witnesses at that
2 time. We presented our civil engineer. We presented
3 our traffic engineer. We also presented our
4 landscape architect when we concluded the meeting.

5 This evening what I plan on doing is
6 presenting our architect, Bob Hillier, and then our
7 Professional Planner, Keenan Hughes.

8 A few things that I just wanted to
9 mention before we get into the testimony this evening
10 is that I think the two issues that were brought up
11 by the board at the last meeting, I think we were
12 asked by the public and by the board.

13 The first is the fire official
14 comments. We did meet with the fire official, not
15 myself, but our principal from our -- the applicant
16 as well as our engineer.

17 And the fire official, I believe,
18 issued a letter confirming that they found the plans
19 to be acceptable. I believe that that was
20 distributed to the board.

21 So we did meet with the fire official
22 between the last meeting and this meeting.

23 There was also a question about beach
24 maintenance and how the Department of Public Works
25 would have access to the beach. And we met with them

1 as well, they also provided a letter to the board
2 indicating that the proposed application would not
3 impede, in any way, their access to the beach or
4 their maintenance of the beach. So I believe that
5 letter has been distributed to the board as well.

6 CHAIRWOMAN SZARO: Thank you.

7 I don't think we got those two letters.

8 MS. RUSSO: I don't think.

9 MR. TUVEL: Oh, okay.

10 I have copies of them.

11 MR. STAHL: I think we ought to mark
12 them, Jason, so they go into the record properly.

13 MR. TUVEL: Yeah, sure.

14 I can provide you copies. I have
15 copies of them that I can provide.

16 You can mark them as well. One is from
17 -- I'll just read it one is from Leonard Moffa,
18 Superintendent of Public Works, that I received
19 today.

20 And then the other one I also received
21 today from John Dragotta, Second Assistant Fire
22 Chief.

23 MR. STAHL: All right, we'll mark
24 Mr. Moffa's letter, the Superintendent of Public
25 Works -- it's not dated, nor is it signed, but I

1 don't have a problem with that right now. It's on
2 city letterhead.

3 So we'll mark that A-1 with today's
4 date, September 22nd, 2021.

5 (Whereupon, Letter from Leonard Moffa,
6 Superintendent of Public Works is marked as
7 Exhibit A-1 in evidence.)

8 MR. STAHL: Just put that on there.

9 And then the letter dated -- this one
10 is dated -- September the 21st, 2021, signed by
11 Mr. Dragotta, Second Assistant Fire Chief, that will
12 be A-2 with today's date.

13 MR. TUVEL: Okay, that's fine.

14 (Whereupon Letter from Second Assistant
15 Fire Chief John Dragotta, Dated September 21,
16 2021, is marked as Exhibit A-2 in evidence.)

17 MR. STAHL: Any board members who want
18 to see these, I'll pass these around.

19 MR. KELLY: Can I just interrupt for a
20 second?

21 So the review request went to the City
22 of South Amboy Fire Department or to the Fire
23 Official.

24 MR. TUVEL: I'll read the letter.

25 MR. KELLY: Well, I know who that's

1 from. That's from the City of South Amboy.

2 MR. STAHL: The letter is from -- and
3 I'll read it. It says:

4 "This letter serves to confirm that the
5 project development team met with members of the
6 South Amboy Fire Department from the Enterprise
7 historical house on September 3, 2021, to discuss
8 the development proposed on Block 161.02, Lots
9 20, 23, 24 and 24.01.

10 "The project team's engineer, Mr. Tom
11 Mueller of Dynamic Engineering, reviewed the
12 plans with us as it related to fire access and
13 safety.

14 "Following review of the plans
15 provided, we, the South Amboy Fire Department,
16 takes no exception to the plans as drawn.

17 "We look forward to working with the
18 project team throughout the subsequent NEP design
19 phase to ensure the project continues to consider
20 and incorporate best practices for public safety.
21 Sincerely, John Dragotta, Second Assistant Fire
22 Chief, South Amboy."

23 MR. KELLY: Typically the review is the
24 responsibility of the fire official.

25 No disrespect to the Chief in any way.

1 Typically the individual that's charged with the
2 review is the fire official.

3 MR. TUVEL: Yea, I believe our client
4 reached out to the municipality.

5 MR. KELLY: I mean, we utilize the
6 Middlesex County as our fire official.

7 But that's really who the letter should
8 come from.

9 Again, I mean no disrespect to the
10 Deputy Chief at all. But that's really who the
11 review should come from. That's the individual who
12 is charged with the review and the responsibility for
13 the location of the FD connections, for the fire
14 lanes, for the collapse zone, for the access points,
15 for the clearances, the turning radius.

16 MR. TUVEL: We're happy to meet with
17 that person as well.

18 MR. KELLY: I just want to make sure.

19 MR. TUVEL: No.

20 And that, Mr. Kelly, is perfectly fine.

21 MR. KELLY: I don't want to discount
22 them. He finds out after the fact.

23 MR. TUVEL: I don't think -- our
24 intentions were good, to try to meet with the right
25 individual.

1 MR. KELLY: Totally agree.

2 MR. TUVEL: But we totally respect that
3 comment.

4 And we're happy -- whether it's a
5 condition of approval or before another meeting,
6 we're happy to meet with that person as well.

7 And if they have any recommendations as
8 well, we'll incorporate them into this plan.

9 MR. KELLY: And if he defers to the...

10 MR. TUVEL: No, I completely
11 understand. That person should review the plans as
12 well and give any input that they have.

13 Completely understood.

14 MR. KELLY: Okay, thank you.

15 MR. PAULUKIEWICZ: I have to interrupt
16 your presentation.

17 But if I have a question relating to
18 the review, not who it should go TO, but the
19 sequence, being on this board in the past that the
20 fire department is review, the review of the fire
21 equipment and stuff, that was usually after the
22 Planning Board gave its approval.

23 MR. TUVEL: So that is normally the
24 case; however, many board members did have questions
25 specifically about the access along the one building

1 furthest to the north, so we felt it would be prudent
2 between the first and second meeting to meet with
3 that individual just to make sure that we were
4 dotting our "I"s and crossing our "T"s and making
5 sure there were no issues that would impact a design
6 change.

7 The person that -- to Mr. Kelly's
8 point, we'll meet with the fire official as well.
9 That individual who signed that letter had no
10 recommendations or comments regarding any changes.

11 But as I said earlier, as a condition
12 of approval, we're happy to meet with that other
13 person as well. That's perfectly fine.

14 MR. PAULUKIEWICZ: And that official or
15 that person, they gave it as the plans are now.

16 MR. TUVEL: Correct.

17 MR. PAULUKIEWICZ: So if there's any
18 changes --

19 MR. TUVEL: Sure.

20 As with any outside agency, if there
21 was some change that materially altered the site
22 plan, we would have to come back to the board, or if
23 the change was de minimis, we wouldn't.

24 But that would be something that, most
25 likely, Jason would have to determine.

1 CHAIRWOMAN SZARO: And I'd just like to
2 say thank you for being proactive on both of those.

3 MR. TUVEL: No problem.

4 So without further ado, Madam Chair, if
5 you'd like, I can bring Mr. Hillier up, the project
6 architect.

7 MR. STAHL: I don't think Mr. Hillier
8 has been around long enough to be qualified.

9 MR. TUVEL: Well, I'm going to be very
10 rigorous on his background and qualifications.

11 MR. STAHL: Mr. Hillier, if you'll
12 raise your right hand please?

13 In this matter, the testimony you're
14 about to give, will be the truth, the whole truth,
15 and nothing but the truth so help you God, am I
16 correct?

17 MR. HILLIER: Yes, I do.

18 MR. STAHL: And if you will, please
19 just state your name and spell your last name.

20 MR. HILLIER: It's J. Robert Hillier,
21 H-I-L-L-I-E-R.

22 MR. STAHL: Thank you.

23

24

25 VOIR DIRE EXAMINATION

1 BY MR. TUVEL:

2 Q. Mr. Hillier, if you would just give the
3 board the benefit of your credentials, educational
4 background, licenses held, and experience testifying
5 as an architect before land use boards in the State
6 of New Jersey?

7 A. Let's see.

8 I've been in practice for 57 years. I
9 went to Princeton as an undergraduate.

10 And I got a Master's degree at
11 Princeton also in Architecture.

12 I teach architecture at Princeton now
13 as an adjunct faculty member.

14 I've been licensed in 27 states. Right
15 now I'm licensed in 12 states. I'm a licensed
16 planner in New Jersey. And I was licensed in New
17 Jersey in 1963.

18 And I've done projects in 32 foreign
19 countries and 27 states.

20 Q. And your bowtie matches the Princeton
21 colors?

22 MR. KELLY: The Princeton bowtie.

23 MR. HILLIER: And the bowtie, it's the
24 first time I've worn it in 18 months.

25 MR. TUVEL: All right. I would ask

1 respectfully that the board would accept
2 Mr. Hillier's qualifications.

3 CHAIRWOMAN SZARO: Do we have any
4 objections from the board in accepting the
5 credentials of this expert?

6 (No response.)

7 CHAIRWOMAN SZARO: No objections.

8 MR. TUVEL: Thank you very much.

9 DIRECT EXAMINATION

10 BY MR. TUVEL:

11 Q. So, Bob, just as an overall question
12 before you get into the details. What were your
13 goals and objectives as the project architect here
14 with respect to the design of this building?

15 A. I think the site is a spectacular site.
16 And the goals were to basically create a community
17 that would enhance the site and would serve as a
18 great place to live, and would also, I think, enhance
19 the town.

20 I think the site is wonderful because
21 it's within walking distance of the train station.
22 It's in walking distance of all the businesses on
23 Broadway. And when the ferry station is built, it's
24 within a shorter walking distance to that.

25 So it's a perfect place to live.

1 The town is wonderful. I was reading
2 your seal here. It says, "Uniting our community for
3 a brighter future." I think this is, hopefully, part
4 of that brighter future for you.

5 So our goal, as it is on every project,
6 is to make it the most attractive piece of
7 architecture that can be created within the budget
8 and within the program.

9 MR. TUVEL: Okay.

10 So, Madam Chair, Members of the Board,
11 what we did and what I thought would be helpful -- on
12 the virtual platform we're able to show all the
13 slides on the screen. It's a lot easier.

14 And we had compiled a very large set of
15 exhibits that were, you know, on the computer.

16 So what we did was we put them on the
17 screens here. I hope it's easy for everybody to see.

18 So the public will be able to see,
19 hopefully, there or there (indicating).

20 I think, obviously, for the board, that
21 would be easier.

22 So just let us know if you have any
23 trouble.

24 Bob, I'll let you get started with the
25 presentation.

1 MR. STAHL: Jason, you're going to
2 provide Amy with a thumb drive?

3 MR. TUVEL: I sent her all the exhibits
4 by computer.

5 But if she needs a hard copy or a set
6 of exhibits, I can do that as well.

7 MR. STAHL: She's good.

8 MR. TUVEL: Okay.

9 BY MR. TUVEL:

10 Q. So go ahead, Bob.

11 A. Okay.

12 What you're seeing here is an aerial
13 from over the bay, looking at the project.

14 And what you're seeing in the -- maybe
15 can we push that forward?

16 Q. I think you're going to have to push it
17 from over there. Right?

18 A. Yeah, I know how to do it.

19 But where are -- I'm sorry. Okay. All
20 right, good. Let me go back here.

21 MR. TUVEL: So this is -- I'll help Bob
22 here.

23 So this is Exhibit A-12 that's on the
24 screen right now?

25 (Whereupon, Aerial from over the Bay

1 is marked as Exhibit A-12 in evidence.)

2 MR. HILLIER: And what you can see over
3 to the -- over to the left is Building Number 3,
4 which is the third phase of the project (indicating).

5 And that fronts on a wonderful
6 environmental area, which has been developed by Tom,
7 the landscape architect, into a really spectacular
8 place.

9 And then the next -- the building in
10 the center is the first building we're going to
11 build; that's Number 1 (indicating). And it has a
12 garage on the backside of the left wing.

13 And then Building Number 2 is the far
14 right building. And that building actually wraps
15 around the garage in that building (indicating).

16 You'll see between Buildings 1 and 2,
17 there's a basically a cul-de-sac. And then beyond
18 that coming down towards the water is the swimming
19 pool. And we've put amenities in -- basically in the
20 front of Buildings 1 and 2 so that all of the people
21 living in the project can actually come and share in
22 the amenities, both outside and inside. And I'll get
23 into those plans right now.

24

25 BY MR. TUVEL:

1 Q. And, Bob, just as an overall comment, I
2 know we're going to get into the detail, but all the
3 comments that were technical in the board engineer's
4 letter regarding plan revisions or things of that
5 nature, you found those to be acceptable, correct?

6 A. Absolutely.

7 As a matter of fact, I thought it was
8 the most complete engineering report I've ever seen
9 from a municipal engineer. My compliments to you.
10 It was really, really good.

11 And everything that was caught on the
12 drawings by Jason -- if I can call you Jason -- we're
13 going to resolve it.

14 So there are questions about testimony,
15 and we'll touch on those during the presentation.

16 MR. STAHL: Just so I -- we're talking
17 about Jason's letter of -- I think it's August 19,
18 2021.

19 MR. TUVEL: Correct.

20 MR. STAHL: You acknowledge of receipt.

21 And all the issues as set forth in
22 there will or can be complied with?

23 The testimony, of course, is separate.

24 Is that correct?

25 MR. TUVEL: That's correct.

1 (Whereupon, Aerial is received and
2 marked as Exhibit A-13 in evidence.)

3 BY MR. TUVEL:

4 Q. So, Bob, now we're on Exhibit A-13, so
5 why don't you testify to that?

6 A. Okay.

7 Now we're turning the site around. The
8 water is at the top of the picture rather than the
9 bottom.

10 And, again, the middle building is
11 Building Number 1.

12 And I want to explain the colors of the
13 row. First of all, you come in from Rosewell Street
14 straight down between Buildings 1 and 2 to the
15 cul-de-sac.

16 And in the middle of the cul-de-sac is
17 going to be a very dramatic lighting and sculpture
18 area. And the two blue rectangles that join that
19 entry drive are the two lobbies to the building
20 (indicating).

21 Now, going out towards the water, the
22 bright green areas are basically the amenity lounges,
23 party rooms, places where you can have events by
24 reservation, but only -- only for the residents.

25 And then the purple pieces are the

1 fitness center and yoga room (indicating).

2 And then the rust area is what we're
3 calling SoHo, which is a small office home office
4 (indicating). And that's in today's world where
5 everybody is working, at home. It's hard to get them
6 to come back to the office, actually. That's where
7 that will be. And that's armed with computers and
8 little workstation and also a conference room for
9 people to use.

10 Q. And, Bob, all of the amenities that you
11 just described -- I know you said it has the
12 community -- the amenity space, itself, but the yoga,
13 the fitness, the SoHo space, that's only for the
14 residents, correct?

15 A. The whole thing is only for the
16 residents, absolutely.

17 Q. Okay.

18 A. Now, if I can walk up to the pointer.

19 Q. Sure, go ahead.

20 Yeah, just try to speak loud.

21 A. This is a little easier. I can
22 describe it better at this point because it gets into
23 some interesting detail.

24 This is Building 1. And it has a
25 courtyard in the center. And the courtyard is

1 basically a set of private patios fenced for the
2 ground floor units (indicating).

3 So it's a strictly private courtyard
4 for those. The courtyard at its narrowest point is
5 almost 50 feet. It's about 49 feet across. And so
6 that space is private for them. And also on some of
7 the other first floor units, we have private patios
8 for them here and also over here in Building 2.

9 Now, so this is where you come in, turn
10 around. You can park along here and go into the
11 lobby. The lobby unit right here. This is a tower
12 actually to mark the entry point. And this is where
13 I was talking about the amenities, the gym and the
14 SoHo.

15 Now, everybody who lives here is going
16 to park in the parking garage. And there are two
17 entrances to the parking garage. One is here
18 (indicating). It goes -- it goes up.

19 And the other you go in here and go up
20 (indicating). So it's an interlocking ramped garage.

21 For servicing to the -- and so I park
22 my car, and then I go into the building. And here
23 are the elevators (indicating).

24 And right down the hall here
25 (indicating) is the -- is the garbage chute. And

1 that goes down into a refuse room here (indicating).
2 So the refuse trucks come in here (indicating). And
3 they can park here, or they can park here
4 (indicating).

5 And there are compactors in the refuse
6 room that are 2-yard dumpsters. And they can be
7 rolled out and unloaded into the refuse trucks.

8 FedEx and UPS delivery trucks would
9 come, and they would park here (indicating). And
10 they can go in. And this is what's known as a cold
11 storage room (indicating). And that means basically
12 that it's not heated. It's just a regular package
13 room. And this is where you can pick up your package
14 (indicating). And the way that works in this age of
15 technology is you have an iPhone, and FedEx sends you
16 a message that you can go into that room and open and
17 punch 51 into your -- into your iPhone. And the door
18 on the locker that has your package will open up
19 automatically. That's the way this is being done in
20 literally every new apartment building. And it's a
21 pretty -- a pretty cool system.

22 So you can go here (indicating) up into
23 your unit. And then there's a loop corridor that
24 goes all the way around. And then there's a corridor
25 that goes down here and also out this wing

1 (indicating).

2 And you can see how many units here
3 have views to the water, and even views here to the
4 water (indicating).

5 Now, there's an interesting point,
6 which is between the lobby and the amenity space is a
7 -- on each side there's a garden where people can
8 actually sit and enjoy themselves out of any wind or
9 anything coming in off the water.

