

CITY OF SOUTH AMBOY
PLANNING BOARD
REGULAR MEETING/MINUTES
September 28, 2022

Members present: Mary Szaro, Scott Kominkiewicz, George Baranowski, Janet Kern, Gary Forshner, William DeMasi, Andrew Horezga, Robert Paulukiewicz, Francis Mulvey

Members absent: Mayor Fred A. Henry, Council President Michael Gross, Thomas Kelly, Jorge Gonzalez-Gomez

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

Chairwoman Mary Szaro called this meeting to order.

Adequate notice of this meeting has been provided under “The Open Public Meeting Act of New Jersey” by advertisement published in the Home News Tribune, on the City of South Amboy Planning/Zoning Board website, and by posting on the information board at City Hall. Electronic notice has been provided via the agenda on the City Website and the agenda posted on the bulletin board at City Hall.

Salute the Flag.

Roll call was taken at this time.

Motion by Janet Kern, seconded by William DeMasi, to accept the Minutes of July 27, 2022, Motion carried: 6-0, 3 abstentions

Chairwoman Mary Szaro then reviewed the evening’s agenda.

ANNOUNCEMENT of APPLICATION CARRIED

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

200 South Broadway / Block 42, Lots 19.01 & 20.01

Mr. Kenneth L. Pape, Esq. has thirty (30) days to act on this matter; failing to act will result in dismissal without prejudice.

Motion by Scott Kominkiewicz, seconded by Janet Kern to be dismissed without prejudice if no action is moved at the October 26, 2022, Board Meeting.

Motion carried: 8-0, 1 abstentions.

COMPLETENESS

Application: 434-22 – Gary & Carmela Colfer

328 Portia Street / Block: 17, Lots: 7, 7.01 & 7.02

Completeness Committee Chairwoman Janet Kern stated that she is in receipt of a letter from AJV Engineering, Inc. dated September 02, 2022, regarding Application 434-22, Gary & Carmela Colfer recommending **Complete**.

Motion by Janet Kern seconded George Baranowski to accept the recommendation of Complete for Application 434-22, Gary & Carmela Colfer
Motion carried: 2-0, 0 abstention

PUBLIC HEARING

Application: 432-22 – Ruzhdi Jusufi

117 -119 S. Pine Avenue / Block 76, Lot 7

Please refer to the transcript

Chairwoman Szaro asked for a motion to open this portion of the meeting to the public. Motion by Gary Forshner seconded by Janet Kern. With no public to speak on this matter Chairwoman Szaro asked for a motion to close this portion of the meeting.
Motion by Janet Kern, second William DeMasi.

Chairwoman Szaro asked for a motion to approve the Minor Site Plan portion of this application subject to all the testimony, and all the conditions outlined in the letter for AJV Engineering, Inc. Dated July 08, 2022, and all conditions outlined by Mr. James E. Stahl, Esq.
Motion by Gary Forshner, seconded by Janet Kern.
Motion carried 7-0, 0 abstention

DISCUSSION

Application: 428-22 – John Vona

530 Catherine Street / Block 85, Lot 10

Mr. John Vona has thirty (30) days to act on this matter; failing to act will result in dismissal without prejudice.

Motion by Scott Kominkiewicz, seconded by Janet Kern to be dismissed without prejudice if no action is moved at the October 26, 2022, Board Meeting.

Motion carried: 9-0, 0 abstentions.

CORRESPONDENCE – NONE

Chairwoman Szaro asked for a motion to open the meeting to the public. Motion by Janet Kern, seconded by William DeMasi. With no one from the public wishing to speak, Chairwoman Szaro closed the meeting to the public.

Chairwoman Szaro announced that the next scheduled meeting would be held in person on Wednesday, October 26, 2022, at 7:00 pm.

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

Respectfully submitted,

Amy Russo
Planning Board Secretary
Minutes Approved on October 26, 2022

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CITY OF SOUTH AMBOY
PLANNING/ZONING BOARD

IN THE MATTER OF THE :
APPLICATION OF: :
432-22, RUZHDI JUSUFI, :
117-119 South Pine Avenue, :
South Amboy, Block: 76, :
Lot: 7 :
: :

TRANSCRIPT OF PROCEEDINGS
WEDNESDAY, SEPTEMBER 28, 2022
COMMENCING AT 7:00 P.M.

BOARD MEMBERS PRESENT:

- MARY SZARO-Chairwoman
- SCOTT KOMINKIEWICZ- Vice Chairman
- GEORGE BARANOWSKI
- JANET KERN
- GARY FORSHNER
- WILLIAM DEMASI
- ANDREW HOREZGA
- ROBERT PAULUKIEWICZ

JASON VALETUTTO-Board Engineer & Planner

DEBORAH BROOKS- Municipal Clerk

STENOGRAPHICALLY REPORTED BY:
DEVON GERBER, RPR, CCR

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

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LAW OFFICE OF GEORGE J. OTLOWSKI, JR.
708 Carson Avenue
Perth Amboy, New Jersey 08861

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4 BY: KEN KUKFA, Esq.
Counsel for the Applicant

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7 JAMES E. STAHL, Esq.

8 Counsel for the Board

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1 I N D E X:

2	WITNESS	PAGE
3	Robert Lee, (sworn)	14
4	Ruzhdi Jusufi, (sworn)	59
5	Richard Lapinski, (sworn)	65

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8

9 PUBLIC COMMENT:

10

11	NAME	ADDRESS	PAGE
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12

13 (None.)

14

15 E X H I B I T S

16

17	EXHIBIT NO.	DESCRIPTION	PAGE
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18

19	A-1	Survey	18
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1 CHAIRWOMAN SZARO: Good evening, everyone.
2 I would like to call the meeting to order.

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

9 Can we please all stand and salute the
10 flag.

11 (Pledge of Allegiance.)

12 Roll call please.

13 MS. BROOKS: Chair Szaro?

14 CHAIRWOMAN SZARO: Here.

15 MS. BROOKS: Scott Kominkiewicz?

16 MR. KOMINKIEWICZ: Here.

17 MS. BROOKS: George Baranowski?

18 MR. BARANOWSKI: Here.

19 MS. BROOKS: Janet Kern?

20 MS. KERN: Here.

21 MS. BROOKS: Jorge, not here. Gary

22 Forshner?

23 MR. FORSHNER: Here.

24 MS. BROOKS: William DeMasi?

25 MR. DeMASI: Here.

1 MS. BROOKS: Andrew Horezga?

2 MR. HOREZGA: Here.

3 MS. BROOKS: Robert Paulukiewicz?

4 MR. PAULUKIEWICZ: Here.

5 MS. BROOKS: Francis Mulvey?

6 MR. MULVEY: Here.

7 CHAIRWOMAN SZARO: Okay, for the approval
8 of the minutes of our previous meeting, which
9 was July 27th, 2022, do I have a motion to
10 accept the minutes?

11 MS. KERN: Motion.

12 CHAIRWOMAN SZARO: Second?

13 MR. DeMASI: Second.

14 CHAIRWOMAN SZARO: Roll call.

15 MS. BROOKS: Chair Szaro?

16 CHAIRWOMAN SZARO: Abstain.

17 MS. BROOKS: Scott Kominkiewicz?

18 MR. KOMINKIEWICZ: Yes.

19 MS. BROOKS: George Baranowski?

20 MR. BARANOWSKI: Abstain.

21 MS. BROOKS: Janet Kern?

22 MS. KERN: Yes.

23 MS. BROOKS: Jorge Gonzalez? Oh, Gary
24 Forshner?

25 MR. FORSHNER: Abstain.

1 MS. BROOKS: William DeMasi?

2 MR. DeMASI: Yes.

3 CHAIRWOMAN SZARO: Andrew Horezga?

4 MR. HOREZGA: Yes.

5 MS. BROOKS: Robert Paulukiewicz?

6 MR. PAULUKIEWICZ: Yes.

7 MS. BROOKS: Francis Mulvey?

8 MR. MULVEY: Yeah.

9 CHAIRWOMAN SZARO: Okay, we have one
10 application that will be carried. Application
11 389-18, 200 South Broadway. Any comments on
12 that?

