

**CITY OF SOUTH AMBOY**  
**PLANNING BOARD**  
**REGULAR MEETING/MINUTES**  
**January 26, 2022**

Members present: Mary Szaro, Scott Kominkiewicz, Mayor Fred A. Henry, Council President Michael Gross, Thomas Kelly, George Baranowski, Janet Kern, Jorge Gonzalez-Gomez, Gary Forshner, William DeMasi, Andrew Horezga, Robert Paulukiewicz

Members absent: Francis Mulvey

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 Janet Kern, seconded by Gary Forshner to accept the Minutes of November 17, 2021, Motion carried: 8-0, 4 abstentions.

Chairwoman Szaro then reviewed the evening’s agenda.

**ANNOUNCEMENT of APPLICATION CARRIED**

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

139 Rosewell Street Block 161.02 Lot 21 & 22

Ms. Bianca P. Pereiras Esq. requested that the above-referenced application be carried to February 23, 2022, Planning Board meeting.

Application PB# 389-18A – 200 Broadway, LLC.

200 Broadway / Block 42 Lots 19.01 & 20.01

Mr. Kenneth Pape, Esq. requested that the above-referenced application be carried to the February 23, 2022, Planning Board meeting.

## **COMPLETENESS**

### **PB Application # 424-21 – Robert Lubelli**

716 Conlogue Avenue / Block 93, Lot 11

Completeness committee member, Completeness Committee Chairwoman Janet Kern, stated that she is in receipt of a letter from AJV Engineering, Inc. dated December 20, 2021, regarding Application # 424-21, Robert Lubelli recommending **Complete**.

Motion by Janet Kern, seconded by Jorge Gonzalez-Gomez, to accept the recommendation of **Complete** for Application # 424-21, Robert Lubelli. Motion carried: 3-0, 0 abstentions.

### **PB Application # 425-21 – Joseph Kolakowski**

11 Thomas Street / Block 95, Lot 12

Completeness committee member, Completeness Committee Chairwoman Janet Kern, stated that she is in receipt of a letter from AJV Engineering, Inc. dated December 30, 2021, regarding Application # 425-21, Joseph Kolakowski recommending **Complete**.

Motion by Janet Kern, seconded by George Baranowski to accept the recommendation of **Complete** for Application #425-21, Joseph Kolakowski. Motion carried: 2-0, 0 abstentions.

### **PB Application # 426-21 – Ravi Gupta**

101-103 South Pine Avenue / Block 75, Lot 5

Completeness committee member, Completeness Committee Chairwoman Janet Kern, stated that she is in receipt of a letter from AJV Engineering, Inc. dated December 22, 2021, regarding Application # 426-21, Ravi Gupta recommending **Incomplete**.

Motion by Janet Kern, seconded by George Baranowski to accept the recommendation of **Incomplete** for Application #426-21, Ravi Gupta. Motion carried: 2-0, 0 abstentions.

### **PB Application # 427-22 – William O’Leary**

357 Ferris Street / Block 17, Lot 16 and 18

Completeness committee member, Completeness Committee Chairwoman Janet Kern, stated that she is in receipt of a letter from AJV Engineering, Inc. dated January 13, 2022, regarding Application # 427-22, William O’Leary recommending **Incomplete**.

Motion by Janet Kern, seconded by George Baranowski to accept the recommendation of **Incomplete** for Application #427-22, William O’Leary. Motion carried: 2-0, 0 abstentions.

## **RESOLUTIONS**

### **Resolution PB# 5-22 Application # 417-21 – Manhattan Beach Phase I Urban Renewal, LLC.**

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

Motion by Robert Paulukiewicz seconded by Gary Forshner to accept the Resolution as written granting Preliminary and Final Major Site Plan with Bulk Deviations required for Maximum number of signs, Maximum sign area, and location of wall/freestanding signs, and Waiver for Minimum curb distance from property line.

Motion carried: 9-0, 2 abstentions.

### **Resolution PB# 6-22 Application # 422-21 – Natasha and Michael McGrath**

14 Sandpiper Drive / Block 167, Lot 10

Motion by Gary Forshner seconded by Janet Kern to accept the Resolution as written granting Bulk Deviation Approval.

Motion carried: 8-0, 4 abstentions.

Resolution PB# 7-22 Application # 419-21 – Amboy Main Street Industrial Urban Renewal, LLC.  
111 Main Street / Block 160, Lot 1.03

Motion by Gary Forshner, seconded by Scott Kominkiewicz to accept the Resolution as written granting Preliminary and Final Major Site Plan Approval with Deviations required for Location of wall/freestanding signs.

Motion carried: 9-0, 2 abstentions.

### **APPLICATION HEARINGS**

PB Application # 423-21 – Samboy Urban Renewal, LLC ( Manhattan Beach Club)

Radford Ferry Road / Block 161.02, Lot 6.06

Please refer to the transcript

Chairwoman Szaro asked for a motion to open this portion of the public. Motion by Janet Kern, seconded by George Baranowski. With no members of the public wishing to speak, Chairwoman Szaro asked for a motion to close this portion of the meeting. Motion by Jorge Gonzalez-Gomez seconded by Janet Kern. All in favor

Motion by Gary Forshner, seconded by Jorge Gonzalez-Gomez to approve the Amended Preliminary and Final Major Site Plan Phase II portion of the application subject to all the testimony, all conditions outlined in the letter from AJV Engineering, Inc. dated January 24, 2022, and all conditioned outlined by Mr. James E. Stahl, Esq. Motion carried: 9-0, 0 abstention

**CORRESPONDENCE** – None

**DISCUSSION** – None

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

Chairwoman Szaro announced that the next scheduled meeting would be held in-person on Wednesday, February 23, 2022, at 7:00 pm.

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

Respectfully submitted,

Amy Russo  
Planning Board Secretary  
Minutes Approved on February 23, 2022

CITY OF SOUTH AMBOY  
PLANNING/ZONING BOARD  
WEDNESDAY, JANUARY 26, 2022  
Commencing 7:30 p.m.

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In Re:

MANHATTAN BEACH CLUB  
Radford Ferry Road  
Block 161.02, Lot 6.06

Application #423-21  
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TRANSCRIPT OF  
PROCEEDINGS VIA  
VIDEOCONFERENCE

B E F O R E:

MARY SZARO, Chairwoman  
SCOTT KOMINKIEWICZ, Vice Chairman  
MICKEY GROSS, Council President  
FRED A. HENRY, Mayor  
THOMAS KELLY  
JANET KERN  
JORGE GONZALEZ-GOMEZ  
ROBERT PAULUKIEWICZ  
GEORGE BARANOWSKI  
GARY FORSHNER  
WILLIAM DeMASI  
ANDREW HOREZGA  
JASON VALETUTTO, P.E., Board Planner/Engineer  
JAMES E. STAHL, ESQ., Board Attorney  
AMY RUSSO, Board Secretary

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

WISNIEWSKI & ASSOCIATES, LLC  
Attorneys for the Applicant  
By: JOHN S. WISNIEWSKI, ESQ.

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## INDEX OF TESTIMONY

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JACK RAKER		
By: Mr. Wisniewski		8
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1                   CHAIRWOMAN SZARO: Next up we have our  
2 one application hearing of this evening, application  
3 423-21, Manhattan Beach Club.

4                   Mr. Wisniewski, good evening, welcome.

5                   MR. WISNIEWSKI: Good evening. Thank you  
6 for the opportunity to present this application.  
7 This involves Block 161.02, Lot 6.06; otherwise known  
8 as Phase 2 of the Manhattan Beach project. I  
9 represent Samboy Partners Urban Renewal, LLC.

10                  And I think the first thing we should do  
11 is address jurisdiction. Counsel, we published  
12 notice in the Home News Tribune on January 12th.  
13 Additionally, on January 12th we sent certified  
14 letters to the property owners within 200 feet by  
15 Certified Mail Return Receipt, submitted an  
16 Affidavit, or Certification of Service, rather, to  
17 the Board Secretary, and I understand you've reviewed  
18 that.