10 But you can also wander off this and go
11 down and get to the beach (indicating). And there is
12 a beach walk -- I think Tom's already been through
13 this with you -- that goes along the water at this
14 point. And that is a public walk (indicating).

15 There was a question raised about the
16 swimming pool, which is here (indicating), and has an
17 infinity edge, which means there's a waterfall coming
18 down off the back of the pool. And that's about a
19 6-foot -- a 6- or 8-foot drop from that pool down to
20 the grade at that point.

21 And there is going to be protection so
22 that people can't come off of the beach and get into
23 that pool. Somebody said somebody is going to climb
24 into the pool. We're going to make that impossible.

25 So this is the public sector

1 (indicating). And back here is all -- is all private
2 with amount decks here and amount decks here
3 (indicating). These are big patios areas where the
4 residents can enjoy themselves looking out on the
5 bay.

6 The next slide. I need that. I'm
7 sorry.

8 Now I'm going to talk about the
9 materials. And at the end of talking about the
10 materials, I'm going to show you a complete elevation
11 with the materials.

12 Let me tell you the basic principles.
13 These are big buildings. They're four-stories high.
14 And then they have a small mezzanine area, which is
15 basically, kind of, a work-at-home den type of space
16 which overlooks the living room. And that amenity --
17 that space up there actually serves the roof deck.

18 So the top -- units on the top actually
19 have access to their own private patios on the roof.

20 When you have -- and so, incidentally,
21 I should say, the building is four-stories high here,
22 another half-story here (indicating).

23 But what we've done with the area here
24 (indicating) is we've cut it back from the front of
25 the building so that you can see -- from somebody

1 walking along here, it's still a 4-story building as
2 opposed to the full five- -- four-and-a-half stories,
3 which
4 is allowed.

5 It is, in fact, five stories to the top
6 of the roof. The total height of 57-and-a-half feet.

7 When you have a building of this size
8 and length, it can become just one big massive
9 building.

10 And so what we've done is broken it
11 down with materials and with articulations where
12 walls go in and out and decks come in and out. And
13 it breaks the building down into pieces, which give
14 it much more the scale that you would see walking
15 along a street and seeing each house as a little bit
16 different.

17 And so in doing that, we had to pick
18 some materials that we knew would be lasting forever
19 and would be attractive. So I'm going to take you
20 through these.

21 The first one is a faceted concrete,
22 which looks like this (indicating).

23 Q. Bob, before you continue, that was
24 Exhibit A-14.

25 A. A-14.

1 (Whereupon, Aerial is marked as
2 Exhibit A-14 in evidence.)

3 MR. TUVEL: Then I'm going to ask
4 Mr. Stahl, do you want us to mark the building
5 materials, or do you want to refer to them somehow
6 for the record?

7 MR. STAHL: I'd rather, so we don't
8 have a problem filing them or dropping them on
9 someone's toes...

10 MR. TUVEL: Would you rather we take a
11 picture of it or provide you with a photograph of it?

12 MR. STAHL: Yeah.

13 MR. KELLY: You know what, Madam Chair,
14 Mr. Stahl, have you guys met with the South Amboy
15 Architectural Review Committee at all.

16 MR. TUVEL: We've met with the
17 Architectural Review Board, yes.

18 MR. KELLY: Okay.

19 So the majority of, I believe, what
20 you're going to review here is going to be reviewed
21 by the Architectural Review Committee and under their
22 purvey.

23 So, I mean, you can certainly proceed.
24 I don't know if -- I mean, I'm sure the people in the
25 audience are going to be interested.

1 MR. TUVEL: Just to your point, we'll
2 do an overview.

3 MR. KELLY: I mean, that's really under
4 their purview.

5 And you can do a beautiful presentation
6 here, sit with them and they may change it
7 completely.

8 (Whereupon, Material Slides are marked
9 as Exhibit A-15 - A-18 in evidence.)

10 MR. HILLIER: Okay, good.

11 Well, I'll tell you what we're hoping
12 to do.

13 So what I just showed you is this
14 concrete (indicating). And this is a detail of how
15 it goes into the building.

16 And you see what's nice about it is
17 it's got all of these facets (indicating) so it
18 develops its own little shadow pattern, and it
19 changes during the day. As the sun plays along on
20 it, the shadows get longer or shallower, so it has a
21 nice play with the daylight. It's a gray.

22 Over here (indicating) you'll see
23 there's a bright white. And that bright white is a
24 white brick with white mortar.

25 So this becomes a very -- a very bright

1 surface as opposed to the quieter gray of this. This
2 has very little shadowing. This has a lot of
3 shadowing.

4 The wood that you see in brown there,
5 this is called Accoya. And this is a wood that is
6 warrantied for at least 30 years.

7 In other words, it's a hard wood. And
8 we're proposing to stain it in this very dark brown.
9 And what that does is that starts to set up the idea
10 of recesses that you can see in the brown there.

11 MR. PAULUKIEWICZ: Do you want to just
12 show them? Because we can see it.

13 MR. HILLIER: Oh, I'm sorry.

14 Here's the fluted concrete
15 (indicating). And here's a smaller sample -- that
16 one's too big for me to lift -- of the white.

17 But the difference here is it has a
18 bright white mortar also (indicating).

19 And then on top, up here at the
20 penthouses (indicating), this is a gray Accoya
21 stained wood, which is what you see here
22 (indicating). So it's, kind of, a driftwood gray.
23 You can see it here (indicating).

24 And we've done that to make it recede
25 and also have it be more of an -- I'd say more of a

1 weathered look, because it's on the water.

2 So I'll just take you quickly -- I've
3 described the whole thing, but I'll take you quickly
4 through these slides. This is the Accoya wood
5 (indicating). And that's where it is (indicating).
6 And then this is the white brick. There it is. And
7 it goes here (indicating).

8 And this is the tower, which is a
9 darker version of the Accoya, and that's the lobby
10 entrance. And then this is the driftwood up on top.
11 And that's what it looks like at installation.

12 And this is the wood that goes on the
13 tower and also on parts of the parking garage,
14 because the same dark Accoya, it's done in slots and
15 basically single pieces with 4 inches in between
16 them.

17 So that it has a, kind of, nice
18 aerating aspect to it. And going into an enclosed
19 garage, you have to let fresh air get through there.

20 Q. So, Bob, before you get to that
21 exhibit, just for the record, those were Exhibits
22 A-15 through A-18.

23 A. Excuse me?

24 Q. Just for the record, those were
25 Exhibits A-15 through A-18, the building materials.

1 (Whereupon, Elevation is received and
2 marked as Exhibit A-19 in evidence.)

3 BY MR. TUVEL:

4 Q. And now you're on A-19, which is an
5 elevation of the entire building, correct?

6 A. Yeah.

7 This is Building 1 from the entranceway
8 out to the water side of it (indicating).

9 Now, and then here you can see this is
10 Building 1 and Building 2 facing the water
11 (indicating).

12 And this is a blowup of that rectangle.
13 Here's Building 3 over there (indicating). Now, I'll
14 get talking about Building 3 a little later.

15 So this is -- as I talked about the
16 package delivery. Utilities are in here
17 (indicating).

18 This is where the garbage gets picked
19 (indicating).

20 And the elevators are here
21 (indicating).

22 And this is the leasing office off of
23 the -- off of the lobby.

24 Q. Bob, just for the record, because I
25 know Mr. Valetutto had this in his letter, can you

1 just describe the garbage system? Are there chutes
2 on every level? Is there a compactor? Can you
3 describe that?

4 A. Yes.

5 It's a 2-yard compactor at the bottom
6 of the chute. It compacts it, fills it up.

7 One person can roll it out and put a
8 new dumpster inside, inside the compactor.

9 And what will happen is -- and this is
10 a management issue, because here we have another one
11 of that, you know, refuse rooms -- is that depending
12 on how much each dumpster fills up and how many
13 dumpsters you can have in there will determine how
14 many times a week the refuse people will come to pick
15 it up. So that's how it gets managed.

16 This is building -- Building 2. And
17 there's a drive that comes in here (indicating) that
18 gets you into the entrance. The garbage trucks can
19 come here and unload (indicating), and then they can
20 go back out.

21 And the entrance, this is a ramped
22 garage. And it's basically five-stories high, but
23 the last story is only half of the building.

24 In other words, it's really a
25 4-and-a-half-story garage except for the last ramp

1 going up at the top.

2 Here you can see the amenities.
3 There's an amenity deck out here, fitness. A fitness
4 and yoga room. And this is the SoHo work share,
5 work-at-home offices (indicating). And here's the
6 lobby at this point.

7 And the elevators are right here
8 (indicating). So that when you come in off the
9 garage, you can come here to the reception area if
10 you want, or you can take the elevators just up to
11 your unit.

12 What's interesting about this building
13 is it's a single corridor around the drive, which is
14 actually a pretty nice way to get in.

15 Now, the way the garage is ventilated
16 is there's a slot here that lets air go and circulate
17 through the garage. And that's how it gets
18 ventilated. There's a certain area of fresh air that
19 you have to provide, and that's how we're providing
20 it.

21 Building Number 3 is entirely different
22 from the others.

23 Q. Bob, before you get to Building Number
24 3 just --

25 A. Exhibit-24.

1 Q. No, I know. That's okay. We can
2 number them afterwards.

3 There was a question about the gross
4 square footages of Building 1 and Building 2. It's
5 my understanding that Building 1 is 271,043 square
6 feet

7 Is that correct?

8 A. That's correct.

9 Q. And that Building 2 is 204,897 square
10 feet.

11 Is that correct?

12 A. That's correct.

13 Q. Okay. I just wanted -- Mr. Valetutto
14 had that in his letter. I just wanted to make sure
15 you put that on the record.

16 MR. KELLY: Why don't we stop for a
17 second. We have a live-in supervisor/superintendent,
18 correct?

19 MR. TUVEL: Yes.

20 MR. KELLY: Is there only one?

21 MR. TUVEL: I believe there will be one
22 per building.

23 MR. KELLY: One per building.

24 MR. STAHL: I assume that the security
25 with regard to access to the parking and other areas

1 will be by key fob or card?

2 MR. HILLIER: That's right, yes. Or by
3 your cellphone.

4 But you can also put a -- there's a
5 label, just -- it's a clear piece of plastic that you
6 just glue to your windshield that also lets you into
7 the garage, if we secure the garage that way.

8 Okay. On Building 3, what's different
9 about it is the parking is all on the first floor.
10 And then the building sits above it.

11 And this one is more of the typical
12 building where here's your lobby coming in.

13 And you see you can come in here
14 (indicating), take the elevators up, and you end up
15 at the lobby area.

16 And here's your fitness center, your
17 amenity space, your amenity deck, which is a huge
18 deck out on top of the garage. And then this is your
19 work-at-home rooms here (indicating).

20 What's special and really kind of cool
21 about this part of the building -- I can say this
22 because I didn't designed this part -- is there's a
23 very shallow pool here. And you can put a deck chair
24 in there and put your feet in the water and look out
25 on the bay and have a wonderful pool feeling while

1 you're just sitting there getting a suntan.

2 So it's really, kind of, a special -- a
3 special amenity that is part of this huge amenity
4 deck for all of these people.

5 The next slide.

6 MR. KELLY: I'm sorry. That's on the
7 first floor.

8 MR. HILLIER: Pardon.

9 MR. KELLY: That's on the first floor?
10 Located on the first level.

11 MR. HILLIER: On the first level, yes.

12 MR. KELLY: What is the depth?

13 MR. HILLIER: It covers -- it covers
14 that parking garage.

15 Now, that's what the site looks like
16 today.

17 And you can see this community over
18 here, they have a walkway that starts -- and what Tom
19 has done is picked it up at this point so he has the
20 walk that runs along the beach, and this is what it
21 becomes (indicating).

22 So I just went back. That's what it
23 looks like today. And the plan is to have it look
24 like this (indicating).

25 And now I'm going to just take you

1 through -- sorry.

2 This is the view, an aerial view at
3 sunrise. And this is Rosewell along here and John T.
4 O'Leary Boulevard here (indicating). And this is
5 what it will look like when it's developed from
6 inside (indicating).

7 Right now we left this blank because
8 there's a question of what that property will become.

9 This is the pumping station. And we're
10 working around that pumping station with our service
11 to Building Number 1. And you can see the view. I
12 mean, this -- what a wonderful place to live,
13 especially when you look at how convenient it is.

14 Now, this is Rosewell (indicating).
15 And the question came up from somebody, and I'm not
16 sure where it came from, but it's a great question,
17 Which is: Okay, you've got a 4-story building here,
18 is it going to put the buildings on this -- the
19 houses on this side of Rosewell in the shade
20 (indicating)? And it doesn't.

21 We did the sunrises for the whole year.
22 And the worst it gets is at 8:15 in one day, the
23 shadow gets over to this curb (indicating). But we
24 did it from 6:05 in the morning until 8:15. That's
25 the range of when the sunrise shadow would be coming

1 here (indicating). And that's the hours of which
2 that shadow would be hitting here (indicating).

3 So there is no shadow on the properties
4 after those hours. But there is a shadow on those
5 properties between 6:05 one day of the year and 8:15
6 on another day.

7 So the worst day is 8:15 in the morning
8 when the shadow finally gets to the curb on Rosewell.
9 Is that clear to everybody?

10 MR. STAHL: The shadow analysis, is
11 that available if the public wanted to -- we have
12 that?

13 MR. HILLIER: Yes.

14 MR. TUVEL: Yeah. I can send it to
15 you, yes.

16 MR. STAHL: I just want to make sure,
17 You know, the public may not be aware of a shadow
18 analysis and might question, you know, how you do it.

19 So it should be available for someone
20 to see.

21 MR. TUVEL: Sure.

22 MR. HILLIER: This is the driveway that
23 goes down to the cul-de-sac, and the view of the bay
24 (indicating).

25 And this is a view of the cul-de-sac

1 (indicating). Here you can see the pool. And then
2 there's a lounge area here on the pool (indicating),
3 which is a shallow area where you can, again, sit
4 there in a lounge chair and get your feet wet.

5 And then there is this is a regular
6 sunbathing area. There's washrooms in here and a
7 service area for this (indicating).

8 And all of the landscaping is natural
9 landscaping, but it's the kind of landscaping that
10 you don't want to necessarily walk through. And so
11 it's basically a natural defense, if you will, to
12 keep people on the pathways.

13 And this -- remember I talked about the
14 courtyards between the lobby and the amenity area?
15 This shows them.

16 And this is even a better view of what
17 it looks like. They are small gardens where you can
18 sit and have a nice conversation. And you can see,
19 again, the view out to the bay.

20 This is from Building 3 (indicating).
21 That's that swim -- footbath pool that I was telling
22 you about. And this is that amenity deck that sits
23 on top of the parking garage.

24 There are no penthouse units here, such
25 as you see on the other two buildings. And this is

1 basically a twilight view, if you will, of it with
2 the pool here in the center (indicating). Some of
3 the amenities for the penthouses are here
4 (indicating).

5 And I should point out something, all
6 of this penthouse area is hiding all of the rooftop
7 air conditioning, which does two things: Number one,
8 you can't see it; and, number two, it helps to keep
9 the sound going up, rather than out. And so that you
10 basically have an 8-foot wall around it. In the
11 center of the building is where all the air
12 conditioners are located.

13 And this is a view on the -- on the
14 beach. This is the public path. You've got a jogger
15 here. And you can see this is building -- Building
16 2, and Building 1 over here (indicating).

17 And this is the final view. There's
18 Rosewell and the drive coming in, and the whole
19 amenity. This is all of the area that's been
20 beautifully landscaped with a big natural area here
21 with the tidal marsh, which means when the tide comes
22 in, it fills this in and goes back out (indicating).

23 It's a very dynamic site. And I think
24 it would be just be a great place to live. Given its
25 proximity to all of the things in town, I think it --

1 right now what we're finding is everybody wants to
2 live in a walkable community. And this site, besides
3 being a beautiful site and on the water, is within a
4 walkable community. And you don't necessarily need a
5 car. You can work in New York and not need a car
6 here and still do everything that you need to do
7 while you're living here. And has just become so
8 popular.

9 Part of the reason is, everybody's
10 getting tired of driving, everybody's getting tired
11 of traffic. And it costs you at least 10 to
12 \$12,000.00 a year to own a car. And a lot of people
13 would rather be in better housing in a better place
14 than just be stuck in traffic.

15 I'm done.

16 Q. I just want to make sure we hit
17 everything else that is in Jason's letter. I think
18 we did, for the most.

19 I think you mentioned this, but the
20 storage rooms, Bob, for the residents, those are also
21 key fob, only the residents can get into those

22 is that correct?

23 A. That's correct.

24 Oh, there was one question, Jason, you
25 raised about the dens in the units.

1 First of all, those den units are
2 basically designed for a home office. They are open
3 to the unit because they don't have a door, they
4 don't have a closet. So they can't become another
5 bedroom.

6 But, more importantly, the owner is
7 willing to put into the lease you can't sleep in that
8 room. And the same is true of the den in the
9 penthouses, which is very small. You wouldn't want
10 to sleep there, but nobody is -- in other words, it
11 will be the same set of rules.

12 MR. STAHL: I was going to ask that
13 question, Bob, because we've had it before with
14 regard to developers where there was a concern about
15 converting the den into a second or a third bedroom.

16 MR. HILLIER: Right.

17 MR. STAHL: It's not -- so are you
18 going to say that somebody cannot sleep -- how do you
19 use it? They cannot use it as a bedroom?

