

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES

March 23, 2022

Members present: Scott Kominkiewicz, 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: Mary Szaro, Council President Michael Gross

Also present: Jason C. Valetutto, P.E., P.P., James E. Stahl, Esq.

Vice Chairman Scott Kominkiewicz 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 Jorge Gonzalez-Gomez, seconded by Janet Kern to accept the Minutes of February 23, 2022, Motion carried: 8-0, 3 abstentions.

Vice Chairman Scott Kominkiewicz 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. Motion by Andrew Horezga, seconded by Jorge Gonzalez-Gomez to be carried with out a date and with re-noticing.

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

200 South Broadway / Block 42, Lots 19.01 & 20.01

Mr. Kenneth Pape, Esq. requested that the above-referenced application be carried. Motion by Jorge Gonzalez-Gomez, seconded by Janet Kern to be carried with out a date.

Application PB# 430-22 - Carmen Galarza

427 Prospect Street / Block 2, Lot 2.01

Notice to the Home News Tribune was not advertised ten (10) days prior to the this application hearing date. Motion by Gary Forshner seconded by Andrew Horezga to be carried to the April 27, 2022, Planning Board meeting with re-notice to the Home News Tribune.

ANNOUNCEMENT of APPLICATION CONTINUED

Application # 424-21 – Robert Lubelli

716 Conlogue Avenue / Block 93, Lot 11

Mr. Lubelli has retained Mr. Thomas E. Downs, IV, Esq. to represent the above-refernced Planning Board Application. Mr. Downs requested that his clients application be continued to April 27, 2022, Planning Board meeting. Motion by Gary Forshner, seconded by Thomas Kelly to be continued to the April 27, 2022 Planning Board meeting.

RESOLUTIONS

Application # 425-21 – Joseph Kolakowski

11 Thomas Street / Block 95, Lot 12

Motion by Jorge Gonzalez-Gomez seconded by Janet Kern to accept the Resolution as written granting Bulk Variance Approval for Maximum Lot Coverage.

Motion carried: 6-0, 1 abstention.

COMPLETENESS

PB Application # 431-22 – SA 101 Main Street Urban Renewal, LLC.

Main Street (a/k/a 101 Main Street) / Block 160, Lot 1

Completeness Committee Chairwoman Janet Kern stated that she is in receipt of a letter from AJV Engineering, Inc. dated March 15, 2022, regarding Application #431-22, SA 101 Main Street Urban Renewal, LLC. recommending **Complete**.

Motion by George Baranowski, seconded by Jorge Gonzalez-Gomez to accept the recommendation of **Complete** for Application #431-22, SA 101 Main Street Urban Renewal, LLC.

Motion carried: 3-0, 0 abstentions.

APPLICATION HEARINGS

PB Application # 426-21 – Ravi Gupta

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

Please refer to the transcript

Vice Chairman Scott Kominkiewicz asked for a motion to open this portion of the public. Motion by Jorge Gonzalez-Gomez, seconded by Tom Kelly. With no members of the public wishing to speak, Vice Chairman Scott Kominkiewicz asked for a motion to close this portion of the meeting. Motion by Andrew Horezga seconded by Thomas Kelly. All in favor

Motion by Gary Forshner, seconded by Jorge Gonzalez-Gomez to approve the Amended Preliminary Site Plan portion of the application subject to all the testimony, all conditions outlined

in the letter from AJV Engineering, Inc. dated Mach 11, 2022, and all conditioned outlined by Mr. James E. Stahl, Esq. Motion carried: 9-0, 0 abstention

CORRESPONDENCE

PB Application #431-22 - SA 101 Main Street Urban Renewal, LLC.

The applicants Attorney Mr. Jason R. Tuvel, Esq. asked for a request for Special Meeting on Wednesday, March 30, 2022.

DISCUSSION – None

Vice Chairman Scott Kominkiewicz open the meeting to the public. With no one from the public wishing to speak, Vice Chairman Scott Kominkiewicz asked for a motion to close the meeting to the public. Motion by Gary Forshner, seconded by William DeMasi. All in Favor

Vice Chairman Scott Kominkiewicz announced that the next scheduled Special Meeting would be held in person on Wednesday, March 30, 2022, at 7:00 pm.

Vice Chairman Scott Kominkiewicz called this meeting to adjourn. All in favor.

Respectfully submitted,



Amy Russo

Planning Board Secretary

Minutes Approved on April 27, 2022

CITY OF SOUTH AMBOY PLANNING BOARD
COUNTY OF MIDDLESEX-STATE OF NEW JERSEY

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IN THE MATTER OF THE :
APPLICATION OF: :
RAVI GUPTA :
#426-21 :
101-103 SOUTH PINE AVENUE :
BLOCK 75, LOT 5 :
:

TRANSCRIPT OF PROCEEDINGS
WEDNESDAY, MARCH 23, 2022
COMMENCING AT 7:00 P.M.

BOARD MEMBERS PRESENT:

- SCOTT KOMINKIEWICZ-Vice Chariman
- MAYOR FRED A. HENRY
- THOMAS KELLY
- GEORGE BARANOWSKI
- JANET KERN
- DR. JORGE GONZALES-GOMEZ
- GARY FORSHNER
- WILLIAM DeMASI
- ANDREW HOREZGA
- FRANCIS MULVEY

AMY RUSSO-Planning Board Secretary
JASON VALETUTO-Planner/Engineer

STENOGRAPHICALLY REPORTED BY:
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1 A P P E A R A N C E S

2

GIORDANO, HALLERAN & CIESLA, P.C.

3

125 Half Mile Road

Suite 300

4

Red Bank, New Jersey 07701

BY: CHIARA R. MANCINI, Esq.

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Counsel for the Applicant-Ravi Gupta

6

7 JAMES E. STAHL, ESQUIRE

Counsel for the Board

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I N D E X:

WITNESS	PAGE
Pietro Rosato, Sworn	18
Ravi Gupta, Sworn	23
Maurice Brown, Sworn	35

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A1	Sheet A100, Revision 1/20/22	21
A2	Sheet A101, Revision 1/20/22	21
A3	Sheet 300, Revision 1/17/22	37

1 MS. RUSSO: Oh, sorry. Jorge Gonzales.

2 DR. GONZALES-GOMEZ: Here.

3 MS. RUSSO: Gary Forshner?

4 MR. FORSHNER: Here.

5 MS. RUSSO: William DeMasi?

6 MR. DEMASI: Here.

7 MS. RUSSO: Andrew Horezga?

8 MR. HOREZGA: Here.

9 MS. RUSSO: Francis Mulvey?

10 MR. MULVEY: Yes.

11 MS. RUSSO: Roll call complete.

12 VICE CHAIRMAN: Thank you very much. Next
13 order of business is approval of minutes of the
14 previous meeting that we had February 23rd.

15 DR. GONZALES-GOMEZ: Chairman, I'll make a
16 motion to approve them as corrected.

17 MS. KERN: Second.

18 THE CHAIRWOMAN: And there's a record of
19 the correction?

20 DR. GONZALES-GOMEZ: Yes, the secretary
21 has received that.

22 VICE CHAIRMAN: Thank you very much. Is
23 there a second?

24 MS. KERN: Second.

25 VICE CHAIRMAN: All right, roll call.

1 MS. RUSSO: Scott Kominkiewicz?

2 VICE CHAIRMAN: Yes.

3 MS. RUSSO: Mayor Fred Henry?

4 MAYOR HENRY: Yes.

5 MS. RUSSO: Thomas Kelly?

6 MR. KELLY: Yes.

7 MS. RUSSO: George Baranowski?

8 MR. BARANOWSKI: Yes.

9 MS. RUSSO: Janet Kern?

10 MS. KERN: Yes.

11 MS. RUSSO: Jorge Gonzales?

12 DR. GONZALES-GOMEZ: Yes.

13 MS. RUSSO: Gary Forshner?

14 MR. FORSHNER: Yes.

15 MS. RUSSO: William DeMasi?

16 MR. DEMASI: Abstain.

17 MS. RUSSO: Andrew Horezga?

18 MR. HOREZGA: Abstain.

19 MS. RUSSO: Francis Mulvey?

20 MR. MULVEY: Yes -- Abstained.

21 MS. RUSSO: Actually abstained. Roll call

22 complete.

23 VICE CHAIRMAN: Thank you very much. Now,

24 there are four applications that have been

25 requested by the applicants to carry to another

1 meeting. And I'd like to go to list them
2 individually and to then have a decision made
3 by the board upon carrying.

4 The first is application 416-21. The
5 applicant is HBD South Amboy, LLC. Is there
6 any information that the board should be aware
7 of, Mr. Stahl, regarding this?

8 MR. STAHL: Well, with regard to these
9 three and the fourth that was on the last page,
10 they're all being adjourned without a new date.

11 Therefore, the applicants will be required
12 to provide new notice. And if the list is not
13 current, the certified list, they would have to
14 obtain a new timely list.

15 But other than that, they're just being
16 carried without date.

17 VICE CHAIRMAN: All right, thank you. Is
18 there, is there a motion to carry that
19 application 416-21.

20 MR. FORSHNER: So moved.

21 VICE CHAIRMAN: Second?

22 MS. KERN: Second.

23 VICE CHAIRMAN: All in favor?

24 BOARD MEMBERS: Aye.

25 VICE CHAIRMAN: Opposed?

1 All right, the next application also
2 requesting to be adjourned, to be carried, is
3 application 389-18A. The applicant is 200
4 South Broadway, LLC. Is there a motion to
5 carry?

6 MR. FORSHNER: So moved.

7 MS. KERN: Second?

8 VICE CHAIRMAN: We have a motion and a
9 second. All in favor all?

10 BOARD MEMBERS: Aye.

11 VICE CHAIRMAN: Opposed?

12 Next is application 424-21.

13 MR. STAHL: Point of order, Mr. Chairman,
14 point of information.

15 VICE CHAIRMAN: Yes, I'm sorry.

16 MR. STAHL: I had received, fortunately
17 because of the complexity of that application,
18 Mr. Lubelli has retained a Thomas Downs as his
19 attorney. Mr. Downs called me just to make a
20 preliminary inquiry. So I assume he'll be
21 sending a letter of representation. And I told
22 everybody, of course, set that down for a new
23 date.

24 VICE CHAIRMAN: Thank you very much for
25 having that on the record.

1 All right, for application 424-21. The
2 applicant is Robert Lubelli. Is there a motion
3 to carry.

4 MR. FORSHNER: So moved.

5 VICE CHAIRMAN: Second.

6 MR. DEMASI: Second.

7 VICE CHAIRMAN: All in favor?

8 BOARD MEMBERS: Aye.

9 VICE CHAIRMAN: Next is application
10 430-22. We've received correspondence to carry
11 this. It was originally on tonight's agenda,
12 but we have a request to carry. And that
13 applicant is Carmen Galarza. Do I have a
14 motion to carry?

15 MR. FORSHNER: So moved.

16 MR. STAHL: I'm sorry again to interrupt.
17 This one does -- the larger does have a date
18 for our April meeting. She will be providing
19 new notice. There was an efficiency notice
20 which was found by our very capable secretary.
21 So she'll be renoticing, and whatever that date
22 is in April.

23 MS. RUSSO: 23rd.

24 MR. STAHL: April 23rd, that matter will
25 be on the agenda.

1 MR. FORSHNER: So moved.

2 DR. GONZALES-GOMEZ: Second.

3 VICE CHAIRMAN: I have a second.

4 MR. VALETUTTO: Just real quick, I believe
5 that date is the 27th. Just putting that on
6 the record. I'm sorry.

7 VICE CHAIRMAN: All in favor?

8 BOARD MEMBERS: Aye.

9 VICE CHAIRMAN: Opposed? Thank you very
10 much.

11 Now we have a resolution to memorialize
12 application 425-21. Applicant is Joseph
13 Kolakowski. Any questions? All right.

14 Do I have a motion to approve that
15 resolution?

16 DR. GONZALES-GOMEZ: So moved.

17 MS. KERN: Second.

18 VICE CHAIRMAN: I have a motion and a
19 second.

20 Roll call please.

21 MS. RUSSO: Chairman Scott Kominkiewicz?

22 VICE CHAIRMAN: Yes.

23 MS. RUSSO: Mayor Fred Henry?

24 MAYOR HENRY: Yes.

25 MS. RUSSO: Tom Kelly?

1 MR. KELLY: Abstain.

2 MS. RUSSO: George Baranowski.

3 MR. BARANOWSKI: Yes.

4 MS. RUSSO: Janet Kern?

5 MS. KERN: Yes.

6 MS. RUSSO: Jorge Gonzales?

7 DR. GONZALES-GOMEZ: Yes.

8 MS. RUSSO: Gary Forshner?

9 MR. FORSHNER: Yes.

10 MS. RUSSO: Roll call complete.

11 VICE CHAIRMAN: Thank you very much.

12 And next we have an application that needs
13 to be deemed for completeness.

14 Mrs. Kern.

15 MS. KERN: The application for SA 101 Main
16 Street, Urban Renewal, LLC, Plainfield
17 application 331-22 has been reviewed for
18 completeness by the planning board consultant
19 in a letter dated March 14th, 2022. The
20 committee makes a motion recommending that the
21 finding in the Planning Board consultant letter
22 has been accepted. The application is deemed
23 complete, subject to the full compliance with
24 the Planning Board renewed letter, including
25 but not limited to, payment of all fees.

1 In the event the applicant does not fully
2 comply with the terms of the referenced letter,
3 it shall remain incomplete until all items have
4 been addressed to the board consultant,
5 approval and scheduled for a hearing.

6 MR. BARANOWSKI: Motion.

7 DR. GONZALES-GOMEZ: Second.

8 MS. RUSSO: Thank you. Roll call. George
9 Baranowski?

10 MR. BARANOWSKI: Yes.

11 MS. RUSSO: Janet Kern?

12 MS. KERN: Yes.

13 MS. RUSSO: Jorge Gonzales?

14 DR. GONZALES-GOMEZ: Yes.

15 MS. RUSSO: Thank you.

16 VICE CHAIRMAN: Thank you very much.

17 I'd like to make an announcement that in
18 our correspondence there was request for a
19 special meeting of the Planning Board, and the
20 applicant, the application number is PB 431-22.
21 And the request for the meeting, which we will
22 hear is one week from today on March 30th,
23 2022. Bring that to the public's attention.

24 MR. STAHL: Mr. Tuvel, the only request --
25 the only issue -- there is no issue. But to

1 protect, not to protect -- Mr. Valetutto is
2 still in the course of, you know, reviewing
3 some of the paper -- not the paperwork. The
4 plans.

5 MR. TUVEL: Sure.

6 MR. STAHL: So he may have some -- not
7 withstanding it being complete, but a
8 completeness committee, Jason may have some
9 minor items that he'll bring to your attention.

10 Am I right, Jason?

11 MR. VALETUTTO: I think from, I think
12 we're fine as far as completeness. It's my,
13 it's just my application review in generating
14 the report on my findings of the plans.

15 MR. STAHL: That's what I meant, Jason.

16 MR. VALETUTTO: Yeah, yeah.

17 MR. TUVEL: We totally understand.
18 They'll be a technical review. We'll have to
19 review before the meeting in a normal course.

20 MR. STAHL: No surprises.

21 MR. TUVEL: Thank you very much. Have a
22 good night.

23 MS. RUSSO: Have a good night.

24 VICE CHAIRMAN: Okay.

25 MR. STAHL: I was trying to help you,

1 Jason.

2 VICE CHAIRMAN: So tonight we have only
3 one application to be heard by the board and
4 that is -- originally there was an application
5 that was approved with the number 426-21, and
6 because the approval is being -- is asking for
7 amendment, has a new number, and that's
8 398-18A.

9 MR. VALETUTTO: Do you want me to
10 summarize that for you because kind of
11 flip-flopped.

12 VICE CHAIRMAN: I flip-flopped? Please
13 do.

14 MR. VALETUTTO: Yeah. So originally the
15 application we're going to hear tonight was
16 application number 398-18 and it received
17 approval. That was under a different
18 applicant. The applicant tonight purchased
19 said approval and property, and was assigned
20 the application number 426-21.