19                  Does the Board accept jurisdiction?

20                  MR. STAHL: The Board Secretary, and I've  
21 confirmed with her, that proper Affidavits of  
22 Publication and Service were submitted and the Board  
23 does have jurisdiction. Thank you.

24                  MR. WISNIEWSKI: Thank you.

25                  MR. STAHL: Thank you.

1                   MR. FORSHNER: Mr. Stahl, just one  
2 housekeeping matter. As I think you know, I've done  
3 -- I'm doing some work now with the engineer that is  
4 at the hearing here this evening. It's not someone I  
5 retained, but one of my clients retained. I wanted  
6 to make that disclosure. I don't believe it's a  
7 conflict, but I wanted it on the record and allow you  
8 an opportunity to respond appropriately.

9                   MR. STAHL: Mr. Wisniewski, I have  
10 conferred with the Board, and I'm satisfied there is  
11 no conflict.

12                   And Mr. Baranowski also is disclosing  
13 that you are the attorney for he and his mother's  
14 estate I believe, George.

15                   MR. BARANOWSKI: Father.

16                   MR. STAHL: I'm sorry, George. And I've  
17 also reviewed that, and I'm very conversant with  
18 regard to a New Jersey Attorney Ethics opinion that  
19 goes back to the seventies and there's no --  
20 absolutely no conflict, but the disclosure was and is  
21 appropriate.

22                   MR. WISNIEWSKI: Thank you, Mr. Stahl.  
23 Just for the record, my representation does not  
24 involved Mr. Baranowski, but a family member of his.

25                   MR. STAHL: I understand. It was just

1 for the record, and I appreciate the candor; but even  
2 if you did represent George individually, as I say,  
3 there's an Ethics Committee -- on point with an  
4 Ethics opinion. So I don't want anyone -- you know,  
5 as long as we have disclosure, as George did, and  
6 Gary did, there is no issue and we can proceed.

7 MR. WISNIEWSKI: Thank you. I appreciate  
8 that.

9 The original application goes back to  
10 April of 2019 when this matter was first presented to  
11 the Planning Board, and at that time it was two  
12 phases. Phase 1 was for preliminary and final; Phase  
13 2 was just for preliminary. And that Resolution was  
14 adopted in July of 2019. We are here in 2022 seeking  
15 final approval of that Phase 2, but we are also  
16 seeking an amendment to the preliminary approval  
17 previously granted.

18 You'll hear testimony from Jack Raker of  
19 Minno & Wasko, and you'll also hear testimony from  
20 Geoff Lanza of Bowman Consulting, who will describe  
21 the minor changes to the preliminary approval, those  
22 changes involving a relocation of the main entrance,  
23 as a consequence a reconfiguration of the interior  
24 courtyard, and also as a consequence a reduction  
25 in the number of units that were approved, a

1 reduction of five overall.

2 Counsel, we have two witnesses, as I  
3 described, professionals. How would you like to  
4 proceed? Would you like to swear them both in at  
5 once or separately?

6 MR. STAHL: We'll do one at a time. So  
7 call your first witness.

8 MR. WISNIEWSKI: So my first witness,  
9 Madam Chair, Counsel, is Jack Raker of Minno & Wasko.  
10 Would you swear him in?

11 MR. STAHL: Mr. Raker, where are you?

12 CHAIRWOMAN SZARO: Just a quick question.  
13 Do you have any presentations that we need to be  
14 ready for?

15 MR. WISNIEWSKI: We need to have Mr.  
16 Raker able to make presentations. I think that's  
17 something that you control on your end.

18 CHAIRWOMAN SZARO: Yes, Amy will share  
19 the screen. Okay, just let us know when you need to.  
20 Thank you.

21 MR. STAHL: All right, Mr. Raker, raise  
22 your right -- thank you very much.

23 J A C K R A K E R, was duly sworn.

24 MR. STAHL: Would you please, even though  
25 I can read it on the screen, just indicate your name

1 and spell your last name.

2 MR. RAKER: My name is Jack Raker,  
3 R-a-k-e-r.

4 MR. STAHL: Thank you. Mr. Wisniewski,  
5 your witness.

6 MR. WISNIEWSKI: Thank you, Counsel. Mr.  
7 Raker was previously qualified by this Board as an  
8 expert witness, so I believe there's no need to go  
9 through his qualifications.

10 MR. STAHL: Just remind us who he is and  
11 what his area of expertise is for those Board members  
12 who were not here and are qualified to vote, since  
13 this is, you know, a new matter.

14 MR. WISNIEWSKI: Absolutely. Jack Raker  
15 is a licensed architect in New Jersey of the firm  
16 Minno & Wasko. He had previously testified for the  
17 preliminary and final on Phase 1 and preliminary for  
18 Phase 2, and he was qualified by this Board after  
19 hearing his qualifications, both his educational  
20 background and his professional credentials.

21 MR. STAHL: I have no problem, Madam  
22 Chair, with him being qualified, as the Board has  
23 previously qualified him with his expertise in  
24 architecture.

25 CHAIRWOMAN SZARO: Absolutely.

1 MR. WISNIEWSKI: Okay, thank you.

2 MR. VALETUTTO: Jim, just real quick, is  
3 there a court reporter? Okay, I didn't see.

4 MR. STAHL: No, I see Betsy. She's up on  
5 the screen right next to me.

6 MR. VALETUTTO: Okay. Just making sure  
7 before we got any further.

8 MR. STAHL: Okay.

9 MR. WISNIEWSKI: Okay. Thank you very  
10 much.

11 DIRECT EXAMINATION BY MR. WISNIEWSKI:

12 Q. So, Mr. Raker, first question for you;  
13 you are aware of Mr. Valetutto's review letter of  
14 January 24, 2022?

15 A. Correct.

16 Q. And there are a number of places in that  
17 letter where Mr. Valetutto has made suggestions or  
18 requests that certain changes be made in the plans  
19 that have been submitted.

20 Do you understand those requests and are you  
21 in agreement with those requested changes?

22 A. I do; I agree and will comply with all of his  
23 requested changes.

24 Q. Okay. Thank you. So the reason we're  
25 here for the amended preliminary is the change in the

1 elevations of the building, starting with the  
2 entranceway.

3 I think it would be instructive if you have  
4 the elevations of that section of the building, that  
5 we could put them up.

6 MR. WISNIEWSKI: Madam Chair, if your  
7 secretary would provide Mr. Raker with that ability.

8 CHAIRWOMAN SZARO: Yes. Amy?

9 Q. Jack, can you put up that section of the  
10 elevations? And we will call that Applicant's A-1.

11 A. Just so you're aware, what I'm showing on my  
12 screen is a colored version of the submitted  
13 architectural documents.

14 Q. So these documents that are on the screen  
15 have been submitted to the Board, just not a  
16 colorized version?

17 A. Yeah, what I'm going to present this evening is  
18 just a colorized version of those plans.

19 Q. Okay.

20 MR. WISNIEWSKI: Counsel, can we mark  
21 this --

22 MR. VALETUTTO: John, if I could just  
23 jump in real quick. Since there were two  
24 submissions, I just want to verify that this was the  
25 second submission that was made after it was

1 discovered that an amended preliminary approval was  
2 required. Because there were some differences --

3 MR. WISNIEWSKI: That is correct.

4 MR. VALETUTTO: -- between the original  
5 submission, just for final, and now for the amended  
6 preliminary. There were -- I just want to be sure  
7 that we're all on the same page.

8 MR. WISNIEWSKI: Jason, thank you.

9 Q. Mr. Raker, I think you heard that  
10 question. Can you answer it?

11 A. I did. That's correct, this is the second  
12 submission.

13 Q. Okay. So the submission is many pages.  
14 Can you go to the page and identify the page number  
15 that shows the change in the elevations?

16 A. I'll go through the plans. I'll show the  
17 changes in the plans and then the elevations.

18 First I just want to state, I know it was  
19 mentioned that we have a reduction in the number of  
20 dwelling units from the previous submission. We have  
21 a total of 205 dwelling units, 195 of which are  
22 market rate and 10 of which are affordable. The  
23 affordable units have not changed from the previous  
24 submission.