20 MR. TUVEL: Correct.

21 MR. STAHL: They can sleep there. I
22 mean, if I'm in my study --

23 MR. TUVEL: You can sleep in your
24 kitchen, sure.

25 MR. STAHL: You're going to put some

1 kind of restrictions with regard to enclosing it or
2 making it into a separate...

3 MR. TUVEL: Correct.

4 I think that should be done in the
5 lease, and I think it should be done in the
6 resolution as well so it's covered in multiple places
7 about the issue.

8 MR. STAHL: Yeah, we've done some
9 others.

10 MR. HILLIER: And the important thing
11 is, the plan doesn't make it easy to get away with
12 that. You may fall asleep at your desk, but I can't
13 help you with that.

14 MR. STAHL: I might take a nap.

15 MR. TUVEL: Thank you, Bob.

16 So that's all I have for Bob. I don't
17 know if the board wants to ask questions of Bob now,
18 or have my planner testify and then ask questions all
19 at once.

20 CHAIRWOMAN SZARO: Does the board have
21 any questions?

22 MR. FORSHNER: I have a few questions.

23 The pool, is there any parking by the
24 pool, or is there only pedestrian access?

25 MR. HILLIER: No. It's only pedestrian

1 access.

2 MR. FORSHNER: So that includes
3 Building 3, they have to walk over to the pool.

4 MR. HILLIER: Yes.

5 MR. FORSHNER: The office space that
6 you had mentioned, is that designated for a
7 particular tenant, or is it just a free-for-all; how
8 does that work?

9 MR. HILLIER: Do you mean the SoHo, as
10 it's called.

11 MR. FORSHNER: Yeah, I think you call a
12 SoHo.

13 MR. HILLIER: The way that's worked in
14 most units, it's a big lounge area with in some ways,
15 like, little booths, like, little diner booths, if
16 you will, where people sit.

17 Sometimes it's just one person with a
18 computer. Sometimes got two booth seats and a couple
19 people work together, that kind of thing.

20 MR. TUVEL: Yeah.

21 But I think, Bob, Mr. Forshner is
22 asking is it a free-for-all, or how is it organized?
23 I think property management, you would have to sign
24 up for your area. It would only be for residents of
25 the building. And the property management would

1 oversee it.

2 MR. FORSHNER: So it wouldn't
3 effectively be a designated office. It would just be
4 -- like you go to a hotel and they have --

5 MR. TUVEL: A conference center or
6 something.

7 MR. FORSHNER: -- you go into and use
8 it, something similar to that.

9 The garage, is there parking on the
10 roof of the garage?

11 MR. HILLIER: Yes, there is.

12 MR. FORSHNER: Okay.

13 Will that be visible?

14 MR. HILLIER: No.

15 MR. FORSHNER: Okay. How many units
16 are there in total?

17 MR. HILLIER: There are...

18 MR. TUVEL: Between all three
19 buildings?

20 MR. FORSHNER: However you want to
21 break it down, either all three or...

22 MR. TUVEL: Yeah, there's 499 total
23 units. But, Bob, if you want to break it down for
24 the board.

25 MR. FORSHNER: That's fine.

1 MR. VALETUTTO: I think it's on page 2
2 of my report.

3 MR. FORSHNER: Thanks.

4 Then you mentioned the penthouse on the
5 roof and being a noise mitigator. Is there going to
6 be a noise issue with regard to the mechanical
7 equipment for the people that are actually in those
8 penthouses units?

9 MR. HILLIER: No, no, because they're
10 solid walls all around that. And the way you have to
11 build a wall today with the energy code, the sound
12 doesn't get through it.

13 MR. FORSHNER: Okay.

14 And then the last question, which I
15 don't know if it's best for you, but I think it's a
16 question that I asked last time, is on the northern
17 driveway to the far left of the building, I recall
18 that there was a trash location there as well and
19 trash removal.

20 MR. HILLIER: Yes.

21 MR. FORSHNER: And the concern was how
22 a trash vehicle was going to get in and out, whether
23 there's a turnaround, or they're going to have to
24 back out that distance.

25 How is that going to function?

1 MR. HILLIER: They will back out that
2 distance.

3 MR. FORSHNER: How far is that
4 distance?

5 MR. HILLIER: Frankly, that's not a
6 problem for them.

7 MR. FORSHNER: And how far is that
8 distance?

9 MR. HILLIER: Yeah, they would --
10 here's the drive. It comes up -- it comes up to
11 here.

12 And they can go and then they just back
13 out.

14 MR. FORSHNER: So what happens if
15 another car is coming in after them.

16 MR. HILLIER: Oh, it's wide enough.
17 It's two-lanes wide. There just isn't enough --

18 MR. FORSHNER: Is it two-way or
19 one-way.

20 MR. HILLIER: No, it's two-way. It's
21 two-way. There isn't enough depth here to turn --

22 MR. FORSHNER: Right, I understand.

23 MR. HILLIER: -- do a K-turn, et
24 cetera.

25 And the garbage people we talked to

1 would rather just back out.

2 MR. TUVEL: Yeah.

3 I think we talked about at the last
4 meeting -- or we didn't, I'm just not remembering --
5 but having the garbage pickup during off peak hours,
6 making sure it's not in the morning commute or the
7 evening commute.

8 And if the board has a specific window
9 that it would prefer so as to not be in the peak hour
10 of the roadway, the applicant would find that to be
11 acceptable.

12 MR. FORSHNER: I think off peak is a
13 good suggestion. I would like to see that as a
14 condition.

15 And then if -- so, Jason, this is
16 partially a question for you, whether you're going to
17 be comfortable with it.

18 So the garbage truck pulls in, they're
19 going to have to pull out. If another vehicle comes
20 in they're going to have to go around to the opposite
21 lane, right, the lane going in the opposite
22 direction?

23 MR. HILLIER: When it's backing out --

24 MR. FORSHNER: Yes.

25 MR. HILLIER: Yes, they would have to

1 go around it.

2 But otherwise, once it gets up there
3 and is loading up, it's out of the way.

4 MR. FORSHNER: Understood.

5 MR. HILLIER: Because it's beyond the
6 entrance to the garbage.

7 MR. FORSHNER: Jason, are you okay with
8 that design?

9 MR. VALETUTTO: Based on the way the
10 site is situated, there is no alternative for them.
11 They chose to put the access on the left side.

12 MR. FORSHNER: Yeah, I just want to
13 make sure that it's safe.

14 That's really my only concern.

15 MR. VALETUTTO: I mean, yeah, it's not
16 the best. I mean, it's going to be only a road used
17 for residents. And like they testified, they're
18 going to try to keep it to off-peak hours.

19 So if there is an encounter with a
20 resident, it's just like any of us driving on the
21 road, you see a vehicle that's stopped, you slow
22 down, make sure it's safe to pass.

23 However, when the truck is backing out,
24 I'm sure they're going to try to back out to the
25 proper side of the road. They're not just going to

1 back straight out. They're not going to stay on the
2 right side of the lane; they're going to try to get
3 to the left side.

4 MR. FORSHNER: Okay.

5 MR. VALETUTTO: So people coming in can
6 pass on the right side of the truck.

7 The other truck -- then the garbage
8 truck is backing out onto the left. So they're going
9 in reverse on the right direction of the road.

10 MR. HILLIER: They think they're in
11 Britain for five minutes.

12 MR. FORSHNER: I understand.

13 And that driveway, what is that access
14 from a resident's perspective? What is the purpose
15 of that driveway?

16 MR. HILLIER: Excuse me? The purpose.

17 MR. FORSHNER: What is the purpose of
18 that driveway? What does it lead to for the
19 residents?

20 MR. HILLIER: Oh, it leads into the
21 garage.

22 MR. FORSHNER: It does.

23 So all the residents in that building
24 are going to have to utilize that driveway?

25 MR. HILLIER: Yes.

1 They go in here, and they turn into the
2 garage at this point. And the garbage truck goes up
3 to here.

4 MR. FORSHNER: Okay.

5 Is the driveway continued beyond that?

6 MR. HILLIER: The garbage truck would
7 come out. He's backing out this way (indicating).

8 MR. FORSHNER: But the question is,
9 does the driveway continue beyond? It continues
10 beyond that.

11 But if the garage is where you're
12 showing it or where I'm perceiving it to be, what is
13 the purpose of the rest of the driveway.

14 MR. HILLIER: To get the garbage truck
15 up there.

16 MR. FORSHNER: But what about for the
17 rest of the building.

18 MR. HILLIER: Oh, no, it doesn't go all
19 the way.

20 MR. FORSHNER: It doesn't.

21 MR. VALETUTTO: I believe, without
22 looking at the site plan, I believe it goes with
23 those grass pavers, because it's a emergency access
24 for the fire vehicles.

25 MR. FORSHNER: That's makes sense.

1 MR. VALETUTTO: But there's not going
2 to be the intention of public going back there. One
3 of my comments was to speak with the fire official
4 about putting a chain or something of that nature to
5 prevent public from going up and above where they
6 should be.

7 MR. HILLIER: I'm sorry. I meant to
8 mentioned the small structured lawn.

9 MR. FORSHNER: Thank you.

10 CHAIRWOMAN SZARO: Any other questions?

11 MR. KELLY: What kind of HVAC are you
12 proposing?

13 MR. HILLIER: I'm sorry.

14 MR. KELLY: What type of HVAC are you
15 proposing?

16 MR. HILLIER: It's going to be with the
17 compressors on the roof, and a unit in the apartment.

18 MR. KELLY: So each unit will have its
19 own air handler.

20 MR. HILLIER: Yes.

21 Each one has its own unit. We haven't
22 quite determined exactly which system it is, but it
23 is a compressor on the roof and an air handler in the
24 unit.

25 MR. KELLY: Okay. So all the

1 compressors will be located on the roof?

2 MR. HILLIER: Yes, sir.

3 CHAIRWOMAN SZARO: Any other?

4 MR. PAULUKIEWICZ: Getting back to
5 garbage. Who is going to handle the garbage?

6 Is it going to be the town or private?

7 MR. TUVEL: No. A private hauler.

8 MR. PAULUKIEWICZ: All private haulers.

9 You talked the chutes for the garage,
10 okay. A 4-story building, the chute, does that go
11 down to the ground, or is it baffled?

12 MR. HILLIER: No. It has to go
13 straight.

14 MR. PAULUKIEWICZ: Somebody can throw
15 something heavy down to the bottom very quickly.

16 MR. HILLIER: No, no.

17 It's a straight -- it's a straight
18 drop. And it's sprinklered at the top in case
19 anything catches on fire there. And it's also
20 ventilated at the top.

21 MR. PAULUKIEWICZ: The garage area, the
22 ventilation, is that a natural ventilation, or will
23 it be airflow from fans or something.

24 MR. HILLIER: No, it's natural
25 ventilation. And it's 50 percent. The rule is it

1 has to be 50 percent of the area of the side of the
2 garage.

3 MR. PAULUKIEWICZ: I'm looking at this
4 knowing that the development that's there, your
5 proposed development, further down to the end of
6 Rosewell Street across the street you have another
7 development.

8 And I apologize, I'm just new on the
9 board tonight so I don't know if you had your traffic
10 engineer discuss this, how this will impact the
11 traffic on Rosewell and John Street.

12 MR. TUVEL: Yeah.

13 We discussed that at the last meeting
14 and also provided a comprehensive traffic report to
15 the board as well.

16 MR. PAULUKIEWICZ: Could you give me
17 just a quick -- no problem.

18 MR. TUVEL: It wouldn't really be for
19 Bob to do that. If the board wants -- is okay with
20 me summarizing the levels of service study. All
21 intersections and driveways were barely --

22 MR. PAULUKIEWICZ: I'm talking
23 specifically Rosewell and John Street, the streets,
24 how they'll be affected. Because you have a school.
25 You have the lighthouse.

1 MR. TUVEL: I don't think it would be
2 proper for me to do it.

3 Other than to tell you that it was
4 compressively done. We found that there would be no
5 substantial detriment to the surrounding area.

6 MR. PAULUKIEWICZ: It's in the
7 transcript.

8 MR. TUVEL: Yes, it is.

9 MR. PAULUKIEWICZ: I'll find it.

10 MR. TUVEL: And also the report is part
11 of the record as well.

12 CHAIRWOMAN SZARO: There was a separate
13 traffic report.

14 MR. TUVEL: Yes, there is, there is.

15 CHAIRWOMAN SZARO: We'll make sure you
16 get that.

17 Any other questions, Bob?

18 MR. PAULUKIEWICZ: I'm looking here.
19 No.

20 CHAIRWOMAN SZARO: Okay, Jason?

21 MR. VALETUTTO: The first thing I
22 wanted to touch upon was garage doors. Building 2,
23 based on your testimony, there's only one -- there's
24 only going to be one door, correct? Because the site
25 plan had shown two. Your architectural plan only

1 shows one. I just want to verify, there's only going
2 to be one garage door entrance.

3 MR. HILLIER: There's one --

4 MR. VALETUTTO: I'm talking Building 2.

5 MR. HILLIER: There's only one.

6 MR. VALETUTTO: And as for Building 1.

7 MR. HILLIER: There are two for
8 Building 1 also? For Building 2? I'm sorry, I stand
9 corrected. There are two for it.

10 MR. VALETUTTO: On the architectural
11 plans there isn't a second door shown, but on the
12 site plan there was. That's why I wanted to clarify
13 that for now.

14 MR. HILLIER: All right, it's a good
15 question. I'm sorry, I thought you were...

16 Where is the second one? Here.

17 MR. VALETUTTO: Yeah, right there is
18 where it's shown on the site plan.

19 But on the architectural plans there
20 are two. So they will be shown.

21 MR. HILLIER: Yes. We will correct the
22 record.

23 MR. VALETUTTO: Then going to Building
24 2, I think it was the reverse, I think. One of the
25 plans showed that there was only one door, and the

1 other plan showed there was two. I just want to
2 verify that there are two. One is going to be on the
3 side, like, the main road in. And then the other
4 one...

5 MR. HILLIER: You come in here
6 (indicating).

7 MR. VALETUTTO: And that's only going
8 to be an entrance on the side.

9 MR. HILLIER: Yes.

10 MR. VALETUTTO: And only an exit on the
11 other, correct?

12 MR. HILLIER: That's correct.

13 MR. VALETUTTO: I just wanted to make
14 sure that that was the case, because I didn't want
15 any conflicting movement inside that garage.

16 MR. HILLIER: No.

17 Absolutely.

18 MR. VALETUTTO: Then from a testimony
19 standpoint... I think that's Building 1. It's either
20 Building 1 or Building 2. You have something labeled
21 "Package Cold" in the garage room.

22 MR. HILLIER: That was this here. And
23 the reason it was "Package Cold" is it's just not
24 heated.

25 MR. VALETUTTO: Okay. So it's just a

1 storage area.

2 MR. HILLIER: No. It's where you pick
3 up your packages.

4 MR. VALETUTTO: Oh, that's the package
5 -- so that's the delivery room, okay.

6 MR. HILLIER: Yeah.

7 MR. VALETUTTO: And then can you go
8 over -- I had comments about that studio type A, B,
9 C, and then two bedrooms A, B, C, D.

10 And then can you just tell us where --
11 is that all three buildings? Because it wasn't clear
12 when you got to the floor plan of each unit. It
13 wasn't clear which building that they were in
14 reference to.

15 MR. HILLIER: Okay.

16 MR. VALETUTTO: I'm looking at page 17
17 of my report, testimony for Sheet A-650.

18 UNKNOWN SPEAKER: The units are
19 basically throughout the buildings.

20 MR. STAHL: If you're going to -- you
21 have to get sworn. He can whisper in your ear.

22 MR. HILLIER: On this count, in terms
23 of studios, for instance, Building 3 only has four
24 studios, and Building 2 has 30 studios, and Building
25 1 has 40 studios so...

1 MR. VALETUTTO: Okay. But those floor
2 plans that you're listing it on, page A-650, that's
3 for all three buildings? Those floor plans will be
4 similar in each building? That's all I wanted to get
5 at.

6 MR. HILLIER: Yes.

7 MR. VALETUTTO: The same question for
8 one-bedroom and two-bedroom, it's the same throughout
9 each building.

10 MR. HILLIER: Yes.

11 MR. VALETUTTO: I think that's -- I
12 think you pretty much hit everything on testimony.
13 Everything else is in relation to the plans
14 themselves.

15 Tom, are we satisfied with the response
16 on the pool?

17 MR. KELLY: Yes, Jason.

18 I think we'll hold off on that at the
19 time of permit application. I mean, Jason is
20 referencing the question about the access to the pool
21 for the beach walk. I know we talked about it. You
22 said there's going to be a 6-foot barrier, but nobody
23 has really identified what the barrier is going to be
24 constructed of. It's going to be a retaining wall.

25 Obviously it can't be a berm. It can't

1 go over fence, some type of solid barrier.

2 MR. HILLIER: I think it will be a
3 fence.

4 MR. KELLY: A fence.

5 MR. VALETUTTO: I just wanted to make
6 sure.

7 MR. KELLY: Which is fine, as long as
8 we know we have about a 40-inch barrier.

9 MR. VALETUTTO: For Building 3, I know
10 it's not a wading pool, but that pool, I didn't see
11 it called out on the plan. That was a shock to me
12 that there's something there.

13 Can you just have that labeled on the
14 plan? It's not a wading pool. But I know what
15 you're talking about. Just purely to get your foot
16 wet.