21 However, since this is an amended approval
22 of that original application, the at current,
23 the current and actual application number
24 should read 398-18A.

25 VICE CHAIRMAN: Thank you.

1 MR. VALETUTTO: You're welcome.

2 VICE CHAIRMAN: Okay, will the applicant
3 and professionals, the floor is yours, please.

4 MR. STAHL: Mr. Chairman, just this is an
5 application for preliminary site and approval
6 for block 75, lot 5, 101-103 South Pine Avenue,
7 of course, in the City of South Amboy.

8 The owner applicant is Ravi, R-A-V-I,
9 Gupta, G-U-P-T-A, and we have counsel when she
10 gets her microphone together.

11 MS. MANCINI: Is it on?

12 MR. STAHL: Is it not on?

13 MS. MANCINI: I don't think so.

14 MS. RUSSO: No?

15 MS. MANCINI: I can talk loud if that
16 works for you. Can everyone hear me if I talk
17 this loud.

18 MR. STAHL: Sometimes the heater...

19 MS. MANCINI: There we go.

20 Good evening, everyone, Mr. Chairman,
21 members of the board. My name is -- can you
22 hear me?

23 My name is Chiara Mancini and I am from
24 the firm of Giordano Halleran & Ciesla and I
25 represent Mr. Ravi Gupta.

1 The within property of this application is
2 101-103 South Pine Avenue. By way of
3 background, and as previously discussed, this
4 property received use and bulk variance
5 approval in 2019. Mr. Gupta then purchased the
6 property and would like to make some changes to
7 the internal structure that he purchased, which
8 is within the reason for this amended site plan
9 approval.

10 You will hear from Pietro Rosato, which is
11 Mr. Gupta's architect. And you will hear from
12 Maurice Brown, which is Mr. Gupta's
13 professional engineer.

14 I don't think -- I think the key point
15 here is a lot of the changes that are made and
16 are to be discussed are to make the property
17 more residential in nature, because Mr. Gupta
18 is going to actually live in the place himself.

19 And, yeah, so if I could call Mr. Pietro
20 Rosato to start his testimony.

21 MR. STAHL: If I may, Ms. Mancini -- it's
22 so much quieter when that machine is off.

23 MS. MANCINI: Yes.

24 MR. STAHL: Would you acknowledge that you
25 and your client have received a reviewed letter

1 dated March 11th, 2022, from Mr. Jason
2 Valetutto of AJV Engineering?

3 MS. MANCINI: Yes.

4 MR. STAHL: And you and your client and
5 your professionals have had an opportunity to
6 review that; am I correct?

7 MS. MANCINI: Yes.

8 MR. STAHL: Okay.

9 MS. MANCINI: And one last thing, my
10 client prepared the notices, and I believe that
11 Ms. Russo has received the notices and
12 requisite affidavit.

13 MR. STAHL: Yes, the board has
14 jurisdiction.

15 MS. MANCINI: And there will be one
16 additional variance to this application from
17 the initial approval, which is for lot
18 coverage.

19 MR. STAHL: Yes, that's noted in the
20 March 11 review letter I believe for Mr. --
21 yes, maximum lot coverage required 25 percent,
22 proposed 37.67.

23 MS. MANCINI: Correct. Ready?

24 MR. STAHL: Raise your right hand please.

25 P I E T R O R O S A T O, sworn.

1 MR. STAHL: Try to keep your -- please
2 keep your voice up.

3 Please state your name, spelling the last
4 name.

5 MR. ROSATO: Pietro Rosato, P-I-E-T-R-O,
6 last name R-O-S-A-T-O.

7 MR. STAHL: And, Mr. Rosato, what are your
8 licenses?

9 MR. ROSATO: I'm licensed in New Jersey,
10 New York, and Connecticut. Been licensed in
11 New Jersey for about seven years now.

12 MR. STAHL: Do you want to voir-dire him
13 anymore or I'll just finish?

14 MS. MANCINI: Go ahead.

15 MR. STAHL: I don't want to take --

16 MS. MANCINI: No, go ahead.

17 MR. STAHL: How long have you been
18 licensed in New Jersey?

19 MR. ROSATO: About seven years.

20 MR. STAHL: And you appeared before
21 planning and zoning boards in the State of New
22 Jersey?

23 MR. ROSATO: Yes.

24 MR. STAHL: Your best estimate, how many?

25 MR. ROSATO: How many, around 10, 11.

1 MR. STAHL: Okay, and you're going to
2 testify as an architect; is that correct?

3 MR. ROSATO: That's correct.

4 MR. STAHL: Mr. Chairman, I recommend that
5 the board consider Mr. Rosato as a having
6 expertise in the field of architecture.

7 VICE CHAIRMAN: Okay. All in favor of
8 accepting Mr. Rosato's credentials.

9 BOARD MEMBERS: Aye.

10 VICE CHAIRMAN: Opposed? Okay, thank you.
11 Mr. Rosato.

12 MR. ROSATO: So the project proposes an
13 addition and alteration to a previously
14 approved plan and application.

15 Mr. Gupta, my client, would like to add a
16 bit of square footage from the, you know, from
17 the previously approved application into his
18 apartment, and as well as a second floor
19 addition.

20 The first floor -- the existing plan,
21 rather the plan that was approved, had a
22 storage unit, a storage room in the rear of the
23 apartment, and we're removing that. Proposing
24 to remove that.

25 MS. MANCINI: Pietro, one quick -- I think

1 we want to mark this as an exhibit.

2 MR. STAHL: My question is, to the extent
3 he's testifying about an exhibit, I'd like the
4 cinderblock to be identified.

5 MS. MANCINI: Exactly.

6 MR. STAHL: If these are already in our
7 file and having been provided by your office or
8 by the applicant, I don't normally require them
9 to be marked.

10 MS. MANCINI: Great.

11 MR. STAHL: But I would like them to be
12 noted as to what she -- what is the signature
13 block we're talking about?

14 MR. ROSATO: Sheet A100, and sheet A101.

15 MR. VALETUTTO: And just say the latest
16 revision date that's basically what he wants to
17 identify.

18 MR. ROSATO: The date, 3/23/22.

19 MR. STAHL: Okay, so that's 100 and 101;
20 is that correct?

21 MR. ROSATO: A100 and A101.

22 MR. STAHL: Just for the purposes of the
23 court reporter and the record, even though we
24 don't need to mark them, we're going to call
25 them Exhibits A1, and A2, just for reference in

1 the transcript.

2 (Whereupon, Exhibits A1 and A2,
3 Sheets A100 and A101, revision
4 date 1/20/22, were marked for
5 identification.)

6 MR. VALETUTTO: We do not have those
7 plans. The latest revision plan submitted was
8 January 20th, 22.

9 MR. ROSATO: January 20, 22.

10 MR. STAHL: So this is a different sheet?

11 MR. ROSATO: This is a different sheet.
12 So we prepared this sheet. There was supposed
13 to be highlighted to show what the differences
14 were between the previously approved plan and
15 this plan. But it's, it's exactly the same,
16 it's exactly the same drawing.

17 MR. STAHL: But there's shading or
18 highlights?

19 MR. ROSATO: But the shading did not come
20 out, so it's not in color, so.

21 MR. STAHL: Well, is it the same exact
22 document?

23 MR. ROSATO: It's exactly the same
24 drawing, yes.

25 MR. STAHL: So no revisions on it?

1 MR. ROSATO: No, no.

2 MR. FORSHNER: New revision date, no
3 actual revisions.

4 MS. MANCINI: Just supposed to be color,
5 but wasn't printed that way.

6 MR. STAHL: We're fine.

7 MR. ROSATO: Nothing changed on the plan
8 and the layout of the plan.

9 So, essentially, we are going to obtain
10 the storage room that's in the back, it was in
11 the back area and we are making that into,
12 transforming that into a kitchen and living
13 room area. And also we're proposing a new
14 entrance of the parking lot, which is the back
15 or the rear of the structure, along with a
16 porch. And which is about, well, it's 4 foot 8
17 wide and 17 foot 6 roughly long.

18 Okay, and we're also, on the first floor,
19 what we're doing is we're removing the alcove
20 that's existing and we're squaring off the
21 front facade, okay, to make it, again, look
22 more residential.

23 The second floor, Exhibit A101, sheet
24 A101.

25 MR. STAHL: And that's A2 for the record.

1 MR. ROSATO: I'm sorry? A2.

2 MR. STAHL: A2 for the record.

3 MR. ROSATO: Okay, on the second floor
4 we're proposing sort of a loft area with a home
5 office and a finished storage space.

6 MR. KELLY: Can I, out of curiosity, this
7 may be a better question for the applicant, why
8 such a large proposed storage space?

9 MR. ROSATO: That might be a good question
10 for -- yeah.

11 MR. STAHL: Well, let's get the applicant
12 sworn in.

13 Please raise your hand, sir.

14 R A V I G U P T A, sworn.

15 MR. STAHL: Please state your name and
16 spell your last name.

17 MR. GUPTA: Ravi Gupta, last name
18 G-U-P-T-A.

19 MR. STAHL: Thank you.

20 MR. GUPTA: Yeah, so in response to the
21 question about the storage space. That is the
22 attic space, which is currently in the plans
23 that's shown as storage space. What we
24 actually seeking for approval is to be able to
25 convert it into a living space. So it -- that

1 space can be used and that space will be used
2 only by me as a resident in that house.

3 It won't have a separate entrance or
4 anything. It will just be my attic and my
5 space that I want to use as a living space as
6 well.

7 MR. KELLY: I'm sorry, am I missing
8 something? I'm on page A101 and in the rear it
9 shows a 21 foot 8 by approximately 12 or 13
10 foot proposed storage. Am I missing something?
11 Isn't that the exhibit you have up?

12 MR. ROSATO: 21 foot 8, yes.

13 MR. KELLY: It says proposed storage.

14 MR. ROSATO: Right.

15 MR. KELLY: We're converting that to
16 living space?

17 MR. GUPTA: Right now I plan on --

18 MR. VALETUTTO: No, no, no, no, under the
19 prior approval, there was storage space on the
20 first floor.

21 MR. KELLY: No, I got that.

22 MR. VALETUTTO: In the rear.

23 MR. KELLY: I got that. I'm just curious
24 why we're proposing such a big storage space --

25 MR. ROSATO: He's not using it as --

1 MR. STAHL: Time out. One at a time for
2 the record. I don't want to be rude. For the
3 record.

4 Who was finishing? Tom?

5 MR. KELLY: Yeah, I'm just confused why
6 the second floor --

7 MR. HOREZGA: Why not a bedroom? Why not
8 a bedroom? Why is it labeled storage?

9 MR. KELLY: -- is such a big proposed
10 storage area. A lot of collectibles or?

11 MR. GUPTA: No, no, no. So, basically,
12 initially I don't plan on using it right away
13 as a bedroom. But I do want to have, finish
14 that storage space so I can use it in the
15 future, like for a bedroom or anything. But as
16 of now I don't --

17 MR. VALETUTTO: Mr. Gupta, you're going to
18 have major issues. By increasing the number of
19 bedrooms, now you're increasing your parking
20 requirement.

21 MS. MANCINI: Yeah.

22 MR. VALETUTTO: Currently as your
23 application is approved and what you are
24 proposing, there is no change to the parking,
25 no change to -- you've already been approved to

1 that. The second you try to convert that into
2 a bedroom, you've now just totally eliminated
3 that and you got to come back before this board
4 to get a parking variance because you're not
5 going to be able to provide anymore parking
6 spaces on site.

7 MR. GUPTA: So I'm fine with the --

8 MR. VALETUTTO: So I think, yeah, in your
9 best interest...

10 MR. GUPTA: I agree with Mr. Valetutto.

11 MR. STAHL: I would also tell you, subject
12 to the board, then would probably be a
13 prohibition, Jason, from utilizing that area as
14 living space; am I correct?

15 MR. VALETUTTO: That's up to the board if
16 they want to make that as a condition.

17 MR. STAHL: Division, thank you.

18 MR. VALETUTTO: That it has to remain
19 storage space, and including the den area too,
20 that that cannot be converted into a bedroom.

21 MR. FORSHNER: So the bottom line is the
22 unit will have one bedroom, and that's it,
23 right? And that's going to be the limit?

24 MR. GUPTA: No, two bedrooms.

25 MR. VALETUTTO: It's a two bedroom on the

1 first floor.

2 MR. FORSHNER: Oh, okay, I see the second
3 bedroom. Thank you. And then is the portion
4 that's not highlighted, that's another totally
5 separate apartment?

6 MR. ROSATO: Separate apartment, yep.

7 MR. FORSHNER: And there's one on the same
8 floor as the rest of it and another one at the
9 attic level? So a total of three units?

10 MR. ROSATO: That's correct.

11 MS. MANCINI: Correct.

12 MR. KELLY: So is this partition
13 subdividing the proposed loft from the storage
14 area going to be a thermal barrier so we're not
15 finishing the storage area or we are finishing
16 the storage area?

17 MR. ROSATO: We are finishing the storage
18 area.

19 MR. KELLY: So, if I may, why would we
20 propose construction materials, time, energy,
21 and money for an attic? Are we going to
22 condition the space?

23 MR. ROSATO: That is a question Mr...

24 MS. MANCINI: Yeah, that's a question for
25 Ravi. A conditioned space, was that your

1 intention?

2 MR. GUPTA: I mean, basically I was
3 planning on using it for a prayer room or
4 something. But the room would be open, I can
5 use for meditation --

6 MR. KELLY: Well, if you're going to use
7 it as a prayer room, it's not storage. So if
8 it's going to be used for any degree of
9 occupancy, I think we need to pretty much
10 figure that out here, or maybe reappear with
11 what it's going to be utilized for. Because
12 storage and occupancy are two different
13 animals.

14 MR. FORSHNER: But there's nothing wrong
15 with occupancy as long as it's identified and
16 satisfied all the code requirements.

17 MR. KELLY: Totally agree. 100 percent
18 accurate.

19 MR. VALETUTTO: Basically what Mr. Kelly
20 is saying is you need to let the board know if
21 this is going to be a storage space, bottom
22 line, that's storage space.

23 If you said your intention was to
24 eventually use it as a prayer room. If you
25 want to make it a prayer room, you make it a

1 prayer room tonight, so the board knows it's
2 going to be a prayer room. Also because of you
3 wanting to air-condition and heat that space as
4 opposed to leave it as unconditioned space.
5 When they say conditioned, that's what they
6 meant.

7 MR. GUPTA: I see.

8 MR. VALETUTTO: Heating and
9 air-conditioning.

10 MR. GUPTA: Yes, yes.

11 MR. VALETUTTO: So I think if your final
12 intention was prayer room, I believe you should
13 ask the board for a prayer room. And if you
14 receive approval tonight, it's just your
15 architect has to change the plans to say this
16 is a prayer room. No longer storage, that sort
17 of thing.

18 MR. GUPTA: Thank you. I understand,
19 Mr. Kelly. Yes, that's my intent. So it will
20 be conditioned. I want it to have the
21 air-conditioning and heat. And have just that
22 space so I can use it as a prayer room,
23 meditation room, something like that.

24 MR. FORSHNER: So there are 4 parking
25 spaces proposed here?

1 MR. GUPTA: 6.

2 MR. FORSHNER: 6 parking spaces, okay. I
3 guess I'm missing -- I guess this is one here.
4 And there's no room for any additional parking
5 spaces?

6 MR. GUPTA: No.

7 MS. MANCINI: No.

8 MR. FORSHNER: So I guess the condition is
9 going to be that that space labeled as storage
10 space, cannot be a bedroom. It's going to be
11 limited to two bedrooms to your unit.