25 Q. So the reduction --

1 A. Going now to --

2 Q. -- is in the market rate units?

3 A. Correct.

4 Q. Okay.

5 A. I'm going now to sheet A-1 of this set. This  
6 sheet is the current floor plan. Previously, on this  
7 floor plan, in the previous submission our main lobby  
8 and entry -- I don't know if -- can everybody see my  
9 cursor on the screen?

10 CHAIRWOMAN SZARO: Yes.

11 A. So previously the lobby was in this area here.  
12 We flipped that lobby 120 feet to the corner, closer  
13 to Phase 1. It was just an operational issue, so  
14 that any people coming from Phase 1 had a shorter  
15 walk to get to and from this building, since services  
16 were going to be shared.

17 A lot of this amenity here is shown in green.  
18 It has been increased since the first go-around. And  
19 that's the reason for the loss in units.

20 There is a change in the courtyard from what  
21 was previously shown. This courtyard now has  
22 reoriented itself so that it addresses the same  
23 amenity.

24 We have the same amenities that were  
25 discussed in the testimony in the first go-around;

1 we've just increased the size of some of those  
2 amenities to be more comparable to what was done in  
3 Phase 1.

4 Q. The lobby area that you just highlighted,  
5 Jack, that is --

6 A. Yes. And the entry is on the corner.

7 Q. Entry is on the corner. It's an atrium  
8 lobby; it goes up to the second floor?

9 A. Correct, we have a two-story lobby that is  
10 shown here. Just like if anybody's seen the Phase 1  
11 lobby, there's a two-story portion. We'll have a  
12 very similar effect there as well.

13 Q. Okay.

14 A. There has been, you know, a change -- the  
15 engineer noted in his review letter that there were  
16 subtle changes from the first submission in August to  
17 this submission in September, and I just want to say  
18 that during that time we've been developing  
19 construction documentation, and through that  
20 documentation subtle adjustments are made due to  
21 structure and mechanical and these plans reflect  
22 those changes. So you're seeing the more up-to-date  
23 current plans.

24 There was an adjustment in a dwelling unit  
25 mix. We lost one two-bedroom and gained one

1 one-bedroom, and that is due to we needed a little  
2 more room for a water room at the ground floor, so we  
3 took that space out of a two-bedroom unit and made it  
4 a one-bedroom unit.

5 That was not coordinated with the civil  
6 drawings, so the civil drawings were one unit out of  
7 step with the architectural drawings.

8 Q. When you say, "a water room," what's a  
9 water room?

10 A. A water room is where the water comes in from  
11 the utility outside. In that water room is generally  
12 meters and water pumps for any sprinkler systems that  
13 are required. And when it was determined we needed  
14 them, we needed the additional space, and we took it  
15 out of that unit.

16 Q. So other than the change in the number of  
17 units, the change in the location of the front  
18 entrance and the reconfiguration of the courtyard,  
19 are there any other changes to the architectural --  
20 and obviously the development of the construction  
21 plans which have modified some of the dimensions, is  
22 there any other change to the architectural plans for  
23 Phase 2?

24 A. There are. I'm going to sheet A-5 of the  
25 submitted set. And because the location of the entry

1 changed, I'm going to zoom in to the elevation one.

2 Previously our main entry was located here  
3 in the center. We had doors here in the center. And  
4 we shifted that down to the corner. You could see  
5 now we have an architectural feature, some columns  
6 and a canopy on the corner, whereas before those  
7 elements were here at the center.

8 And then if I move to elevation number two,  
9 you could see now that that entry appears on the  
10 left-hand side of elevation number two.

11 But substantially the same materials, same  
12 elevations were all shown to the Board the first  
13 go-around and were since approved by the  
14 Architectural Review Board this go-around.

15 MR. WISNIEWSKI: Thank you. I have no  
16 other questions for Mr. Raker, Madam Chair. Does the  
17 Board or the professionals have any questions?

18 CHAIRWOMAN SZARO: Anyone from the Board  
19 have any questions? No? Thank you.

20 MR. WISNIEWSKI: Okay. So then moving  
21 on, I'd like to call Geoff Lanza. Counsel, if you  
22 would swear in Mr. Lanza.

23 G E O F F R E Y L A N Z A, P. E., P. P., was  
24 duly sworn.

25 MR. STAHL: Please state your name,

1 spelling your last name.

2 MR. LANZA: My name is Geoffrey Lanza,  
3 L-a-n-z-a.

4 MR. STAHL: Mr. Wisniewski, your witness.

5 MR. WISNIEWSKI: Thank you.

6 VOIR DIRE EXAMINATION BY MR. WISNIEWSKI:

7 Q. Mr. Lanza, you're a licensed Professional  
8 Engineer and a Professional Planner, correct?

9 A. Yes, in the State of New Jersey.

10 Q. And you were previously qualified before  
11 this Board on this application?

12 A. Yes, I was.

13 Q. Okay, and you're with Bowman Consulting?

14 A. Yes, I am.

15 MR. WISNIEWSKI: Counsel, can the Board  
16 accept him as a continued witness in a professional  
17 capacity for this application?

18 MR. STAHL: Yes. Subject to the Chair,  
19 yes.

20 CHAIRWOMAN SZARO: Yes, absolutely.  
21 Thank you.

22 MR. WISNIEWSKI: Thank you, Madam Chair.

23 DIRECT EXAMINATION BY MR. WISNIEWSKI:

24 Q. Mr. Lanza, you've listened to the  
25 testimony of our architect with regard to the --

1 well, first let me start with this. You've seen Mr.  
2 Valetutto's review letter, correct?

3 A. I have.

4 Q. And the letter throughout makes a number  
5 of recommendations for changes and modifications to  
6 the plans, correct?

7 A. Yes.

8 Q. And you've seen those and you agree that  
9 those changes and modifications can be made and will  
10 be made to these plans?

11 A. Absolutely.

12 Q. Okay. Are there any exceptions to that?

13 A. No. Nope.

14 Q. Okay. You've heard the testimony from  
15 Mr. Raker about the change in the elevations, the  
16 change in the location of the entrance, the change in  
17 the lobby and the interior courtyard.

18 Is there anything from an engineering  
19 perspective that you want to add to provide further  
20 support for those changes?

21 A. There was a comment about -- in the letter  
22 about the loading area and the drop-off area was  
23 moved from the center of the -- what Jack was showing  
24 earlier to the corner, closer to the corner. And  
25 that drop-off area has a space for passengers to be

1       dropped off at the main entrance.

2               In addition to that, around the corner of the  
3       entrance, along Road D a new loading area was placed  
4       in that area and striped out some parking. So we had  
5       a slight reduction in the parking on the street, but  
6       we still have more than adequate parking, as was  
7       mentioned in Mr. Valetutto's letter. That was the  
8       only really big change on the outside of the building  
9       since the first go-around, John.

10               MR. WISNIEWSKI: Can we show the Board  
11       that?

12               Madam Chair, if you can make Mr. Lanza as  
13       a presenter so he can show where that is.

14               CHAIRWOMAN SZARO: Amy? Thank you.

15               MR. LANZA: Did it come up?

16               MR. WISNIEWSKI: Yeah, we see it.

17       A.       Okay. Yeah, the original plan had the main  
18       area, the drop-off area -- because the lobby was over  
19       in the center of this portion, that's been slid up to  
20       the upper northeast corner of the site, and the  
21       drop-off area has been slid up accordingly.

22               In addition to that, around the corner, along  
23       what we call Road D, for now, is a loading area, that  
24       will be striped out and signed accordingly. So in  
25       doing that, we lost some parking spaces in this area.

1 We picked up one more. So we have a net loss of four  
2 parking spaces on the street. But we have more than  
3 adequate parking per the ordinance, as I mentioned  
4 before. So I would -- we have plenty of parking for  
5 this phase.

6 Q. Does the relocation of the entrance, the  
7 loading area and the drop-off area have any impact on  
8 traffic patterns?

9 A. No. No, that won't -- that will be  
10 insignificant. If anything, there's no change in  
11 traffic patterns at all. These are not through  
12 roads. It's a -- we have less units. Parking is  
13 going to be fine, and no problem with traffic moving  
14 through the area when we have it.