17 MR. KELLY: I'm assuming that's, like,
18 a 10- or 12-inch depth of water and that's it.

19 MR. HILLIER: Yeah. You get your feet
20 or butt in.

21 MR. STAHL: It's got its own filtration
22 system.

23 MR. HILLIER: Yes.

24 MR. STAHL: Is it temperature
25 controlled?

1 One would not want their toes to get
2 frozen.

3 MR. HILLIER: I don't know about the
4 temperature control, but it is filtered. We'll meet
5 all the code standards.

6 MR. VALETUTTO: Yeah, I think I'm good.

7 CHAIRWOMAN SZARO: Any other?

8 MR. FORSHNER: I just had one other
9 follow-up question. If you could put up the site
10 plan, the overall site plan again.

11 MR. STAHL: We lost the signal.

12 MR. FORSHNER: Maybe just verbalize it.
13 The concern that I had, or I guess what -- yes, some
14 clarification.

15 If there is an emergency at the pool,
16 how does the emergency services vehicle get to the
17 pool and address that?

18 MR. HILLIER: Well, that's a good
19 question. It would come here.

20 MR. FORSHNER: Okay.

21 MR. HILLIER: And that's probably, I
22 guess, a total trip of maybe 150 feet to get to the
23 pool.

24 Now, the pool --

25 MR. FORSHNER: Is there a clear

1 pedestrian path from there?

2 MR. HILLIER: Yeah.

3 And the pool -- the pool is such that
4 if somebody is in trouble, you can pull them out on
5 this deck right away.

6 And an ambulance can get here
7 (indicating). And it's not a big deal actually to
8 take this path and get to that pool deck.

9 MR. FORSHNER: Okay. It just wasn't
10 obvious where there's a pedestrian path for that
11 purpose.

12 MR. HILLIER: You can get the ambulance
13 right to the pool there.

14 MR. VALETUTTO: One more thing I just
15 saw in my report. Can you touch upon the units
16 themselves, how many are actually built for handicap,
17 or if they are handicapped convertible for, like, you
18 know, showers that they are able to wheel in and that
19 nature? Obviously there's elevators that every room
20 can be accessed by a handicapped.

21 MR. KELLY: They all need to be
22 adaptable.

23 MR. HILLIER: That's right.

24 MR. KELLY: Every one of them needs to
25 be adaptable.

1 MR. HILLIER: They are all adaptable.
2 And I think 9 percent of them are, in fact --

3 MR. VALETUTTO: Constructed as. Pretty
4 much constructed as, gotcha.

5 CHAIRWOMAN SZARO: Any other questions?

6 (No response.)

7 MR. TUVEL: So with that, Madam Chair,
8 I think we have our last witness, our Professional
9 Planner Keenan Hughes.

10 Thanks, Bob.

11 MR. STAHL: Sir, if you'll raise your
12 right hand?

13 In this matter, do you swear the
14 testimony you're about to give is the truth, the
15 whole truth, and nothing but the truth, so help you
16 God?

17 MR. HUGHES: Yes, I do.

18 K E E N A N H U G H E S, AICP, PP, LEED AD
19 33-41 Newark Street, 3rd Floor, Suite D, Hoboken,
20 New Jersey, having been duly sworn, testifies as
21 follows:

22 MR. STAHL: Please state your name and
23 spell your last name.

24 MR. HUGHES: It's Keenan Hughes,
25 H-U-G-H-E-S.

1 VOIR DIRE EXAMINATION

2 BY MR. TUVEL:

3 Q. So, Mr. Hughes, can you go through your
4 qualifications for the board: Educational
5 background, licenses held as a planner, and
6 experience testifying before similar boards?

7 A. Sure.

8 I'm a licensed planner in the State of
9 the New Jersey, and a member of the American
10 Institute of Certified Planners.

11 I have a Master's degree in the field
12 of Professional Planner from the Pratt Institute.

13 And I'm a principal of Phillips Preiss,
14 which is a planning firm based in Hoboken, New
15 Jersey.

16 And I represent municipalities and
17 private clients throughout the state. And I have
18 appeared as an expert in many communities, including
19 over a dozen in Middlesex County.

20 MR. TUVEL: I would ask that the board
21 would accept Mr. Hughes as an expert in the field of
22 professional planning.

23 CHAIRWOMAN SZARO: Does anyone from the
24 board have any objections of this expert?

25 (No response.)

1 CHAIRWOMAN SZARO: We will accept him.
2 No.

3 MR. TUVEL: Great.

4 Thank you.

5 DIRECT EXAMINATION

6 BY MR. TUVEL:

7 Q. So, Keenan, in preparation of this
8 application, you reviewed all the application
9 materials, plans and reports?

10 A. I did.

11 Q. You've heard all the testimony that's
12 been given so far?

13 A. Yes.

14 Q. You visited the site and surrounding
15 area?

16 A. Yes.

17 Q. You reviewed the Redevelopment Plan and
18 the Master Plan that are relevant to this
19 application?

20 A. I have.

21 Q. So there's two aspects, I guess, of
22 this application that I want you to address: One is
23 overall compliance with the Redevelopment Plan; and
24 second is, we do have some deviations with respect to
25 signage that I'd also like you to address as well.

1 A. Sure.

2 Q. Start with just overall compliance with
3 the Redevelopment Plan.

4 A. Right.

5 So this property, as you know, is
6 located within the B-12 District Redevelopment area.
7 It's subject to the Redevelopment Plan the city
8 adopted back in 2014. It's been amended a few times.

9 And as I read that document, in a
10 nutshell in terms of its purpose and intent, the city
11 is really looking for revitalization of some of these
12 underutilized waterfront properties in a way that
13 advances development with an emphasis on residential
14 development as well as providing open space and
15 recreational communities, not just for these new
16 projects, but for the community as a whole.

17 And I think this project advances both
18 of those concepts.

19 You've heard a lot of about the
20 appropriateness of this site in terms of residential
21 use. Certainly its location in connection with the
22 train station, the local business community, is very
23 important. There's a great opportunity for
24 transit-oriented development in Smart Growth.

25 I think it's also worth noting that

1 this project, while retail is permitted by the plan,
2 it does not contain any large-scale retail uses.
3 These are new residences, new households, that are
4 going to be supporting the existing local business
5 development, again, within walking distance of many
6 of those businesses.

7 And then, secondly, as it relates to
8 open space and recreation, you've heard a lot of
9 testimony. You've seen all the wonderful drawings.
10 And this project will reconnect the city to the
11 waterfront in a lot of ways. It will provide new
12 open space amenities, again not just for these new
13 residents, but for the community as a whole.

14 And then there's also a resiliency
15 aspect to what's going on here on the waterfront,
16 which is really important, especially in today's
17 world.

18 So that's how the project, I would say,
19 furthers the purpose and intent of the plan. I would
20 also just note that this project not only complies
21 with the plan, but this project is actually less
22 intense and less dense than what's actually
23 permitted.

24 So, for example, the density
25 requirement in the Redevelopment Plan is ten units

1 per acre as a maximum. This project is roughly 9.21
2 units per acre.

3 Likewise, building height, eight
4 stories is permitted. This project is a maximum of
5 five stories.

6 Impervious coverage, 70 percent is
7 permitted; 13.9 percent is proposed.

8 So, in general, this project is less
9 intense, again, than what the Redevelopment Plan
10 actually allows.

11 And the only deviations we're seeking
12 here in connection with this application relate to
13 signage. And I think a lot of that is because the
14 Redevelopment Plan basically defers to the existing
15 underlying ordinance in terms of signage. So we are
16 requesting some relief for the sign package. And I
17 guess if I could click back to...

18 Q. Yeah.

19 I think just we left off -- let me just
20 make sure. I'll indicate where we left on exhibits.
21 All right, so we ended at Exhibit A-32?

22 A. Right.

23 And this was really just to, as a
24 reference point, is to talk about compliance with the
25 plan.

1 But I'll leave it up just to reference
2 the locations of the proposed signs.

3 We are proposing three standing signs
4 at the two primary vehicular entrances to the
5 project. One being along Rosewell Avenue in between
6 Buildings 1 and 2.

7 And then the other, basically, along
8 O'Leary Boulevard near the vehicular entrance to
9 Building 3.

10 And then there's additional building
11 signage proposed as well. And that's shown here on
12 Exhibit 33 (indicating).

13 So the relief we're seeking is for the
14 maximum number of signs. So the ordinance and
15 Redevelopment Plan permit two for this entire
16 project. We are proposing six. So that's four
17 facade signs and the two freestanding signs.

18 You see here on Exhibit 33, the facade
19 sign is basically a vertical roughly 21-foot-tall
20 sign, which just identifies the name of the building.

21 And then the freestanding sign is
22 basically a monument sign from top to bottom about
23 7 feet, which will be located at those two driveway
24 entrances.

25 The illumination for these signs, for

1 the wall signs, will be a halo-lit, back-lit sign,
2 very subtle illumination coming from behind the sign.

3 And then the two freestanding signs
4 will be lit from the ground. So they'll be
5 externally illuminated, just a subtle glow from the
6 ground up on those freestanding signs.

7 The sign area permitted is 6 square
8 feet, whereas the facade sign is roughly 21.72 square
9 feet, and the freestanding signs are 19.8 square
10 feet.

11 And the location of the signs, we also
12 are seeking relief from the requirement that the sign
13 cannot exceed the base of the second floor
14 windowsill, whereas these wall-mounted signs are
15 clearly mounted slightly higher on the building.

16 And then, finally, the setback of the
17 freestanding signs. They're required 25 feet from
18 the right-of-way, whereas 10 feet is proposed.

19 So these deviations here can all be
20 justified basically on the (c)(2) criteria, which is
21 that the benefits of granting the deviations
22 substantially outweighing any detriments and purposes
23 of the Municipal Land Use Law would be advanced
24 through the grant of the variances.

25 So, again, the Redevelopment Plan does

1 not have specific standards for signs for this
2 project or any other redevelopment project. It
3 defers to the underlying ordinance. So those
4 requirements are really not tailored to a
5 multibuilding project of this scale. Clearly we need
6 more than just two signs.

7 So for a number of signs, the location
8 of these at the two main driveway entrances are
9 certainly reasonable, in my opinion.

10 And the facade signs are similarly
11 spread out, so there only signs -- there are signs on
12 each building, but we don't have, you know, a
13 preponderance of wall signs on one single building.

14 And on Building 3, two signs are
15 proposed on different facades so that there is a form
16 of identification both from the nearby right-of-way
17 and the public walkway along the waterfront area.

18 And the sizes and locations of these
19 signs are also appropriate. As shown on the
20 elevations, the facade signs take up a very small
21 portion of the wall on which they're mounted. You
22 have the vertical layout here, which really
23 necessitates them being installed above the second
24 floor windowsill.

25 And these signs have a consistent look

1 that's really just tied to the overall branding of
2 the building.

3 But, significantly, they're
4 understated. These are beautiful buildings designed
5 by Mr. Hiller, and these signs are really not going
6 to detract or undermine the architectural integrity
7 of these structures.

8 And then just, finally, the setback of
9 the proposed signs, both signs will be separated from
10 nearby developments by at least the width of a
11 right-of-way.

12 And at the same time, these are signs
13 that do not contain animations, flashing lights, or
14 other effects that may cause disruption to traffic.
15 And really a 6-foot square -- a 6-square-foot
16 compliant sign at a distance of 25 feet from the
17 property line would not have sufficient visibility
18 for a project of this size in this location.

19 So we feel that the setback that's
20 being proposed of 10 feet is perfectly appropriate
21 for those two freestanding signs.

22 So for those reasons, I think the grant
23 of the variances here for the signage would further
24 purposes A, G and C of the Municipal Land Use Law.

25 Again, really tied to the overall

1 project here in terms of redeveloping a former
2 industrial use and providing many ecological and
3 public improvements along the waterfront,
4 facilitating a residential use in an appropriate
5 transit-oriented location.

6 And also, I would say Purpose C in
7 terms of creating more publicly accessible open space
8 for the community.

9 And then, finally, as to the negative
10 criteria, there's no substantial adverse impacts from
11 any of the proposed signs and the deviations that
12 we're seeking in terms of visual impacts, aesthetic
13 impacts otherwise. And there's also no substantial
14 impairment to the Zoning Ordinance or the Master
15 Plan. This is really a unique multibuilding project
16 that's not really anticipated by the existing sign
17 ordinance and the code.

18 So, again, no substantial impairment
19 there.

20 And just in wrapping up, I think based
21 on those reasons, the applicant certainly satisfies
22 the (c)(2) criteria. So we have benefits to the
23 public, to the community, that substantially outweigh
24 any potential detriments, and the negative criteria
25 are also satisfied.

1 Q. Then also with respect to the waivers
2 regarding the curb line and the driveways that
3 Mr. Muller and Mr. Chase testified to, as a planner,
4 would you agree that those waivers can be granted as
5 well?

6 A. I did.

7 I think Mr. Muller provided some really
8 detailed testimony as it relates to that particular
9 waiver.

10 I agree, I think it meets the criteria
11 in the Municipal Land Use Law. Practical
12 difficulties, in terms of complying with that
13 particular requirement.

14 But it still meets the purpose and
15 intent of providing that separation.

16 Q. As a planner, with respect to the sign
17 deviations, do you think that the signs are
18 proportional to the facade of the building; they
19 don't look out of character?

20 A. Absolutely.

21 Q. They are not intrusive to the
22 neighboring properties?

23 A. Correct.

24 Q. Thank you very much.

25 A. Thank you.

1 CHAIRWOMAN SZARO: Thank you.

2 Any questions from the board?

3 (No response.)

4 CHAIRWOMAN SZARO: Jason?

5 MR. VALETUTTO: I concur with all the
6 planning testimony given by Mr. Hughes. I just want
7 to throw out there, the one deviation that I did not
8 hear was the projection from the wall being greater
9 than 15 inches. I just wanted to make sure that that
10 was on the record.

11 And also if you guys had what that
12 actual number was? Because there's nowhere on the
13 plans of how far the south sign is going to project.
14 It just says that they're mounted by pegs.

15 MR. TUVEL: Maximum 4 inches.

16 MR. HUGHES: Yeah, I didn't testify to
17 it because we will comply.

18 MR. VALETUTTO: It's not what it says
19 on the plan that's why I...

20 So if you're telling me it's going to
21 be less than 15, then the plan -- the site plan just
22 has to change to whatever.

23 MR. TUVEL: That's fine.

24 CHAIRWOMAN SZARO: Any other questions
25 from the board?

1 MR. FORSHNER: I do have a few.

2 First of all, I want to get clarity
3 with regard to the signs. You're showing the sign on
4 the right that says "The Cove at Manhattan Beach" in
5 that red or brick color.

6 That's the freestanding sign?

7 MR. HUGHES: Yes, that's correct.

8 MR. FORSHNER: And is that the
9 orientation, vertical like that.

10 MR. HUGHES: It is, yes.

11 MR. FORSHNER: Okay.

12 And I'm going to ask you in a minute
13 just to show us where on the plans those are going to
14 be located.

15 But before we get there, the one on the
16 left is the facade sign, correct?

17 MR. HUGHES: That's correct.

18 MR. FORSHNER: And is that tilted, or
19 is that also going to be a vertical name on the side
20 of the building.

21 MR. HUGHES: That's also vertical.

22 MR. FORSHNER: Really.

23 MR. HUGHES: Yes.

24 MR. FORSHNER: Okay.

25 Can you show us on the site plan where

1 these various signs are going to be located?

2 MR. HUGHES: Certainly.

3 So the two freestanding signs, we have
4 one located here at the driveway entrance along North
5 Rosewell Street (indicating), so it will be oriented
6 to Rosewell Street in this location.

7 Then the second is being located at the
8 corner of John O'Leary Boulevard and basically
9 Raritan Reach Road, right at the -- near the entrance
10 to Building 3 (indicating).

11 AUDIENCE MEMBER: Can you show the
12 first sign location again, please?

13 MR. HUGHES: Yes.

14 It's located right here (indicating) at
15 the driveway along North Rosewell Street in between
16 Buildings 1 and 2.

17 MR. FORSHNER: So there's two
18 freestanding signs.

19 MR. TUVEL: Correct.

20 MR. HUGHES: A total of two
21 freestanding signs.

22 MR. FORSHNER: And four facade.

23 MR. HUGHES: A total of four facade
24 signs.

25 So the facade signs are basically at

1 the main pedestrian entrances to the building. So
2 you have on Building 1, one located here near the
3 entrance at the cul-de-sac. Likewise for Building 2,
4 one located near the cul-de-sac.

5 And then on Building 3 there's actually
6 two signs. We have one located here (indicating)
7 near the public access and the entrance on this side
8 of the building. And then the other being close to
9 the pedestrian building entrance near John O'Leary
10 Boulevard and Raritan Reach Road.

11 MR. FORSHNER: So that the by on
12 Raritan Reach, will that be facing Raritan Reach
13 Road, or will that be facing O'Leary.

14 MR. HUGHES: It's going to be to this
15 facade of the building which is facing Raritan Reach
16 Road.

17 MAYOR HENRY: Will you go over that
18 area there? Because you've got two on the building
19 and one freestanding.

20 MR. HUGHES: Well, the one that's
21 freestanding here is going to have some visibility to
22 John O'Leary Boulevard. That's the real intent here
23 for those folks traveling this way.

24 Then the building-mounted sign is
25 really just tied to the lobby or entrance to the

1 building itself.