12 MR. GUPTA: Okay. But finished storage,
13 right.

14 MR. FORSHNER: Finished space. No, it's
15 not going to be storage space.

16 MR. VALETUTTO: Prayer room.

17 MS. MANCINI: Prayer room.

18 MR. KELLY: Prayer room, rec room,
19 whatever term you want to use, it's going to be
20 living space.

21 MR. FORSHNER: But not a bedroom.

22 MR. VALETUTTO: The key is not a bedroom.

23 MR. KELLY: Can't be a bedroom.

24 MR. VALETUTTO: You can use it for your
25 use for prayer, but there's no requirement for

1 parking. Then the parking does not change.
2 That's the whole reason we cannot say bedroom.

3 MR. GUPTA: Okay.

4 MR. KELLY: Prayer room for you and your
5 family. Not for outside parishioners.

6 MR. GUPTA: Oh, no, no, no. Totally for
7 my use.

8 MR. HOREZGA: Yeah. You don't have
9 patrons coming to use the space?

10 MR. GUPTA: I'm sorry?

11 MR. HOREZGA: Is this for your personal
12 use or do you have patrons or parishioners or
13 people coming?

14 MR. GUPTA: No, no, no, for my personal
15 use.

16 MS. MANCINI: Just for his personal
17 religious use.

18 MR. FORSHNER: Okay, thank you.

19 MR. VALETUTTO: Mr. Rosato, on your plan,
20 can you just show the board or point in the
21 general vicinity where you're changing the roof
22 line? So they know what has been expanded.
23 Because originally this was just a one story in
24 this area. Just so they can see.

25 MR. ROSATO: Right, okay. So this entire

1 area here is as it exists, it's a flat roof,
2 and we're making it a gable just to be a little
3 bit more in, you know, to make the building
4 more in context within the neighborhood. And
5 the neighboring, neighboring structures. So
6 this entire area here, okay?

7 MR. VALETUTTO: And I think it's also --
8 and I don't recall on your testimony, you did
9 say about enclosing the front porch in. That
10 was originally like a -- it was originally the
11 entrance to the commercial area, that that
12 being sealed off, you're now putting the
13 entrance in the rear and that that porch is
14 also, proposed porch, it's not an existing
15 porch.

16 MR. ROSATO: That's correct. That's
17 correct.

18 MR. VALETUTTO: Existing as part of the
19 original approval I should say.

20 MR. FORSHNER: So this application, when
21 it first came before the board, was that a D
22 variance?

23 MR. VALETUTTO: Yes.

24 MS. MANCINI: Yes.

25 MR. VALETUTTO: Because of the number of

1 units.

2 MR. FORSHNER: Mm-hmm. And this is just a
3 technical question, looking at the bulk chart,
4 in various instances where it suggests that
5 it's conforming. It nonetheless says a
6 variance. Is that because it's triggered by
7 the D portion of it? The fact that the use
8 itself -- for instance, minimal lot area for
9 single-family home says 5,000 square feet. And
10 they have got 5,700 square feet but indicates
11 it's a variance.

12 Has that been triggered or treated as a
13 variance because of the D variance, the use
14 variance?

15 MR. VALETUTTO: I'm sorry, Gary, can you
16 say that one more time? Where are you looking?

17 MR. FORSHNER: If you look at the bulk
18 chart.

19 MR. VALETUTTO: Yes.

20 MR. FORSHNER: Utilizing the minimal lot
21 area as the example. It says required 5,000
22 square feet minimum. Existing was 5,700 square
23 feet. Proposed is 1,500 square feet. If you
24 look at that literally, it would be compliant,
25 but then it goes onto say variance.

1 So I'm just trying to clarify, you know,
2 what was granted, what is needed.

3 MR. VALETUTTO: Because of they are in a
4 RA single-family zone. This was a three unit.
5 And, generally, in the RA single family
6 conditional use is for two family. And
7 basically it's supposed to be 5,000 square feet
8 per unit.

9 MR. FORSHNER: Okay.

10 MR. VALETUTTO: So for two family 10,000.
11 In this case, there is no standard for three
12 family, but it would generally be 1,500 square
13 feet.

14 MR. FORSHNER: So these were all treated
15 as variances in the previous application,
16 they're just continuing it?

17 MR. VALETUTTO: Yes, correct.

18 MR. FORSHNER: Thank you.

19 MS. MANCINI: And, Pietro, if anyone has
20 anything else?

21 VICE CHAIRMAN: Any other questions for
22 the architect? Okay.

23 MR. KELLY: We're, we're staying with
24 recondensing units? One for each unit?

25 MR. ROSATO: Yes.

1 VICE CHAIRMAN: Do you have any other...

2 MS. MANCINI: Yeah. Pietro, I understand
3 you've reviewed Mr. Valetutto's letter?

4 MR. ROSATO: Yes.

5 MS. MANCINI: And you are prepared to make
6 all the technical corrections that are found
7 within his letter?

8 MR. ROSATO: Yes.

9 MS. MANCINI: Thank you.

10 MR. VALETUTTO: I just want to make sure
11 there's no questions. I want to make sure
12 there was no more questions.

13 Mr. Rosato, you received the report as
14 well, right? And you have no issue with making
15 those changes to your plan that I called out?

16 MR. ROSATO: No.

17 MR. VALETUTTO: Okay.

18 VICE CHAIRMAN: All right, thank you very
19 much, Mr. Rosato.

20 MR. ROSATO: Thank you.

21 MS. MANCINI: Next we have Maurice Brown,
22 which is the professional engineer.

23 MR. STAHL: Mr. Brown, if you will raise
24 your right hand.

25 M A U R I C E B R O W N, sworn.

1 MR. STAHL: Please state your name,
2 spelling your last name.

3 MS. BROWN: First Maurice, last name
4 Brown, B-R-O-W-N.

5 MR. STAHL: Thank you, Mr. Brown.

6 You are an engineer, professional
7 engineer?

8 MS. BROWN: I'm a professional engineer in
9 New Jersey, New York, Pennsylvania and
10 Maryland.

11 MR. STAHL: How long have you been so
12 licensed?

13 MS. BROWN: I've been licensed in New
14 Jersey since 1983.

15 MR. STAHL: Only a few years.

16 MS. BROWN: Yes.

17 MR. STAHL: And you've appeared before
18 boards?

19 MS. BROWN: I've appeared before numerous
20 boards in the state, and I've appeared before
21 the South Amboy previously.

22 MR. STAHL: Mr. Chairman, subject to the
23 board, I suggest Mr. Brown be qualified as an
24 expert in the field of public engineering.

25 VICE CHAIRMAN: Any questions? Any

1 issues?

2 MR. VALETUTTO: I also just want to say
3 Mr. Brown represented the prior applicant in
4 gaining the original approval on this property.

5 VICE CHAIRMAN: Okay, Mr. Brown.

6 MS. BROWN: Okay, I want to go across to
7 the board here. This sheet is sheet C300. The
8 only difference between this sheet and the one
9 you have is basically highlighted the changes,
10 the major changes to the amended site plan
11 based upon what was approved previously. And I
12 just go through --

13 MR. STAHL: We should mark that if it's
14 not -- if it is different from that which the
15 board has. Because you're going to be
16 testifying as to highlighted areas; am I
17 correct?

18 MS. BROWN: That's correct, yes.

19 MR. STAHL: So let's make that A3. And
20 give me the signature block on the bottom.

21 MR. BROWN: Signature block is, as I said,
22 sheet 300 and last revision date was
23 January 17th, 2022.

24 (Whereupon, Exhibit A3, Sheet
25 300, revision date 1/17/22 was

1 marked for identification.)

2 MR. STAHL: And prepared by you?

3 MR. BROWN: Prepared by me, yes.

4 MR. STAHL: Thank you. Go right ahead.

5 MR. BROWN: All right, the major changes
6 that were made to the plans is that retaining
7 wall that was initially approved, we have moved
8 the retaining wall to the proper boundary,
9 highlighted in yellow. The retaining wall
10 would be constructed on site. It's just moved
11 closer to the existing boundary of the
12 property.

13 Secondly, there is a porch that is
14 constructed in the rear, 4 foot by 17, I
15 believe 17-foot wide porch. We still maintain
16 the required clearances from the parking
17 spaces, 22 feet clearance from the parking
18 spaces.

19 And, thirdly, the site lighting that were
20 proposed on the initial, on the approved plans
21 were pole mounted fixtures. We have replaced
22 those pole mounted fixtures with fixtures that
23 are going to be mounted to the building,
24 attached to the building, and going to be LED
25 fixtures.

1 The board engineers raised some concerns
2 about the effect of the building mounted
3 fixtures. And basically the fixtures are, are
4 area lighted -- area flood lights, LED
5 fixtures. They are adjustable fixtures, which
6 will be, again, mounted to the building. The
7 adjustability enables the fixtures to be
8 pointed downwards, decreasing the forward throw
9 of the lighting intensity.

10 These fixtures also are basically, as I
11 said, LED fixtures, and they're going to be to
12 the cooler end of the LED color temperature
13 spectrum, which is they're 4,000 Kelvins. The
14 effect of those cooler temperature is that you
15 don't have the glaring white lighting
16 associated with bright fixtures. The fixtures
17 also would be fitted with shields, which
18 prevents spillover to adjacent property.

19 They also will be motion sensitive. So
20 they'll be only, the light will only be
21 activated when there's motion detected. And if
22 the motion hasn't been detected, and the lights
23 will basically turn themselves off.

24 So with those properties, the impact on
25 the adjacent properties, will be greatly

1 ameliorated.

2 We've basically in terms of the lighting
3 intensity, we, we've calculated the lighting
4 intensity throughout the site and the files
5 that we have on the plans, basically do show an
6 aggregation of the intensity of all three
7 lights, which meets with the requirements of
8 the board.

9 So, again, the color temperature, the
10 adjustability of the fixtures will basically
11 create minimal impact upon the adjacent
12 properties. I think that's one of the concerns
13 that the board engineer had.

14 MR. HOREZGA: I just have a question
15 before we proceed with anymore testimony. I
16 don't know what the other members plans are
17 showing, I'm on page C300.

18 MS. BROWN: That is correct.

19 MR. HOREZGA: With the date, and I don't
20 have the same mark outs that I'm seeing in
21 front of me on your exhibits.

22 MR. BROWN: These mark outs?

23 MR. HOREZGA: Mine are lacking the bubbles
24 around the properties, and also the proposed
25 porch, as well as mark outs for the three posts

1 referencing there.

2 MR. BROWN: You don't have them on the
3 plans. As I indicated before, I prepared these
4 mark outs just for illustrative purposes to
5 show the board what the major changes were.

6 MR. FORSHNER: The color.

7 MR. KELLY: The highlights.

8 MR. HOREZGA: Just the highlights then?

9 MR. VALETUTTO: Correct. Everything he's
10 showing up there you have in front of you.

11 MR. HOREZGA: Just without the mark out,
12 the coloring, I understand.

13 MR. VALETUTTO: The coloring is to draw
14 your attention to the changes. And the
15 bubbling is something that's also done at a
16 professional level to try to draw your eye to
17 what has changed.

18 MR. HOREZGA: That's what I missed and
19 that's why I brought it up.

20 MR. VALETUTTO: Yeah, yeah, yeah. All
21 he's highlighting is the lights and the wall
22 location, and I can't tell if it's the porch
23 too.

24 MS. MANCINI: Yes.

25 MR. HOREZGA: Thank you for clarifying

1 that.

2 MR. VALETUTTO: Sure.

3 MR. BROWN: So those are the major changes
4 that I have in terms of highlighting. If there
5 are questions, I will answer.

6 MR. FORSHNER: I do have a few questions.

7 With regard to the retaining wall is this
8 property on the high side or the low side of
9 the retaining wall?

10 MR. BROWN: This property is on the high
11 side of the retaining wall.

12 MR. FORSHNER: And how high is the
13 retaining wall?

14 MR. BROWN: Retaining wall is I think the
15 highest point is about 3 feet.

16 MR. FORSHNER: And what's there now? Is
17 there a retaining wall there now?

18 MR. BROWN: There's no retaining wall
19 there now. The reasons for the, if I can
20 explain, the reasons for the retaining wall, is
21 that initially the site drainage was configured
22 using some dry wells on site. And discussion
23 with the board engineer, we basically changed
24 that, raised the grate on site, so that you
25 would have a pitch from far side of the

1 property, drains out to the street. That would
2 basically eliminate any maintenance of storm
3 water systems on site that would...

4 MR. FORSHNER: And then what does that do
5 to the drainage on the adjacent properties if
6 anything?

7 MR. BROWN: It doesn't change the drainage
8 on the adjacent property.

9 MR. FORSHNER: Okay, and then with regard
10 to the lighting, you show it to the edge of the
11 property lines. But there are, there is some
12 light at the edge of the property lines. And,
13 most notably, albeit perhaps having the least
14 impact, as much as it looks like 5 lumens
15 adjacent to David Street, but even as much as
16 1.7 adjacent to other property lines. Actually
17 even higher than that. I see a 2.1. What is
18 going to be the impact of the lighting off
19 site? Have you determined that, on the
20 neighbor's properties?

21 MR. BROWN: The, what we have on the
22 adjacent properties, we don't show the light
23 intensity.

24 MR. FORSHNER: I know it's not shown on
25 the plan. I'm asking the question do you have

1 that? Because the obvious question is, is the
2 lighting going to have an impact on the
3 neighbors?

4 MR. BROWN: It -- the impact will be
5 minimal. We've included provisions on the
6 drawings still to install shields on the
7 lighting fixtures. That will prevent any
8 spillover, any major spillover to the property.
9 And, secondly, the lighting fixtures are
10 adjustable so that we can focus the lighting
11 more downwards than outwards.

12 MR. FORSHNER: So I understand all of that
13 conceptually. But it still, in some cases,
14 some pretty significant lighting at the
15 property line. That's what I'm -- why I'm
16 raising the concern with regard to the
17 lighting. And, you know, with the 5 lumens at
18 David Street what impact -- I know David Street
19 is intervening. But I guess my concern would
20 also be what impact it has on the properties
21 across David Street and what the intensity
22 levels would be there.

23 MR. BROWN: Yeah, there's a 6-foot fence
24 around these borders of the property. So that,
25 that fencing, those fencing basically will cut

1 down the spillover onto the adjacent property.

2 MR. FORSHNER: So is that fence along all
3 of the rear property line? I'm looking to see.
4 I see something on here. It's not clear it's a
5 fence that I'm looking at, or whether it's some
6 sort of curbing.

7 MR. BROWN: Yeah.

8 MR. FORSHNER: Go ahead. Show it to me.

9 MR. BROWN: There's a six -- the retaining
10 wall.

11 MR. FORSHNER: Right.

12 MR. BROWN: Has a fence --

13 MR. STAHL: Let me see if I can reach that
14 with my little toy here. So you're talking
15 about, right, that's where your fence is?

16 MR. BROWN: This is where the fence is.

17 MR. STAHL: The northern part of the
18 property.

19 MR. BROWN: Northern part, and on the
20 eastern side.

21 MR. HOREZGA: And what height would the
22 lights be installed at?

23 MR. BROWN: The lights will be installed
24 at -- it's a 20 foot.

25 MR. VALETUTTO: According to the plan,

1 it's 20 feet facing the adjoining property and
2 14 feet facing the parking stall closest to
3 David Street.

4 MR. HOREZGA: Right. And that's the
5 reason I ask is I don't see any details for the
6 shielding you're talking about. But, surely, a
7 20-foot high light is going to cast light over
8 a 6-foot fence. That's quite a distance away.
9 I mean, that's not really going to do anything
10 for the neighbors there.

11 MR. BROWN: Two things. The lights will
12 be focused, as I said, with adjustability. It
13 can be focused down. And, secondly, if we need
14 to do that, we can lower the mounting height of
15 the lighting, lighting fixture to ameliorate
16 any, any forward throw that would be a result
17 of the increased height of the mounting of the
18 fixture.

19 MR. FORSHNER: I think -- we've addressed
20 that I'm going to ultimately personally punt
21 that back to you Jason in terms of addressing
22 the lighting. I think you have a comment.