13 MR. VALETUTTO: Jim, you want to make
14 comment or me? 200 Broadway.

15 MR. STAHL: 200 Broadway. Jason and I
16 spoke before, and this application has been
17 carried for some time. And originally we had
18 sent it back as you will recall to Sarah
19 because it was the recommendation from some
20 members of the board that it be retail and
21 residential combination. As I understand it,
22 it's been -- Jason might know, it be hearsay,
23 but I'm not concerned about hearsay.

24 As we understand it, Sarah has rejected
25 it. Jason and I would recommend that the board

1 make a motion that I advise counsel that if the
2 matter is not ready to be moved, you tell me
3 whether it's November meeting or December
4 meeting, we want to give them 30 or 60 days. I
5 mean, for that I would suggest 30 days, that
6 we'll dismiss it without prejudice. Jason?

7 MR. VALETUTTO: I was going to say so the
8 board is aware, the original date of the
9 hearing was November 17th, 2021.

10 MR. STAHL: Oh, it's a year. I just think
11 we have to give them -- I would just suggest 30
12 days is certainly fine. And that's all. I
13 don't like to dismiss without prejudice without
14 any notice, knowing counsel will come back and
15 say something. It's up to you. I would say
16 let's give them notice for November.

17 CHAIRWOMAN SZARO: Okay, thank you. With
18 that, do I have a motion to for Mr. Stahl to
19 advise their counsel that -- find out what's
20 going on, right?

21 MR. STAHL: I would suggest if they do not
22 have the meeting scheduled for the November
23 meeting, provide us with confirmation that
24 they're prepared to come forward for the
25 meeting in November.

1 MR. VALETUTTO: With new notice for
2 November.

3 MR. STAHL: Absolutely.

4 MR. VALETUTTO: They have to update the
5 property owners listed.

6 MR. STAHL: That the board will consider
7 dismissing without prejudice for failure to
8 move the matter. You know what that means.
9 That means they can always reapply. It's not
10 waste as to that application.

11 CHAIRWOMAN SZARO: Right, I want to
12 clarify, will you be able to maybe just reach
13 out and find out what's --

14 MR. STAHL: Tomorrow, I will call
15 tomorrow.

16 CHAIRWOMAN SZARO: Okay, because I know
17 they've been trying to go to Sarah. We don't
18 know what that story is. We can, rather than
19 say are you going to move forward, find out if
20 there's any kind of anything we can do. And I
21 don't know if there is.

22 MR. STAHL: All right, I think that's a
23 perfect solution.

24 CHAIRWOMAN SZARO: Okay, do I have a
25 motion?

1 MS. KERN: Motion.

2 CHAIRWOMAN SZARO: Second?

3 MR. DeMASI: Second?

4 CHAIRWOMAN SZARO: All in favor?

5 BOARD MEMBERS: Aye.

6 CHAIRWOMAN SZARO: Any opposed?

7 MR. PAULUKIEWICZ: Aye. I would say it's
8 been since November, they haven't been here, we
9 gave them enough time. I just say, say pull it
10 off the thing send them, we're resubmit.

11 CHAIRWOMAN SZARO: Okay, I think that's
12 noted, but I think the aye's have it.

13 MR. PAULUKIEWICZ: I just want to put that
14 on the record.

15 CHAIRWOMAN SZARO: Thank you.

16 MR. VALETUTTO: Madame Chairwoman, before
17 we continue with the agenda, I just want to
18 piggyback with what the board has done with 200
19 South Broadway.

20 We have an application for 530 Catherine
21 Street that never reached completeness. They
22 were looking for subdivision. They never
23 submitted an original survey. They never
24 submitted a survey how they want the
25 subdivision to be aligned. We've told them and

1 it was originally filed on January 10th, 2022.
2 We're now end of September. I would suggest
3 that the board consider doing similarly,
4 putting the applicant on notice, that if we
5 don't have something from them within 30 days
6 to move the application through completeness,
7 that they should also be dismissed without
8 prejudice.

9 CHAIRWOMAN SZARO: Okay, thank you. Do I
10 have a motion to put the applicant for 530
11 Catherine Street on notice similar to -- and
12 again, I don't know if would that.

13 MR. STAHL: I'll take care of that
14 tomorrow.

15 CHAIRWOMAN SZARO: Great, great. Motion?

16 MR. KOMINKIEWICZ: So moved.

17 CHAIRWOMAN SZARO: Second?

18 MS. KERN: Second.

19 CHAIRWOMAN SZARO: All in favor?

20 BOARD MEMBERS: Aye.

21 CHAIRWOMAN SZARO: Any opposed? Thank
22 you.

23 Okay, next is up is completeness. We have
24 one completeness application. Janet?

25 MS. KERN: The application for Gary and

1 Carmela Colfer, Planning Board application
2 434-22 has been reviewed for completeness by
3 the Planning Board consultant in a letter dated
4 September 2nd, 2022.

5 The completeness committee makes a motion
6 recommending that the findings in the Planning
7 Board consultant letter be accepted. The
8 application is deemed complete subject to the
9 full compliance with the Planning Board review
10 letter. Including, but not limited to:
11 Payment of all fees.

12 In the event the applicant does not fully
13 comply with the terms on the reference letter,
14 it shall remain incomplete until all items have
15 been addressed to our board consultant approval
16 and rescheduled for hearing.

17 MR. BARANOWSKI: Second.

18 MS. BROOKS: Janet Kern?

19 MS. KERN: Second.

20 MS. BROOKS: Okay.

21 CHAIRWOMAN SZARO: Okay, the one
22 resolution will be removed from the agenda this
23 evening, which takes us to our application
24 hearing for application 432-22, Mr. Otlowski,
25 good evening.

1 MR. KUKFA: Good evening. I am not Mr.
2 Otlowski.

3 CHAIRWOMAN SZARO: Okay.

4 MR. KUKFA: He had a conflict tonight. My
5 name is Ken Kukfa. I'll spell it. K-U-K-F, as
6 in Frank, A, on behalf of George Otlowski and
7 the applicant.

8 CHAIRWOMAN SZARO: Welcome. Good evening.

9 MR. KUKFA: Good evening. I'm just going
10 to get right into it. I'll call Mr. Robert Lee
11 as my first witness.

12 CHAIRWOMAN SZARO: I think -- do we have
13 any housekeeping?

14 MR. STAHL: Do you know -- we received all
15 the necessary affidavits, and the affidavit of
16 service, and affidavit of publication.

17 MS. BROOKS: Amy confirms that she
18 received all the public notices.

19 MR. STAHL: And we have a court reporter
20 here this evening. So we have jurisdiction.
21 And so it's your move. And, Jason, you have a
22 copy of the letter that you'll present later
23 with regard to your review letter?

24 MR. VALETUTTO: Have you received report
25 dated July 8th, 2022, from my office in regards

1 to this application?

2 MR. KUKFA: Yes, I have.

3 MR. VALETUTTO: Just put that on the
4 record.

5 MR. STAHL: We just like acknowledgment
6 that the applicant, through you or himself,
7 have received that letter.

8 MR. KUKFA: Yes, we have received it.

9 MR. STAHL: Thank you very much.

10 MR. HOREZGA: Point of inquiry before we
11 get started with testimony. For Jason, the
12 engineer, in your letter, there's a number of
13 items that we say need clarification. Are we
14 going to get that from the testimony, such as
15 the height of the building, certain numerical
16 values, and variances requested.

17 MR. VALETUTTO: Well, yes, the board needs
18 to know certain things like the square footage
19 of each dwelling unit, those sorts of things so
20 they know the intensity of the variances
21 they're granting if they so choose to grant
22 this application.

23 But everything that is before the board
24 tonight for variances are all existing
25 variances with the exception of the use.

1 MR. HOREZGA: Okay.

2 MR. VALETUTTO: I believe everything else
3 is all pretty much existing variances because
4 the buildings are already there. You can't
5 move the building, can't acquire more property.