2 So it's on the other facade of the
3 building.

4 MR. TUVEL: Then, Keenan, the other one
5 is facing basically the public walkway or deck,
6 right?

7 MR. HUGHES: Correct.

8 CHAIRWOMAN SZARO: Are you able to see
9 okay, gentleman?

10 AUDIENCE MEMBER: I'll ask questions.

11 MR. FORSHNER: So the purpose of those
12 signs is really just to highlight the entrances to
13 the various buildings?

14 It's obviously not intended to be
15 visible from the traveling public along O'Leary.

16 But, apparently, you're also going to
17 have, or intended to have, or might have -- I don't
18 know if it will be -- visibility from people on that
19 walking path.

20 MR. HUGHES: I would say this one in
21 particular will have some visibility, just by virtue
22 of its location at this entrance to the promenade and
23 walking path along the waterfront.

24 MR. FORSHNER: And what's the square
25 footage of this facade.

1 MR. HUGHES: Roughly 21 square feet.

2 MR. FORSHNER: Each.

3 MR. HUGHES: Yes.

4 MR. FORSHNER: And the freestanding
5 signs, what's the square footage.

6 MR. HUGHES: Just over 19 square feet.

7 MR. FORSHNER: Roughly 4-by-4.

8 MR. HUGHES: Roughly, I think, 7-foot
9 tall including the base, and roughly just over 3 in
10 terms of the width.

11 MR. FORSHNER: And the only real
12 concern I have about what we're talking about here
13 is, at the intersection or near the intersection of
14 Raritan Reach an O'Leary, that development -- I think
15 it's called Harbor Lights -- Harbor Village, okay --
16 it has a wall there that gives them their presence,
17 if you would; it identifies that project.

18 And my understanding was that that's
19 actually on this private property. It's encroaching.

20 And the concern was, is that
21 potentially getting removed, or is there a
22 possibility of that remaining and being granted an
23 easement so that they can continue to have their own
24 separate identity?

25 MR. HUGHES: I have to defer to...

1 MR. TUVEL: Okay. So my understanding
2 is that it will be demoed as part of construction
3 then rebuilt coordinating with Jason.

4 MR. FORSHNER: So, basically, you're
5 going to substantially rebuild it, just relocate it?

6 MR. TUVEL: Correct.

7 MR. FORSHNER: And that will be subject
8 to Jason's approval in terms of what's going to be
9 rebuilt.

10 MR. TUVEL: Correct.

11 MR. VALETUTTO: My approval as well as
12 the home or townhouse association.

13 MR. FORSHNER: You're not going to give
14 them the right to approve it, but they're going to
15 give them the right to have any input.

16 MR. VALETUTTO: Well, it's going to be
17 located on townhouse property.

18 MR. FORSHNER: Fair enough.

19 MR. VALETUTTO: So they're going to be
20 changing the existing sign only facing one direction
21 on John T. O'Leary Boulevard.

22 And now my suggestion was they take the
23 sign that they're removing and kind of make a "V" so
24 it can be viewed from both directions on John
25 O'Leary.

1 MR. FORSHNER: So that the Raritan
2 Reach -- so the Harbor Village sign can be seen.

3 MR. VALETUTTO: So the Harbor Village
4 sign can be seen in both directions.

5 MR. FORSHNER: Got it.

6 MR. VALETUTTO: Like you said, the sign
7 as it stands now is currently on private property.

8 When the Harbor Village was
9 constructed, I believe the city owned that property,
10 and that's why the city granted them the right to
11 build that wall, build the sign on city property.

12 Now that it is owned privately, it's
13 their right to take it down.

14 MR. FORSHNER: I understood that.

15 And so what I think I'm recommending in
16 this particular case is that: A, it be subject to
17 your approval as to the design, location, et cetera.
18 It obviously has to -- the townhouse community, it's
19 got to be subject to their approval because it's
20 going to be located on their property.

21 But to the extent that they don't wish
22 it to be located on their townhouse property, it's
23 their choice, but they're not going to have the final
24 say in terms of the sign layout; that's going to be
25 your final say?

1 MR. VALETUTTO: Well, we want to
2 satisfy the townhouse association too. And that was
3 why my suggestion was the "V", because I'm sure they
4 want the visibility from both directions. You're not
5 taking away visibility from one direction. So that
6 we'll work with the town, or the applicant will work
7 with the town.

8 MR. FORSHNER: As long as the applicant
9 is okay with that, I'm okay with that as well, as
10 long as the residents are.

11 And then one last thing, can you
12 clarify, because my recollection is kind of hazy on
13 this, what were the design exceptions that were
14 required that you were testifying to, the waivers?

15 MR. TUVEL: There were two. One was --
16 I'm sorry -- so one was driveway distance from
17 property line less than required, about 31 feet is
18 required.

19 Then the other one was in Jason's
20 letter at the end that is, I believe, regarding the
21 curb, right, Jason?

22 MR. VALETUTTO: Yeah.

23 The curb distance from the property
24 line is less than 5 feet.

25 MR. FORSHNER: Can you just identify

1 where that is that those issues arise?

2 MR. HUGHES: Yeah.

3 Basically along the property line here
4 (indicating).

5 MR. FORSHNER: Both of those waivers
6 are there?

7 MR. HUGHES: In the driveway distance.
8 Both of them apply to that driveway as well as this
9 condition here.

10 MR. FORSHNER: Just refresh my memory.
11 What's on the north side of your project?

12 MR. HUGHES: So that's open space and
13 then the additional residential development occurring
14 to the north.

15 MR. FORSHNER: And when you're saying
16 open space, preserved open space.

17 MR. HUGHES: It's not preserved.

18 But, I mean, it will be further
19 redevelopment to the north. That's Manhattan Beach.
20 That's the original -- Manhattan Beach, that's their
21 property.

22 MR. FORSHNER: Okay, no problem, then.
23 Thank you.

24 CHAIRWOMAN SZARO: Any other questions
25 from the board?

1 (No response.)

2 CHAIRWOMAN SZARO: I just have a
3 question, just strictly curiosity.

4 Is the name of this development going
5 to be The Cove at Manhattan Beach?

6 AUDIENCE MEMBER: It's a working name
7 right now.

8 MR. STAHL: Excuse me, sir.

9 I know you're a principal.

10 MR. TUVEL: We don't have a name. The
11 name is not picked out yet.

12 CHAIRWOMAN SZARO: Just strictly out of
13 curiosity.

14 Any other questions?

15 (No response.)

16 CHAIRWOMAN SZARO: Bob, did you have
17 one?

18 MR. PAULUKIEWICZ: Yes.

19 Looking at this, the comments you have,
20 the walkways, is there any other access or value to
21 the public for the property? You know, it's
22 residential. All the yoga, the fitness, all these
23 things are all for the residents, and you have a
24 walkway that continues.

25 But is there anything else that you

1 would provide to the public?

2 MR. TUVEL: Well, the marsh area, we're
3 creating that with sort of a nature trail in that
4 area. That will be available to the public to enjoy,
5 as the landscape architect testified. So that's a
6 big part of it as well in addition to the walking
7 path. You know, we're basically building that
8 natural marsh.

9 And I apologize, I know you weren't at
10 the last meeting. But we had extensive testimony on
11 that, which is a very unique and, I think, very
12 positive element of the application as well.

13 MR. PAULUKIEWICZ: They're very
14 difficult to redevelop.

15 But I guess -- I wasn't here. Just a
16 question because I did see when you had the
17 redevelopment, the level. I don't know if this is a
18 proper thing. But there is also contamination.

19 MR. TUVEL: Right. So there will be
20 remediation in accordance with DEP regulations as
21 part of the redevelopment of the site, correct?

22 MR. FORSHNER: Mr. Tuvel, can you also
23 clarify?

24 My understanding is the walkway along
25 the water or closest to the water, that's going to be

1 public walkway.

2 MR. TUVEL: Right.

3 MR. FORSHNER: But you're also saying
4 that the walkways around the marsh area are also
5 going to be dedicated to the public.

6 MR. TUVEL: That's part of it, that's
7 correct.

8 MR. FORSHNER: Thank you.

9 CHAIRWOMAN SZARO: Any other questions
10 from the board?

11 (No response.)

12 CHAIRWOMAN SZARO: Okay. Thank you.

13 MR. TUVEL: So that concludes our
14 presentation. But we have all our witnesses here and
15 we're happy to answer any other questions that the
16 board or the public may have.

17 MR. HOREZGA: I assume you're planning
18 on opening to the public.

19 CHAIRWOMAN SZARO: Yes.

20 That's going to be next. What I was
21 going to ask is, are there any other questions before
22 we open it up to the public.

23 MR. STAHL: From the board.

24 CHAIRWOMAN SZARO: From the board.

25 MR. KELLY: Your traffic expert is

1 here, correct.

2 MR. TUVEL: Yes. Everybody is here.

3 MR. HOREZGA: Just to get to the point.

4 Do you want the people who are recused
5 from the board to comment first?

6 CHAIRWOMAN SZARO: Do you want the
7 recused board members to...

8 MR. TUVEL: I leave that to you.

9 In any order you want to call members
10 of the public is up to you. They're technically
11 members of the public.

12 CHAIRWOMAN SZARO: Well, I think what
13 we talked about before is the two of you going over
14 that way for this.

15 DR. GONZALEZ-GOMEZ: Yeah, when we
16 testify.

17 CHAIRWOMAN SZARO: Yes.

18 MR. TUVEL: However the Chair wants to
19 do it.

20 MR. STAHL: Let me ask you. So no
21 other members of the board have questions at this
22 time for the planner.

23 CHAIRWOMAN SZARO: Right.

24 MR. STAHL: So we're going to now start
25 with -- open it up to the public.

1 CHAIRWOMAN SZARO: Yes.

2 I'm going to ask for a motion to open
3 this application up to the public.

4 MR. KELLY: I make a motion.

5 CHAIRWOMAN SZARO: Second?

6 MR. FORSHNER: Second.

7 CHAIRWOMAN SZARO: All in favor?

8 (Whereupon, all present members respond
9 in the affirmative.)

10 CHAIRWOMAN SZARO: Okay, at this time
11 we'd like to open up to the public.

12 These are questions, comments,
13 concerns, only on this application.

14 And we will ask you to stay to about
15 five minutes or so. And what I'd like to do is
16 whatever questions or comments, we can address those
17 and have Mr. Tuvell and his experts respond to those
18 in order of the questions.

19 So who would like to speak?

20 MR. HOREZGA: I'll start, if that's
21 okay.

22 CHAIRWOMAN SZARO: Please.

23 MR. STAHL: Why don't you raise your
24 right hand.

25 In this matter, do you swear the

1 testimony you're about to give is the truth, the
2 whole truth, and nothing but the truth, so help you
3 God?

4 MR. HOREZGA: I do.

5 A N D R E W H O R E Z G A,

6 120 Rosewell Avenue, South Amboy, New Jersey,

7 having been duly sworn, testifies as follows:

8 MR. STAHL: Please state your name, and
9 just spell your last name and please provide your
10 address.

11 MR. HOREZGA: Andrew Horezga.

12 The last name is spelled H-O-R-E-Z-G-A.

13 The address is 120 South Rosewell Street.

14 Is the microphone working? I need to
15 make that effort...

16 MR. PAULUKIEWICZ: If you can speak
17 louder.

18 MR. STAHL: We can all hear you.

19 MR. PAULUKIEWICZ: The people behind
20 you may not.

21 MR. HOREZGA: Okay. Just a couple of
22 quick things for clarity.

23 As far as the project starting, the
24 timeline, they spoke last time about a Phase 1, 2 and
25 3.

1 Is this project moving forward with
2 construction contingent on the tax abatement from the
3 city?

4 MR. MULVEY: We can't hear you.

5 CHAIRWOMAN SZARO: Maybe you do need
6 the microphone.

7 MS. RUSSO: It was on before.

8 MR. STAHL: Mr. Tuvel -- there it is.
9 It's on.

10 MR. HOREZGA: So the question was, just
11 for clarity, as far as the timeline for beginning
12 Phase 1, is the project starting, assuming zoning
13 approval, proceeding the construction contingent on
14 the tax abatement, the PILOT program for the project?

15 MR. KELLY: So I don't think that's for
16 the board. We don't have anything to do with the
17 PILOT program.

18 MR. HOREZGA: Just in regards to as far
19 as construction timeline, there's no...

20 MR. STAHL: Well, let me try to answer
21 that for you, Andrew.

22 The project is subject to SARA
23 approval, which would be subject to a developer's
24 agreement in view of the architectural. And normally
25 the PILOT would be part of the developer's agreement.

1 Further again, unless Mr. Tuvel has a
2 -- normally construction, building permits would not
3 be issued until resolution and compliance from Jason
4 and the Building Department. And then you can put a
5 shovel in the ground.

6 But that would not normally occur until
7 all the conditions were satisfied.

8 Would you agree with me, Jason?

9 MR. TUVEL: Correct.

10 And the reason we show the phasing was
11 not only to indicate that the project would be
12 phased, but also that there would be compliance with
13 parking, stormwater during the phasing of the
14 application.

15 MR. HOREZGA: Yeah, so just to clarify.
16 I'm not interested in the PILOT. I'm just, kind of,
17 curious as far as maybe a timeline of when the
18 construction would start in perfect world.

19 I guess the reason for going into it
20 is, this is a big project. The biggest building in
21 South Amboy's history. Big for any town. A lot of
22 details. A whole team of professionals with quite a
23 long history and teaching credentials and very
24 impressive presentations.

25 In order to digest and, kind of, give

1 something that's a little bit easier to understand,
2 I'd ask if it's possible that the board ask for a
3 special request to provide some kind of 3D modeling
4 of the project on scale.

5 And my second question was --

6 MR. STAHL: Let's start with the first.
7 You raised a good question.

8 Mr. Tuvel, forgive me if on the
9 computer -- Zoom -- I didn't catch it. Has there
10 been a phasing plan submitted?

11 MR. TUVEL: Yes.

12 MR. STAHL: Okay. Could you maybe just
13 recap it quickly for us?

14 MR. TUVEL: I think it will be better
15 if Mr. Muller did that, just our engineer.

16 Is that okay, Tom?

17 MR. STAHL: Sure.

18 Is that good, Andrew?

19 MR. HOREZGA: I guess they'll get into
20 that.

21 But the question is providing a
22 physical prototyped model of the development, not
23 only for future use but also to kind of clarify some
24 questions that I had earlier that weren't addressed,
25 my first comments with the elevations.

1 So tonight we heard testimony on
2 Exhibit 27 about the elevation being a 57-foot height
3 for the buildings. The plans that I received and
4 reviewed indicated 74 foot and higher height of the
5 buildings as constructed.

6 And the big question I have regarding
7 that, in the plans presented, there's a 10-foot
8 elevation at grade before construction even starts.
9 If we go back to Exhibit 27 that shows kind of
10 perspective, that's not indicated as architectural
11 renderings.

12 I'm just trying to get clarity on that,
13 that difference. So I don't know if you want to go
14 back to 27.

15 MR. TUVEL: Do you want just,
16 Mr. Hillier, to testify what the max height of the
17 building is?

18 MR. HOREZGA: No.

19 But also to understand -- I guess we
20 can't reference what was shown. In Exhibit 27 that
21 was shown, they're showing cars that are at the
22 ground height of the building.

23 But the plans that I reviewed indicate
24 that there's going to be a raise of the grade by
25 10 feet.

1 Is that accurate?

2 And, again, maybe perhaps a 3D
3 rendering in real space would help with these kind of
4 questions.

5 MR. KELLY: Can we -- I'm sorry. Let's
6 start with the phasing first, if we could.

7 MR. HOREZGA: Sure.

8 MR. KELLY: Then we can get into the
9 base flood elevation, because I think that's where
10 we're going to need the engineer because I think,
11 Mr. Horezga, that's what you're referencing?

12 MR. HOREZGA: Not even for flood
13 purposes, but just, for example, if there is an
14 elevation of 10 feet, this entry that they're showing
15 between Buildings 1 and 2, I believe, is that going
16 to be inclined.

17 MR. KELLY: Yeah, why don't we start
18 with the phasing, if that's okay? Maybe we can move
19 on.

20 MR. TUVEL: First, I know you testified
21 to this earlier.

22 State your name for the record.

23 MR. MULLER: Thomas Muller.

24 MR. STAHL: Mr. Muller has previously
25 sworn and qualified at the last meeting.

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 previously sworn,
4 continues to testify as follows:

5 DIRECT EXAMINATION

6 BY MR. TUVEL:

7 Q. Tom, you're still a licensed
8 Professional Engineer in good standing in the State
9 of New Jersey.

10 A. Yes.

11 Q. So you testified about the phasing plan
12 at the last meeting. Can you just answer the
13 individual's question, just a very brief overview of
14 phasing?

15 A. Yeah.

16 The three phases of the project are
17 identified on the architectural plan. Phase 1 is
18 going to be built with the middle building first and
19 all the public amenities.

20 Phase 2 would be the second building,
21 which is on the left of Exhibit 32. And then Phase 3
22 will be the final building, which is on the right of
23 Exhibit 32.

24 But, overall, most of the improvements
25 are going to be constructed under Phase 1, which

1 includes the middle building and all the public
2 amenities, the cul-de-sac road, and everything
3 surrounding that.

4 MR. TUVEL: Okay. What was -- now ask
5 your second question.

6 MR. KELLY: Do we have a ballpark
7 between 1, 2 and 3?

8 MR. TUVEL: Timing-wise.

9 MR. KELLY: Ballpark? I know we can't
10 hold you to it. Listen, what's going on with COVID,
11 materials, availability, the cost.