23 MR. VALETUTTO: Well, I was just going to
24 bring up the original approval had four 15-foot
25 high pole mounted lights, all facing inward of

1 the property. So there would have been no
2 effect whatsoever as far as spillage, as far as
3 illumination, like intensity of a glow, any of
4 that effecting any of the adjoining properties.

5 MR. STAHL: What kind of fixtures were
6 those, Jason?

7 MR. VALETUTTO: Well, they were --

8 MR. STAHL: Are they box or?

9 MR. BROWN: They were shoebox fixtures.

10 MR. STAHL: Shoebox.

11 MR. VALETUTTO: Yeah, it's a box fixture.
12 But, also, key point, pointed inward and
13 pointed downward.

14 This is now on a building facing adjoining
15 properties. And no matter how much they say
16 that they're going to point downward, they're
17 always going to have some sort of illumination
18 that is going to effect the neighboring
19 property. No matter what's shielding or
20 whatever they say.

21 MR. FORSHNER: Would you be amenable to do
22 something along those lines here so that we can
23 be certain it's not going to have an impact on
24 the neighbors?

25 MR. BROWN: Amenable to using?

1 DR. GONZALES-GOMEZ: Original design.

2 MR. FORSHNER: Yeah, so the original
3 design, so the lighting is focusing inward and
4 not outward.

5 MR. KELLY: Just to his concern and
6 Mr. Valetutto's comment, to shield the light is
7 very difficult to do from the projected side.
8 It's so much easier, and the manufacturer makes
9 shields for the non-projected side.

10 So if you were to place the proper -- the
11 lights along the property line, I'm sure the
12 manufacturer makes the shield that stops the
13 light at that post or at that point. It's
14 going to be very difficult to shield, which I
15 notice you have the note here, that you're
16 going to shield the light. I don't know of a
17 LED light that you can shield from the
18 projected side.

19 MR. HOREZGA: Exactly, yeah.

20 MR. VALETUTTO: Also, I just wanted to
21 point out to the board, the addition of the
22 proposed porch in the rear, if they went back
23 to the original lighting plan, would eliminate
24 one of those poles because the porch is now in
25 that area. And, also, I don't know if it was

1 testified that the garbage can location that
2 was previously approved has changed locations
3 due to where the porch is now going to be
4 installed.

5 VICE CHAIRMAN: Yes, Mr. Gupta?

6 MR. GUPTA: Yeah, the lighting, I just
7 want to address two points with the lighting.

8 So the one thing with the shield lighting,
9 I think the question is with the glow. So the
10 thing we're talking about is, A, containing the
11 light within the property. And I think what
12 Mr. Brown has explained was we can adjust the
13 cone of the light, to make sure it falls within
14 the property.

15 In addition to that, with the retaining
16 wall and the board on board fence, which is
17 6 feet high. And it's board on board fence,
18 not a picket fence. There will be no creeping
19 of light that can go out once light is angled
20 within the property.

21 I think the second concern is with the
22 glow, that because of the height, even though
23 the light is focusing down, there could be that
24 glow that can go onto the neighbor's property.
25 So with that, I think the shields, and we

1 actually went back and forth on that to make
2 sure the shields will prevent the glow going
3 from the sight perspective because the shield
4 will make the light go down into the property.

5 And I think the second thing I think we
6 can also do is, as Mr. Brown said, is we can
7 reduce the height and bring it back to the
8 15 feet height. So this way, again, end of the
9 day, one of the examples I was using was let's
10 say we didn't have these lights at all. And it
11 was just a window, a bedroom window, or a light
12 that goes up, even that would create a glow,
13 even though the light is not pointing any
14 direction, even though the light is completely
15 inside the house. The moment you turn a light
16 on and the window is at a height, there will be
17 some natural glow that will go.

18 MR. STAHL: Mr. Gupta, Mr. Gupta, let me,
19 before Mr. Jason jumps in. You're very
20 articulate, but you're testifying in an area
21 that you have no expertise that you're going to
22 tell us.

23 The whole issue of what we call spill
24 analysis, light shielding, and all of these
25 things are really things that engineers,

1 planners, and building code officials know.

2 Now, you're saying some things that are
3 very nice. It's going to go down, it's not
4 going to spill. But I can tell you that the
5 board and the board professionals, including
6 myself, have been involved with projects where
7 there is spill, and you cannot compare the pole
8 lights to turning on a bedroom light without a
9 shade. It's just different.

10 So I think Jason and Tom may need some
11 assistance what would make the board happy.

12 DR. GONZALES-GOMEZ: Mr. Gupta, I have a
13 question. When you bought the property and you
14 bought the approvals that had been rendered by
15 this Planning Board in the past that were
16 obtained from Mr. Brown, and you accepted the
17 recommendations of the same professionals, why
18 the change all of the sudden to go from the
19 pole mounted to house mounted? Why?

20 MR. GUPTA: I mean, it is similar to all
21 the other changes that I'm proposing.

22 DR. GONZALES-GOMEZ: I'm sorry, sir.

23 MR. GUPTA: It's similar to all the of the
24 other changes I'm proposing before the board.
25 Just mainly to make it more residential.

1 Within a 200 feet radius, there's not a single
2 property that has that pole mounted commercial
3 15-foot poles in the parking lot. Every
4 property has in the driveway these kind of LED
5 lights.

6 DR. GONZALES-GOMEZ: Right, but those
7 houses you're referring to are probably one
8 family to two families. This is a three family
9 in a residential zone. So you have to mind
10 your neighbors as well.

11 So I think the board would be very
12 comfortable with the pole mounted that had been
13 previously approved that you're trying to
14 circumvent from adhering to.

15 So, you know, it's a give and take in
16 life, as I'm sure you know. And I think, you
17 know, for the neighbor's sake, your neighbors,
18 your neighbors. Not mine. Yours. And the
19 community, I think what the professionals here
20 recommend, and what your professional drew in
21 the past and accepted and approved, is very
22 straightforward. And we wouldn't be having
23 this conversation if that was accepted, sir.

24 MS. MANCINI: Okay, I do think the nature
25 of this approval is a little bit different than

1 the last approval. I think the last approval
2 it seemed like had some sort of commercial
3 element to it, with the storage space in the
4 back. And I know Mr. Gupta intends to live
5 here and make it his residential space. So
6 that was the purpose of this change.

7 However, we hear the board's concerns. I
8 think, I guess my only question would be
9 Mr. Brown's suggestion that the lights could be
10 lowered, it would be the same lights, would be
11 lowered, if that is accepted by the
12 professionals as something that would minimize
13 the -- I don't want to say the word glow. The
14 correct phraseology.

15 MR. KELLY: So the overwash is potentially
16 a problem. Do we put it on the record that if
17 the overwash is a nuisance to the adjacent
18 property owners, Mr. Gupta has to commit a
19 compliance? I think that's a difficult thing
20 to do.

21 MS. MANCINI: I would be concerned he'd
22 have to come back here for an amended site plan
23 change, and that would be definitely not
24 preferable to anybody.

25 MR. VALETUTTO: Tom, the height, whether

1 it's 20 feet or 15 feet, it's still going to
2 have the --

3 MR. STAHL: Guys, gentleman, I know we all
4 want to speak. One at a time. Jason.

5 MR. VALETUTTO: And the only thing I can
6 say on Mr. Gupta's behalf, I don't see anyone
7 from the public hearing. We haven't opened it
8 to the public. But I haven't seen anybody from
9 the public hearing. The neighbor was noticed
10 and could have easily come and brought that up
11 as a concern for themselves.

12 We are fighting a battle for the neighbor
13 and for the neighborhood, which, rightfully so,
14 we're supposed to protect the public. But they
15 are not here to speak for themselves as well.
16 That's the only thing that I can say in regards
17 to Mr. Gupta's behalf.

18 MR. BROWN: If we reduce the color
19 temperature even further lower. Because with
20 LED lights, when you have a cooler light, which
21 is a white light, which is at the higher end of
22 the spectrum, it gives you, it's a more, it's
23 more of a nuisance. When you decrease the
24 color temperature down to 2,000, 3,000, it's
25 much more cooler temperature. It doesn't --

1 the glare is not that significant, you know,
2 so.

3 MR. KELLY: It's softer. I agree.

4 MR. BROWN: Much softer.

5 MS. MANCINI: One important thing to know
6 is that they are timed lights, correct.

7 MR. BROWN: That's correct.

8 MS. MANCINI: So, it's --

9 MR. VALETUTTO: Motion sensor. It's not a
10 time. It's a motion sensor.

11 MS. MANCINI: I'm sorry. That's what I
12 meant to say.

13 MR. VALETUTTO: But LEDs, are they allowed
14 to go on, off, on, off? Or LEDs designed to
15 once turn on, they should be on?

16 MR. KELLY: No, you can put LED on a
17 motion sensor.

18 MR. BROWN: Yes.

19 MR. VALETUTTO: And as soon as it goes
20 off, it's --

21 MR. KELLY: Yes, yes, yes. They don't
22 need to warm up. You can definitely -- an LED
23 will turn on.

24 MR. VALETUTTO: And stay on.

25 MR. KELLY: But the lumens are --

1 MR. HOREZGA: I was going to ask. There's
2 a softening. So going from a bright white to
3 warm white, traditional house, but the lumen
4 output is the same, correct?

5 MR. KELLY: It does.

6 MR. HOREZGA: Right, so, I don't really
7 see how it resolves the property -- makes it a
8 little more aesthetic.

9 MR. FORSHNER: Can I ask a couple
10 questions? Jason, this is for you.

11 One, do we have any ordinance that
12 prohibits the spillover into neighboring
13 properties?

14 MR. VALETUTTO: I believe all towns do
15 have some sort of...

16 MR. FORSHNER: Typically, there's a
17 provision to that effect because you don't want
18 the spillover. Because there's a difference
19 between seeing the light from a distance and
20 actually having some of the light on your
21 property.

22 MR. VALETUTTO: Correct.

23 MR. FORSHNER: Do you believe that it is
24 possible to eliminate the spillover with the
25 type of lighting fixtures that they have?

1 MR. VALETUTTO: I personally do not
2 believe that these type of fixtures and the
3 direction they are pointing can 100 percent
4 eliminate.

5 MR. FORSHNER: What if we condition the
6 approval on them satisfying you that either
7 this system can be designed in a way so there
8 is no spillover to your satisfaction, or that
9 they have to do the light poles that was
10 originally approved, again, to your
11 satisfaction. Is that something that you can
12 tolerate?

13 MR. VALETUTTO: I don't think that it's
14 wise to put that decision, a board decision, on
15 one person's shoulders. Being me. I think the
16 board should make that decision themselves and
17 make that decision collectively.

18 MR. STAHL: Gary, I don't know how you're
19 going to quantify the spillover.

20 MR. FORSHNER: Well, the way we quantify
21 it is we do a full chart that shows what the
22 spillover is on the adjacent property.

23 MR. STAHL: Spill analysis.

24 MR. FORSHNER: If it's zero, then the
25 answer is it satisfies the concern. If it's

1 above zero, whatever the, you know, standard
2 is, because some ordinances I've seen will
3 allow .1 of the adjacent property for instance.

4 MR. STAHL: Right.

5 MR. FORSHNER: But whatever the
6 appropriate standard is, they can do that by
7 doing a full, you know, spill analysis, a full
8 lighting chart along these lines.

9 But that's, you know, Jason has to be
10 comfortable with that. If Jason is not
11 comfortable with it, then it looks like it's
12 difficult to utilize this particular --

13 MR. STAHL: How about your answer to your
14 own question. Can we condition it or should
15 the board condition it upon a spill analysis.
16 Now that...

17 MR. FORSHNER: Mm-hmm.

18 MR. STAHL: That shows .01 or less or
19 whatever Jason feels it should be. And then
20 that is the condition.

21 MR. FORSHNER: Mm-hmm.

22 MR. STAHL: If they cannot satisfy the
23 spill analysis as defined by Jason, they've got
24 to go to the old boxes.

25 MR. FORSHNER: That's essentially what I

1 was saying before.

2 MR. STAHL: I said you answered your own
3 question.

4 MS. MANCINI: If I may -- I'm sorry, go
5 ahead.

6 VICE CHAIRMAN: If I may, I'm sorry. I do
7 recall listening to the application the first
8 time and granting its approval. And I do
9 remember care being taken on the lights.

10 And that was -- I know myself personally,
11 while hearing the application, voting on it, I
12 thought that was a very good plan to have the
13 box lights positioned as the way they were.

14 And I'm, I'm asking, I'm revisiting I
15 think with another member, would you reconsider
16 going back to the original lighting plan of
17 having the box lights?

18 MS. MANCINI: I think that Mr. Gupta,
19 based on what we just spoke about, would be
20 more inclined to do the spill analysis. But if
21 the board is not accepting of, you know, a
22 spill analysis with the board engineer taking a
23 look at it, I guess that's something I would
24 have to confirm with my client about, you know,
25 how he would want to proceed from there.

1 MR. STAHL: Let me ask you a question if I
2 may. Because I don't know whether the board
3 received a satisfactory response.

4 I mean, why? I think the board would like
5 to know why are we changing the lights from the
6 original approved to what is proposed now?

7 I know that Mr. Gupta said, well, he wants
8 to show it softer or residential, but what are
9 the, what are the reasons why he wants to make
10 those changes?

11 MS. MANCINI: The logistical reasons other
12 than the fact that it's more residential in
13 nature than the pole lights?

14 MR. STAHL: I don't know if it's more
15 residential. That would be his perception. It
16 would be up to the board to determine whether
17 or not they agree with him.

18 MS. MANCINI: Right. You can go ahead,
19 Ravi.

20 MR. GUPTA: Yeah, if I can just respond to
21 that.

22 Mr. Stahl, like when those pole lights,
23 I'm not planning on having these lights being
24 on the entire evening and stuff like that, like
25 what you see in commercial parking lots where

1 you have these pole lights.

2 That's the reason why most homes and
3 driveways, you have these LED lights so they
4 only turn on when you're actually pulling a car
5 in or using the driveway.

6 The pole lights that are being designed
7 will air quite extensive lighting. They will
8 have to be lighting that go all around the
9 property. And, secondly, those lights, I don't
10 intend on having those lights just on all
11 night, like with people coming in and out.

12 It will be strictly for residential use.
13 Once my car is pulled in, once my tenants' cars
14 pulled in, that's it. There will be no one
15 else using it.

16 MR. STAHL: Someone passing by the street
17 will set it off. Because it will also be a
18 security light, as opposed to lighting. So if
19 I'm walking my dog down the street, and my dog,
20 I bring a plastic bag with me, Jason, so that
21 as he goes onto the lawn, I would assume he's
22 going to set off the motion detector.

23 MR. GUPTA: Those motion lights,
24 Mr. Stahl, will be angled and only for if you
25 actually enter the property.

1 MS. MANCINI: Why don't we have Maurice
2 speak?

3 VICE CHAIRMAN: I'm sorry, may I
4 interject?

5 I'm looking at the plans from the original
6 approval, and the box lights were also on
7 motion sensor.

8 MS. MANCINI: Okay.

9 VICE CHAIRMAN: So my point is, Mr. Gupta,
10 you've come here and you're asking the board to
11 make changes to the original approval. And
12 we're here listening to them. And there may be
13 parts of that what you're asking for that we
14 don't like.

15 All right, and I think you've maybe -- I
16 know I am voicing my own opinion. And I'm only
17 one member who votes on this application. I am
18 not in favor of putting in a condition that
19 there has to be some kind of lumen spill test,
20 and that has to be judged only by our engineer
21 and planner.

22 I would like a condition would be to make
23 the, to make the lighting plan similar or the
24 same as the one that existed in the prior
25 approval. That's me personally as one person.