15 Q. Do these changes have any impact or  
16 modification to the previously submitted drainage  
17 calculations?

18 A. No, no. In fact, Mr. Valetutto asked for a  
19 statement to that effect and we'll supply one. This  
20 is minor, minor changes. They're de minimus, and we  
21 can give a statement to that effect. No changes,  
22 essentially.

23 Q. And you've heard the testimony from Mr.  
24 Raker saying that the change in the square foot  
25 measurements of the units is attributable to the

1 further development of the construction plan. Do you  
2 agree with that?

3 A. Yes. Yes.

4 Q. Okay. There was a comment in Mr.  
5 Valetutto's letter about streetlighting and whether  
6 the landscaping takes that into account.

7 Has there been any change in the street  
8 landscaping from the preliminary approval?

9 A. It's -- no, it's essentially the same, and it's  
10 an interesting comment, because we have a couple  
11 areas where some trees are closer to a couple of  
12 light poles along what we're calling Road D.

13 We think that the tree canopy would be high  
14 enough above the lights that we had selected, which  
15 were the same lights we had in Phase 1 and that were  
16 approved. But we can make slight adjustments to  
17 that, and I'll submit that to Mr. Valetutto for his  
18 review. And that would be the only thing I can see,  
19 a couple of areas along Road D.

20 Q. Okay, there was also a comment about two  
21 sidewalk changes. Can you comment on that?

22 A. Yeah, same drawing. It's because the building  
23 changed a little bit, there was some adjustment to  
24 the sidewalks in the back end here, along the -- on  
25 the side of the garage and along the corner, I'm

1 circling here. The sidewalks were adjusted to fit  
2 where the new doors were located in this final  
3 architectural plan. And that's really it for the  
4 sidewalks.

5 Q. Effectively, one was removed and one was  
6 added?

7 A. Yes, they -- a little more than that. They  
8 were slid around a little bit. And we have a small  
9 sidewalk in this corner here and the ADA compliance  
10 wasn't working well, so we added a sidewalk in here,  
11 and that necessitated the need for a retaining wall,  
12 which we put in details and which we have to provide  
13 on the plans as suggested by Mr. Valetutto.

14 Q. Okay, so the retaining wall on the plans,  
15 that was one of the comments that Mr. Valetutto made  
16 and was asking if there was a change in elevations of  
17 the building?

18 A. Yes, yes. Now, the building slid up about six  
19 inches. That's about it. But the wall was really  
20 necessitated by having to have better ADA compliance  
21 in this corner.

22 Q. Okay.

23 A. So that's why the wall was put in.

24 Q. Was there any change in impervious  
25 coverage or building size?

1 A. Very, very minor. With the sidewalks shifting  
2 around and the building tweaks, it's still around  
3 12 percent impervious cover. 11.97 versus 12.11. So  
4 essentially de minimus.

5 Q. Okay. Is there anything else with regard  
6 to Mr. Valetutto's letter that you wish to address?

7 A. No, I think it's pretty clear what we need to  
8 do, and we will do it.

9 MR. WISNIEWSKI: Okay. Madam Chair, I  
10 have no further questions for Mr. Lanza. If the  
11 Board members or the professionals have any  
12 questions?

13 CHAIRWOMAN SZARO: Before I ask them, I  
14 just want to bring up the review of the fire marshal.  
15 I believe that was probably in Jason's letter, but  
16 just to get that on the record.

17 MR. WISNIEWSKI: Yeah, we had sent to Amy  
18 a copy of all of the approvals, which included the  
19 fire marshal approval.

20 CHAIRWOMAN SZARO: Okay, thank you.  
21 Jason?

22 MR. VALETUTTO: While you're talking  
23 about the fire marshal, the fire marshal approval was  
24 from the old plans, not these new plans with the  
25 reworked location of parking and reworked location of

1 the off-street loading and whatnot. I feel and I'm  
2 sure the Board would feel more comfortable if the  
3 fire marshal put eyes to it one more time to make  
4 sure that these changes are acceptable to them in  
5 their ability to fight a fire, purely from a safety  
6 standpoint.

7 MR. WISNIEWSKI: No problem. We'll  
8 submit it for review by the fire marshal.

9 MR. VALETUTTO: As far as the other  
10 outside agencies, I'm sure the Freehold Soil was not  
11 just for this particular parcel but for the entire  
12 parcel, so we can not have to re-seeek them. Same  
13 thing goes for the county and the DEP as well; I'm  
14 sure that was all of because of it being waterfront  
15 property.

16 So really the only outside agency we'll  
17 be seeking right now is fire marshal. You've already  
18 provided -- or SARA has already provided us with  
19 their approval letter. So if you are fortunate to  
20 get approval from the Board tonight, we'd just  
21 condition it on that fire approval as well, updated  
22 fire marshal approval.

23 MR. WISNIEWSKI: Okay. Mr. Valetutto,  
24 just one other thing that I neglected. And if you  
25 don't mind, just have Mr. Lanza address the hotbox.

1 You had noted the hotbox in your letter.

2 MR. VALETUTTO: Yeah, we could talk about  
3 that now. I was -- actually had a couple of comments  
4 on the testimony and was actually going to hit all  
5 the points that weren't hit. But if you want to talk  
6 about the hotbox now, you can go ahead.

7 MR. WISNIEWSKI: Mr. Lanza, do you want  
8 to address --

9 MR. STAHL: Chairman, let me just jump  
10 in. I like to educate the Board at all times, and we  
11 have new members. I would like someone to just -- I  
12 mean, the professionals and myself know. I want  
13 someone just to indicate what is a hotbox. Tell the  
14 Board what we talk about as a hotbox. Mr. Lanza?

15 MR. LANZA: Yeah, that's a box that has  
16 backflow preventers and meters in it, through the  
17 water company. And they call it a hotbox because it  
18 prevents things from freezing. And it's situated in  
19 the lower corner of this -- you see my screen again.  
20 Down at the bottom there's a little rectangle here.  
21 And that's the hotbox.

22 MR. WISNIEWSKI: That feeds the water  
23 service to the building?

24 MR. LANZA: Right, right.

25 MR. STAHL: Thank you.

1                   MR. WISNIEWSKI: Address Mr. Valetutto's  
2 comment about the hotbox.

3                   MR. LANZA: Yeah, the MUA has said that  
4 they wouldn't put a public water main on a private  
5 street, which these streets are, so that's the  
6 necessity for the meter to be there and the hotbox.  
7 So that's essentially what has to happen here.

8                   It's fairly common, and I've been on a  
9 lot of projects that do this now. These roads are  
10 private for these developments.

11                  MR. WISNIEWSKI: Okay, Mr. Valetutto,  
12 sorry to have interrupted.

13                  MR. VALETUTTO: Not a problem. And the  
14 City Engineer was -- also approved of that location  
15 for the hotbox?

16                  MR. LANZA: Yes, sir. Yes, sir.

17                  MR. VALETUTTO: Just wanted to make sure.

18                  MR. LANZA: Yup.

19                  MR. VALETUTTO: Okay. I did want to go  
20 through -- we touched upon that -- testimony about  
21 the roads. Are they all constructed, all roads and  
22 curbs constructed now? Because there was a conflict  
23 in some notes on the plan.

24                  MR. LANZA: Yeah. Yes, Jason, the  
25 curbing -- the curb is in and the base course is

1 down, but they're not final top course yet. And that  
2 will be cleared up on the plans when we resubmit  
3 them.

4 MR. VALETUTTO: Okay. So just so the  
5 Board's aware, when you have a road, there is usually  
6 a compacted subbase, then you put a base course down  
7 of a certain thickness, usually about four inches on  
8 a normal road, and then there's two inches of top  
9 course, which is a smoother type of -- there's two  
10 different types of pavement. So it provides a  
11 smoother road surface for traffic and cars.

12 Have names been assigned to the roads  
13 yet? Because I know you are close to occupancy on  
14 Phase 1, and I'm sure that the post office isn't  
15 going to refer to places as Road A, Road B.