6 MR. HOREZGA: Thank you, okay.

7 CHAIRWOMAN SZARO: Thank you.

8 MR. KUKFA: I'd like to call Mr. Lee to
9 testify, Robert Lee. Does he need to be sworn
10 in?

11 MS. BROOKS: Can you speak into the
12 microphone?

13 MR. STAHL: Why don't you go to the
14 microphone, sir. Raise your right hand.

15 In this matter do you swear that the
16 testimony you're about to give will be the
17 truth, the whole truth, and nothing but the
18 truth so help you God?

19 MR. LEE: Yes, sir.

20 MR. STAHL: Please keep your voice up.
21 These microphones should keep up -- that's
22 okay. Can you please state your name spelling
23 your last name.

24 MR. LEE: My name is Robert Lee, L-E-E.

25 MR. STAHL: Thank you. Counsel?

1 MR. KUKFA: Mr. Lee, can you give the
2 board your qualifications?

3 MR. LEE: Yes. Licensed State of New
4 Jersey, both architect as well as professional
5 engineer. My office is located at 236 -- 263
6 Broad Avenue, Palisades Park, New Jersey.

7 MR. KUKFA: What is your education?

8 MR. LEE: My educational background, I
9 graduated 1997 from Penn State University as an
10 architectural engineer.

11 MR. KUKFA: And have you testified before
12 planning and zoning boards before?

13 MR. LEE: Yes.

14 MR. KUKFA: And can you give the board
15 some of the boards that you've testified in
16 front of.

17 MR. LEE: Oh, throughout many different
18 counties, mostly in Bergen County, New Jersey.
19 But throughout the State of New Jersey.

20 MR. STAHL: Let me ask you a question, how
21 many boards have you been qualified for? Best
22 estimate.

23 MR. LEE: Dozens.

24 MR. STAHL: Dozens.

25 MR. LEE: Yes.

1 MR. STAHL: And your license is valid and
2 full force?

3 MR. LEE: Yes, good standing. Licensed
4 architect as well as professional engineer.

5 MR. STAHL: Madame chair, does anyone on
6 the board have an objection to qualifying this
7 young man as a licensed architect and expert in
8 the field of architecture?

9 CHAIRWOMAN SZARO: Any objections?

10 No objections. Thank you.

11 MR. MULVEY: He has to talk louder.

12 MR. STAHL: I'm sorry?

13 MR. MULVEY: Talk louder.

14 MR. STAHL: Yes. I was going to say that,
15 Butch. Me or him? No, I never had a
16 complaint.

17 Keep your voice up. Even though this
18 sound system.

19 MR. LEE: Sure.

20 MR. STAHL: It records.

21 MR. LEE: Will do.

22 MR. KUKFA: Thank you. Mr. Lee, please
23 explain to the board what the application is
24 about.

25 MR. LEE: The application is existing

1 two-family home with what used to be a retail
2 store immediately adjacent to existing same
3 continuous lot. The current application calls
4 for conversion of existing retail --

5 MR. VALETUTTO: Jim, do we need to have
6 this exhibited?

7 MR. STAHL: Thank you. Mr. Lee, using the
8 signature block on the lower right hand, number
9 one, has this document been presented to the
10 board?

11 MR. LEE: Yes.

12 MR. STAHL: Or is it modified in any
13 fashion?

14 MR. LEE: It has been presented to the
15 board previously. I mean, to the town
16 engineer.

17 MR. STAHL: And what sheet are you
18 referring to?

19 MR. LEE: A100.

20 MR. STAHL: All right, Madame Chair and
21 Mr. Valetutto, I don't see any reason why --
22 we've identified it. I know that sometimes
23 we're somewhat superfluous and mark it again.
24 But if it's in the package --

25 MR. LEE: Yes.

1 MR. STAHL: We will refer to it as A-1.

2 MR. LEE: A100.

3 MR. STAHL: A100.

4 MR. LEE: Yes, sir.

5 MR. STAHL: Thank you.

6 MR. LEE: I'm currently referring to a
7 survey that shows the general layout from
8 the -- consistent with the vicinity map.

9 We are currently proposing a single
10 structure modification of the usage from retail
11 to residential, three bedroom, one bathroom
12 configuration.

13 In terms of any other modification, there
14 is many comments that was given to us from the
15 city engineer. And we are here to testify
16 further about those items that was pointed out.
17 If I may, go through one by one perhaps, and we
18 can address.

19 MR. VALETUTTO: Just if I can help speed
20 this along. If you agree with an item, we
21 don't have to bring it up, we don't have to
22 talk about it. If you have a question about
23 something that you don't understand or you
24 believe you cannot comply with, then we should
25 talk about it.

1 MR. LEE: We should.

2 MR. VALETUTTO: Really should hit the
3 testimony points that I put in my report. And
4 then some of the things where I say needs
5 clarification.

6 MR. LEE: Yep. So we went through all the
7 details.

8 MR. STAHL: Mr. Lee, just confirm as
9 Mr. Valetutto said, if you do not object or
10 comment on a comment in Mr. Valetutto's letter,
11 then we assume that there is no --

12 MR. LEE: Absolutely.

13 MR. STAHL: -- objection or problem. So
14 as indicated, you just highlight what issues
15 you want to maybe modify, clarify with
16 Mr. Valetutto or the board.

17 MR. LEE: We agree with all the comments
18 and we will address exactly as it was discussed
19 and we'll comply with every item that was
20 pointed out.

21 One item, however, I would like to ask the
22 board and ask the engineer which direction we
23 should be taking.

24 Everything in here we are not modifying,
25 other than the shed. Shed will be demolished

1 and we will be providing -- I don't want to say
2 impervious coverage for the driveway because
3 there is ways to provide a pervious driveway.
4 However, assume that this board does not accept
5 pervious driveway as legitimate driveway, let's
6 assume that the driveway of all type is
7 impervious. Under that assumption, we are
8 looking at the change of a configuration.

9 Structurally, nothing has been changed.
10 There's no increase in the usable square
11 footage or height other than what is existing.
12 However, in order to accommodate, the parking
13 requirement based on RSIS, we do require five
14 parking. And in order to do that, we would
15 have to demolish the shed existing delapidated
16 shed; it's almost falling apart. However, we
17 would like to demolish that, and provide a nice
18 driveway that will be able to accommodate at
19 least five cars, which we have space for. And
20 it's easily attainable.

21 But we will need to know, pushing then us
22 into the impervious coverage rim, we need to
23 get a direction from the town engineer as to
24 how we should address it. Would the town
25 engineer accept impervious versus pervious

1 coverage on the material selection that we are
2 using? Or if it is impervious, should we have
3 to do anything else to accommodate town
4 engineer's need? That's the only question.

5 MR. VALETUTTO: Just a couple of
6 clarifications. This is the City of South
7 Amboy, not town, so we don't have a town.

8 MR. LEE: I'm sorry.

9 MR. VALETUTTO: And I am not the city
10 engineer. I am the board engineer and planner.
11 Just want to make that clear for the record.

12 MR. LEE: Okay.

13 MR. VALETUTTO: I don't see, number one,
14 we haven't even gotten to the requirement of
15 how many parking spaces because we do not know,
16 other than the single-family home you're
17 looking to convert having three bedrooms, we
18 don't know how many bedrooms are in each unit
19 of the two-family home. So we don't know how
20 you came up with five, number one.

21 MR. LEE: Okay.

22 MR. VALETUTTO: Number two, I don't see
23 how you would be able to fit five on this
24 property without utilizing that entire
25 backyard, removing the shed, removing the

1 gravel. And, number three, I don't believe the
2 board has ever considered a pervious driveway.

3 MR. LEE: Okay.

4 MR. VALETUTTO: What type of system are
5 you trying to install that would be pervious as
6 opposed to a paved driveway?

7 MR. LEE: Oh, it is paved but there are
8 now the product that it will seep the water
9 through the paved driveway.

10 MR. VALETUTTO: I don't believe that the
11 board would -- well, the board can speak for
12 themselves. But I don't think the board should
13 be considering something of that nature that is
14 not, we'll say standard, throughout our town.