1 MR. HOREZGA: Can I just do a follow-up
2 question on that comment?

3 So the main reason you want to go with
4 this new lighting design is you said you want
5 to make the area more residential, correct,
6 aside from the cost which I'll --

7 MS. MANCINI: The area or in the subject
8 property?

9 MR. HOREZGA: Just the subject property,
10 I'm sorry.

11 MS. MANCINI: Yes.

12 MR. HOREZGA: Are there any other
13 properties on this corner that have 6 parking
14 lots?

15 MS. MANCINI: 6 parking spots?

16 MR. HOREZGA: Yes.

17 MS. MANCINI: I am not -- I don't think I
18 can exactly speak to that.

19 MR. HOREZGA: I don't think there is. I
20 drove past there today.

21 MS. MANCINI: Yeah, as did I.

22 MR. HOREZGA: So the fact that there are 6
23 parking spots on this lot, kind of make it is a
24 little bit different than the typical home
25 there. Right?

1 So I don't really see how those poles
2 would take away from the area meaning making it
3 look nonresidential. It's kind of a big spot.
4 Parking is a high in South Amboy, and you have
5 6 spots. So I don't see it there.

6 The other thing is I understand the cost,
7 it's a project. So, you know, you have to
8 manage costs. But from what I understand,
9 you're proposing an asphalt parking lot there.
10 It's not currently paved. So you don't have to
11 excavate an entire lot just to run wiring and
12 do poles.

13 So I don't see that the cost being
14 exorbitant in the sense that you have to remove
15 a substantial parking lot, et cetera. I see it
16 feasible to just factor that into the
17 construction that's going on there given the
18 scale of it.

19 Do you have anything to kind of follow up
20 with that?

21 VICE CHAIRMAN: I'm sorry, may I
22 interject, Mr. Horezga and Mr. Stahl, please.

23 Please correct me if I'm wrong --
24 Mr. Stahl.

25 MR. STAHL: I'm sorry.

1 VICE CHAIRMAN: A comment towards
2 Mr. Horezga, and I ask you, please correct me
3 if I'm wrong, but the expense of as far as
4 applicant is concerned is really not for our
5 consideration. Our consideration is to do
6 what's best for --

7 MR. STAHL: That's correct.

8 MR. HOREZGA: I understand. I was just
9 offering as a secondary.

10 MS. MANCINI: I was going to say --

11 MR. HOREZGA: But the primary point is,
12 that area, as I said, has 6 parking spots. So
13 a few poles is not going to take too much.

14 MR. STAHL: I have a question. Are the
15 poles there, the poles are not up?

16 MR. VALETUTTO: The poles were proposed
17 part of the original approval and approved for
18 construction. Nothing has been constructed.

19 MR. STAHL: I have to ask you, Jason, so
20 the original approval is not complete?

21 MR. FORSHNER: Correct.

22 MR. VALETUTTO: The approval was never
23 constructed.

24 MR. STAHL: Never built.

25 MR. VALETUTTO: Never even made it to the

1 builders agreement I don't believe. The
2 resolution was approved. They have resolution
3 compliance, signed plans. But it never went
4 further. It has never gone further past that.

5 MR. STAHL: No construction started.

6 MR. FORSHNER: So, just couple of things.
7 One, with regard to the lighting if I can just
8 give you some friendly advice, usually when you
9 get down to these details and enough people on
10 the board voiced concern, usually makes sense
11 for the applicant to say I'll satisfy your
12 concern. But that's up to you to how you
13 proceed in that regard.

14 I did have two other items. One is I
15 thought you said the retaining wall was moved.
16 But there's no retaining wall now. Can you
17 clarify that for me?

18 MR. BROWN: There's no retaining wall now.
19 As I said, the retaining wall was constructed
20 in order to, to allow the site to naturally
21 drain.

22 MR. FORSHNER: Right. I'm with you there.
23 But you said it was moved.

24 MR. VALETUTTO: Gary, I think I can answer
25 this much quicker for you.

1 The original approval there was retaining
2 wall design and it pretty much went along the
3 curb line. Mr. Gupta wants to now move that
4 retaining wall from the curbline to the
5 property line. He believes it better design
6 and gives him more space.

7 MR. FORSHNER: Got you. And do you have
8 any concerns about that?

9 MR. VALETUTTO: None whatsoever, as long
10 as the retaining wall is self-contained within
11 the property, not going over the property,
12 especially since we are on the high side.

13 MR. FORSHNER: Go ahead.

14 MR. STAHL: I will cut to the chase, I
15 mean, I am not a voting member. But it seems
16 to me as Gary had indicated, it's unfortunate,
17 that the board, without binding them, seems to
18 be somewhat amenable to the changes. With the
19 real issue being the lighting. So I think that
20 the burden is on Mr. Gupta to tell the board
21 what he wants to do with the lighting, and then
22 we will take a straw poll, which is nonbinding
23 before a resolution, to see what the board's
24 feeling is with regard to the lighting.

25 MS. MANCINI: Yeah, Mr. Gupta just

1 proposed an alternate scenario, kind of mixed
2 scenario.

3 So I believe the previous approval was for
4 four poles, correct? Four poles. One of those
5 four poles is where the existing porch is going
6 to be. So that is not really feasible right
7 now.

8 So Mr. Gupta is amenable to having two
9 poles. You know what size?

10 MR. GUPTA: Two poles on the David Street
11 side where the adjacent property is where we're
12 talking about the glow going.

13 MS. MANCINI: Correct.

14 MR. GUPTA: So we go back to the two poles
15 so the lighting will be inward. Where the
16 porch will come, obviously the pole will be --
17 a pole cannot be there. So have an LED light
18 there. And then on the site which is the
19 14 feet height, then also we have --

20 VICE CHAIRMAN: Can you attach a pole to
21 the porch? Is that feasible?

22 MR. GUPTA: The light will be attached to
23 the porch.

24 VICE CHAIRMAN: But instead of -- I'm
25 sorry, but instead of being next to the

1 building, couldn't there be a pole that's built
2 at the front of the porch --

3 MR. GUPTA: We can angle the light inside
4 the property --

5 VICE CHAIRMAN: Not angle. I'm talking
6 about the box light.

7 MS. MANCINI: On the porch?

8 VICE CHAIRMAN: Yes, but in the front of
9 the porch. So it butts right up to the parking
10 lot.

11 MS. MANCINI: I'm not sure. I guess I
12 don't know how -- I'm not an engineer. I don't
13 know how practical that is. So I defer to
14 Maurice if that's possible.

15 MR. BROWN: We have a pole on this side.
16 There's another pole over here.

17 MS. MANCINI: Ravi.

18 MR. BROWN: And there was a pole here.

19 MR. STAHL: So that's three.

20 MR. BROWN: Three.

21 MR. STAHL: Three poles and the third
22 pole, which is the last one you marked. Take
23 your right hand and move it left. That's it.
24 Where is that pole?

25 VICE CHAIRMAN: Are we still talking three

1 poles?

2 MR. VALETUTTO: Are we talking about the
3 poles now or --

4 MR. BROWN: Previous poles. Previous
5 poles.

6 MS. MANCINI: Location of the previous
7 poles.

8 MR. FORSHNER: Previously approved poles.

9 MS. MANCINI: Correct.

10 MR. VALETUTTO: Do you have the previously
11 approved plans in front of you?

12 MR. HOREZGA: Do you have a --

13 MR. VALETUTTO: Previously approved plan,
14 C101. Sheet three of eight.

15 MR. BROWN: We have three lumineers, three
16 posts, one in each corner and then one here.

17 MR. FORSHNER: That's what you're
18 proposing now?

19 VICE CHAIRMAN: Two on David Street, I'm
20 sorry, correct? And where's the third pole?

21 MR. BROWN: Third pole is in this corner.

22 VICE CHAIRMAN: In the corner, okay.
23 Which would be on the property, near the
24 property line neighbor on David Street?

25 MR. BROWN: That's correct, that's

1 correct.

2 VICE CHAIRMAN: And this porch, is this a
3 covered porch?

4 MR. VALETUTTO: It is.

5 VICE CHAIRMAN: Could it still be a box
6 fixture is my point?

7 MR. HOREZGA: Could we relocate that pole
8 to the corner property all the way to the
9 right.

10 VICE CHAIRMAN: Yeah, then, right -- I'm
11 sorry, Mr. Valetutto, would you please make
12 that -- or I can say it.

13 The property line on Pine Street heading
14 south, move -- could you move the pole there
15 near on that side?

16 MR. HOREZGA: Move to the right.

17 MS. MANCINI: The pole that was previously

18 --

19 MR. VALETUTTO: Down, right, and then
20 halfway down.

21 VICE CHAIRMAN: Halfway down.

22 MR. VALETUTTO: Move up right there in
23 that area. If you put the pole there.

24 MS. MANCINI: And we're speaking about the
25 pole which is previously where the porch is?

1 MR. VALETUTTO: Right. Relocating the
2 pole that was -- correct.

3 MR. BROWN: That would work.

4 MR. VALETUTTO: That would work. That
5 would cover everything. If you still have the
6 other three poles done.

7 VICE CHAIRMAN: I would be amendable to
8 that as conditions.

9 MR. VALETUTTO: It's still four poles.
10 Ultimately, it's still four poles in order to
11 get the coverage that you need.

12 MR. STAHL: And with the box fixtures, the
13 shoebox fixtures?

14 MR. VALETUTTO: Correct.

15 MR. FORSHNER: One of the challenges with
16 this application is because you have the 6
17 parking spaces, to make sure there's lighting
18 for security reasons and otherwise.

19 MR. VALETUTTO: Safety.

20 MR. FORSHNER: Safety and all that on the
21 parking spaces. So you need the light, but you
22 also don't want to impact the neighbors.

23 MR. STAHL: Because, Mr. Gupta, when you
24 come home, the lights will still go on by
25 motion. Will they not?

1 MR. VALETUTTO: Yes.

2 MR. STAHL: What if Gary and I are out
3 drinking and we come home late and the lights
4 are not on, I can trip in the parking lot.

5 MS. MANCINI: You mean with the poles?

6 MR. STAHL: Yes, the pole lights.

7 MS. MANCINI: I believe Mr. Valetutto
8 stated that the previous approval they were
9 motion sensed as well.

10 MR. STAHL: Correct.

11 MS. MANCINI: Okay.

12 MR. FORSHNER: The reason I think this
13 system works better, if the motion detector, if
14 someone comes home 2 o'clock in the morning,
15 you have the same concern about not impacting
16 your neighbors.

17 MR. STAHL: Right.

18 MR. FORSHNER: So that's why I think the
19 pole lights ultimately probably the best bet
20 here.

21 MS. MANCINI: That's acceptable to
22 Mr. Gupta.

23 MR. FORSHNER: And then the only other
24 thing I had with regard to this, is there was a
25 concern about the additional bedroom. If I'm

1 reading this plan correctly, that there are 4
2 and a half, which I think rounds up to 5
3 parking spaces required, but 6 proposed. Is
4 that, is that an accurate statement? Can
5 someone confirm that?

6 MR. STAHL: Mr. Brown?

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

8 MR. FORSHNER: So the only observation I
9 made is we spent sometime talking about the
10 storage area, whether it can be a bedroom or
11 not. But if there is an excess parking space
12 there, maybe there is some flexibility on that.
13 I don't know if that's something interested, or
14 how the board feels about that. But there may
15 in fact be sufficient parking for that to be an
16 additional bedroom.

17 MR. VALETUTTO: I was just going to say
18 right now, Gary, with 6 spaces and three units,
19 generally homes will have two cars per unit.
20 So that, there's your 6.

21 And, also, where are you going to put
22 visitors that come to the property? Someone
23 hosts a Super Bowl party, all three units have
24 a New Years Eve Party, where are you putting
25 these people?

1 So I think opening discussion to trying to
2 get another bedroom, really isn't --

3 MR. FORSHNER: I'm not trying to get
4 another bedroom. I'm just indicating that
5 there may be some flexibility. Because as much
6 as we may think there should be more parking,
7 RSIS is the standard that we go by, minimum and
8 maximum.

9 MR. VALETUTTO: Do you want me to kind of
10 just try to summarize what the ask is?

11 VICE CHAIRMAN: All right, please,
12 Mr. Valetutto, summarize.

13 MR. VALETUTTO: Let me just try to put
14 into words so we can try to get this moving.

15 MS. MANCINI: Okay.

16 MR. VALETUTTO: So, Mr. Gupta wishes to
17 enclose the front alcove of the building,
18 increasing the square footage of the building
19 so that we increase the lot coverage.

20 He's proposing a porch to the rear of the
21 property, which will now become his main
22 entrance to his unit. By doing so, that's
23 going to move the trash location to the
24 opposite side of the existing apartment porch.

25 And by doing the proposed porch, he's

1 going to go back to the original lighting plan
2 moving the one light pole that is effected by
3 the porch in a southerly direction. So
4 they're, at the end of the day, there will
5 still be four 15-foot high shoebox light
6 fixture, pole mounted lights on motion sensors.

7 The retaining wall is going to be moved to
8 the property line. And the roof, he's going to
9 be having the gable roof; is that correct?

10 MR. GUPTA: That's correct.

11 MR. VALETUTTO: Gable roof with a den and
12 a prayer room that the board would condition
13 will never be converted into a bedroom. And
14 the prayer room would be for personal use only.
15 No outside --

16 MR. KELLY: Parishioners.

17 MR. VALETUTTO: Parishioners or
18 worshipers.

19 MS. MANCINI: If I may, when you say
20 never, do you mean never as in he could always
21 come back --

22 MR. VALETUTTO: He come back here for a
23 variance, correct. But for this approval.

24 MS. MANCINI: Correct.

25 MR. VALETUTTO: Always have then this is

1 the maximum --

2 MR. STAHL: Without getting in trouble
3 with Mr. Gupta or any other provision of the
4 law, it's not to be used as an organized
5 religious facility without prior approval of
6 the board.

7 VICE CHAIRMAN: Place of worship.

8 MR. STAHL: Obviously, if he has several
9 friends, who are not family, and they come over
10 and it's a holiday and they want to pray,
11 that's certainly --

12 VICE CHAIRMAN: That's your business.

13 MR. STAHL: Appropriate.

14 MR. FORSHNER: Thank you.

15 MR. VALETUTTO: The board just has a
16 concern it doesn't become like a big church.

17 MR. KELLY: If, you know, a bunch of Jet
18 fans that want to pray for the Super Bowl.

19 MR. VALETUTTO: It's your own personal
20 use, your family, and that is like extended
21 family.

22 MS. MANCINI: It won't work.

23 MR. FORSHNER: In that case, it's not big
24 enough.

25 MR. GUPTA: Mr. Valetutto, if I can, just

1 one thing with the prayer room thing we just
2 spoke about.

3 I don't intend on having a bedroom at this
4 point. But given that there's flexibility with
5 the parking thing, can we actually consider
6 that if, you know.

7 MR. VALETUTTO: As of tonight, there's no
8 bedroom.

9 MS. MANCINI: Yeah.

10 MR. GUPTA: Okay.

11 MR. VALETUTTO: If you want to do that
12 later, that's something you would have to
13 definitely come back before the board because
14 that is another variance. That's a parking
15 variance. It's a whole new process.

16 MR. FORSHNER: Am I -- I'm not reading the
17 plan that way. That's why I asked for
18 clarification before.

19 If I'm reading the plan it says that
20 there's a requirement of 4 and a half parking
21 spaces. And they've got 6. So it wouldn't be
22 another variance. Another bedroom would
23 require one additional parking space, which
24 would be 5.5 and the 6 satisfies that. Am I
25 missing something?

1 MR. VALETUTTO: I don't have the RSIS
2 standards in front of me. And at this time of
3 night, my brain is too wish washed to try to
4 remember. So I'm going to refrain from
5 answering that.

6 MR. FORSHNER: I am only going by the plan

7 --

8 MR. GUPTA: If we can get that done, it
9 would be helpful is what I'm saying.

10 MR. FORSHNER: Personally I'd have no
11 problem with it being a bedroom as long as the
12 parking satisfied RSIS. I can't speak for the
13 rest of the board. That's personally how I
14 feel.