16 MR. LANZA: Yes, names have been  
17 assigned. I don't have them off my -- offhand right  
18 now, but I know they've been assigned. Maybe someone  
19 else could speak to that. But we'll put those on  
20 when we submit the plans back, Jason.

21 MR. VALETUTTO: Okay, not a problem. We  
22 touched upon the wall.

23 The wall itself, there's a fence on top  
24 of it. Can you tell me, is that the four-foot; is it  
25 a six-foot fence; is it going to be constructed in

1 the ground, on top of the wall?

2 MR. LANZA: We'll supply the detail for  
3 that. On top of the wall.

4 MR. VALETUTTO: Well, the reason being we  
5 need to know right now because -- if it will create a  
6 variance because the City does not allow six-foot  
7 walls in a front yard, and this would be obviously on  
8 a front yard on your property, and also if it's  
9 constructed on top of the wall, the height of the  
10 wall plus the height of the fence is considered one  
11 structure.

12 So, again, if you go greater than four  
13 feet, then that will create a variance. So it would  
14 just be an additional variance the Board would have  
15 to grant tonight.

16 MR. LANZA: Okay, well, the wall does  
17 slope up, you know, from nothing up to about six feet  
18 at the corner -- at the intersection itself, and then  
19 the fence on top, four feet.

20 So you're saying that would require a  
21 variance for the height for that, that structure?

22 MR. VALETUTTO: If the fence -- if the  
23 fence -- if the fence is constructed on top of the  
24 wall. If the fence is constructed just behind the  
25 wall cap and to ground, and you're saying that it's a

1 four-foot fence, then, no, there is no variance  
2 required because four foot is permitted within a  
3 front yard. It's six feet -- it's above four feet  
4 that we would not allow.

5 MR. LANZA: Got you. Got you.

6 MR. VALETUTTO: Also, I'm looking at the  
7 screen now and something just popped into my head.  
8 You're at an intersection, so the sight triangle  
9 would also come into play.

10 Has that been looked at? Because the  
11 City has an ordinance that you can't construct  
12 anything greater than 30 inches within a sight  
13 triangle.

14 MR. LANZA: Yes. Yeah, we looked at the  
15 sight triangle. That should be fine, and I'll put  
16 that on the plans when we resubmit.

17 MR. VALETUTTO: Okay. All right. That  
18 was all of those. The trees.

19 Yeah, see, the comment -- my comment  
20 about the lighting is because when you go to the  
21 lighting plan, it pretty much takes into perfect  
22 ideal world situations. It doesn't take into  
23 consideration where trees are, where it could create  
24 shadows and whatnot. That was the whole reason for  
25 that comment.

1 MR. LANZA: Yup.

2 MR. VALETUTTO: And my last comment is  
3 going to be a slight disagreement that there won't be  
4 issues with traffic caused by the location of the  
5 loading zone.

6 Have you considered moving the loading  
7 zone to the -- closer to the front entrance?  
8 Because you -- we all know that people are going to  
9 seek the path of least resistance. So the pizza  
10 delivery guy is going to pull up to the corner,  
11 double park in front of whichever parallel spot is  
12 closest to the entrance, or Mr. Amazon truck driver  
13 or anything, and then people are going to be forced  
14 to have to drive around into oncoming -- into an  
15 oncoming traffic.

16 I understand it's not heavily traveled;  
17 it's not a main road, but it still is a safety issue  
18 and does create a problem. So that was the reason  
19 for my comment about traffic and traffic patterns.  
20 You do have the loading zone a pretty substantial  
21 distance from the front entrance.

22 MR. LANZA: Okay. Well, we can take a  
23 look at that, Jason, and see if we can slide that  
24 further. Let me discuss that with the architect and  
25 the owners and we'll see what we can do with that.

1 Understood.

2 MR. WISNIEWSKI: Yeah, I think the  
3 loading zone, isn't that, Geoff, for move-in and  
4 move-out of tenants?

5 MR. LANZA: Yes.

6 MR. WISNIEWSKI: So that's not a no  
7 (technical glitch - inaudible) zone, Geoff.

8 MR. LANZA: I know what he's saying  
9 though. He's saying anybody else will want to use  
10 it.

11 MR. WISNIEWSKI: I see.

12 MR. VALETUTTO: Does the Board members  
13 have any comment on that while we're dis -- while  
14 that's on the table, about moving that loading zone  
15 closer to the front entrance?

16 Because, like I said, you're going to  
17 have delivery people. They're not going to pay  
18 attention to the loading zone. Oh, the loading zone  
19 is all the way back here. Where the front entrance  
20 is where I got to go deliver it, let me double park  
21 real quick, run in, and it can cause an issue.

22 CHAIRWOMAN SZARO: I think it's a good  
23 suggestion because we know people are going to get  
24 Amazon deliveries. Amazon, pizza, whatever.

25 MR. HOREZGA: Is there a suggestion on

1     how many feet it should be moved? Or just a general  
2     --

3                   MR. VALETUTTO: Well, I would suggest  
4     that wouldn't you think that loading zone should be  
5     right there at the entrance?

6                   I mean, the people that are going to  
7     park, they're going to be parking and going to be in  
8     the building for a substantial amount of time.  
9     Loading people or delivery people are come and go,  
10    come and go. So they're not going to want to park  
11    far away, walk the distance to come in and then walk  
12    back to their car. They're going to want to get in,  
13    get out, go.

14                  MR. WISNIEWSKI: Right, I think there are  
15    two different issues that need to be addressed here.  
16    One is the loading zone for move-in/move-out.

17                  So, Geoff, is there a particular reason  
18    to have the loading zone for move-in/move-out in that  
19    location? Is there a separate entrance or like a  
20    freight elevator or something at that spot?

21                  MR. LANZA: Yeah, that's -- we don't want  
22    them moving in through the lobby, of course. So  
23    that's why it's back where it is.

24                  COUNCILMAN GROSS: Excuse me. Let me  
25    just say something. Geoff, I thought there was --

1 when I look at your plan, there is a pull-off or  
2 loading area right next to the handicapped spaces.

3 MR. LANZA: Yes.

4 MR. RAKER: For an Amazon truck and all  
5 of those deliveries.

6 MR. LANZA: And drop-off.

7 COUNCILMAN GROSS: There is a loading  
8 zone for those types of trucks that is directly  
9 adjacent to the lobby. If you look at the plan --  
10 (Indiscernible cross-talk)

11 COUNCILMAN GROSS: Geoff, if you could  
12 just bring that up.

13 MR. LANZA: Yeah.

14 COUNCILMAN GROSS: So ...

15 MR. VALETUTTO: Well, then, Mickey, I  
16 think they really need to have that striped as a  
17 loading area and signed as a loading area because  
18 people aren't going to understand that. And people  
19 are probably going to look to park there and use that  
20 as a parking space.

21 MR. LANZA: Yes, that would be signed for  
22 drop-offs only.

23 MR. VALETUTTO: Do you know, Geoff, are  
24 you able to tell us how -- the length of that?  
25 Because it's not ...

1                   MR. LANZA: Oh, that's probably over 30  
2 feet.

3                   MR. VALETUTTO: Okay, so you could fit  
4 about two cars -- you could fit two cars in there at  
5 a time?

6                   MR. LANZA: Yeah. Yes.

7                   MR. VALETUTTO: Okay.

8                   MR. LANZA: I thought that would be  
9 enough, Jason. That's why I'm trying to keep the  
10 loading away, the main loading.

11                   MR. VALETUTTO: Okay, I didn't -- like I  
12 said, on the plans that I reviewed, it's not signed;  
13 it's not striped as a loading or delivery area. It  
14 really should be -- I think it should be striped as  
15 it and also the sign should be there deliveries only,  
16 five-minute parking or something of that nature.

17                   MR. LANZA: Right.

18                   MR. VALETUTTO: I would suggest that to  
19 the Board.

20                   MR. LANZA: Agreed.

21                   MR. VALETUTTO: Okay, I think that takes  
22 care of that.

23                   MR. WISNIEWSKI: So, Jason, just so I'm  
24 clear, so as long as that's striped and signed  
25 correctly, the spots, the two different loading

1 spots, can be left where they're at?