15 MR. LEE: Oh.

16 MR. VALETUTTO: Our city.

17 MR. LEE: So suppose if we do not, if
18 that's not acceptable, in order to accommodate
19 five parking spaces, we would have to increase
20 the impervious from currently conforming
21 60 percent to 80 percent.

22 MR. STAHL: Madame Chair?

23 CHAIRWOMAN SZARO: Yes, please.

24 MR. STAHL: We try to help, but I don't
25 think it's fair to the board to give them the

1 option if you so to speak.

2 MR. LEE: Yes.

3 MR. STAHL: Most boards don't like that.
4 My recommendation is, subject to Jason, you
5 should make -- you have got to make a choice.
6 You're the architect and you have an engineer.

7 The choice is I need the building down to
8 provide the parking and I am going to do a
9 pervious surface, and I think that should be a
10 recommendation, and then Jason will respond to
11 that as to whether it's too much coverage or
12 not.

13 From a nonengineering professional, I
14 don't think we like pervious driveways. I see
15 it because you don't have the sediment control
16 or you don't have the filtration. And if
17 something spills, even though it can spill on a
18 concrete driveway, there's no, there's no
19 capture. But that's -- don't listen to me.
20 I'm just showing you. So I think you have to
21 make what you think is best tonight, and let
22 Jason respond, and that's how. But to say,
23 look you want the shed down, or you want the
24 shed up -- shed up -- I don't think that's
25 fair. And I'm not criticizing you. I just

1 don't think that's fair to the board to put
2 them, you know, to put them there.

3 CHAIRWOMAN SZARO: Thank you. If I can
4 just add a quick question if it's -- I think we
5 might have put the cart before the horse here.
6 If it's pervious or impervious, is it going to
7 be the same space? I mean, so maybe we can
8 decide the materials later because --

9 MR. LEE: Sure.

10 MR. HOREZGA: Madame Chair.

11 CHAIRWOMAN SZARO: Go ahead.

12 MR. HOREZGA: If I may on that and to
13 Jason's point to being uncommon in this area, I
14 am familiar with impervious systems. Maybe the
15 suggestion would be they would present a plan
16 back with exactly what system they're going to
17 be using. And to Jim's point, they even have
18 ones with membranes to control petroleum
19 leakage and stuff like that.

20 CHAIRWOMAN SZARO: I think we're putting
21 the cart before the horse. But thank you, but
22 I think --

23 MR. HOREZGA: Detail.

24 CHAIRWOMAN SZARO: We do need to see it.

25 MR. HOREZGA: Absolutely.

1 CHAIRWOMAN SZARO: That may be a condition
2 of the material, but I still don't know what
3 anything looks like.

4 MR. LEE: Yes, basically --

5 MR. VALETUTTO: Mr. Lee, before you get
6 back into it, I just need to clarify. You said
7 you at existing comply with the impervious
8 coverage. However, you're over and your
9 calculations, as stated in my report, are
10 incorrect. Because you have more square
11 footage for impervious and landscape. You add
12 those two together, it's larger than your
13 property. So your calculations are all wrong.
14 You're definitely well over the existing
15 impervious coverage.

16 So if you are looking to put -- let's
17 table pervious, impervious. But let's just say
18 you go with the standard impervious coverage,
19 board is going to just need to hear testimony
20 as to why, what benefit is to be putting in
21 this extra driveway. That's got to come from
22 you or -- yeah, that's really got to come from
23 you, not the planner.

24 MR. STAHL: I'm sorry. I personally, and
25 I think the board might appreciate, we haven't

1 heard, which we sometimes hear is a summary,
2 you know, this is going to be a two-family
3 house, three floors, X bedrooms, kitchen on the
4 first floor. Could you just give us a
5 description.

6 MR. LEE: Yes.

7 MR. STAHL: Even though we have the plans
8 and the architect, just give us a brief
9 explanation. Assume that we don't know.

10 MR. LEE: Okay. So let's go briefly to
11 our second sheet, which will be A101. That was
12 previously presented to the board in a package.

13 This consists of three bedroom conversion
14 from retail space to a three bedroom
15 conversion. About 998 square feet, slightly
16 less than 1,000 square feet, with the one
17 bathroom. And the layout is as it's shown on
18 the lower left-hand corner. It's a single
19 story. And currently the height, the peak,
20 it's about 15 foot above the ground.

21 MR. DeMASI: Is that print different than
22 the one we have? That print doesn't look like
23 the one you have or I have. I have A101. It
24 doesn't look anything like that one up there.

25 MR. LEE: Oh, we had to combine the two

1 different sheet to one sheet because we --
2 there was some technical issues in printing.
3 But, yes, you're correct. This is the image.
4 It's the same material, just printed out in a
5 different way.

6 MR. DeMASI: Thank you.

7 MR. LEE: Yes, thanks for bringing that --
8 but it is, in a way, it's the same
9 configuration. It's just we put it sideways in
10 order to save the sheet.

11 MR. DeMASI: Okay.

12 CHAIRWOMAN SZARO: So just to be clear,
13 there's nothing new?

14 MR. LEE: Structurally.

15 MR. VALETUTTO: What I believe Mr. Lee is
16 trying to say that every, all the modifications
17 they're making to the business use to convert
18 it into a single family is all interior of the
19 four walls of the structure. They're not
20 looking to expand anything. Everything is
21 going to be ripped out, removed, replaced, and
22 all interior of the existing structure.
23 They're not expanding anything.

24 CHAIRWOMAN SZARO: And my concern is that
25 the board has received the information ahead of

1 time and had the opportunity to review it to
2 make sure that no new information that we have
3 not had the opportunity to review is being
4 presented.

5 MR. HOREZGA: Madame Chair?

6 MR. LEE: There's no new information --

7 CHAIRWOMAN SZARO: Any new drawings?

8 Everything is the same, correct?

9 MR. LEE: Exactly the same.

10 CHAIRWOMAN SZARO: Okay, I want to make
11 sure. Thank you.

12 MR. LEE: What you see it in front of you
13 --

14 MR. STAHL: Thank you. I'm trying to help
15 the record and myself.

16 Mr. Lee, what is there today? What is
17 existing on this site today?

18 MR. LEE: Currently existing on the site
19 is what's on your front sheet.

20 MR. STAHL: Which is?

21 MR. LEE: Is a little survey provided to
22 us by survey Morgan Engineering.

23 MR. STAHL: Which structures? What is the
24 structure?

25 MR. LEE: The structure, first structure

1 the principle structure is a two-story framed
2 dwelling that is two-family home.

3 MR. STAHL: Yes.

4 MR. LEE: Existing. And then adjacent to
5 that, within the same lot, one-story retail,
6 used to be. And now it will be converted to
7 single-family home.

8 MR. STAHL: All right, so now, when all is
9 done.

10 MR. LEE: Mm-hmm.

11 MR. STAHL: Assuming the approvals are in.

12 MR. LEE: Yes.

13 MR. STAHL: And I like it for my record
14 when I look at a resolution. When all is done,
15 assuming you get the approval and you're ready
16 to build.

17 MR. LEE: Yes.

18 MR. STAHL: What will -- when construction
19 is done, what will be there?

20 MR. LEE: At the end of the day, you will
21 see a remaining two-story frame building,
22 two-family home, as is. You'll see, from
23 outside, you'll see same single-story retail
24 store that was converted to one family.
25 Exactly the way it was before. Exception to

1 the -- obviously it's going to look more
2 presentable.

3 MR. STAHL: So the retail in the front is
4 going to be converted to a single-family
5 residential?

6 MR. LEE: Yes.

7 MR. STAHL: So there will be three units?

8 MR. LEE: Yes. There's no dimensional
9 changes. But it will just be presented nicely
10 with different coloring or material selection
11 that will make it look like conceptually
12 designed to match the adjacent building.

13 MR. STAHL: How many bedrooms will be in
14 the new unit?

15 MR. LEE: New unit will have three
16 bedroom, one bathroom.

17 MR. STAHL: And the other two units remain
18 as is, no interior changes?

19 MR. LEE: No interior changes, no exterior
20 changes. Maybe painting perhaps to improve the
21 look.

22 MR. STAHL: Thank you.

23 CHAIRWOMAN SZARO: Thank you.

24 MR. LEE: Thank you.

25 MR. FORSHNER: I have a few questions.

1 CHAIRWOMAN SZARO: Do you want to take
2 questions now or? Gary, go ahead.

3 MR. FORSHNER: Is it my understanding that
4 you're planning on taking the shed down
5 regardless to provide for additional parking;
6 was my understanding correct?