15 MR. STAHL: Mr. Brown has it on the table:
16 The minimum requirement off street parking
17 (RSIS) and it says 1.5 space per one or two
18 bedroom unit. Three units times 1.5, equal
19 4.5. Existing 4, proposed 6.

20 I'm not sure, Mr. Brown, is the math
21 correct that we would lump all those into the
22 one calculation?

23 MR. BROWN: I presume it is.

24 MR. MULVEY: I have a question if I may.

25 VICE CHAIRMAN: Go ahead.

1 MR. MULVEY: This prayer room, you
2 possibly turn into a bedroom? That's where I'm
3 getting confused.

4 MR. GUPTA: Yeah, I mean, I don't need
5 entire space for the prayer room. Like in the
6 future, if I wanted to, I could have a bedroom
7 but still have some space for just as a prayer
8 room.

9 VICE CHAIRMAN: You would have to -- you
10 have to apply again. You have to because of
11 the parking.

12 MR. FORSHNER: No, but we're talking about
13 --

14 MR. VALETUTTO: That's what we're trying
15 to figure out now.

16 VICE CHAIRMAN: Oh, I'm sorry.

17 MR. GUPTA: And just for the clarity of
18 the board, when I say prayer room, I don't mean
19 large gatherings or in any way that way at all.
20 It's just building a house, just to have some
21 space dedicated where just to pray.

22 MS. MANCINI: You can practice your
23 religion, yes, sir.

24 MR. FORSHNER: So, Mr. Gupta, just like
25 any of us of any religion, you can have, you

1 know, friends and family over in your prayer
2 space, and that's perfectly appropriate,
3 legitimate. But the board just expressed the
4 concern given the size of it that it not become
5 a formal --

6 MR. GUPTA: No.

7 MR. FORSHNER: Congregation, if you will.

8 MR. GUPTA: No, no.

9 MR. STAHL: Mr. Brown, Mr. Brown. I just
10 want to ask you a question. I didn't mean to
11 yell at you. I was trying to get your
12 attention.

13 When we talk 1.5 RSIS for a -- we talking
14 1.5 for a single family dwelling. That 1.5
15 converts to 2; does it not?

16 MR. VALETUTTO: You do the math first, and
17 whatever it ends up as the half. It's the half
18 .5 and down, gets rounded down.

19 MR. KELLY: The aggregate gets rounded up.

20 MR. STAHL: Oh, the aggregate.

21 MR. KELLY: Isn't that right?

22 MR. VALETUTTO: Yeah, after the
23 multiplication.

24 MR. STAHL: Then it would be 4.5 would
25 equal 5. I'm just trying to get the right

1 number here.

2 MR. BROWN: 4.5.

3 MR. VALETUTTO: I'm looking, I believe it
4 for residential land uses for two bedroom, 1.5.
5 For three bedrooms, 2. For four bedroom, 2.5.

6 MR. FORSHNER: That's for single family.
7 For garden apartments...

8 MR. VALETUTTO: Garden apartments it's one
9 bedroom, 1.8. Two bedroom is 2. Three bedroom
10 2.1.

11 MR. FORSHNER: And two family duplex
12 defaults to single family. I mean, regardless,
13 it would appear that it complies with RSIS
14 requirements for the number of units and allows
15 one of them to be -- the one two bedroom to be
16 a two or a three bedroom unit, and they would
17 still comply with the parking requirements.

18 MR. VALETUTTO: This is a three family.

19 VICE CHAIRMAN: As a three family,
20 wouldn't the calculation be different?

21 MR. VALETUTTO: The RSIS doesn't have for
22 three family. It has for single family and has
23 for garden apartment. So you can either take
24 it as single family, each unit as a single
25 family, and then do it, or you take it as a

1 garden apartment. And they're so close. It's
2 2 or 2.1. So it --

3 MR. FORSHNER: And the single family has
4 the higher number. So if we default to that,
5 for a two bedroom would be 1.5 and you've got
6 2.

7 MR. VALETUTTO: Let's do this real simply
8 because the architectural plans only show what
9 the proposed changes are to the new apartment
10 that Mr. Gupta is going to live in.

11 The existing apartment, how many bedrooms
12 are there?

13 MR. GUPTA: Two bedrooms in the first
14 floor. One bedroom in the top floor.

15 MR. VALETUTTO: So you have two bedroom.

16 MS. MANCINI: So two bedrooms in one
17 apartment, and then one bedroom in the second.

18 MR. VALETUTTO: On the second floor,
19 that's the second apartment. That's first.
20 And then currently, Mr. Gupta for the third
21 apartment has two beds.

22 MS. MANCINI: Correct.

23 MR. KELLY: May I ask -- is the architect
24 still here? Yes.

25 MS. MANCINI: He's here.

1 MR. KELLY: If not, Mr. Gupta.

2 MS. MANCINI: He's here.

3 MR. KELLY: When I look at the floor plan
4 and obviously the existing second floor is not
5 labeled. I have a couple of rooms that are,
6 that are served by doors. Can you identify
7 what the rooms are? Clearly the back one is a
8 kitchen. Going to assume one is a living
9 family room. One is a bedroom.

10 MS. MANCINI: Go ahead, Pietro. Go ahead.

11 MR. GUPTA: This is a bedroom. This is a
12 walk-in closet.

13 MR. ROSATO: So the room facing --

14 MR. GUPTA: South Pine Avenue.

15 MR. ROSATO: South Pine Avenue is the
16 bedroom. And the one above is a living room.

17 MR. KELLY: So the one with the closet is
18 the living room?

19 MR. ROSATO: Yes. Well, the other one has
20 a closet as well. The one below.

21 MR. KELLY: So the one with the closet is
22 the bedroom? The one towards South Pine is the
23 living room?

24 MR. ROSATO: No, the one on South Pine
25 Ave, with a walk-in closet, is a bedroom. The

1 other one still has a closet. It's being used
2 as a living room.

3 MR. KELLY: Okay, with the sliding closet
4 doors, that's a living room?

5 MR. ROSATO: That's, existing, yeah, yeah.

6 MR. KELLY: Okay, and it has no door?

7 MR. ROSATO: No.

8 MR. KELLY: As depicted on your plans.

9 MR. ROSATO: That's correct.

10 MR. KELLY: Okay, and what about the other
11 room in between the kitchen and bathroom?

12 MR. ROSATO: That's a small dining area,
13 small dining space.

14 MR. KELLY: Small dining space?

15 MR. ROSATO: Yes.

16 MR. KELLY: With a door on it?

17 MR. ROSATO: Yes.

18 MR. KELLY: Okay.

19 MR. VALETUTTO: Just, I just want to go
20 over the parking with everyone real quick.

21 If the board considered this a garden
22 apartment, the parking requirement would be 6
23 as currently laid out. The two bedroom unit,
24 the one bedroom unit, the two bedroom unit,
25 that's 6.

1 VICE CHAIRMAN: That's how many we have,
2 correct?

3 MR. VALETUTTO: That's how many is
4 proposed. If we took it as just a residential
5 land use where they don't say what the housing
6 type is, but they do say parking requirement
7 per dwelling unit. If you consider each
8 apartment a dwelling unit, two bedroom is the
9 minimum they show as 1.5 requirement. So the
10 two bed would have a 1.5. The one bed would be
11 considered 1.5, that's the minimum standard.
12 And then Mr. Gupta's current proposal is two
13 beds, would also be 1.5. So that is 4.5 as the
14 requirement. The half gets rounded down. He's
15 required 4. He's providing 6.

16 If you wanted to go to that third bedroom,
17 his unit would now be required 2. So you have
18 the 1.5 originally for the one unit, the 1.5
19 for the other unit, and 2 for him. Now the
20 requirement is 5 and he is providing 6.

21 So if Mr. Gupta did want to convert that
22 upstairs prayer room into a bedroom, he would
23 be aligned. And he can do so without board
24 approval. He can come as his zoning permit
25 because he does provide the parking.

1 MR. FORSHNER: I would have no problem
2 given the fact that the parking complies to
3 allow that to be a three bedroom unit.

4 MS. MANCINI: Yeah, I presume Mr. Gupta is
5 going to come tell me right now that he does
6 not wish that there is a prohibition that that
7 prayer room be like not used as a bedroom.

8 MR. FORSHNER: So from my --

9 MS. MANCINI: In light of these
10 circumstances.

11 MR. FORSHNER: From my perspective,
12 there's two possibilities. I do note, as Jason
13 mentions, the living room has a closet, which
14 is unusual. But it could be for storage. More
15 ought than not, that means it's a bedroom. And
16 then the storage area could be. From my
17 perspective, I don't care where it is in the
18 unit, it would be limited to the three
19 bedrooms.

20 So it can be a two bedroom or a three
21 bedroom unit. Again, speaking for myself, not
22 for the rest of the board.

23 MS. MANCINI: Three bedroom is Mr. Gupta's
24 minimal to that certainly.

25 MR. VALETUTTO: I think as far as tonight

1 when the board gets to the vote, it's not two
2 or three bedrooms. Mr. Gupta has to say
3 tonight he's going to continue with the plan,
4 the architectural plans as is with the two
5 bedroom. And if he wishes to convert later the
6 third bedroom, he doesn't have to come back
7 before the board. He just comes for a zoning
8 permit.

9 MR. KELLY: And a construction permit.

10 MR. VALETUTTO: And the construction
11 permits.

12 VICE CHAIRMAN: If I may, I propose that
13 we take a ten minute break. That gives
14 Mr. Gupta and his professionals time to huddle
15 and regroup and also board members --

16 MR. KELLY: I'm sorry, Mr. Chairman, just
17 one question I have before -- I don't want
18 Mr. Brown to leave us yet.

19 VICE CHAIRMAN: Okay.

20 MR. KELLY: I have a question. And also,
21 Jason, if you can weigh in on this.

22 So I think that the retaining wall is a
23 poured concrete wall. It's not a segmented
24 wall. And I see that there's weep holes. I
25 don't see the drainage discharge. What my

1 concern is, that the weep holes are going to
2 leave runoff onto the adjacent properties. I'm
3 assuming that the weep holes are going to be at
4 least an inch and a quarter, inch and a half
5 pipe, PVC probably.

6 What I would prefer to see would be a
7 drainage system that brings all of the water
8 and brings it around into the discharge area,
9 which is going to be out onto David Street.

10 Please weigh in on that, Jason, if you
11 could please. I'm just concerned about
12 discharge onto adjacent fronts.

13 MR. VALETUTTO: In order to do so the
14 retaining wall cannot be put on the property
15 line because they're going to have to put some
16 sort of --

17 MR. KELLY: Well, he can put the drainage
18 I believe on the inside of the wall. And put a
19 drainage system so that there's a drain tile
20 taking all of the discharge out --

21 MR. VALETUTTO: The weep hole, if you look
22 at the retaining wall detail on sheet two of
23 four.

24 MR. KELLY: Yep, that's what I'm --

25 MR. VALETUTTO: Which is C200.

1 MR. KELLY: That's what I'm looking at.

2 MR. VALETUTTO: The weep holes are taking
3 into consideration pretty much any ground water
4 that would be below the parking lot, and be
5 held behind the retaining wall.

6 MR. KELLY: Right.

7 MR. VALETUTTO: So those weep holes are
8 pretty much allowing water to escape so there's
9 no water pressure pushing on that --

10 MR. KELLY: Yeah, have to move the
11 pressure head.

12 MR. VALETUTTO: Correct.

13 MR. KELLY: I'm just concerned about a
14 neighbor saying I have discharge onto my
15 property.

16 MR. VALETUTTO: I understand that. But I
17 don't see how you can get that to reverse back
18 onto our property when we are on the high side.

19 MR. KELLY: Okay.

20 MR. VALETUTTO: They would have to move
21 the retaining wall system off of the property
22 line. And then, like you suggest, either they
23 have to -- they would have to pipe something
24 out to David Street or South Pine. I don't
25 know which is the higher side. But, in order

1 to capture that, any water that came from those
2 weep holes --

3 VICE CHAIRMAN: Is what is proposed what
4 was approved in the --

5 MR. VALETUTTO: No, the location of the
6 retaining wall, the location of the retaining
7 wall changed. It moved to the property line.
8 You can see in line with the building.

9 VICE CHAIRMAN: Okay.

10 MR. VALETUTTO: The retaining wall
11 previously was pretty much the curb of the
12 parking lot.

13 MR. KELLY: I think one of the comments of
14 the previous approval was about the discharge
15 of the retaining wall. And I think that's one
16 of the reasons it was relocated in, but...

17 MR. FORSHNER: Does the entire length of
18 the retaining walls have weep holes or just one
19 area?

20 MR. KELLY: Well, it's going to need to
21 remove the hydrostatic pressure.

22 MR. VALETUTTO: The pressure, right.

23 MR. FORSHNER: Can you move it in to
24 accommodate?

25 MR. BROWN: What we could do is do -- look

1 at the elevation of either South Pine Street,
2 and see if we can pipe it along the I guess the
3 southern, western curb of the driveway. And
4 see if we can find a low point.

5 MR. VALETUTTO: I can look at it right now
6 for you, Mr. Brown. I'm looking at David
7 Street and the northeasterly corner of your
8 property, the curbline on David Street has a
9 bombed curve elevation of 97.45.

10 If you go to the south and the top right
11 corner of your retaining wall looks like that
12 its proposed bottom of wall is 97.5. So that's
13 pretty flat. I don't think you're going to get
14 anything out to David Street.

15 Looking at South Pine Avenue, the
16 southwesterly corner of your property, the curb
17 elevation is 98.03, which is higher than your
18 wall, or higher than the bottom of the wall
19 where these weep holes will be located. I
20 think Mr. Kelly makes an excellent point that
21 any sort of drainage that comes from the
22 construction on this parking lot would become
23 an issue for the neighboring properties. So
24 the movement or the change in location of the
25 retaining wall might not be as beneficial as

1 originally thought.

2 MR. FORSHNER: Can the retaining wall be
3 located at the location of what I think is a
4 curb there now?

5 MR. VALETUTTO: That's what the original
6 approval was. The curbline was the retaining
7 wall.

8 MR. FORSHNER: Is that doable?

9 MR. VALETUTTO: The entire curbline of the
10 parking lot going from David Street all the way
11 around to where it connects into the
12 southeasterly corner of the building.

13 MR. FORSHNER: Jason, do you need that
14 entire distance for the drainage from the weep
15 holes?

16 MR. VALETUTTO: Absolutely. Because the
17 hydrostatic pressure is going to build up
18 behind that wall, and the water pressure is
19 going to push on that wall. And then over
20 time, you're eventually going to see
21 deterioration. The water is going to get into
22 cracks. The wall is going to crack, and then
23 the structural stability is not going to be
24 there.

25 MR. FORSHNER: So that I get. But I think

1 the question I had was a little bit different.

2 MR. VALETUTTO: Okay.

3 MR. FORSHNER: Right now we've been
4 talking about the retaining wall on the
5 property line versus the other alternative
6 being at the proposed curblineline. My question
7 is, does it have to be at the curblineline or can
8 it be somewhere in between the proposed
9 location and the curblineline?

10 MR. VALETUTTO: I see. It would all
11 depend on Mr. Brown's design.

12 MR. KELLY: Mr. Brown's design.

13 MR. VALETUTTO: Correct. And, also,
14 because they move the wall to the property
15 line, they're proposing more trees and whatnot,
16 so those trees would now come out. So the
17 board wouldn't get as much landscaping area
18 here. So, I mean, there's a give and take both
19 ways.

20 MR. FORSHNER: Well, I love the
21 landscaping, but I also am more concerned about
22 putting storm water --

23 MR. VALETUTTO: Right.

24 MR. FORSHNER: On an adjacent property.

25 VICE CHAIRMAN: Thank you, Mr. Forshner.

1 I would like to revisit the idea of taking a
2 break. It gives our professionals an
3 opportunity --

4 MR. STAHL: Let me just, Mr. Kominkiewicz,
5 I just have one last question --

6 VICE CHAIRMAN: Taking a break.

7 MR. STAHL: Only the bedroom. Okay, go,
8 I'm sorry, sir.

9 The bedroom, a room is a room. If you
10 want to -- if he wants a third bedroom, he
11 wants a third bedroom. It's a bedroom.