12 MR. TUVEL: Let him answer the next
13 question. That's more of a business question versus
14 an engineering.

15 MR. KELLY: I'm not sure if that's
16 where Mr. Horezga is going.

17 MR. TUVEL: So go ahead, ask your
18 second technical question.

19 MR. HOREZGA: If we could, is it
20 possible to pull up Exhibit 27? Is that possible?
21 Okay.

22 So my question is, in this rendering it
23 shows that the building foundation is at the same
24 elevation to street grade

25 Is that accurate?

1 MR. HILLIER: That's correct.

2 MR. HOREZGA: Okay.

3 So in the plans that I reviewed there's
4 an indication specifically -- I guess, Jason, if you
5 want to look at Sheets A-200 to 204, it shows that
6 that grade will be elevated by 10 feet.

7 Is that correct?

8 MR. HILLIER: Yes.

9 At the entrance point, it's at street
10 level but then it climbs.

11 MR. HOREZGA: Right.

12 So that's not what your planning is
13 actually not rendering, so I'm having a very hard
14 time understanding visually. Is this entrance going
15 to be elevated? Will it go up and then plateau?

16 MR. HILLIER: It shows it as climbing.
17 So at the grade of the buildings, the foreline of the
18 buildings at the end there is at this point
19 (indicating).

20 In other words, that is a rising drive
21 all the way to the cul-de-sac.

22 MR. TUVEL: Bob, the renderings --

23 MR. HILLIER: I can sort it out.

24 There's a confusion about the 73 feet or something,
25 right.

1 MR. HOREZGA: Correct.

2 Based on the drawings that I reviewed,
3 it's 73. I don't know if that's from the grade or...

4 MR. HILLIER: Yeah, let me explain.
5 The buildings themselves -- I'll back up. Where
6 is... and I appreciate the question, really.

7 MR. HOREZGA: Yeah. I guess if your
8 answer -- if you could just specify what, I guess,
9 the effective height would be for the residents along
10 there as well.

11 MR. HILLIER: Yeah, okay.

12 MR. TUVEL: While Bob's getting to
13 that, Mr. Kelly, to answer your question.

14 Approximately, each phase is about 18
15 months.

16 MR. KELLY: Okay, Mr. Horezga, about 18
17 months between phasing.

18 MR. HOREZGA: Okay, great.

19 MR. HILLIER: Okay, let me show you
20 what...

21 MR. TUVEL: All right. So we're on
22 Exhibit A-20, right.

23 (Whereupon, Elevation is marked as
24 Exhibit A-20 in evidence.)

25 (Whereupon, Building 1 - First Floor

1 Plan Depicting Residential and Amenity
2 Spaces is marked as Exhibit A-22 in evidence.)

3 (Whereupon, Building 2 - First Floor
4 Plan Depicting Residential and Amenity
5 Spaces is marked as Exhibit A-23 in evidence.)

6 (Whereupon, Building 3 - First and
7 Second Floors Depicting Parking, Residential,
8 and Amenity Spaces is marked as Exhibit A-24
9 in evidence.)

10 (Whereupon, Aerial View of Existing
11 Site - Looking Southwest is marked as Exhibit
12 A-25A in evidence.)

13 (Whereupon, Aerial View of Proposed
14 Project Same Viewpoint as A-25A is marked as
15 Exhibit A-25B in evidence.)

16 (Whereupon, Aerial View of Existing
17 Site Looking North is marked as Exhibit A-26A
18 in evidence.)

19 (Whereupon, Aerial View of Proposed
20 Project Same Viewpoint as A-26A is marked as
21 Exhibit A-26B in evidence.)

22 (Whereupon, Rendering of Cove Drive
23 from N. Rosewell Street looking Southeast is
24 marked as Exhibit A-27 in evidence.)

25 (Whereupon, Rendering of the

1 Cul-De-Sac Courtyard View From a Rooftop
2 Apartment is marked as Exhibit A-28 in
3 evidence.)

4 (Whereupon, Rendering of View from
5 Building 3 Overlooking Tidal Marsh is marked
6 as Exhibit A-29 in evidence.)

7 (Whereupon, Rendering of View From the
8 Bay is marked as Exhibit A-30 in evidence.)

9 (Whereupon, Rendering of View Along the
10 Beach Promenade is marked as Exhibit A-31 in
11 evidence.)

12 (Whereupon, Rendered Site plan -
13 Planning is marked as Exhibit A-32 in
14 evidence.)

15 (Whereupon, Signage Diagram is marked
16 as Exhibit A-33 in evidence.)

17 MR. HILLIER: Okay, yes. The grade
18 right now is basically at the street level, which is
19 at basically here (indicating). Okay.

20 So the grade is raised by 10 feet. The
21 overall site is raised by 10 feet. To get from the
22 street up to that 10 feet is why there's that long
23 cul-de-sac. And the cul-de-sac is 10 feet above the
24 grade, which is at this point.

25 Now, the buildings themselves are

1 57 feet, which is from that grade to the top of the
2 building.

3 But the towers at the entrances are
4 actually 62 feet. So it's the 73 comes from the 62
5 and some inches and the 10-foot fill. That's where
6 that number came from.

7 But the whole site is taking earth from
8 the next site here and bringing it over to raise it
9 all above flood level.

10 MR. KELLY: So Rosewell Street now is
11 basically ballpark at a 9.

12 MR. HOREZGA: Yeah, that helps.

13 MR. KELLY: Ballpark. So what they're
14 looking at is about 18, 19, because of the BFE.

15 MR. HOREZGA: Is that's going to go
16 across the entire waterfront including salty --

17 MR. KELLY: Everything. Everything is
18 going to be --

19 MR. HOREZGA: So that will effectively
20 be a huge bedroom.

21 MR. KELLY: Everything is going to be
22 ramped in.

23 MR. HOREZGA: All right, I appreciate
24 that.

25 As far as the tidal pool goes, the same

1 comment as last time. What phase will that go in?

2 And who is going to be responsible for
3 not only maintaining it over time, but also ensuring
4 that the flow that's being, you know, presented to
5 the city will be maintained?

6 If they'd be gracious enough to go to
7 Slide 26B, Exhibit 26B, we can take a look at the
8 proposed area. And I have a question specifically
9 about that.

10 MR. HILLIER: I'm sorry, I'm not
11 following you.

12 MR. HOREZGA: Yeah. If we can go to
13 Exhibit 26B.

14 MR. HILLIER: Oh, okay.

15 CHAIRWOMAN SZARO: Andrew, just a
16 reminder, we don't want to give any special
17 consideration to board members.

18 So feel free to just answer this
19 question, but I just want to make sure that we don't
20 give you any preferential treatment.

21 MR. TUVEL: I just want to answer the
22 question before about the maintenance.

23 CHAIRWOMAN SZARO: Yes.

24 MR. TUVEL: So the marsh goes in Phase
25 1. And the owner is going to hire a special

1 consultant, an environmental consultant, to maintain
2 that marsh area.

3 MR. HOREZGA: Just a comment.

4 Essentially our waterfront doesn't look
5 like that now. Not the marsh part, just even the
6 sand deposits in that area of inflow.

7 The concern to the board is that
8 they're presenting, you know, it's going to create a
9 tidal marsh that would be a net benefit to the
10 public, that that be maintained, you know, and be
11 strongly enforced to the extent that it can be,
12 because I don't know what models were used, a
13 shoreline model. The history is there has been some
14 silt in the area. There have been issues in the past
15 with the seawall of that area and in-flow from the
16 previous boatyard.

17 And if there is a new kind of proposal
18 for that area, I just encourage the board to strongly
19 make sure that they'll be able to deliver this and
20 retain it over the time, which I think would be a
21 very good thing for the city. Real quick.

22 MR. STAHL: That will be subject also
23 to the developer's agreement. That's a maintenance
24 issue and would be subject to the developer's
25 agreement and other jurisdictions having control over

1 the beachfront.

2 MR. TUVEL: Yeah, I was going to say,
3 DEP obviously will weigh in on that heavily as well.

4 MR. HOREZGA: I appreciate it.

5 Two more quick things. One question,
6 you talked about some access restriction for
7 residents, will there be physical security present in
8 the building or will all sort of corporal, so to
9 speak, security be the responsibility of the South
10 Amboy Police Department?

11 MR. TUVEL: So we testified -- I think
12 we spoke about that. I think at the first meeting we
13 spoke about that.

14 There will be security cameras onsite.
15 There will be supers onsite. There will be property
16 management onsite, 24-hour security systems.

17 So I don't think...

18 The building itself, the private
19 property, will not be relying on the local police
20 department.

21 MR. HOREZGA: Okay.

22 And then, finally -- I appreciate it.
23 Finally, again for the architectural review, but they
24 presented the Accoya wood. And just for a future
25 consideration, a wood product, we are on the coast.

1 So mold and UV degradation over time, aesthetically,
2 whoever does review that, I hope they consider that.

3 Just close by us, asking again if, you
4 know, the developer seems very gracious and willing
5 in trying to do their best to meet the city and do
6 what's best here. If you guys can generate a
7 prototype, 3D. It's not complex. You know, it's
8 really cheap. You can get -- not necessarily the
9 floor plans, but just the size and scale and maybe,
10 you know, a model.

11 MR. TUVEL: Do you mean, not on paper?
12 You mean a physical model?

13 MR. HOREZGA: Correct.

14 MR. TUVEL: Okay.

15 MR. HOREZGA: Again, not detailing all
16 the details in the plan, but just the size and scale.
17 Maybe a 3-by-4 plot with a 3D rendering of it.

18 I think it would go a long way.

19 Thank you. I appreciate it.

20 CHAIRWOMAN SZARO: Thank you.

21 Does anyone else from the public?

22 Anyone else from the public like to speak? Please.

23 Good evening.

24 MR. STAHL: Thank you very much.

25 In this matter do you swear the

1 testimony you're about to give will be the truth, the
2 whole truth, and nothing but the truth, so help you
3 God?

4 MR. ING: I do.

5 A L A N I N G,

6 105 Augusta Street, South Amboy, New Jersey,
7 having been duly sworn, testifies as follows:

8 MR. STAHL: Please state your name and
9 spell your last name.

10 MR. ING: My name is Alan Ing. Last
11 name I-N-G.

12 I live at 105 Augusta Street.

13 MR. STAHL: 105 where?

14 MR. ING: Augusta.

15 So Exhibit, I believe, 27 showed a
16 visual of the street of the buildings split off --
17 the perspective of Rosewell, there were some trees
18 there. Right there (indicating).

19 And the last meeting, you guys showed a
20 visual where there would be trees on the other side.

21 MR. TUVEL: Yeah.

22 Thank you for bringing that up. That
23 was a mistake.

24 There will be no trees on the opposite
25 side of the street. Sorry about that.

1 MR. ING: There was no room.

2 MR. TUVEL: That was on the plan. We
3 withdrew that.

4 That was not part of the plan.

5 MR. ING: The three buildings here
6 (indicating) they have that rather large footprint.
7 Has there been any consideration for solar panels to
8 be put on the rooftops and solar on the tops of the
9 garages.

10 MR. TUVEL: I don't know if there's
11 been any consideration at this time.

12 But, obviously, the developer could
13 look into that in the future if they see that's, you
14 know, something that would work for the building.

15 MR. ING: Okay.

16 And then the osprey tidal marsh area,
17 floods periodically.

18 Is that right?

19 MR. TUVEL: I would ask -- Tom, can you
20 just come back and speak to that.

21 MR. ING: I think that's 25.

22 MR. BALSLEY: Do I need to be sworn in?

23 MR. STAHL: Just remind me of your
24 name.

25 MR. BALSLEY: Tom Balsley, the

1 landscape architect.

2 MR. STAHL: You look different than on
3 the TV.

4 MR. BALSLEY: Don't we all.

5 MR. TUVEL: He's better looking.

6 MR. STAHL: You're previously sworn and
7 qualified.

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

9 31 West 27th Street, 9th Floor, New York, New
10 York, having been previously sworn, continues to
11 testify as follows:

12 MR. STAHL: Go ahead.

13 MR. ING: The osprey marsh area, will
14 that be periodically flooded too.

15 MR. BALSLEY: Yes.

16 MR. ING: Yes. So that public walkway
17 has flooded as well.

18 MR. BALSLEY: Well, yes, the public
19 walkway will be flooded, of course. That's in a
20 major flood, though. The marsh is all about the
21 normal tides, the high tides coming in and out.

22 MR. FORSHNER: Could you just clarify
23 that?

24 Did I hear correctly that the public
25 walkway is going to be flooded?

1 MR. BALSLEY: Well, sure. It's at
2 elevation 5.

3 So in a major storm it will be flooded.

4 MR. FORSHNER: But not ordinary tides.

5 MR. BALSLEY: Not with the tides.

6 Almost everything is going to be flooded.

7 MR. FORSHNER: We understand if we have
8 another Sandy there may be an issue.

9 MR. ING: And last month your traffic
10 engineer mentioned the increase in traffic on
11 Rosewell Street.

12 Can you go over again per hour?

13 MR. TUVEL: The peak hour.

14 MR. ING: Yes.

15 MR. TUVEL: Corey, do you have that
16 number again.

17 MR. CHASE: I do.

18 MR. TUVEL: The same thing, Corey, you
19 have sworn and accepted as an expert at the last
20 meeting under oath.

21 MR. CHASE: Understood.

22 C O R E Y C H A S E, P.E.

23 1904 Main Street, Lake Como, New Jersey, having
24 been previously sworn, continues to testify as
25 follows:

1 MR. CHASE: The peak hour traffic
2 volumes were summarized. I don't know if you had the
3 opportunity to review the traffic report.

4 So the peak hours are summarized on
5 Table 3. We deal in peak hourly volumes. Weekday
6 morning, a peak -- I'm sorry -- 166 trips in the
7 weekday morning peak hour and 208 trips in the
8 weekday peak hour.

9 Again, just for your benefit, we didn't
10 take any mass transit credit for the future ferry
11 connections or the proximity to the train station.

12 To put it into perspective, the
13 Manhattan Beach Club traffic is going to get to a
14 point 40 percent mass transit when they did they
15 calculation.

16 So I would characterizes this as
17 extremely conservative. We're not taking any credit
18 for that building.

19 MR. ING: Okay.

20 Do we, as the public, get access to the
21 shadow study?

22 MR. TUVEL: Sure.

23 I think Mr. Stahl wanted us to submit
24 that.

25 MR. STAHL: Yes.

1 That's exactly -- whoever, Mr. Hillier
2 or whoever did it, we'll get a copy. We'll post it
3 online. And it will be available here for the public
4 and for the board.

5 MR. ING: And referring to the signage
6 on Rosewell Street, what is the size of that sign.

7 MR. TUVEL: Keenan, please, one more
8 time.

9 MR. HUGHES: Are you referring to the
10 freestanding sign that's mounted on the ground or the
11 building-mounted sign?

12 MR. ING: Let's do both.

13 MR. HUGHES: Actually, on Rosewell,
14 it's just a freestanding sign.

15 MR. STAHL: You're trying to do a Q and
16 A because you're having a conversation.

17 So we're going to have trouble taking
18 it down. So why don't you get the question from him
19 and then give a response, please.

20 Thank you.

21 MR. TUVEL: I think you had a question
22 of what the square footage was of the sign on
23 Rosewell, correct?

24 MR. ING: Yes.

25 MR. TUVEL: It's 19.8 square feet.

1 MR. ING: The dimensions.

2 MR. HUGHES: Seven-feet tall.

3 And the width is, I think, just around
4 2 feet.

5 MR. ING: The illumination.

6 MR. HUGHES: It is lit from the ground.

7 MR. ING: Thank you.

8 That's all I have.

9 Thank you.

10 CHAIRWOMAN SZARO: Thank you.

11 Does anyone else from the public want
12 to be heard?

13 Please come up.

14 MR. STAHL: Please raise your right
15 hand.

16 In this matter, the testimony you're
17 about to give is the truth, the whole truth, and
18 nothing but the truth, so help you God?

19 MR. ROY: Yes.

20 D I O N R O Y,

21 104 North Rosewell, South Amboy, New Jersey,
22 having been duly sworn, testifies as follows:

23 MR. STAHL: Keep your voice up. You
24 can put your arm down. Your full name, please. And
25 spell your last for us.

1 MR. ROY: Sure. Dion Roy, R-O-Y.

2 MR. STAHL: And where do you live?

3 MR. ROY: 104 North Rosewell.

4 All right. So apologies, I missed the
5 last -- the second meeting.

6 So the setback in Exhibit-24, I guess
7 24. No.

8 Anyway, the setback from the building
9 to, you know, the residences on Rosewell, is that
10 30 feet; was that confirmed?

11 MR. TUVEL: The setback at the front of
12 the building.

13 MR. ROY: Yeah.

14 MR. TUVEL: Tom, can you just provide
15 that number.

16 MR. STAHL: Just repeat the question so
17 Mr. Muller has it.

18 MR. ROY: Can you confirm the depth of
19 the setback to -- from Rosewell.

20 MR. MULLER: Yeah.

21 From the property line to the front
22 building facade is just over 29 feet.

23 MR. TUVEL: And what's permitted?

24 MR. MULLER: The minimum permitted is
25 5 feet. So we're well over the 5-foot minimum.

1 MR. TUVEL: Okay, thanks.

2 MR. ROY: Okay.

3 In regards to the shadow analysis, like
4 Andrew, I'm still a bit confused on the grade.

5 Are we talking -- you know, from
6 Rosewell when I'm looking out of my house, are we
7 looking at 72 feet because I'm at ground, or am I
8 looking at 62 feet, or 67.