2 MR. VALETUTTO: Yeah, I think -- yeah.

3 See the striped loading area on Road D?

4 MR. WISNIEWSKI: Yeah.

5 MR. VALETUTTO: I was unaware that was  
6 for move-in and that you purposely used that as  
7 entrance for move-in, that people aren't going in  
8 through the lobby.

9 MR. LANZA: Right, right.

10 MR. VALETUTTO: And you don't get that  
11 from plans. I was looking for that through  
12 testimony.

13 So, yeah, if you have that other area, it  
14 was intended for deliveries, then, yeah, by all  
15 means, you have that striped and signed properly,  
16 like I said, no more than five-minute parking or  
17 whatever, delivery only, I think the Board members  
18 would appreciate that.

19 MR. WISNIEWSKI: I think that's something  
20 we can do.

21 MR. LANZA: Yes.

22 MR. VALETUTTO: And then I think that's  
23 all I have for Mr. Lanza.

24 John, I see that the representative from  
25 the applicant is here. Were you going to have him

1 testify at all?

2 MR. WISNIEWSKI: Yeah, there was the  
3 question you had raised about the correct name of the  
4 entity. Since it's -- he's the representative of the  
5 entity, I was going to have him just put that on the  
6 record. You've already heard testimony that answers  
7 the question as to why it was moved. But he can  
8 certainly address that as well.

9 MR. VALETUTTO: Yeah, I was just looking  
10 for that and the roads, Mr. Lanza testified that they  
11 were named; I just wanted to verify. And also if  
12 there was a -- he doesn't have to disclose, but I'm  
13 sure the Board would appreciate to know if there's  
14 any sort of timeline been put into thought for  
15 development of the remainder of the portion of the  
16 property that the applicant owns.

17 MR. WISNIEWSKI: Well, the applicant  
18 doesn't own the remainder of the property. They're  
19 just -- they were the contract purchasers for this  
20 section. They have an opportunity, a contractual  
21 right in the future to purchase the remainder, but  
22 they don't own it currently.

23 MR. VALETUTTO: Okay, I -- okay, then I  
24 misunderstood that. Are they the current owners of  
25 this piece of parcel yet or no? 'Cause that was --

1                   MR. WISNIEWSKI: I'll let him -- I'll let  
2 him address that. I believe that --

3                   MR. VALETUTTO: Okay.

4                   MR. WISNIEWSKI: I believe that's been  
5 addressed. But I don't want to speak for him on that  
6 issue.

7                   But before we go, Jason, just going back  
8 to the issue of where the wall is, that was  
9 necessitated by ADA compliance at the corner of the  
10 building.

11                  MR. VALETUTTO: Right.

12                  MR. WISNIEWSKI: Mr. Lanza testified that  
13 there's no sight triangle problem. Are you saying  
14 that we need a variance for that or if the fence  
15 is --

16                  MR. VALETUTTO: No, if Mr. Lanza's  
17 testified that it is not within the sight triangle,  
18 I'm sure Mr. Lanza can put on the revised plans that  
19 he's going to have to submit that -- he could stripe  
20 the location of the sight triangle just to prove that  
21 it's outside of -- the wall is outside of that sight  
22 triangle, then that's fine.

23                  MR. WISNIEWSKI: But in terms of the  
24 height? You had said there might be a variance.

25                  MR. VALETUTTO: It depends. The height

1 would be a variance if the fence is constructed  
2 directly on the wall cap.

3 MR. WISNIEWSKI: Okay.

4 MR. VALETUTTO: If the fence is  
5 constructed behind the wall cap and into the actual  
6 ground, then there is no variance because then it's a  
7 fence -- it's a standalone fence four foot high, and  
8 it's outside of the sight triangle. So that's  
9 allowed.

10 If it's on the wall itself, it becomes  
11 the height of the fence, the four feet, plus the  
12 height of the wall, which would kick it above the  
13 four feet that's permitted.

14 MR. WISNIEWSKI: Okay, I think Geoff  
15 already established that it's not going to require a  
16 variance. Correct, Geoff?

17 MR. LANZA: Correct.

18 MR. WISNIEWSKI: Okay. So that will just  
19 be reflected and noted on the plans, Jason.

20 MR. VALETUTTO: Yup.

21 MR. WISNIEWSKI: Okay. Are there any  
22 other questions for Mr. Lanza?

23 CHAIRWOMAN SZARO: Any questions from the  
24 Board?

25 MR. HOREZGA: Just a general question.

1                   CHAIRWOMAN SZARO: Go ahead. I'm sorry,  
2 can you just state your name?

3                   MR. HOREZGA: Yes, this is Andrew  
4 Horezga.

5                   CHAIRWOMAN SZARO: Is that Andrew?

6                   MR. HOREZGA: Yes.

7                   CHAIRWOMAN SZARO: Go ahead.

8                   MR. HOREZGA: Okay. The hotbox that was  
9 talked about, I'm assuming there's a heating element  
10 in that. Correct?

11                  MR. KELLY: Yes.

12                  MR. HOREZGA: How is that powered; is  
13 that electric or gas?

14                  MR. LANZA: It depends.

15                  MR. KELLY: It's typically done through  
16 electric.

17                  MR. LANZA: Yeah.

18                  MR. HOREZGA: Okay.

19                  MR. KELLY: If there's no gas in them,  
20 it's done through electric.

21                  MR. HOREZGA: Okay. Is there a utility  
22 pole that needs to be placed there or it would just  
23 be powered underground with the installation of the  
24 unit?

25                  MR. KELLY: Typically it's run as an

1 underground utility to the hotbox.

2 MR. HOREZGA: Okay.

3 MR. KELLY: Coming up from the building.

4 MR. HOREZGA: Thank you.

5 CHAIRWOMAN SZARO: Any other questions  
6 from the Board? Okay, no other questions.

7 MR. WISNIEWSKI: Okay, Madam Chair, I'd  
8 like to next call my final witness, Jonathan  
9 Schwartz, principal with BNE Associates, the  
10 developer of the project.

11 Mr. Stahl, would you swear him in?

12 MR. STAHL: Yeah, I'm just looking -- I'm  
13 looking for him.

14 MR. SCHWARTZ: I'm here. Sorry.

15 MR. STAHL: I got you. Please raise your  
16 right hand.

17 J O N A T H A N S C H W A R T Z, was duly sworn.

18 MR. STAHL: And your full name, please,  
19 and spell your last name.

20 MR. SCHWARTZ: Jonathan Schwartz.  
21 Schwartz is S-c-h-w-a-r-t-z.

22 MR. STAHL: Thank you. Mr. Wisniewski,  
23 your witness.

24 MR. WISNIEWSKI: Thank you, Counsel.

25 DIRECT EXAMINATION BY MR. WISNIEWSKI:

1           Q.       Mr. Schwartz, you saw Mr. Valetutto's  
2 review letter, correct?

3           A.       Correct.

4           Q.       And he raised some questions in it about  
5 why the change was made to the plans. Can you just  
6 elaborate as the developer of the project?

7           A.       Sure. So we decided that just from a design  
8 perspective that we wanted the lobby and a lot of our  
9 many spaces, including our leasing offices, to be on  
10 the corner with eyes on Phase 1 as well.

11                    There's a chance that maybe down in the  
12 future we'll consolidate the leasing offices once  
13 both buildings are fully leased and we can have -- if  
14 we decide to have a leasing office in the second  
15 phase, we think it just is better from a security  
16 standpoint, from a leasing standpoint, a management  
17 standpoint to be able to have eyes on both buildings.

18                    I actually -- we actually grew the amenity  
19 space as well by eliminating five units, and it was a  
20 more efficient design when we pushed it to the corner  
21 rather than in the middle of the building.

22           Q.       Okay. Thank you. And the correct name  
23 of the entity has not changed throughout this  
24 application, correct?