7 MR. LEE: Yeah, the shed is leaking and
8 it's not in a very good condition. There's no
9 reason to repair it. Rather than having
10 animals living in there, we rather just
11 demolish it and get rid of it regardless. Yes.

12 MR. FORSHNER: And how many parking spaces
13 are on site now?

14 MR. LEE: Currently the two cars can
15 comfortably fit.

16 MR. FORSHNER: Mm-hmm.

17 MR. LEE: And that's how --

18 MR. VALETUTTO: Gary, based on the survey,
19 there's zero legal parking.

20 THE WITNESS: Got you.

21 MR. VALETUTTO: Undersized.

22 MR. FORSHNER: So what we're providing is
23 five additional parking spaces, or at least
24 that's the proposal?

25 MR. LEE: Exactly, so the pave way is what

1 you see is one car. If we demolish the shed,
2 there will be another car in tandem, so that's
3 what I meant two cars. But what we want to do
4 is increase it to five, which is, we do have
5 enough space in the rear yard to do so. But
6 it's matter of how engineer will accept our
7 material selection of the paver. If he doesn't
8 accept it, then we'll do some other provisions
9 to satisfy our engineer's requirement to offset
10 the impervious.

11 MR. FORSHNER: Is your question with
12 regard to impervious versus pervious, that it
13 would be conforming if the impervious paving
14 were accepted as not impervious? Would it be
15 conforming in that context?

16 MR. LEE: We would have to do some
17 engineering measure to conform to engineer's
18 required to meet the overage of the impervious
19 coverage.

20 MR. FORSHNER: So my question is will it
21 require an impervious coverage variance whether
22 the pervious pavement of the driveway is
23 considered to be pervious or impervious, or is
24 it the condition of the driveway that's causing
25 the need for variance?

1 MR. LEE: We're proposing impervious for
2 additional parking.

3 MR. FORSHNER: Impervious or pervious?

4 MR. LEE: The worst case, it be
5 impervious.

6 MR. FORSHNER: Right.

7 MR. LEE: So let's assume it's impervious.
8 Let's assume that engineer does not accept our
9 material selection as pervious.

10 MR. FORSHNER: Mm-hmm.

11 MR. LEE: Let's say whatever we select,
12 it's going to be impervious. Give it that, we
13 are going to have overage on our lot coverage.

14 MR. FORSHNER: So I understand --

15 MR. VALETUTTO: Gary, I want to try to
16 help move this along without making testimony
17 for the applicant's engineer.

18 Currently, they are over on impervious
19 coverage. If they take the shed down and put
20 in a paved driveway, they'll still be over on
21 impervious coverage, regardless, they'll still
22 have impervious coverage variance.

23 MR. FORSHNER: So the extent of the
24 impervious --

25 MR. VALETUTTO: There's a trade off --

1 you're right. It would be increased, but the
2 trade off is now the board and the city gets
3 off-street parking.

4 MR. FORSHNER: Right.

5 MR. VALETUTTO: Where there is none now.

6 MR. FORSHNER: I get that.

7 MR. VALETUTTO: That's number one. Number
8 two, tandem parking. The board is not going to
9 consider tandem parking because what happens if
10 let's say the two-family, unit A, parks all the
11 way up, and then unit B parks right behind
12 them, and unit B goes to work, but unit A has
13 to go to the grocery store. Can't get out
14 because the car is in the way. We don't accept
15 tandem parking in South Amboy.

16 MR. LEE: Just one suggestion, even if
17 it's tandem parking, if it's within the same
18 family? So it would be two, two, two. Is
19 something that we normally provide for a
20 garaged parking and we'll count that as one
21 additional parking behind. As long as it's
22 within the same family member.

23 MR. FORSHNER: Jason, would that be any
24 different than a driveway where, you know, the
25 same family parks in one driveway?

1 MR. VALETUTTO: They can do that, but
2 they'd really have to almost have it signed to
3 -- or striped.

4 So unit A has this. Unit B has that.
5 Also, I still don't see how you're going to get
6 five on here without making it like pretty much
7 100 percent impervious coverage. I don't think
8 the board really wants to go that extreme.
9 Also, I don't see how you're going to get the
10 tandem parking without coming like almost right
11 property line to property line or -- where
12 South Amboy we require at least 2-foot buffer
13 between a property line and a driveway.

14 MR. FORSHNER: So let me ask a couple
15 other questions for clarification. You said
16 that the building had been used for retail
17 historically. When was it last in use, do you
18 know?

19 MR. LEE: I'd like to defer that question
20 to owner, or perhaps -- I don't exactly --

21 MR. STAHL: We can defer it to the next
22 witness.

23 MR. FORSHNER: That's fine.

24 MR. STAHL: Yeah, let's stay in place.

25 MR. FORSHNER: Do we know the nature of

1 the retail use that was there?

2 MR. PAULUKIEWICZ: Pine Liquor, 17 years
3 it's been empty.

4 MR. LEE: 17 years.

5 MR. FORSHNER: Got you. And if I do
6 understand correctly, and, Jason, you can help
7 clarify this for me. What they're proposing to
8 do is add parking where essentially none exists
9 or at least no legal parking exists now. So
10 the way I look at it they're trying to improve
11 from a parking perspective on a situation. The
12 challenge is that impacts impervious coverage.

13 MR. VALETUTTO: Correct.

14 MR. FORSHNER: So the board ultimately is
15 looking at the tradeoff between additional
16 parking that does not currently exist, right,
17 for a use that likely required more parking
18 than what's being proposed now. As comparing
19 that to an offset versus for the impervious
20 coverage.

21 MR. VALETUTTO: Eloquently summarized, and
22 I did not want to make that testimony for the
23 applicant.

24 MR. FORSHNER: Understood.

25 MR. VALETUTTO: They should be making that

1 themselves, not us making the arguments for
2 them.

3 MR. LEE: Thank you.

4 MR. STAHL: I do have one question.

5 MR. VALETUTTO: We still also -- one more
6 second, Jim.

7 We still also haven't even confirmed how
8 they came up with five. We haven't talk about
9 how many bedrooms are in the two-family unit.
10 So we can at least we'll inquire --

11 MR. FORSHNER: I understand that. I'll
12 refer to you.

13 MR. LEE: I can explain to you. Currently
14 there is two family, which requires, based on
15 RSIS, 1.5 cars for two bedroom. And there's
16 another set two bedroom, which will require at
17 1.5, and then new proposed three bedroom would
18 cause two parking. So 1.5 plus 1.5, 3 cars
19 existing. Currently retail did not have any
20 parking spaces. But we're providing, or we're
21 proposing two parking spaces for three bedroom
22 according to RSIS.

23 CHAIRWOMAN SZARO: You're proposing five
24 if you're proposing tandem though; that's the
25 difference, right?

1 MR. LEE: Yes, that it's tandem within the
2 same family members.

3 CHAIRWOMAN SZARO: Can we not discuss
4 tandem? I mean, can we just assume --

5 MR. LEE: Then we will have to go for
6 variance for parking. And that's what we
7 should do. If they do not accept the tandem at
8 all, then we have a physical limitations and we
9 would have to call for parking variances.

10 MR. STAHL: If I may, Madame Chair.

11 CHAIRWOMAN SZARO: Please.

12 MR. STAHL: And, forgive me, I'm not going
13 to blame our astute assistant secretary. I
14 don't have a copy of the notice.

15 Jason, I'm just concerned that the notice
16 included impervious area as a bulk variance and
17 that there was a parking, there's a parking
18 variance. Does that include -- we can still
19 cover it under the catch all provision. Yes,
20 sir?

21 MR. VALETUTTO: I was going to say, I
22 haven't seen their notice, so I can't comment
23 on that, but I would assume there's the catch
24 all phrase, any other variances that the board
25 points out.