9 MR. STAHL: Yeah, Bob.

10 The question one more. I want the
11 record to be clear.

12 Then go ahead.

13 MR. ROY: At ground level from Rosewell
14 from across the street from 104 North Rosewell, what
15 is the -- what is the maximum height of the
16 penthouse, anything that could be blocking the sun.

17 MR. HILLIER: Seventy-three feet from
18 Rosewell up.

19 And the sun analysis was based on that
20 height.

21 MR. ROY: On 73?

22 MR. HILLIER: Yeah.

23 MR. ROY: Okay.

24 So at no point except 6:15 once a year,
25 8:15 once a year with a shadow.

1 MR. HILLIER: Right.

2 The shadow of the properties across the
3 street, at the latest 8:15 block in the morning.

4 MR. ROY: Okay.

5 MR. STAHL: Have you ever seen a shadow
6 analysis?

7 MR. ROY: No.

8 MR. STAHL: It actually is like -- I
9 don't know how he did it. It's like a clock that
10 actually will go, depending on the time of year, and
11 show you where the shadow line is from the building
12 to where you are.

13 MR. ROY: Okay. That's available.

14 MR. STAHL: It's an interesting --
15 interesting analysis.

16 MR. ROY: Yeah.

17 I mean, it's twice the height of my
18 home, so I do have concerns about that.

19 In terms of the illumination from the
20 freestanding signs, they're going to be -- it's going
21 to be an -- it's going to be at a height of 7 feet

22 Is that correct?

23 MR. HILLIER: Correct.

24 MR. TUVEL: That's correct.

25 MR. ROY: In terms of the light thrown

1 off, is there any kind of way to confirm it's not
2 going to come through my living room?

3 MR. TUVEL: Yeah.

4 Well, it's not an internally
5 illuminated sign. It's going to be -- the sign is
6 going to come up from the street, from the ground to
7 the sign. So you're going to see it.

8 MR. KELLY: It's indirectly lit. So
9 the sign is here. The light will go to the sign.
10 It's not from the sign out.

11 MR. HILLIER: In other words, you will
12 never see a light bulb lighting the sign.

13 Just to give you a sense of the size of
14 the sign. This is the door, and it's about the same
15 area as the sign (indicating).

16 So it's like this door. This is
17 the sign right here (indicating).

18 MR. ROY: Yep.

19 MR. HILLIER: Basically.

20 And the lights are on the ground.

21 As Mr. Kelly said, they're lighting --
22 they're lighting up from here.

23 MR. ROY: Sure.

24 MR. HILLIER: Just up here. And it's
25 basically a soft glow.

1 That's all.

2 MR. ROY: Okay. And the orientation is
3 parallel -- perpendicular to...

4 MR. HILLIER: It's towards the sign.

5 MR. ROY: No. I'm sorry. The sign's
6 orientation.

7 MR. HILLIER: Oh, the sign's
8 orientation.

9 MR. ROY: Yeah, in terms of facing
10 Rosewell.

11 MR. HILLIER: It's basically here
12 (indicating).

13 MR. TUVEL: It will not face across the
14 street.

15 It will face the street, itself.

16 MR. KELLY: It will be parallel to
17 Rosewell.

18 MR. ROY: It will be parallel to
19 Rosewell, okay.

20 MR. STAHL: Take your time.

21 MR. ROY: Yeah, thank you.

22 Just confirming, the only public
23 walkways -- so between Building 1 and 2, that there's
24 no access to the public for beach access.

25 MR. HILLIER: Yeah.

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

That's basically a private.

MR. ROY: Okay. So it's only there.

MR. HILLIER: Correct.

There is access from here (indicating).

MR. ROY: Yeah.

MR. HILLIER: And there's going to be
access here.

MR. ROY: To the beach.

MR. HILLIER: Yeah.

MR. ROY: So on the left and -- okay.
Okay, thank you.

MR. HILLIER: Sure.

MR. STAHL: Thank you.

CHAIRWOMAN SZARO: Thank you for your
comment.

Just a general comment that for any of
the exhibits or anything that you've seen tonight,
Amy, they're all on our website. Or if you have any
trouble finding them, you can contact Amy Russo.
She's our board secretary.

MR. ROY: Great.

Thank you.

CHAIRWOMAN SZARO: Would anyone else
from the public like to be heard?

Sir?

1 Hello.

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

3 In this matter, do you swear the
4 testimony you're about to give is the truth, the
5 whole truth, and nothing but the truth, so help you
6 God?

7 MR. ENKEEV: I do.

8 S A V R E N K E E V

9 108 North Rosewell Street, South Amboy, New
10 Jersey, having been duly sworn, testifies as
11 follows:

12 MR. STAHL: Please state your name,
13 sir.

14 MR. ENKEEV: My name is Savr Enkeev.

15 THE COURT REPORTER: I'm sorry, sir.
16 Please repeat it.

17 MR. STAHL: Spell your last name,
18 please.

19 MR. ENKEEV: E-N-K-E-E-V.

20 MR. STAHL: You got that.

21 THE COURT REPORTER: Yes.

22 MR. STAHL: Where do you live, sir?

23 MR. ENKEEV: 108 North Rosewell.

24 MR. STAHL: Thank you.

25 MR. ENKEEV: Basically I'm concerned

1 about the proximity of these buildings. And what
2 does the street -- how wide is the street, like,
3 30 feet.

4 MR. STAHL: Mr. Muller? Mr. Muller.
5 I'm not trying to pre-empt you, Jason. I just want
6 someone here who can answer some of the questions.

7 MR. TUVEL: I actually thought Jason
8 was going to answer it.

9 MR. MULLER: It's a 50-foot
10 right-of-way.

11 MR. ENKEEV: Just street.

12 MR. TUVEL: Yes, 50 is the street,
13 correct.

14 MR. MULLER: Between the right-of-way
15 lines, and then the cartway is less than that.

16 I don't have that exact dimensions.

17 MR. ENKEEV: Yeah.

18 Because I can't compare with the size
19 of my house. It's a little bit maybe wider, right?
20 So I mean...

21 MR. STAHL: You're forgetting the
22 cartway. The layperson may not understand.

23 What's the width of the street?

24 MR. MULLER: Between the two curb
25 lines?

1 MR. STAHL: Yes.

2 MR. MULLER: Just a very rough
3 approximation is probably about 30 feet. I don't
4 have the exact dimensions.

5 MR. ENKEEV: Okay, so basically my
6 house is about 36-feet tall, right? And this new
7 house is going to be about five stories. And it's
8 going to be about 50 feet from my house, right? It's
9 going to look like this (indicating).

10 Look, if this size -- if your house is
11 that tall, right, my house is going to be like that
12 (indicating). This is -- my house is going to be
13 like that (indicating).

14 MR. TUVEL: Let me just say, this --
15 okay, just to answer your question, so under the
16 ordinance, or under the Redevelopment Plan that
17 governs this property, so those that are involved in
18 this process, the rules that govern this property
19 that we're developing, we could build the building at
20 100 feet and 5 feet off the property line.

21 So what I'm saying is, we're building
22 the building at what Mr. Hillier indicated would be
23 about 70-some-odd feet, forgetting average grade and
24 those calculations. What it would look like to you
25 at the street line, it would be about 73 feet. And

1 it's set back almost 30 feet from the property line.

2 So from your -- from across the street,
3 going to Mr. Muller's 30 feet, it's about 60-some-odd
4 feet away from you. And that's not counting your
5 house to the sidewalk.

6 MR. ENKEEV: Yes, I understand.

7 Basically, let's say, this total size of the new
8 building, right. So it's about this (indicating).
9 And my house is going to stay here like that
10 (indicating), right?

11 It's going to be -- you know, it's
12 going to be a very tall building to just in front of
13 my house. Look, it's going to look like that
14 (indicating).

15 MR. STAHL: Why don't you put the
16 building up -- the exhibit that showed the building
17 in Rosewell? What was that, 20?

18 MR. ENKEEV: It's taller than my house.
19 My house is kind of tall.

20 MR. HILLIER: Okay, let me...

21 MR. ENKEEV: Can you go back where you
22 can see the -- can you go back?

23 MR. TUVEL: But I guess my point is,
24 what's your question?

25 Yes, the building is going to be

1 73-feet tall. That's the case.

2 MR. ENKEEV: Basically, I mean, this is
3 my house, right? And this is tall. The tall house
4 is going to be about --

5 MR. HILLIER: Let me help you out,
6 okay? Let me help you out, okay? Yeah? Good.
7 Okay. This is basically 70 feet here, okay.

8 MR. ENKEEV: Yeah.

9 MR. HILLIER: This is 73 feet from that
10 line, okay.

11 Basically the buildings themselves are
12 54 feet. Okay. Now, just bear with me, okay.

13 MR. ENKEEV: Yeah, yeah.

14 MR. HILLIER: Number one, you have
15 about 29 foot from the curb. Let's say this is the
16 street here, okay?

17 So from the curb to the building is
18 29 feet.

19 Then you have 30 feet. So now we're at
20 59 feet. Hear me out. Then we have another 15 feet
21 over here. So we're now at -- I'm sorry. And then
22 we're -- how big is your front yard?

23 MR. ENKEEV: Normal. There is no front
24 yard.

25 MR. HILLIER: No front yard? You're

1 right at the curb.

2 MR. ENKEEV: Almost.

3 MR. TUVEL: Bob, Bob, Bob.

4 MR. HILLIER: You've got to have a
5 front yard. My point is that you're almost 100 feet
6 away from here.

7 MR. ENKEEV: Not 100.

8 MR. HILLIER: And your building is
9 30-feet high, which is about up here.

10 So you're over here like this
11 (indicating), and that's over here (indicating). So
12 it's not a skyscraper on top of your building, okay?

13 MR. ENKEEV: No. It's going to be like
14 that (indicating). I mean, if my building -- draw my
15 building.

16 MR. STAHL: Okay, I think --

17 MR. ENKEEV: You block the current view
18 completely.

19 MR. STAHL: Sir, as Mr. Tuvel said, the
20 application is consistent with the redevelopment
21 area.

22 And I think I tried to make things --
23 explain things to the public. It's part of my job.

24 I think what Mr. Hillier is saying --
25 forget the shadow analysis. Now we're talking about

1 a sight line analysis.

2 So that the farther you pull back to
3 your house and you look at the front door, it's less
4 of a visual impediment.

5 Am I sort of saying it right,
6 Mr. Architect? Because it's a line from your house
7 to there.

8 If you're next to it, you can't see
9 anything.

10 But the farther you draw back from that
11 house, it's better for your sight line. It still is
12 blocked, you know, to the beach. You would
13 understand that.

14 Mr. Hillier, was that somewhat accurate
15 as a non-engineer, non-architect?

16 MR. HILLIER: You're doing good.

17 MR. STAHL: But we understand that.
18 You know, that's all -- you know, as they say, it's
19 consistent with the law. They're not looking for
20 something they're not entitled to. And I'm not being
21 a proponent of the project. I'm merely trying to
22 give an explanation.

23 CHAIRWOMAN SZARO: Do you have any
24 other questions?

25 MR. ENKEEV: Okay, no questions.

1 CHAIRWOMAN SZARO: Thank you.

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

3 CHAIRWOMAN SZARO: Would anyone else
4 from the public like to be heard? Please.

5 MR. STAHL: Sir, if you would raise
6 your right hand.

7 In this matter, the testimony you're
8 about to give is the truth, the whole truth, and
9 nothing but the truth, so help you God, sir?

10 DR. GONZALEZ-GOMEZ: I do.

11 J O R G E G O N Z A L E Z G O M E Z,

12 14 Raritan Reach Road, South Amboy, New Jersey,
13 having been duly sworn, testifies as follows:

14 DR. GONZALEZ-GOMEZ: George
15 Gonzalez-Gomez, last name.

16 MR. STAHL: Relax, Doctor.

17 The court reporter's got to get the
18 spelling right.

19 How do you spell your last name?

20 DR. GONZALEZ-GOMEZ: G-O-N-Z-A-L-E-Z,
21 G-O-M-E-Z.

22 MR. STAHL: But you would agree that
23 there are different ways to spell that last name.

24 DR. GONZALEZ-GOMEZ: It's spelled right
25 there.

1 Thank you, Mr. Stahl, Madam Chair,
2 Members of the Public, the Developers, let me first
3 thank the developers for choosing South Amboy to
4 redevelop this underutilized waterfront properties.

5 Mr. Hillier, I think you did a
6 tremendous job today. You came a little bit late to
7 South Amboy. (Inaudible) was here about 15 years ago
8 and did a very nice study of our city, and he came up
9 with very good things for us.

10 And you're following his footsteps.
11 Thank you, sir.

12 With that said, I offered some concerns
13 at the last meeting. And I think they were pointed
14 out by Board Member Forshner this evening.

15 On Exhibit 28 and in the drawings that
16 I had the opportunity to review, there is no clear
17 cut across the lawn by the cul-de-sac for EMS to
18 access the pool area.

19 As a first responder, this is a concern
20 and it alarms me a little bit. And I would like to
21 hopefully see some type of cutaway so that EMS can
22 have direct access onto the pool area, which I did
23 not see before.

24 And if it was there, I apologize, I did
25 not see it. But I feel compelled to let you know.

1 Also, as our engineer, Jason Valetutto,
2 noted at the last meeting, and it was pointed out
3 this evening as well, in Rendering Number 32, there's
4 an island -- there is an island at the entrance of
5 Raritan Reach Road. And you're proposed entrance to
6 Building Number 3 is immediately right after that
7 small island which is onto oncoming traffic from
8 Raritan Reach Road. That concerns me significantly.
9 And I would hope that it can be addressed somehow to
10 prevent car accidents.

11 Raritan Reach is not just what you see
12 there. There's a small island that is omitted from
13 that drawing that you have up there.

14 And the island is at the entrance of
15 Raritan Reach, but there's also a smaller island past
16 the demarcated curb, the cobblestone curb on the left
17 there.

18 So there is traffic coming from two
19 zones from west to east on Raritan Reach Road that
20 will converge into the entrance with the parking
21 access there. And I think that's very prone to
22 accidents.

23 So I'm hopeful that something can be
24 done there to address that concern.

25 I think it was also mentioned before

1 that Harbor Village, which is where I reside, has two
2 signs, one on the north, one on the south side of the
3 entrance to the community. And it is my hope that
4 the developer together with our esteemed engineer
5 will work to relocate our second sign on the
6 northerly side of Raritan Reach to somewhere that it
7 will work best for all: The city, the new community,
8 and the existing communities.

9 I think at the last meeting I also
10 offered some concerns for the tight-turning radius of
11 municipal equipment going from that wall that exists
12 right by Unit 2 of Raritan Reach onto the pedestrian
13 walkway.

14 I understand you have a letter from the
15 construction -- I'm sorry -- not construction, but
16 from the Public Works Department.

17 But I don't know if you have the
18 turning radius to be able to go onto the walkway from
19 what was depicted at the last meeting, which is that
20 small line area right above the parking access for
21 Building Number 3.

22 MR. TUVEL: On that issue, we that was
23 one of things -- I don't know if you raised it, but
24 someone else raised.

25 DR. GONZALEZ-GOMEZ: I raised that.

1 MR. TUVEL: Yeah. But that's one of
2 the things they asked. They indicated they were not
3 using that to access the beach for maintenance.

4 DR. GONZALEZ-GOMEZ: Well, they
5 currently do. They lift out the arm that's there,
6 that's with the padlock, and they bring in their
7 equipment to work on the beach. I think that's an
8 accurate statement.

9 MR. TUVEL: Yeah, they did not have a
10 concern with the design.

11 DR. GONZALEZ-GOMEZ: Okay, okay.

12 MR. TUVEL: I just want to make it
13 known that we looked into that.

14 DR. GONZALEZ-GOMEZ: I appreciate that.
15 I appreciate that.

16 Also, I expressed a concern and desire
17 that hopefully when the developer discusses,
18 negotiates, with the other properties, with the other
19 property on Rosewell Street, that if The Cove
20 acquires that particular property, no additional
21 residential units will be placed on that area that
22 had the conflict in previous hearings because of
23 riparian rights.

24 We're hoping that can become a very
25 nice restaurant location for the entire city.

1 And I think that's it, Madam Chair.
2 Thank you. Thank you for coming to South Amboy.
3 Thanks.

4 CHAIRWOMAN SZARO: Thank you.

5 MR. KELLY: Excuse me, Doctor. Just
6 for clarity.

7 You're talking about 139 Rosewell,
8 correct?

9 DR. GONZALEZ-GOMEZ: Correct. Yes,
10 sir.

11 I think that's the only one that's in
12 the -- in our realm here.

13 CHAIRWOMAN SZARO: Okay, thank you.

14 Would anyone else from the public like
15 to be heard?

16 (No response.)

17 CHAIRWOMAN SZARO: I'll ask one more
18 time.

19 Would anyone else from the public like
20 to be heard this evening on this application?

21 (No response.)

22 CHAIRWOMAN SZARO: Okay, with that, do
23 I have a motion to close to the public?

24 MR. FORSHNER: Motion to close.

25 CHAIRWOMAN SZARO: Second?

1 MS. KERN: Second.

2 CHAIRWOMAN SZARO: All in favor?

3 (Whereupon, all present members respond
4 in the affirmative.)