25           A.       Correct. It's Samboy Partners Urban Renewal,

1 LLC. It is the same applicant as Phase 1 as it will  
2 be for Phase 2, is for Phase 2.

3 MR. WISNIEWSKI: I have no further  
4 questions for Mr. Schwartz.

5 CHAIRWOMAN SZARO: Does any of the Board  
6 have any questions for Mr. Schwartz? Jason?

7 MR. VALETUTTO: I do. Hi, Jonathan.

8 MR. SCHWARTZ: Hi, Jason.

9 MR. VALETUTTO: Have you -- has BNE  
10 purchased the property yet or is it still contingent  
11 on getting final approval?

12 MR. SCHWARTZ: We are a contract  
13 purchaser. It's contingent on the final approval.

14 MR. VALETUTTO: Okay. And since we have  
15 a number of members that were not a part of the  
16 original approval, can you just briefly give them who  
17 BNE South Amboy is? Because all they see is the  
18 Samboy Partners Urban Renewal and they see owner as  
19 Manhattan Beach Club, so there's no correlation to  
20 BNE. So just brief, very brief.

21 MR. SCHWARTZ: Yeah, absolutely. So I'm  
22 principal with BNE. We are a ground-up multi-family  
23 realty developer in New Jersey. We own and manage  
24 over 10,000 apartments. We just completed Phase 1,  
25 which we called Station Bay. I don't know if

1 everyone on the Board has gone and seen it, but I  
2 welcome you to go take a look at it. I think it came  
3 out great. We started leasing last week and it's  
4 been a really great start.

5 And we plan to move right into Phase 2  
6 and hope to come out of the ground on that one, if we  
7 get all of our approvals, by sometime this summer.

8 MR. VALETUTTO: And is there any link  
9 from BNE to Samboy Partners Urban Development?  
10 That's really what I want them to know, yeah.

11 MR. SCHWARTZ: Sorry. Yeah, BNE is a  
12 parent company and we are -- the members-owners of  
13 BNE are also the owners of Samboy Partners.

14 MR. VALETUTTO: I have nothing further,  
15 Madam Chair.

16 MR. SCHWARTZ: The only thing I would add  
17 is we have named the street. The streets are named  
18 Schindler Road, 1000 Schindler Road.

19 MR. VALETUTTO: Is that street B or C?

20 MR. SCHWARTZ: I forget the lettering at  
21 this point, but it's basically the main spine road  
22 that comes through. And I believe we just decided to  
23 not really name the swing road; we just kept it that  
24 same because the addresses are all going to be toward  
25 the front of the building.

1                   MR. VALETUTTO: Okay, so Schindler Road  
2 is the one that adjoins half of the lobby?

3                   MR. SCHWARTZ: Yes.

4                   MR. VALETUTTO: Okay.

5                   CHAIRWOMAN SZARO: Any other questions  
6 from the Board?

7                   MAYOR HENRY: Yeah, Mayor Fred Henry.

8                   CHAIRWOMAN SZARO: Yes, go ahead, Mayor.

9                   MAYOR HENRY: Yeah, I was just wondering  
10 if Jonathan would like to at this point maybe explain  
11 why it's referred to as Schindler Road. I think it's  
12 a great history to it.

13                   MR. SCHWARTZ: Sure; thank you. So my  
14 grandfather, Murray Pantirer, was an Oskar Schindler  
15 survivor of the Holocaust. So Oskar Schindler saved  
16 a thousand Jews during the Holocaust. He was one of  
17 them. He was the only surviving member of his entire  
18 family, six brothers and sisters and his parents.

19                   And when he came here after the war, in  
20 honor of his savior, he started naming streets all  
21 over New Jersey with Schindler Court, Schindler Way,  
22 Schindler Ave.

23                   And South Amboy, this project, Station  
24 Bay, will be around probably our thirtieth street  
25 that we've named in the state.

1                   CHAIRWOMAN SZARO: That's an amazing  
2 story. I have to weigh in. And hopefully -- or  
3 maybe can you just -- we can document that somewhere?  
4 Because when I heard the name, that was the first  
5 thing I thought of, but I really didn't make the  
6 connection. So thank you, Mayor Henry, for bringing  
7 that up and thank you, Jonathan. That's a wonderful  
8 story to be told.

9                   COUNCILMAN GROSS: Council President  
10 Mickey Gross. We are honored to have one of our  
11 streets named after such a great human being, and God  
12 bless your family for thinking of our Holocaust  
13 survivors. Thank you. God bless you.

14                  MR. SCHWARTZ: Thank you.

15                  MR. FORSHNER: Would it be appropriate to  
16 ask for a plaque that explains that to be put at the  
17 site? I certainly wouldn't require it, but I just  
18 raise it as a question as something perhaps of  
19 interest.

20                  MR. SCHWARTZ: Sure.

21                                 (Indiscernible cross-talk)

22                  CHAIRWOMAN SZARO: I'm sure the  
23 Historical Society could work on it.

24                  MR. WISNIEWSKI: I think Mr. Schwartz  
25 said, "sure."

1                   MR. SCHWARTZ: We've actually done it  
2 before. The very first one that we built in  
3 Elizabeth, New Jersey, we've got a little standing  
4 plaque right under the street name, so we're happy to  
5 do something similar.

6                   CHAIRWOMAN SZARO: That's wonderful.

7                   MR. VALETUTTO: I was going to say that  
8 would be great for people, the residents of your  
9 building, to understand some of that history, maybe  
10 even do like something inside your lobby, too. I  
11 know I wouldn't know the history, but I would love to  
12 know the history if I lived there.

13                  MR. SCHWARTZ: Yeah. Absolutely.

14                  MR. WISNIEWSKI: Are there any other  
15 questions from the Board or from the professionals?

16                  CHAIRWOMAN SZARO: It does not look like  
17 it; I think we're good. Would you like to say any  
18 final words before we open up to the public, Mr.  
19 Wisniewski?

20                  MR. WISNIEWSKI: Thank you, Madam Chair.  
21 You've heard testimony from Jonathan Schwartz, from  
22 Jack Raker and Geoff Lanza. They each have addressed  
23 the Board's professional review letter prepared by  
24 Mr. Valetutto and in their testimony they've  
25 addressed any of the engineering concerns or planning

1 concerns that he has raised. They have agreed to  
2 address any of the requests for changes that Mr.  
3 Valetutto made in the resubmission of the plans. We  
4 have separately submitted all of the ancillary  
5 approvals that Mr. Valetutto noted in his letter.  
6 And we have agreed to resubmit to the fire marshal  
7 because of the change in entrance.

8 I think that, in light of that testimony  
9 and the documents that have been submitted, I would  
10 urge the Board to favorably grant amended preliminary  
11 and final site plan approval for this application.

12 CHAIRWOMAN SZARO: Thank you. With that,  
13 I'd like to ask for a motion to open this session up  
14 to the public.

15 MR. FORSHNER: So moved.

16 MR. STAHL: Before we do that, Madam  
17 Chair, before we do that, I just want, to the extent  
18 there is anyone in the audience who wishes to be  
19 heard, I just wanted to indicate, A, that the Chair  
20 reserves the right to limit the time of any speakers.

21 And I wanted, more importantly, to remind  
22 everyone who may be in the audience that this is for  
23 final approval and amended approval, preliminary, and  
24 it is not appropriate to question the initial  
25 approval by this Board with regard to any bulk

1       variances, SARA approval, et cetera. The only  
2       inquiry which would be appropriate would be as to  
3       that which was presented this evening.

4               So with that, Madam Chair, I leave it up  
5       to you to take the motion.

6               CHAIRWOMAN SZARO: Thank you. Do I have  
7       a motion to open to the public?

8               MR. FORSHNER: So moved.

9               MS. KERN: Second the motion.

10              CHAIRWOMAN SZARO: Thank you. All in  
11       favor?

12              MULTIPLE BOARD MEMBERS: Aye.

13              CHAIRWOMAN SZARO: Is there anyone from  
14       the public who would like to be heard on this  
15       application? If you could raise your hand or say  
16       your name.

17              MR. SMIGA: Christopher Smiga.

18              CHAIRWOMAN SZARO: Yes, go right ahead.

19              MR. SMIGA: I just want to make sure I  
20       understood the attorney. Would I be able to ask a  
21       question --

22              MR. STAHL: Excuse me, sir. I don't mean  
23       to be rude. Just if you would raise your right hand,  
24       please.