1 MR. STAHL: Right.

2 MR. VALETUTTO: So I think they would be
3 covered if that's in there.

4 MR. KUKFA: It's in there. This is a copy
5 of the notice.

6 MR. STAHL: May I? No, no, this young
7 attorney has a copy. Everyone is young except
8 you and me, Gary.

9 Let me, for the board's edification, I
10 will read it into the record, a short notice
11 and I think Jason and I will agree.

12 Notice is hereby given that public hearing
13 will be held before the planning/zoning board
14 on Wednesday, July 27th, 2022, at 7:00 p.m, for
15 approval to convert existing one story
16 commercial building into a one-family
17 residential dwelling.

18 The other two-story framed dwelling with
19 two apartments is to remain. And then it goes
20 on to say the property is in an RA zone. The
21 purpose of this application is to change the
22 use variance of the property from commercial to
23 residential. And talks about three bedrooms.
24 Approval and any other relief deemed necessary
25 by the board will be considered.

1 Thank you, Counsel.

2 MR. KUKFA: You're welcome.

3 MR. STAHL: Jason, I mean, we're here and
4 the catch all should apply. I mean, normally I
5 would like a little more detail. I don't want
6 to entertain criticism. I mean, we do it a
7 little bit differently. But I think it's a
8 catch all, and they're here, and I don't have a
9 problem. Jason?

10 MR. VALETUTTO: No, I have no issue with
11 them continuing.

12 MR. STAHL: Good. I just want to
13 elaborate with you. And, Madame Chair.

14 CHAIRWOMAN SZARO: Any concerns from the
15 board?

16 MR. KOMINKIEWICZ: Yes.

17 CHAIRWOMAN SZARO: Go ahead, Scott.

18 MR. KOMINKIEWICZ: Thank you. I have two
19 questions that are --

20 CHAIRWOMAN SZARO: Wait, I'm sorry, if I
21 can just say, any concerns about what Jim is
22 proposing?

23 MR. KOMINKIEWICZ: Oh, no, I'm sorry.

24 CHAIRWOMAN SZARO: Let's stick with that
25 for one minute. Any concerns?

1 MR. HOREZGA: Just a question. Jim, can
2 you explain a little bit about the catch all
3 provision and how you feel it's covered in
4 this? Just briefly, very briefly.

5 MR. STAHL: Most attorneys, and counsel
6 did it here, have a phrase in there to approve
7 any and all variances or waivers that the
8 application may require in order to approve it
9 for the requested item. And that's a catch
10 all. And you can't use it for a use variance
11 and you can't use it for certain other, I mean,
12 I would not permit it for a height variance,
13 because knowing the public would not know that
14 height was an issue.

15 And I would not use it, I would not
16 recommend using it for some other areas. Here,
17 the impervious surface is a necessary component
18 of the change, the parking is a necessary
19 component of the change. So I don't have, and,
20 Jason and I are not throwing up legal barriers
21 to it. So we're comfortable. I'm speaking for
22 you Jason because --

23 MR. VALETUTTO: I'm shaking my head in
24 agreement, Jim.

25 MR. STAHL: I know.

1 CHAIRWOMAN SZARO: So with that, are we
2 good?

3 MR. HOREZGA: Yes.

4 CHAIRWOMAN SZARO: I'm going to ask Scott
5 what your questions are. But then ask if we're
6 -- I think we're hitting some questions that
7 might have been answered if we can just kind
8 of, you know, keep the ball in motion so,
9 Scott, go ahead.

10 MR. KOMINKIEWICZ: This doesn't have to do
11 with parking.

12 I have two questions about the structure
13 that was previously a retail business. First,
14 according to the plans, I can't see where you
15 architecturally plan on putting the hot water
16 heater and the boiler. I don't see utility
17 closet.

18 MR. LEE: Well, the hot water, the hot
19 water heaters are provided and it could be
20 provided in the attic above the bathroom
21 because we have such a huge attic spaces. It's
22 above the -- immediately above the bathroom
23 space adjacent to the kitchen area. And the
24 kitchen area also have -- it's close proximity
25 to the bathroom. Therefore, it's probably the

1 best location for it.

2 MR. KOMINKIEWICZ: So does it exist?

3 MR. LEE: No. Nothing existing right now.
4 It's completely gutted.

5 MR. KOMINKIEWICZ: All right. I'm sorry,
6 go ahead.

7 MR. VALETUTTO: Mr. Lee, did you show
8 access to the attic of how you're going to get
9 to the utility closets?

10 MR. LEE: That detail has not been
11 created. Because we are providing a drawing
12 for the board use variance. Once it's granted,
13 we'll go into the detail for accessibility and
14 also the spatial requirements --

15 MR. VALETUTTO: Mr. Lee, for the board
16 that is a detail the board needs to consider.
17 You're not doing construction drawings. You're
18 doing a floor plan for the board to fully
19 consider. If you're putting the utility closet
20 in the roof or attic, as you say, the board
21 needs to see it. The board needs to see that.
22 They need to see where the attic is. They need
23 to see how big it is. They need to see how
24 you're going to access it. Is it pull down
25 stairs? These sort of things the board needs

1 to know and consider.

2 MR. LEE: It's not going to be occupiable
3 attic space, but it's definitely a pull down
4 stairs. We can easily access the mechanical
5 system. That's including HVAC, duct work, and
6 so forth.

7 MR. HOREZGA: Just a quick question that
8 goes back to my initial question, Madame Chair.

9 CHAIRWOMAN SZARO: I was going to say, if
10 we can just continue with the testimony.
11 Again, I just feel like we keep asking
12 questions and maybe they would have been
13 answered already. So if we can just maybe if
14 you can finish your testimony.

15 MR. LEE: Sure.

16 CHAIRWOMAN SZARO: And then everybody can
17 get their questions out. Please.

18 MR. KOMINKIEWICZ: I'm sorry, Mary. I had
19 another question.

20 CHAIRWOMAN SZARO: What?

21 MR. KOMINKIEWICZ: I had another question.

22 CHAIRWOMAN SZARO: Oh, I'm sorry, Scott.

23 MR. LEE: Yes, continue.

24 MR. KOMINKIEWICZ: I had another question
25 regarding that structure. From the side and

1 from the front looking at the building, it
2 appears that the front section on Pine Avenue,
3 the front section was the first part of the
4 building, and then there was a section added to
5 the back part. The roof lines do not match up,
6 which, I mean, we have to consider the
7 aesthetics here as a board as well. And if
8 you're going to make improvements to this
9 building, I think it would be best if somehow
10 that it just didn't look like it was tacked on
11 at the back of a building.

12 Have you given any consideration for that
13 in an architectural consideration?

14 MR. LEE: I don't believe we're making any
15 changes to the roof structure.

16 MR. KOMINKIEWICZ: No, not changing
17 anything?

18 MR. VALETUTTO: Just removing the sign,
19 still all --

20 MR. LEE: Just keeping the existing
21 conditions.

22 MR. KOMINKIEWICZ: Yeah, I just, I do have
23 an issue, you know, in its appearance from the
24 street.

25 MR. LEE: We're not modifying the existing

1 overall structure or configuration. We may
2 just change the color and the finishes to just
3 beautify the existing envelope, but we have no
4 intention of modifying.

5 MR. KOMINKIEWICZ: Okay, that's your plan.

6 CHAIRWOMAN SZARO: Okay, if I can just go
7 back to Jason's letter. And if you're finished
8 with the observations, because you've said that
9 you were in agreement with all of those.

10 MR. LEE: Yes.

11 CHAIRWOMAN SZARO: And maybe if we can get
12 to the testimony should be provided, if you can
13 address those.

14 MR. LEE: Yes, we can definitely address
15 everything. We're ready to address.

16 The bulk variance that we're seeking out
17 is not really -- not much of an issue here
18 because obviously we are not looking for any
19 bulk variances, height or width or the square
20 footage. Rather we are -- anything that
21 remotely close to the bulk variance possibly in
22 relation would be the parking requirements.
23 And that has -- that is going to be officially
24 addressed through our attorney. And he'll
25 modify the application as necessary, or depict

1 in this application necessary to provide the
2 variances for the parking as is currently --
3 there is still currently deficient in parking.
4 It will -- it's existing variance to -- it's
5 nonconforming existing variance basically.