12 If he wants it to use it as a prayer room,
13 he can. As opposed to labeling the prayer
14 room, and then turning into a bedroom.

15 Now we can --

16 MR. FORSHNER: That works for me.

17 MR. STAHL: Take a break, sir.

18 VICE CHAIRMAN: Why don't we take a ten
19 minute break.

20 (Whereupon, a break was taken.)

21 VICE CHAIRMAN: Thank you all for
22 reconvening. I'd like to ask Ms. Mancini if
23 Mr. Gupta and his team have come to any
24 solution to the drainage issue and the
25 retaining wall.

1 MS. MANCINI: Mr. Brown.

2 MR. BROWN: Yes. We -- this goes back to
3 our discussion with Jason.

4 Instead of having the weep holes in the
5 retaining wall. If we can put a perforated
6 pipe on the back of the retaining wall, and
7 find, and find some way of draining that
8 perforated pipe. Either, again, you've got to
9 take a look at the elevations of the street.

10 And, if that isn't workable, the only
11 other solution that I have, would be to take
12 that 2-inch pipe from the back of the pipe of
13 the placement and then pump it out into the
14 street.

15 MR. KELLY: No, no.

16 VICE CHAIRMAN: Do you have any other -- I
17 am not an engineer.

18 MR. KELLY: No.

19 VICE CHAIRMAN: But as a member of this
20 board though, I would like to know has there
21 been any reconsideration of going back to the
22 original plan about the retaining wall going to
23 the street -- the change that you've made on
24 the retaining wall are on the David Street
25 side, correct?

1 MR. BROWN: Yes.

2 VICE CHAIRMAN: Is there any consideration
3 going back to what it was on the prior
4 approval?

5 I guess we're talking another break.

6 (Whereupon, a brief break is
7 taken.)

8 DR. GONZALES-GOMEZ: Mr. Chairman, are we
9 --

10 VICE CHAIRMAN: Yeah, if we can come back
11 please.

12 All right, Mr. Kelly, would you like to --

13 MR. KELLY: So, Mr. Brown, how about a
14 segmented wall with a drainpipe on the parking
15 lot side of the wall, which would be the filled
16 side of the wall, which the segmented wall
17 manufacturer would permit, assuming that the
18 backside of the wall as aggregate three quarter
19 clean. Which permits any water that gets in
20 behind the wall into a drainpipe, and the
21 drainpipe could then eventually drain to
22 daylight on the David Street side.

23 MR. BROWN: Basically that will work.
24 With the, with the reinforced concrete wall --
25 with the segmental wall, your drain behind the

1 wall would be basically a collection to
2 whatever water that is accumulating behind the
3 wall. Will have to look at the differential
4 elevation of that drainage pipe with respect to
5 the elevation on David Street.

6 MR. KELLY: Yeah, I mean, the critical
7 part of the wall, for the segmented wall, is
8 going to be the geogrid system, which obviously
9 is going to get laid underneath the parking
10 lot. I mean, it's probably a more viable
11 option than a poured concrete wall.

12 As far as the integrity of the wall, the
13 properly engineered wall system with a
14 segmented wall system, an Allan Block, to use a
15 name brand, you can go 20, 30 feet high.
16 You're only 4.

17 VICE CHAIRMAN: Yeah, I would like to
18 interject please. I'm just concerned as a
19 nonprofessional that we're kind of making a
20 drainage plan --

21 MR. VALETUTTO: On the fly.

22 VICE CHAIRMAN: On the fly. Being a
23 property owner and having heard a lot of
24 testimony about drainage from neighbors in the
25 past, this seems to be an important issue that

1 is something we can't slap on and make a
2 condition. In my opinion.

3 And I just wonder if perhaps we're best
4 served as a city and as an applicant and future
5 residents if we were to come back with a
6 concrete plan for the drainage. Perhaps, even
7 as you probably got the climate of how we're
8 feeling as a board, maybe, about adding the
9 bedroom, and also our idea about the lights.
10 Coming back with all the i's dotted and all the
11 t's crossed.

12 I would feel much more comfortable as a
13 voting member of this board if we were to nail
14 those things down. I think it would make for a
15 better plan and a better project for Mr. Gupta
16 and for his neighbors. That is my
17 recommendation. But if you feel that you would
18 like us to vote on the plan as it exists, we
19 can vote. So I'm just curious as an applicant
20 how you feel about that.

21 MS. MANCINI: May I converse with my
22 client for --

23 MR. STAHL: Mr. Chairman, just so I
24 understand. When you say the plan as it
25 exists, so as it exists with the wall, with the

1 retaining wall where it is, the lights where
2 they are, and no bedroom? Or are we talking
3 about the plans as discussed with the third
4 bedroom, with the lights as they were in the
5 original approval with one pole moved, and the
6 wall moved?

7 MR. FORSHNER: Return back to its original
8 location.

9 MR. STAHL: To the original location.

10 MR. HOREZGA: I think with detail too,
11 correct?

12 MR. STAHL: Because if that were the case,
13 up to Jason, that could all be part of
14 resolution compliance. But that's the board's
15 decision.

16 MR. VALETUTTO: Well, the issue is we're
17 rushing a design on the fly so to speak right
18 now.

19 MR. STAHL: You mean for the retaining
20 wall?

21 MR. VALETUTTO: Yes.

22 MR. STAHL: I got you.

23 MR. VALETUTTO: And I think that's where
24 vice chair is really looking. He wants to be
25 able to see something that works. Not give us

1 something that maybe it works. What happens if
2 it doesn't work?

3 MR. STAHL: No, I understand.

4 MR. VALETUTTO: You know, like, he wants
5 to give an approval that is buildable from the
6 get-go.

7 MR. STAHL: Got you.

8 MR. FORSHNER: If they want to propose it
9 one way as opposed to another, if it doesn't
10 work, they'd have to come back before the
11 board.

12 MR. VALETUTTO: Right.

13 MR. FORSHNER: That's your choice if
14 that's the case.

15 MS. MANCINI: Mm-hmm. So the retaining
16 wall design would not be a resolution
17 compliance issue. It would be come before the
18 board with an adaptable design.

19 MR. FORSHNER: As I see it, there's
20 several different ways to handle this. Albeit
21 you just return the wall back to its original
22 location where apparently it worked.

23 You could propose this new design, I don't
24 even -- corrugated, whatever. I don't think
25 that was the right word.

1 And if that works, you know, that's fine.
2 That can be dealt with as a condition
3 compliance issue. And, if not, either return
4 to the board or put it back in its original
5 location.

6 For my purposes, I'm comfortable, Jason,
7 having those be condition compliance issues to
8 your satisfaction. But I'm at the pleasure of
9 the board as well.

10 MS. MANCINI: Yeah. Mr. Gupta would like
11 to have a conversation if that's, if the board
12 --

13 MR. FORSHNER: Ask the chair.

14 VICE CHAIRMAN: Five minutes.

15 (Whereupon, a brief break was
16 taken.)

17 VICE CHAIRMAN: Okay, folks, if we could
18 reconvene in another minute please.

19 All right, all right, Ms. Mancini, if we
20 may.

21 MS. MANCINI: Yeah, I'm trying. I
22 apologize.

23 MR. STAHL: Do it like a basketball game.
24 One more minute.

25 MR. VALETUTTO: Shot clock running out.

1 VICE CHAIRMAN: All right, thank you very
2 much. If we could please rejoin the meeting.

3 And what, what conditions do you think
4 that you would like maybe the board to consider
5 given the testimony and the comments by the
6 board and his professionals regarding the
7 drainage situation.

8 MS. MANCINI: I think there's probably two
9 options here. I think the one condition would
10 be that there is a design that's designed in
11 more than 15 minutes in a room full of people.
12 That's agreed upon between Mr. Valetutto and my
13 client's professionals, that's a condition of
14 the resolution during resolution and
15 compliance. I think that's one option. I know
16 that's what Mr. Gupta would like to do.

17 And I think he can agree with me by saying
18 that, which is, he wouldn't like to prolong the
19 process any longer. And that, you know, they
20 believe that they can come to an agreement.

21 VICE CHAIRMAN: Okay, the one thing I
22 would like you and Mr. Gupta to understand
23 though, that if this were put into
24 Mr. Valetutto's hands for a condition, that his
25 decision would be -- would be it.

1 I mean, it's not, it's not a part of
2 negotiation. It's not a point of, well, maybe
3 we can do this. And, Mr. Brown, and I hope you
4 understand this as well, that you're asking a
5 lot.

6 All right, and Mr. Valetutto's judgment I
7 would consider it, if it was put in the
8 condition of the board, would be absolute.

9 MR. FORSHNER: Well, they just have the
10 right if they aren't in agreement with
11 Mr. Valetutto to come back to the board --

12 VICE CHAIRMAN: To come back with another
13 application.

14 MR. FORSHNER: Right.

15 MS. MANCINI: With a brand new
16 application.

17 MR. GUPTA: I'm good with that.

18 MS. MANCINI: You sure?

19 MR. VALETUTTO: I know your client is
20 trying to get to the finish line as quickly and
21 directly as possible.

22 However, doing it that way, it doesn't
23 mean you're at the finish line. You get the
24 approved conditioned approval. You still have
25 to get design. You still have to get it to me.

1 I still have to take a look at them and make a
2 decision. That's still time.

3 So I feel the proper way of doing it is
4 allowing the board to make that decision. Get
5 the design plans, get them back to the board.
6 Let the board take a look at it instead of
7 leaving it in the hands of one person where
8 it's yes or no.

9 MR. KELLY: I agree with Mr. Valetutto.
10 And, Mr. Stahl, I'll refer to you because I'm
11 going to use my favorite line. We have a lot
12 of balls in the air here.

13 And I think it's a lot to put on
14 Mr. Valetutto for him to make the decisions
15 that I kind of think properly be put in the
16 hands of the board members.

17 MR. STAHL: It is appropriate, valid, and
18 legal to propose a condition in a resolution
19 subject to approval by the engineer or
20 Mr. Valetutto.

21 However, that being said, the board does
22 not have to put that as a condition and can say
23 it's incomplete. We want to hear more. We're
24 not prepared to a make a decision because we as
25 a board want to consider all of the elements of

1 the drainage issue. Because we as a board have
2 the responsibility to the community.

3 So since they have questions, they're
4 saying that may be the only issue left is the
5 wall, assuming you agree to the other two
6 conditions -- well, the other condition of
7 lighting.

8 And then you come back the next month's
9 meeting, subject to the board chair, with the
10 revised drainage calculations, you know, 20
11 days prior to the meeting, so that Jason can
12 look at it. You come in, and, you know, you
13 may have -- everything may be resolved.

14 MR. FORSHNER: That might get you to the
15 finish line just as quick.

16 VICE CHAIRMAN: And if I may have any
17 other comments from the board members.

18 DR. GONZALES-GOMEZ: Yeah, Mr. Chair, and
19 through Mr. Stahl as well, Ms. Mancini, and
20 Mr. Gupta, you're here before asking for a
21 couple of things.

22 We said we were okay with the bedroom. We
23 said we were okay I believe with the roof line.
24 We said we were okay with moving the garbage
25 from one location to the other. We've agreed

1 on the lighting.

2 The hinge is the drainage at this
3 juncture. If you decide to go with the
4 original plans that were approved, with the
5 drainage the way it was situated there, with
6 the lighting the way it was there; but with
7 your additional bedroom, but with the roof
8 line, you can go home a happy camper tonight.
9 And we would not be here next month.

10 So it's simple. But I don't feel
11 comfortable having our professionals, our
12 esteemed professional, knowledgeable
13 professionals, Jason and Tom, come up with a
14 plan for you, after you have hired your
15 professionals to tell you this is what you
16 should do. Because they're not taking
17 everything into consideration in a matter of 20
18 minutes. It's impossible.

19 So you can either go with what was
20 approved, and the two or three minor changes
21 and go home a happy camper tonight with your
22 approval and a vote. Hopefully, you'll be
23 favorable. And you wouldn't be here until
24 9:10.

25 MR. FORSHNER: So, Jorge, I think there's

1 one other nuance that's possible here. They
2 can simply accept moving the retaining wall
3 back to its original location.

4 MR. STAHL: Yes.

5 MR. FORSHNER: And that's a done deal.
6 That's one possibility.

7 DR. GONZALES-GOMEZ: Correct.

8 MR. FORSHNER: The other possibility,
9 submit revised plan for Jason to take a look,
10 come back in a month and vote on it then with
11 this in it if they want the existing location.
12 But there's a third possibility. I don't know
13 if Jason is comfortable with that. You talked
14 about this modified wall. I can't remember
15 what you called it.

16 MR. HOREZGA: Segmented wall.

17 MR. STAHL: Tom had it.

18 MR. HOREZGA: Segmented wall.

19 MR. FORSHNER: With a segmented wall, but
20 the actual design subject to Jason's approval.
21 I don't know if you'd be comfortable with that
22 alternative, Jason.

23 The only thing you would be doing is
24 saying it's in its location and you would be
25 saying does this segmented wall work. And

1 that's a pure engineering question. That's not
2 a discretionary question.

3 If you're comfortable with that, that may
4 be a third possibility.

5 VICE CHAIRMAN: You made it clear you're
6 not comfortable with that.

7 MR. VALETUTTO: I'm not a structural
8 engineer.

9 MR. FORSHNER: Okay.

10 MR. VALETUTTO: I can definitely take a
11 look at it from the drainage standpoint, but I
12 mean I would feel more comfortable that I'm not
13 the judge. The board is the jury.

14 MR. FORSHNER: Okay.

15 MR. VALETUTTO: The board should make the
16 decision.

17 MR. FORSHNER: So two alternatives. Come
18 back next month --

19 MR. STAHL: Here's a consideration. And I
20 want to make it clear on the record that there
21 is no coercion in this, in our discussion. No
22 one is making you do anything. We're trying to
23 help you as they've been doing since the
24 get-go.

25 If you accept the conditions, the wall

1 where it was originally, and the board acts on
2 it tonight, assuming that it's correct, and
3 they can, as the wall in the original location,
4 you don't have to come back.

5 Assuming I get the transcript, putting no
6 burden on you. I will get a -- Jason and I
7 will have a resolution done by next month for
8 the April meeting.

9 If you want to come back with a new design
10 for the wall, then you're going to be back next
11 month and then you're not going to get a
12 resolution until May. So you have to consider
13 the time span.

14 MR. VALETUTTO: And I'll go one step
15 further. Once you get the resolution and the
16 board memorializes it, they still need to come
17 back with revised plans that satisfy that
18 resolution.

19 MR. STAHL: Right.

20 MR. VALETUTTO: So it's not like Mr. Gupta
21 is ready to go, construction, just because the
22 resolution. I just want him to be aware of
23 that. There's still more time.

24 MR. STAHL: Starting the process.

25 MR. VALETUTTO: He's starting the process,

1 yeah.

2 VICE CHAIRMAN: I guess what we're saying,
3 Ms. Mancini, I think you understand where the
4 board professionals are disposed right now as
5 far as conditions being the four posts and the
6 parking lot, and the retaining wall being put
7 back to its original approval place.

8 And we can, we can vote then, and it's up
9 to the board yes or no. Or if you would like
10 to come back and show us an improved plan on
11 the drainage system.

12 MS. MANCINI: Yeah, yeah, I was just --
13 obviously Mr. Gupta and I, you know, Mr. Gupta
14 has to make that decision obviously. And
15 that's what I was just talking to him about.

16 MR. GUPTA: I'm just trying to understand
17 one thing, just for the sake of clarity, I
18 mean.

19 So the only problem I have with the
20 retaining wall going back to where it was is,
21 there's actually an error in the plan. The
22 retaining wall did not take into consideration
23 that my property goes 5 feet on the other side.
24 Like they drew the wall right across the
25 existing wall.