25       C H R I S T O P H E R   S M I G A,       was duly sworn.

1                   MR. STAHL: Could you please also  
2 identify your full name, spelling your last name, and  
3 then your address.

4                   MR. SMIGA: My name is Christopher. My  
5 last name is Smiga, S-m-i-g-a. And I live at 144  
6 Second Street, South Amboy.

7                   MR. STAHL: All right, and you had a  
8 question I think it -- was it of me or Mr.  
9 Wisniewski?

10                  MR. SMIGA: It was of you. I just wanted  
11 to make sure that I don't misspeak. Am I allowed to  
12 ask about something else on the lot, a question  
13 about?

14                  MR. STAHL: I don't think we're going to  
15 limit you, sir.

16                  MR. SMIGA: Okay.

17                  MR. STAHL: I just think someone  
18 shouldn't get on and say, I don't like the  
19 application, et cetera, because the Board has already  
20 made its decision.

21                  MR. SMIGA: Okay, thank you.

22                  MR. STAHL: But, Mr. Smiga, go ahead.

23                  MR. SMIGA: Thank you. I just want to  
24 point out that sometime in late September of 2021 the  
25 osprey nesting platform that lay on this lot was

1 destroyed by lightning. I would like to hear if  
2 there is a commitment to rebuilding the platform by  
3 mid March in time for the osprey to return.

4 To clarify, I do not object to the  
5 location of the platform in proximity to the new  
6 building detailed in this application. And I will  
7 let the applicant respond. Thank you, and good luck.

8 MR. STAHL: Mr. Wisniewski? If you could  
9 direct it to where you want it to go.

10 MR. WISNIEWSKI: I think Mr. Schwartz  
11 will respond to that.

12 MR. STAHL: Thank you.

13 MR. SCHWARTZ: All right, sure. Yup, we  
14 are absolutely committed to rebuilding the nest. Mr.  
15 Smiga and I have spoken over e-mail a couple times  
16 and we told him we're going to have that nest fixed  
17 during the middle of March.

18 MR. WISNIEWSKI: Does that satisfy your  
19 question, Mr. Smiga?

20 MR. SMIGA: Yes. Thank you very much.

21 CHAIRWOMAN SZARO: Thank you. Would  
22 anyone else from the public like to be heard? Okay,  
23 I will ask one more time.

24 MR. GONZALEZ: Move to close the public.

25 CHAIRWOMAN SZARO: Is there anyone else

1 from the public who would like to be heard? Last  
2 call. Okay, do I have a motion to close to the  
3 public?

4 MR. GONZALEZ: Move to close public.

5 MS. KERN: Make a motion. Second.

6 CHAIRWOMAN SZARO: Thank you. All in  
7 favor?

8 MULTIPLE BOARD MEMBERS: Aye.

9 CHAIRWOMAN SZARO: Okay, at this time do  
10 I have a motion to approve Application 423-21? Mr.  
11 Stahl, can you outline the conditions?

12 MR. STAHL: The only condition that I'm  
13 aware of would be the requirement to update the fire  
14 marshal's report based upon the changes to the  
15 building which the Board may grant today.

16 There is a sight triangle issue, but  
17 that's going to be together with the other  
18 engineering elements that are in Mr. Valetutto's  
19 report. So the only real condition is updating the  
20 fire marshal.

21 CHAIRWOMAN SZARO: Thank you.

22 MR. STAHL: And the normal conditions  
23 that we have, of payment of fees, compliance with  
24 ordinances, compliance with SARA, which I believe has  
25 already been resolved.

1 MR. WISNIEWSKI: Yes, the SARA -- Mr.  
2 Stahl, we received the SARA letter. It was submitted  
3 to the Board and I think noted. So that doesn't need  
4 to be a condition any longer.

5 MR. STAHL: No, I just said the normal  
6 ones that -- you're correct.

7 MR. FORSHNER: And compliance with all  
8 the reports of the Board professionals?

9 MR. WISNIEWSKI: Yes, we've put on the  
10 record that the items that are noted in Mr.  
11 Valetutto's letter, we will make those changes to the  
12 plans and resubmit them.

13 MR. FORSHNER: I was just making clear  
14 that the Resolution should state that. That was my  
15 only comment. And I'll move that -- move the  
16 application accordingly.

17 CHAIRWOMAN SZARO: Do I have a second?

18 MR. KOMINKIEWICZ: Lady Chair, I'm very  
19 sorry. Before we move ahead with a vote, I was  
20 hoping I could ask a question based on something I  
21 heard later in the testimony. May I ask one more  
22 question before we entertain a motion or is it too  
23 late?

24 CHAIRWOMAN SZARO: We can -- I think  
25 we're going to -- I mean, we could just hold the

1 vote. Go ahead, Scott.

2 MR. KOMINKIEWICZ: My question is for Mr.  
3 Wisniewski and the representative from -- of the  
4 applicant.

5 When we first had given approval for the  
6 entire project, there was discussion of a monument  
7 for the 1950 South Amboy explosion. And I'm just  
8 curious -- it's not in these plans as far as I can  
9 tell. But when will we be seeing plans for -- that  
10 will include such a worthy monument?

11 MR. WISNIEWSKI: That was a condition in  
12 the original approval, but Jonathan, would you  
13 elaborate?

14 MR. SCHWARTZ: Yes, so that -- I guess --  
15 and this -- we further understood that I guess at our  
16 last hearing for final on Phase 1, that's really --  
17 they want that to go down towards the water. I guess  
18 that explosion happened more towards the property  
19 closer to the water and where the future ferry is.  
20 And there's a commitment from Manhattan Beach Club,  
21 who's still the current owner, that before they build  
22 out the project, that there is going to be a  
23 monument.

24 CHAIRWOMAN SZARO: Okay, thank you.

25 MR. KOMINKIEWICZ: Okay, thank you.

1 CHAIRWOMAN SZARO: Okay, Gary made the  
2 motion. Do I have a second?

3 MR. GONZALEZ: I second.

4 MS. KERN: Second.

5 CHAIRWOMAN SZARO: Thank you. Roll call?

6 MS. RUSSO: Chairwoman Mary Szaro?

7 CHAIRWOMAN SZARO: Yes.

8 MS. RUSSO: Scott Kominkiewicz?

9 MR. KOMINKIEWICZ: Yes.

10 CHAIRWOMAN SZARO: Mayor Fred Henry?

11 MAYOR HENRY: Yes.

12 MS. RUSSO: Councilman Mickey Gross?

13 COUNCILMAN GROSS: Yes.

14 MS. RUSSO: Tom Kelly?

15 MR. KELLY: Yes.

16 MS. RUSSO: George Baranowski?

17 MR. BARANOWSKI: Yes.

18 MS. RUSSO: Janet Kern?

19 MS. KERN: Yes.

20 MS. RUSSO: Jorge Gonzalez?

21 MR. GONZALEZ: Yes.

22 MS. RUSSO: Gary Forshner?

23 MR. FORSHNER: Yes.

24 MS. RUSSO: William DeMasi? William

25 DeMasi?

1 MR. DeMASI: Yes.

2 MS. RUSSO: Andrew Horezga?

3 MR. HOREZGA: In light of all the  
4 testimony tonight, yes.

5 MS. RUSSO: And Robert Paulukiewicz?

6 MR. PAULUKIEWICZ: Yes.

7 MS. RUSSO: Roll call complete.

8 CHAIRWOMAN SZARO: Thank you, all.  
9 Congratulations. The application is approved.

10 MR. WISNIEWSKI: Madam Chair, members of  
11 the Board, the professionals, thank you very much for  
12 your indulgence tonight.

13 CHAIRWOMAN SZARO: Thank you. Have a  
14 great evening.

15 MR. WISNIEWSKI: You, too.

16 (Whereupon the public hearing was  
17 concluded at 8:30 p.m.)

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## C E R T I F I C A T E

I, BETSY CONDIOTTI, a Certified Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate verbatim transcript of the virtual hearing as taken by and before me on the date hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, any of the parties to the action in which this hearing was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

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