6 Number two, discussion of the fence. The
7 fence will be -- it is currently 6-foot fence,
8 within the 2-foot from the property line. We
9 are allowed to have 6-foot. The question here
10 is, is this considered the Henry Street side
11 yard or rear yard or the --

12 MR. VALETUTTO: Mr. Lee, you're on a
13 corner property. You're on a corner property.
14 You have two street frontages. So you have two
15 front yards, and you have two side yards. No
16 rear yard. That was covered in my report that
17 you said you read and understood.

18 MR. LEE: Yes. So basically we have a
19 corner lot that doesn't really present itself
20 as ordinary front, side, and backyard. So it's
21 kind of difficult to classify. But if you need
22 to, we can remove the fence all together.
23 That's not an issue.

24 MR. VALETUTTO: The issue is your fence is
25 shown off the property. You're saying it is a

1 6-foot fence, and we only allow 4-foot fence
2 within a front yard. So, regardless, the
3 board, if they approve you, and if they don't
4 approve you, the fence really should be removed
5 from the city right away.

6 MR. LEE: Exactly, right, we will comply

7 --

8 MR. VALETUTTO: Well, the board needs to
9 understand what you're going to comply with.
10 Are you going to move the 6-foot fence back
11 2 feet so it's in alignment with the building
12 so it is out of the front yard? Or are you
13 going to put it on the property line, which
14 you're only allowed a maximum of 4-foot high
15 fence?

16 MR. LEE: We'll do either based on the
17 conversation with our owner, but we'll comply
18 fully with your requirement.

19 MR. VALETUTTO: Mr. Lee, you're not
20 understanding. The board needs to know what
21 they would be approving. If we ever get to a
22 recess, I suggest you talk with the owner and
23 get that answer, because the board needs it.

24 MR. KUKFA: Well, I was going to have the
25 owner testify to that. So if -- we're going to

1 remove the fence.

2 MR. STAHL: So the owner will give us that
3 decision?

4 MR. LEE: Yeah.

5 MR. STAHL: Okay.

6 MR. LEE: Thank you.

7 The legal parking space are not provided
8 as gravel shed severely undersized for vehicle.
9 Discussion should be taken place.

10 So basically that's the discussion we
11 have, and we are currently, you know,
12 approaching the direction of requesting
13 variance for the parking.

14 Number four, testimony of the utility
15 service in the first story building of the gas,
16 water, sanitary lines exists. And they
17 currently do exist, the gas, water, and
18 sanitary lines, and we are going to remain as
19 is.

20 Number five, discussion of the shed, if
21 that will remain. No, the shed will have to go
22 because it's not in a safe condition. So the
23 shed must go.

24 Number six, will the new home be a rental
25 or will the applicant reside in it? Currently,

1 my applicant have indicated to me that he will
2 reside in that space with his family.

3 Number seven. I'm sorry, number seven
4 will an AC condenser unit be relocated? It
5 will be located nicely tucked in the backyard
6 somewhere. Or there's no backyard, so two side
7 yards. Somewhere in the corner where it's not
8 readily seen from the street. But it's small
9 unit, so I don't think it's going to be an eye
10 sore.

11 MR. VALETUTTO: It's not a question of eye
12 sore. It's a question of noise. If you're
13 looking to put it where it's not going to be
14 seen from the street, it's almost going to have
15 to be between the single-family and the
16 two-family.

17 The board has had issue in the past with
18 adjoining property having an air-conditioning
19 unit too close to their home, and the noise it
20 creates. It's not just an eye sore.

21 So you really need to let the board know
22 where you're going to put it. Because if
23 you're going to put it on the easterly side of
24 the single-family, that's going to be in front
25 of the steps where it's labeled bilco door and

1 wood that enters into the two-family home.
2 Now, you have an impediment to the two-family
3 home. Like I said, if you put it between the
4 two buildings, it's almost too close to the
5 other.

6 So I highly suggest if we ever get to a
7 recess, that you consider where you're going to
8 put that air-conditioning unit because the
9 board needs to know.

10 MR. LEE: Okay, we would like to propose a
11 location right behind the currently --
12 residence that is behind --

13 MR. VALETUTTO: Can you go back to sheet
14 A100?

15 MR. LEE: Yes.

16 MR. VALETUTTO: And point out where you're
17 -- because I don't think the board is
18 understanding verbally where you're trying to
19 locate it.

20 MR. LEE: So when you look at sheet 100,
21 there's a front entrance from the South Pine
22 Avenue. The HVAC unit will be located directly
23 behind that building. If you were to assume
24 that South Pine Avenue is a front of the
25 building. So immediately behind that, that

1 will be the backyard. But, obviously, it is a
2 side yard of Henry Street. So we will be
3 shielding to the adjacent properties. So I
4 don't think there's going to be any noise
5 issues from that point. In other words, rear
6 door, near the rear door of the proposed
7 building. There's a front door and then
8 there's a rear door.

9 MR. VALETUTTO: Correct. And the rear
10 door is near the steps to the two-family home.

11 MR. LEE: Near the steps, correct. So
12 you'll be opposite side of the steps. Toward
13 to Henry Street, but closest to the rear door.
14 So you're away from the Henry Street.

15 MR. VALETUTTO: Can you point on your --

16 MR. LEE: It's right here.

17 MR. VALETUTTO: You're pointing to an 11
18 by 17 drawing. Flip to the 24 by 36 so the
19 board can actually see.

20 MR. LEE: So it would be right here.

21 MR. VALETUTTO: I don't think the board is
22 going to see that.

23 MR. LEE: Right here. This is the front.
24 This is the back.

25 MR. VALETUTTO: Can you flip back to page

1 A100 like I originally asked please. That's
2 the one, yeah. Show it on that, yes, the board
3 can see that.

4 MR. LEE: Right by the staircase, but
5 allowing the access to the rear door of the
6 proposed. So you look at the staircase. It's
7 going to be in front of the staircase but we
8 need to put a space there for door to exist,
9 and so you'll be across from the staircase.

10 And then the building will shield the
11 adjacent property, and then you'll have about
12 50 feet to the next property. So I don't think
13 we have any noise issues regarding HVAC system.
14 And these are maybe 2-ton unit at the most, and
15 very small units, not like the rooftop HVAC.

16 MR. VALETUTTO: Is the board comfortable
17 and understand where he's proposing?

18 CHAIRWOMAN SZARO: I believe so.

19 MR. LEE: Okay, great. Thank you very
20 much.

21 So that concludes our discussion up to
22 number seven. If you have any questions.

23 MR. VALETUTTO: You kind of rushed through
24 and didn't allow me an opportunity to talk
25 about number four.

1 MR. LEE: Okay.

2 MR. VALETUTTO: You said all the utilities
3 are existing and are going to continue. I know
4 that to be a fact for the two-family home. But
5 the single-family home, which was a business,
6 they had gas, electric, and water? They had
7 water as well?

8 MR. LEE: Yeah, absolutely.

9 MR. VALETUTTO: Well, your survey and your
10 plan don't show that. That's why --

11 MR. LEE: I have the --

12 MR. VALETUTTO: We need to see that as
13 well.

14 MR. LEE: Okay, I'll indicate the exact
15 location for the utility company. That's a
16 very good point. I will indicate that in our
17 architectural drawings.

18 MR. VALETUTTO: A couple more very good
19 points I'd like to make.

20 You still never clarified the square
21 footages of each unit in the two-family home,
22 because that's going to set what variance
23 you're requesting.

24 MR. LEE: Yes, the two family existing 981
25 -- 982 square foot on first floor, and 982

1 square foot on second floor. And our new
2 proposed be 998 square feet.

3 MR. VALETUTTO: I think you're confusing
4 because --

5 MR. LEE: 999 square feet.

6 MR. VALETUTTO: There's no construction.
7 There's no proposal for the two-family. We're
8 talking about the two-family home right now.