1 So that is the piece that I need to
2 correct. I'm okay with going back to retaining
3 wall from a drainage perspective on the front
4 side. I don't know if, Jason, if you're
5 understanding what I'm trying to say.

6 MR. VALETUTTO: You're trying to maximize.

7 MS. MANCINI: Yeah.

8 MR. VALETUTTO: Your usable area. That's
9 what I am understanding the reason for the
10 moving of the wall.

11 What you're not understanding is moving
12 the wall to where you would like it, creates
13 drainage issues for your neighbors. And that's
14 what, that's what the board is trying to
15 protect is your neighbors and the water from
16 the movement of the wall.

17 MR. GUPTA: Right. That piece I
18 understand, Jason. So I'll move the wall back
19 to where it was in the original design. Except
20 that on one side if I can just show what I'm
21 referring to.

22 MR. VALETUTTO: You have the plans up
23 there. Point so the board can see.

24 MR. GUPTA: Yeah. So my property line
25 goes up to here. This is my property line.

1 When the original plans prepared, it was
2 assumed the property line is where the wall is.
3 And so what they did is drew the retaining wall
4 and drew the retaining wall to cut off over
5 here. Meaning this property of mine, 5 feet
6 property on this side is cut off. Because the
7 retaining wall was drawn here.

8 VICE CHAIRMAN: Mr. Gupta, what I think
9 you're getting into right now goes back to the
10 idea we have to come back then. If you want
11 to, if you want to gerrymander this as far as 5
12 foot here, 5 foot there, this is something the
13 board would need to see new plans and you have
14 to come back to --

15 MR. VALETUTTO: I can sum it up in 30
16 seconds for you.

17 VICE CHAIRMAN: Go ahead, Mr. Valetutto.
18 I'm sorry.

19 MR. VALETUTTO: Mr. Gupta, you were not
20 here for the original approval. The plans as
21 shown with the retaining wall where the
22 curbline, where your proposed curbline is right
23 now, was designed that way so there would be no
24 drainage issue. And there was made, there was
25 big discussion on the location of the retaining

1 wall.

2 The retaining wall may have been, and I
3 don't recall completely, may have originally
4 been on the property line. And one of the
5 conditions was that he had to move the
6 retaining walling in to prevent the drainage
7 issue for the neighbors.

8 So by you saying that the retaining wall
9 was not drawn in the right location is speaking
10 incorrectly. You were not here for the
11 original approval.

12 VICE CHAIRMAN: Okay, if that's all you'd
13 have to say, I'd like to move to open this to
14 the public.

15 MR. STAHL: Motion.

16 VICE CHAIRMAN: Motion to the --

17 MR. KELLY: Second.

18 VICE CHAIRMAN: Anybody in the public who
19 would like to ask a question or comment on this
20 application, please step forward.

21 Let the record show that nobody has come
22 forward.

23 MR. FORSHNER: Motion to close to the
24 public.

25 VICE CHAIRMAN: I think I need a motion to

1 close.

2 MR. DEMASI: Motion to close.

3 MR. KELLY: Second.

4 VICE CHAIRMAN: All in favor.

5 BOARD MEMBERS: Aye.

6 VICE CHAIRMAN: Mr. Valetutto, then I
7 would like the board members to make a comment
8 and possibly entertain a motion.

9 I'll permit you again, okay, as a
10 summation.

11 Mr. Valetutto first and then you.

12 MR. VALETUTTO: Just one thing from my
13 report that was never touched upon. Page three
14 of five in my report was we need to hear some
15 testimony just so that Mr. Gupta understands.

16 It appears the existing sanitary, gas, and
17 water laterals are going to be maintained. And
18 per city ordinance, each apartment has to have
19 their utilities split. So each unit has their
20 own bills and their own service. I just want
21 to put on the record that Mr. Gupta understands
22 that and that obviously will be complied with.

23 MR. GUPTA: Yes.

24 MR. FORSHNER: And can we get some
25 clarification, are we proceeding to carry this

1 to the next hearing or going to move to back?

2 MR. VALETUTTO: We're going to hear from
3 her.

4 VICE CHAIRMAN: We will hear from
5 Ms. Mancini. And then the board will have the
6 option of offering any comments, and I will
7 entertain if anybody wishes to a motion.

8 MS. MANCINI: Mr. Gupta has decided to go
9 with the original approval plan of the where
10 the retaining wall was located.

11 So if I am clear, the retaining wall will
12 move forward to where it was initially approved
13 in 2019.

14 That is what he has elected to go with.
15 So I think in summation, where we're at is I
16 think the three -- I'm sorry.

17 MR. VALETUTTO: I apologize.

18 MS. MANCINI: No. I think the three major
19 points are the light posts are going to be as
20 agreed upon, the box lights.

21 MR. STAHL: With one pole moved.

22 MS. MANCINI: Correct, with one pole moved
23 in that agreed upon location.

24 And, third, that the prayer room storage
25 space, will now be classified as a bedroom on

1 that I believe it's the second floor or the
2 third floor, whatever it may be. And that is
3 the application before you tonight, among all
4 the other testimony that you have heard.

5 MR. STAHL: Just so the record is clear,
6 the retaining wall has to be exactly where it
7 is under the original approved plans. Not
8 adjusted 5 feet, 3 feet, 2 feet. That changes
9 the dynamics and the drainage. So the wall is
10 where the wall is. And I just want to make it
11 clear, not that I think Mr. Gupta would, he
12 cannot move it without approval.

13 MR. VALETUTTO: And, Jim, based on the
14 approved plans, because of that location, a
15 guardrail had to be installed because of safety
16 being on the high side of the wall, and a car
17 coming in, could drive right over the top.
18 Because now that is the curb. It's no longer
19 protected by a curb. That is the curb.

20 So there was a guardrail shown on the
21 original approved plan that has to be
22 installed.

23 MR. STAHL: Has to go, okay.

24 MR. VALETUTTO: Yes.

25 MR. FORSHNER: And I would just add with

1 regard to the bedroom, I think the resolution
2 that I would put forward when the time comes is
3 that it just be limited to three bedrooms. I
4 don't care where the third bedroom is, but it
5 be limited to three bedrooms.

6 VICE CHAIRMAN: All right.

7 Okay, any questions from board members?

8 Therefore, I will entertain a motion to approve
9 this application.

10 MR. FORSHNER: So moved.

11 DR. GONZALES-GOMEZ: Second.

12 VICE CHAIRMAN: Okay, and, Mr. Stahl,
13 would you please enumerate the conditions.

14 MR. STAHL: Yes. Going through them but
15 the conditions are, I think are pretty clear.

16 Number one, the one apartment that was
17 discussed with regard to two bedrooms and a
18 proposed prayer room, will be now designated as
19 a three bedroom unit, with no change in parking
20 or any change other than the identification of
21 that room on the plans.

22 And, number two, the lights as set forth
23 in the original, on the original approved
24 plans, will remain as they were, with one
25 exception. There will be three 15-foot

1 shoebox, pole mounted, motion detected lights
2 on three of the four poles as they presently
3 are located on the approved plans. The fourth
4 pole will be moved as indicated by Mr. Brown
5 with respect due to the construction of the
6 porch. So that fourth one will be a 15-foot
7 pole mounted shoebox motion detector. And that
8 will take care of the lighting.

9 With regard to the roof line, that will be
10 approved as proposed.

11 All conditions in Mr. Valetutto's report
12 will be complied with including separate
13 metering of all utilities for each of the three
14 units.

15 The retaining wall, what we call the
16 retaining wall, will remain as it is on the
17 approved, the original approved plans, and as
18 designed with regard to any curbing and
19 guardrail that was then in existence to protect
20 the wall from traffic.

21 And, to be clear, it has to be in the
22 exact location, that being the retaining wall,
23 and cannot be moved without approval from the
24 board or the appropriate professionals. And I
25 say that only because if there was something

1 found during construction, that would have to
2 be addressed by the Building Department, and,
3 perhaps, Mr. Valetutto.

4 Those are the conditions.

5 VICE CHAIRMAN: Thank you, Mr. Stahl.

6 MS. MANCINI: If I may, Mr. Gupta just
7 stood up and said something about the utilities
8 that he wanted to make clear.

9 VICE CHAIRMAN: We have a motion.

10 MS. MANCINI: I'm sorry.

11 MR. STAHL: Page three, if I may,
12 Mr. Chairman, page three, and in fact, I was
13 going to mention it, but we got to other
14 discussions.

15 Jason did raise the issue, page three,
16 there is a question that Mr. Gupta I think
17 answered. All utilities will be separately
18 metered as to each unit. So there will be no
19 common utilities. And then using of a cam,
20 C-A-M, with regard to common area items.

21 That is correct, is it not, Mr. Valetutto?

22 MR. FORSHNER: So I'm aware that in some
23 cases utilities won't do separate metering.
24 And I don't know whether they would do that
25 here or not.

1 Is that your concern?

2 MS. MANCINI: Yeah.

3 MR. GUPTA: Yeah, the third unit, I'll
4 have everything separate, the new construction.
5 But the existing units, I cannot change the
6 water utility. That is the way it already
7 exists. There's common water and there's
8 common gas for the existing two apartments,
9 which I'm not changing. The new construction
10 will have all separate utilities.

11 MR. STAHL: Mr. Valetutto?

12 VICE CHAIRMAN: Mr. Valetutto, if you
13 would please, I thought that Mr. Brown in the
14 beginning had said that he was agreeable to the
15 suggestions that you had made regarding your
16 letter. Is this different?

17 MR. VALETUTTO: Well, Mr. Brown is
18 speaking from an engineering standpoint and
19 this is from a legal property standpoint in the
20 city, in regards to separating meters and for
21 individual units.

22 MR. FORSHNER: It's more than just legal.
23 Sometimes utilities will not bring --

24 MR. STAHL: Let me read the request by
25 Mr. Valetutto.

1 It's page three of five, under sheet two.
2 Testimony should be provided on the following;
3 it appears the existing sanitary, gas, and
4 water laterals are being maintained -- pardon
5 me. Per city ordinance, each apartment unit
6 must have their utilities split and each unit
7 have their own meters/bills with the utility
8 company. The applicant should acknowledge this
9 requirement on the record.

10 VICE CHAIRMAN: And do you acknowledge
11 that on the record?

12 MS. MANCINI: I think that Mr. Gupta was
13 not clear in what he meant by separate units.
14 I think Mr. Gupta was trying to -- what he's
15 trying to clarify right now, is the new
16 construction unit will have all separately
17 metered all utilities.

18 Preexisting, those, the other two
19 apartments, the two bedroom and the one
20 bedroom, they already have some combined
21 utilities. So that, that's already the
22 condition on the site. So I think that's the
23 difference.

24 VICE CHAIRMAN: My patience is growing
25 thin, and I apologize. But we're volunteers,

1 the hearing board, and we're trying to do our
2 best to be fair to Mr. Gupta and to the
3 citizens of South Amboy here.

4 I know we had a motion. We had a second.
5 We had conditions enumerated. And
6 Mr. Valetutto is very trusted by the board, but
7 I'd like to have his input as well.

8 MR. VALETUTTO: We're just trying to
9 determine if that is accurate based on rental
10 units or owner occupied units. And that's what
11 we're trying to discuss.

12 I can understand and appreciate the
13 existing units already being the way they are.
14 But once you open up an application, the
15 property now becomes open to what the current
16 laws are, and the current standards are.

17 So if it doesn't meet those current
18 standards, it's up to you to change them to the
19 current standards. And that's what we're
20 trying to figure out.

21 VICE CHAIRMAN: Would it be a construction
22 issue?

23 MR. VALETUTTO: No, it's whether it's
24 rented unit or owner occupied. We think that
25 it probably is okay as is.

1 I think -- I think we're okay with leaving
2 the existing units as is as long as Mr. Gupta's
3 unit has its own.

4 VICE CHAIRMAN: Okay.

5 MS. MANCINI: And, Mr. Chairman, I
6 apologize for wearing your patience thin. I
7 just wanted to make sure that Mr. Gupta and
8 myself was not misrepresenting what was agreed
9 to. And I wanted to make it very clear so that
10 was out in the open and I apologize for that.

11 VICE CHAIRMAN: Apology accepted. And
12 we're good.

13 MR. VALETUTTO: I think it's acknowledged
14 that Mr. Gupta's unit is going to be the one
15 that's -- I do have one more thing that I think
16 Jim missed in the conditions was the increase
17 in square footage that increased the bulk
18 variance for lot coverage. I don't believe you
19 touched upon that.

20 MR. STAHL: Yeah, okay. That was in the
21 overall --

22 MR. VALETUTTO: In the report.

23 MR. STAHL: The coverage, you're talking
24 about the coverage variance?

25 MR. VALETUTTO: Yeah, as long as the board

1 knows they're voting on one variance.

2 MR. FORSHNER: So with that clarification,
3 if it requires it, I'll amend my motion
4 accordingly.

5 VICE CHAIRMAN: All right, Board, we ready
6 to vote.

7 We have the motion. We have a second.
8 And we have the conditions enumerated.

9 Roll call please.

10 MS. RUSSO: Chairman Scott Kominkiewicz?

11 VICE CHAIRMAN: Patience aside, yes.

12 MS. RUSSO: Mayor Fred Henry?

13 MAYOR HENRY: Yes.

14 MS. RUSSO: Tom Kelly?

15 MR. KELLY: As conditioned, yes.

16 MS. RUSSO: George Baranowski?

17 MR. BARANOWSKI: Yes.

18 MS. RUSSO: Janet Kern?

19 MS. KERN: Yes.

20 MS. RUSSO: Jorge Gonzales?

21 DR. GONZALES-GOMEZ: Yes, as conditioned.

22 MS. RUSSO: Gary Forshner?

23 MR. FORSHNER: Welcome to South Amboy.

24 Yes.

25 MS. RUSSO: William DeMasi?

1 MR. DEMASI: Yes.

2 MS. RUSSO: Andrew Horezga.

3 MR. HOREZGA: Based on the conditions
4 established after testimony, yes.

5 MS. RUSSO: Roll call complete.

6 VICE CHAIRMAN: All right, application is
7 approved with conditions.

8 Mr. Gupta, I welcome you as a resident. I
9 walk for exercise and I'm sure I'll see you
10 some evening while I walk.

11 Thank you very much.

12 MR. GUPTA: Thank you, everyone. I
13 appreciate it.

14 VICE CHAIRMAN: We have just a few items
15 on the agenda. One is open the meeting to the
16 public in general, which I am doing, moving
17 without a vote.

18 Anybody in the public who wishes to make a
19 comment or ask a question, please step forward.

20 Let the record show that there's nobody
21 who has a question or comment.

22 And I'd like to know, Ms. Russo, any other
23 correspondence that we should be aware of?

24 MR. STAHL: We have about a 12 page
25 document that we have to review.

1 VICE CHAIRMAN: Mr. Stahl.

2 MS. RUSSO: Only our special request
3 maintenance for next week.

4 VICE CHAIRMAN: Which we have mentioned.
5 Thank you very much.

6 MS. RUSSO: Okay, that's it.

7 VICE CHAIRMAN: Being that we have -- I'll
8 take a motion for adjournment.

9 MR. FORSHNER: Motion to adjourn.

10 VICE CHAIRMAN: Second?

11 MR. KELLY: Second.

12 VICE CHAIRMAN: All in favor?

13 BOARD MEMBERS: Aye.

14

15 (Whereupon, the meeting was
16 concluded at 9:27 p.m.)

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C E R T I F I C A T E

I, DEVON GERBER, a Certified Court Reporter, Registered Professional Reporter, do hereby certify that prior to the commencement of the examination, the witness was duly sworn to testify the truth, the whole truth, and nothing but the truth.

I FURTHER 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 hereinbefore set forth, to the best of my ability.

I 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 this action.

Devon Gerber

DEVON GERBER, RPR, CCR
Certification # 30X100238100
Dated: 4/4/22

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