5 MR. FORSHNER: Can I just ask a couple
6 quick questions.

7 MR. BARANOWSKI: I've got one question.

8 CHAIRWOMAN SZARO: What -- I'd like to
9 ask Mr. Tuvel if you have any closing comments, and
10 then I'll ask one more time for the board for any
11 questions, and then we'll move onto a vote.

12 MR. TUVEL: Sure.

13 Do you want me to go into the closing
14 after the final questions just in case something
15 comes up, I can address...

16 CHAIRWOMAN SZARO: Sure, that would be
17 great.

18 Okay, then why don't we go ahead with
19 the questions.

20 Gary?

21 MR. FORSHNER: So just with regard to
22 the Raritan Reach, George raised this issue and I
23 wanted to ask -- seek some clarity.

24 At Raritan Reach he mentioned that
25 there's a small island by Raritan Reach onto O'Leary.

1 And I think -- and I'd like you to confirm -- that
2 that's just simply drawing that in, if that's the
3 case.

4 And then number two, there's a little
5 bit further back -- and I'm assuming it starts about,
6 you know, back -- further back from where it curves
7 around, there's what I'll refer to as like a little
8 service drive. That's also not shown on there. And
9 again, I just wanted to make sure that we're not
10 creating any traffic issues by any of the design
11 that's there. Because the other thing that I'm
12 seeing is what looks like a pedestrian walkway over
13 to Raritan Reach seems to cut -- into what's the
14 existing road there? And it may just be the
15 perspective that I have. I just want to make sure
16 that that works and is not creating any issues.

17 MR. TUVEL: I'll just have Mr. Muller
18 address that, Gary.

19 MR. FORSHNER: Sure.

20 MR. MULLER: The proposed driveway for
21 Building 3 is beyond the limits of the existing
22 median that enters onto Raritan Reach Road. It's
23 just not rendered on this illustration. So we are --
24 there are no conflicts with that existing median.

25 And then in terms of the alignment of

1 that proposed driveway, it's also in line with the
2 existing curb line so it's not projecting into the
3 existing roadway of Raritan Reach. That's just an
4 artistic illustration. It might make it a little bit
5 deceiving there.

6 But we are maintaining that existing
7 alignment along Raritan Reach Road.

8 MR. FORSHNER: And the reason that it
9 looks like it necks down there is because further
10 back is what I refer to as that little service drive.

11 MR. MULVEY: Right.

12 DR. GONZALEZ-GOMEZ: Madam Chair, if I
13 can just address that a second, just to highlight it
14 on your drawing, please?

15 CHAIRWOMAN SZARO: Sure.

16 MR. STAHL: Hold it. Time out. Hold
17 it.

18 We're getting a little -- the doctor is
19 a member of the public. So let's finish the board
20 questions. Then if we want to reopen to the
21 public...

22 CHAIRWOMAN SZARO: Sorry about that.

23 DR. GONZALEZ-GOMEZ: No, it's okay.

24 MR. STAHL: No, I didn't mean to be...

25 DR. GONZALEZ-GOMEZ: No, no, no, no. I

1 just want to highlight the two islands that are there
2 that are omitted.

3 CHAIRWOMAN SZARO: But you're the
4 public.

5 MR. FORSHNER: I had one other question
6 that also wanted to follow up on something that
7 George asked.

8 Right now the equipment that goes onto
9 the beach, the existing beach that is further south
10 to your project, enters from a totally different
11 location. And I don't believe that that equipment
12 that maintains that beach, rakes that beach and
13 whatnot, can drive from that section of the beach
14 over to your section of the beach.

15 So I think the question that was raised
16 is, how does that equipment, assuming that the -- I
17 assume that the city is going to be maintaining that
18 section of the beach.

19 How, assuming they want to --

20 MR. TUVEL: Yeah, I think that was
21 addressed in the DPW letter.

22 MR. FORSHNER: Can you clarify that for
23 me, if that was the case.

24 MR. TUVEL: Yeah. Sorry, I gave my
25 only copy. Yeah, so I'll just -- I think we read the

1 fire official letter, but I'll read the DPW letter.

2 MR. FORSHNER: Please.

3 MR. TUVEL: So it says:

4 "To Whom it May Concern: The South
5 Amboy Public Works met with the developers of the
6 proposed project for Block 161.02, Lots 20, 23,
7 24 and 24.01 on Thursday, September 16, 2021. We
8 discussed beach access through the site for the
9 purposes of the beach maintenance and raking.

10 "A portion of the beach south of the
11 existing estuary has been and will continue to be
12 accessed from the fishermen's lot at the end of
13 Raritan Reach Road. The beach to the north of
14 the estuary will be accessed from the
15 northernmost portion of the proposed development
16 by using fire access" -- it's meant to say lane
17 -- "along the northern property.

18 "After review of the plans, the South
19 Amboy Department of Public Works is confident
20 that access to the beach for the purpose" -- it
21 says purpose, but I guess "for the purpose of
22 maintenance and raking will in no way be impeded.
23 The Department takes no exception to the plans as
24 proposed."

25 MR. FORSHNER: So I'm good with that.

1 But there's one clarification that
2 maybe you can make. If I understood that letter
3 correctly, it said it's going to access the beach
4 through the fishermen lot.

5 The fishermen lot, if I understand
6 correctly, we're going to put in Phase 3? So are
7 they still going to be able to get equipment in?

8 MR. VALETUTTO: I think I can answer
9 that, Gary. What I gathered out of the letter was
10 the fishermen lot is going to be for access to the
11 beach by Harbor Village lighthouse bay.

12 To access this beach is going to be
13 through the road that we discussed where the garbage
14 truck is going back out onto the street. They're
15 going to go all the way into the fire access to get
16 to the beach that way. That's why gather from that
17 letter.

18 MR. FORSHNER: I think that's what you
19 possibly discussed, possibly putting, you know, a
20 chain or something across only for city access.

21 MR. VALETUTTO: Correct.

22 MR. FORSHNER: Thank you.

23 MR. TUVEL: And again, we really tried
24 to delve into that issue, because it was raised by
25 yourself and several other members.

1 MR. FORSHNER: Understood.

2 I appreciate your addressing it.

3 MR. TUVEL: Thanks, Jason.

4 CHAIRWOMAN SZARO: Any other questions
5 from the board?

6 George?

7 MR. BARANOWSKI: Was there a study done
8 on the possible amount of kids expected to come into
9 the school system.

10 MR. TUVEL: Yeah, I think we have the
11 answer.

12 Do you know the answer to that? Our
13 planner would be the best person to answer that one.

14 MR. HUGHES: Yes.

15 In anticipation of that question, we
16 did do that analysis.

17 Basically just to remind everyone, the
18 bedroom configuration here is very heavy on studio
19 and one-bedroom units.

20 We utilized demographic multipliers
21 prepared by Rutgers University in 2018 for for-rent
22 units for larger projects, projects greater than 50
23 units.

24 And, basically, we're projecting
25 roughly 6 total public school students from the

1 overall project.

2 CHAIRWOMAN SZARO: Any other questions
3 from the board.

4 MR. STAHL: Madam Chair, when you're
5 done with the board, if you want to open to the
6 public again.

7 That's the board's discretion to let
8 anyone who wants to comment on the dialogue or
9 colloquy between the board and the applicant.

10 CHAIRWOMAN SZARO: You were just going
11 to point something out, right.

12 DR. GONZALEZ-GOMEZ: Yeah.

13 A traffic issue.

14 CHAIRWOMAN SZARO: I think we're good.
15 Thank you.

16 MR. TUVEL: Okay. I'll sum up very
17 briefly, because we spent a lot of time on this
18 application at the last meeting and at this meeting.

19 So as you can see, the applicant really
20 tried and I think was successful in complying with
21 the Redevelopment Plan that was tailored for this
22 property.

23 I mean, I think it actually, as
24 Mr. Hughes testified to, is actually less tall.

25 The setback is further away from

1 Rosewell than it can be. And it's less dense from a
2 unit per acre standpoint and a coverage standpoint
3 than it actually could be.

4 The application also stated we would
5 comply with all of Jason's, your board engineer and
6 planner's, report. I think we had some good
7 conditions that were brought during the course of the
8 application before the board that we would clearly
9 adhere to, assuming the resolution of approval is
10 prepared by the board and Mr. Stahl.

11 I want to thank the board, because I
12 think between the first meeting and the second
13 meeting the application got better. We looked into
14 things that, you know, fire access, the DPW issues
15 that were raised by the board there. And I think you
16 could also see that the applicant really did its
17 homework on this application, a lot of due diligence.
18 You saw the professionals really spared, you know, no
19 expense, no effort. They wanted to make sure that
20 you have all the renderings that were necessary, all
21 the perspectives.

22 And the uniqueness of this application,
23 I think is going to be a huge benefit to city,
24 especially with the beach access, rebuilding the
25 beach, the marsh that's going to be put in the back

1 of the property.

2 So with all that, I would ask Madam
3 Chair and Members of the Board, respectfully, that
4 the board grant the application as proposed. And we
5 thank you very much for your time on this.

6 CHAIRWOMAN SZARO: Okay, thank you.

7 With that, we will take a vote.

8 And I will ask Mr. Stahl, are there any
9 conditions.

10 MR. STAHL: Well, first, Madam
11 Chairwoman, those entitled to vote are the first nine
12 regular members as the Planning Board function, and
13 only those who have read the transcript from the
14 prior meeting and certified with Ms. Russo that they
15 read it.

16 So, of course, the Mayor is authorized
17 to vote as Planning Board function. So we're going
18 to go to the first nine qualified, including the
19 reading of the transcript.

20 Subject to Mr. Valetutto and Mr. Kelly
21 correcting me, besides our normal and customary
22 conditions as contained in our resolution, compliance
23 with all of the requirements of Mr. Valetutto's
24 letter as indicated on the record, dated August 17th,
25 Jason?

1 MR. VALETUTTO: The 19th.

2 MR. STAHL: 19th -- thank you -- 2021.
3 Approval and comment from the City of South Amboy
4 Fire Subcode Official with regard to fire protection.

5 With regard to signage, it will be
6 subject of course to SARA, as will the architectural
7 components. And Mr. Valetutto will consult with the
8 townhouse community.

9 As I indicated, it will be require
10 compliance with SARA to include a developer's
11 agreement, the normal and customary requirements in
12 that document as SARA would require, including as
13 appropriate a PILOT. We do not get involved in that,
14 in the other as required and authorized in our
15 ordinances for SARA.

16 That's what I have as our conditions.
17 Did I forget anything, board, or Mr. Valetutto, or
18 Mr. Kelly?

19 MR. VALETUTTO: I was just going to
20 add, the last page of my report pretty much lays out
21 all the outside agencies.

22 If the applicant receives an approval,
23 the approval will be conditioned upon providing all
24 of those outside agency approvals.

25 MR. FORSHNER: I'd like to perhaps add

1 a couple things just as belts and suspenders that we
2 already discussed that may be in Jason's report.

3 One is the discussion with regard to
4 the Raritan Reach sign, the relocation of that -- not
5 the Raritan Reach, the Harbor Village sign. And
6 relocation of that wall and the signage there, based
7 upon the conditions that we talked about.

8 And if we can also be specific that the
9 marsh area, the walkways, or whatever else be
10 maintained by the developer be included in the
11 developer's agreement.

12 MR. TUVEL: That's fine.

13 MR. STAHL: And all the conditions --
14 all the representations or --

15 MR. TUVEL: Of course.

16 MR. STAHL: -- acknowledgments that you
17 and your witnesses have made in connection with the
18 two hearings.

19 MR. TUVEL: Of course, correct.

20 MR. STAHL: Madam Chair, after Jason
21 and I prepare the resolution, get to read the
22 transcripts, we will send it to you after Jason puts
23 his stamp on my resolution.

24 MR. TUVEL: All right.

25 So the motion would be for preliminary

1 and final site plan, the sign deviations and the two
2 waivers.

3 MR. KELLY: I'm sorry.

4 Mr. Stahl, if I may, just one quick
5 question.

6 Is that the developer's agreement that
7 the maintenance will be put into, or would that not
8 be part of a deed restriction?

9 MR. STAHL: Normally the developer's
10 agreement -- and we can ask to see it -- would
11 require maintenance of the waterfront area as
12 represented, and would also -- that's a good point,
13 Tom. I mean, we can put the limitation on the
14 bedrooms in our resolution.

15 MR. TUVEL: Right.

16 MR. STAHL: It would also be the
17 developer's.

18 But thank you.

19 I think that would be an additional
20 appropriate condition, that none of the open den
21 areas will be --

22 MR. TUVEL: Turned into bedrooms.

23 MR. STAHL: -- used as a bedroom or
24 enclosed.

25 MR. TUVEL: Yes.

1 I think what Mr. Kelly indicated about
2 the maintenance, usually the DPW, if they require
3 perpetual maintenance, they may record a deed
4 restriction on those items.

5 So usually they get involved with that.
6 I just wanted to...

7 MR. FORSHNER: Jim, is it the practice
8 here for the developer's agreement to be recorded.

9 MR. STAHL: Yes.

10 MR. FORSHNER: So those maintenance
11 responsibilities will be enunciated there and part of
12 the record and serve as a deed restriction.

13 CHAIRWOMAN SZARO: Okay. With that and
14 based on those conditions, do I have a motion to
15 approve the Application --

16 MR. FORSHNER: So moved.

17 CHAIRWOMAN SZARO: -- 417-21.

18 MR. FORSHNER: So moved.

19 CHAIRWOMAN SZARO: Second.

20 MS. KERN: Second.

21 CHAIRWOMAN SZARO: Roll call.

22 MR. STAHL: Those that are going to
23 vote -- Amy, will call the first qualified nine. And
24 we assume -- it's very important that if you are
25 voting you have read the prior transcript and signed

1 the certification with Amy, which you can do tonight
2 obviously if you have already read it.

3 Go, boss.

4 MS. RUSSO: Chairwoman Mary Szaro?

5 CHAIRWOMAN SZARO: I'd just like to
6 commend the applicant on your efforts to listen, to
7 take into consideration, to be proactive, and also to
8 present us with a plan of 499 units, which was the
9 less density than the permitted use.

10 We usually don't see that, so thank
11 you.

12 Also, along with the other areas that
13 fall under the requirements of permitted use. I
14 don't find that the deviations requested show any
15 kind of negative impact. I think it's a great
16 opportunity to clean up a contaminated site. I think
17 you've demonstrated good faith and you'll be a good
18 neighbor.

19 I vote yes.

20 MS. RUSSO: Mayor Fred Henry?

21 MAYOR HENRY: Just a couple of
22 comments.

23 Also, I'd like to thank the developer
24 for extreme cooperation in getting this done. It was
25 a very good presentation. Some of the changes from

1 the area that are going to benefit not only the
2 people that are going to be being moving, but the
3 people who already live there is a great change, and
4 this property is going to provide relief from
5 flooding events in the future.

6 Not that everything is going to be out
7 of there, but by raising it up, obviously you're
8 closing also a levy there. You're extending the
9 public access to the beach. Trash, snowplowing and
10 all of that is on the developer, not the
11 responsibility of the city.

12 As Mary said, major cleanup to the
13 contamination, which is on the developer and not the
14 city.

15 And I think overall, working with these
16 people, working with Anthony, it's been quite a run
17 here. And they have been very cooperative, I said,
18 making changes.

19 And I vote yes.

20 MS. RUSSO: Thomas Kelly?

21 MR. KELLY: Yeah.

22 Again, as Chairwoman Szaro and the
23 Mayor just so eloquently put it, what you guys have
24 done, your professionals, the design, the cleaning up
25 of the site that was an eyesore, an area for many,

1 many years in need of redevelopment, again I commend
2 you guys.

3 I think you guys did an awesome job. I
4 think it's going to be a good project.

5 So I would like to vote yes.

6 MS. RUSSO: George Baranowski?

7 MR. BARANOWSKI: Not to be redundant,
8 but I agree that's been an eyesore for many, many,
9 many years.

10 I vote yes also.

11 MS. RUSSO: Janet Kern?

12 MS. KERN: All what everyone else said,
13 I agree.

14 And I vote yes.

15 MS. RUSSO: Gary Forshner?

16 MR. FORSHNER: For a lot of reasons
17 that were said.

18 It's a very attractive project, a very
19 well-done presentation.

20 I, of course, put you through the
21 ringers and asked those tough questions.

22 But I think it's a reasonable project.
23 I think the relief that's been requested, notably
24 with regard to the signage, is very reasonable and
25 appropriate for this site.

1 And the waivers are appropriate as
2 well.

3 So I vote yes.

4 MS. RUSSO: William DeMasi?

5 MR. DeMASI: As a resident of John
6 Street outside the 200-foot area, I appreciate this
7 very much.

8 I've been looking at that property for
9 17 years and what it looks like.

10 And I'm glad to see it being cleaned up
11 and be much more attractive, giving back to the city
12 in terms of the walkways and the beach and nature
13 areas there.

14 I vote yes.

15 MR. STAHL: I've got seven.

16 I think that's everyone that's
17 authorized to vote.

18 Am I correct?

19 MS. RUSSO: Yes.

20 MR. STAHL: Seven-to-zero.

21 MR. TUVEL: Thank you very much,
22 everyone.

23 CHAIRWOMAN SZARO: Congratulations.

24 (Whereupon, this matter is concluded.)

25

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

C E R T I F I C A T E

I, RONDA L. REINSTEIN, a Certified Court Reporter of the State of New Jersey, authorized to administer oaths pursuant to R.S.41:2-2, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date herein before set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

RONDA L. REINSTEIN, CCR No. 30X100217800