9 MR. LEE: Yes, first floor.

10 MR. VALETUTTO: First floor you said 982?

11 MR. LEE: Yes, 982.

12 MR. VALETUTTO: And that entire first
13 floor is one unit?

14 MR. LEE: Yes.

15 MR. VALETUTTO: And the second floor is
16 982, and that entire floor is one unit?

17 MR. LEE: Yes.

18 MR. VALETUTTO: And now you said proposing
19 998 square feet, which I believe you're talking
20 to the single-family home.

21 MR. LEE: That's correct, adjacent.

22 MR. VALETUTTO: We know about the
23 single-family home. The question was just
24 about the two family, the one we didn't have.

25 MR. LEE: Okay, so 981 is the number we

1 have for the first floor and second floor each.

2 MR. VALETUTTO: 981 or 982? We've heard

3 --

4 MR. LEE: 982. 981.75 square feet.

5 MR. VALETUTTO: 981.75.

6 MR. LEE: Square feet.

7 MR. VALETUTTO: 981.75. Glad we got that
8 accurate.

9 Okay, that's testimony for the planner. I
10 guess the board really hasn't heard testimony
11 about the variances that they're requesting.
12 Just so the board knows, because of the change
13 in use from the business to residential, that
14 creates a use variance. Because of that, any
15 existing variance still has to be reapplied for
16 as a new bulk variance. So that's why you see
17 at the end of my report such a lengthy chart.

18 Whether they're granted an approval
19 tonight or denied, these variances are going to
20 remain. So it's just a point of order that you
21 guys are aware.

22 And then I guess we should hear testimony
23 from the applicant themselves on their
24 intention for the driveway. Because we need to
25 know exact numbers so the board knows what

1 they're granting as far as impervious coverage
2 and a landscape coverage variance.

3 MR. STAHL: Mr. Lee, are you done with
4 your -- I'm sorry, Madame Chair.

5 CHAIRWOMAN SZARO: Before we hear
6 testimony, may I suggest maybe a five minute
7 recess just to kind of regroup and maybe you
8 can discuss anything you need to.

9 MR. LEE: Sure.

10 MR. STAHL: Yeah.

11 CHAIRWOMAN SZARO: Thank you.

12 (Whereupon, a brief break was
13 taken.)

14 CHAIRWOMAN SZARO: Okay, we'd like to
15 reconvene please. Do we need roll call?

16 MS. BROOKS: Chair Szaro?

17 CHAIRWOMAN SZARO: Here.

18 MS. BROOKS: Scott Kominkiewicz?

19 MR. KOMINKIEWICZ: Here.

20 MS. BROOKS: George Baranowski?

21 MR. BARANOWSKI: Here.

22 MS. BROOKS: Janet Kern?

23 MS. KERN: Here.

24 MS. BROOKS: Gary Forshner?

25 MR. FORSHNER: Here.

1 MS. BROOKS: William DeMasi?

2 MR. DeMASI: Here.

3 MS. BROOKS: Andrew Horezga?

4 MR. HOREZGA: Here.

5 MS. BROOKS: Bob Paulukiewicz?

6 MR. PAULUKIEWICZ: Here.

7 MS. BROOKS: Francis Mulvey?

8 MR. MULVEY: Yes.

9 MR. STAHL: Counsel, we -- thank you.

10 CHAIRWOMAN SZARO: Please.

11 MR. STAHL: Continue.

12 MR. KUKFA: Sure. I'd like to call the
13 owner of the property and the applicant, Ruzhdi
14 Jusufi.

15 MR. STAHL: We'll get it. Raise your
16 right hand please.

17 In this matter, do you swear that the
18 testimony you're about to give is the truth,
19 the whole truth, and nothing but the truth so
20 help you God?

21 MR. JUSUFI: Yes.

22 MR. STAHL: Speak up. Put your hand down
23 and speak up.

24 MR. KUKFA: Speak up. Say yes.

25 MR. STAHL: I treat everyone with respect,

1 I'm not making fun. Keep your voice up. If it
2 means getting closer to the microphone, fine.

3 MR. JUSUFI: Yes.

4 CHAIRWOMAN SZARO: State your name and
5 spell your last name.

6 MR. JUSUFI: Ruzhdi Jusufi.

7 MR. STAHL: Spell it.

8 MR. JUSUFI: J-U-S-U-F-I.

9 MR. STAHL: Thank you.

10 MR. JUSUFI: Welcome.

11 MR. STAHL: Counsel.

12 MR. KUKFA: Can you tell the board when
13 you purchased the property?

14 MR. JUSUFI: I purchased on 17 March of
15 this year.

16 MR. KUKFA: Okay, and what was the use of
17 the commercial building when you bought it?

18 MR. JUSUFI: Sign shop, and was vacant
19 when I bought it.

20 MR. KUKFA: And do you have any prior
21 history to that commercial building prior to
22 you buying it?

23 MR. JUSUFI: No.

24 MR. KUKFA: So you have heard testimony
25 today about parking. You're looking to have

1 some off-street parking; is that correct?

2 MR. JUSUFI: Yes.

3 MR. KUKFA: How many spaces are you
4 looking?

5 MR. JUSUFI: Two space.

6 MR. KUKFA: You've heard testimony about
7 the fence that's on the city property. Your
8 intent is to remove that fence; is that
9 correct?

10 MR. JUSUFI: Yes.

11 MR. KUKFA: And then you're also intent is
12 to reside in the house, the commercial part of
13 the house?

14 MR. JUSUFI: Yes.

15 MR. KUKFA: After it's converted?

16 MR. JUSUFI: Yes.

17 MR. KUKFA: And then you've also heard
18 testimony that the shed is going to be removed;
19 is that correct?

20 MR. JUSUFI: Yes.

21 MR. KUKFA: I have no other questions.

22 MR. STAHL: Counsel, I just want to,
23 subject to Jason, I just want the applicant to
24 understand that he's entitled to put a fence on
25 his property, ultimately, so long as he has a

1 fence permit and it meets the standards of the
2 city with regard to height and appearance.

3 So I don't -- I just don't like -- Jason,
4 just say this because we try -- the board is
5 very careful to try to accommodate, you know,
6 residents of the city and help them out to the
7 extent that they can.

8 So a fence can go there, but just has to
9 comply with the permit requirement and the
10 height and appearance; am I right, Jason?

11 MR. VALETUTTO: Well, Jim, they wouldn't
12 need a permit because we would make it a part
13 of this board approval, right?

14 MR. STAHL: He's taking it down though.

15 MR. VALETUTTO: I don't believe he needs a
16 -- as part of his board approval, fence to be
17 removed. Does not need --

18 MR. STAHL: No, no, if he wants to put a
19 new one up some day, a 4-foot fence.

20 MR. VALETUTTO: In the future -- Mr. Stahl
21 is correct. In the future, if he wants to put
22 up a fence, he can do so by applying for a
23 zoning permit.

24 However, if Mr. Jusufi wants it tonight as
25 part of the board approval, he should be

1 telling us his wishes and making it a part of
2 this approval.

3 MR. KUKFA: Our testimony tonight is to
4 remove the fence.

5 MR. VALETUTTO: I think -- yeah.

6 MR. STAHL: Thank you. Jason, I just want
7 him to know he has the right eventually to have
8 one.

9 MR. VALETUTTO: Right.

10 And for the two parking spaces, I was
11 going to suggest 20-foot wide driveway by
12 20-foot deep driveway. That way it's side by
13 side parking. And I don't know if the board
14 needs to put a requirement on who those parking
15 spaces will belong to.

16 The two-family is an existing use and
17 they're already dealing with street parking.
18 It may be just that the board wishes to grant
19 those two parking spaces to the single-family
20 home, which would comply with their two-parking
21 space requirement. It would just be a
22 variance, parking variance, for three spaces
23 for the two-family home.

24 CHAIRWOMAN SZARO: So two spaces or three
25 spaces?

1 MR. VALETUTTO: No, they wish to have two.
2 And my suggestion is 20-foot wide driveway by
3 20-foot depth, so it's side by side parking,
4 not the tandem they were talking about.

5 CHAIRWOMAN SZARO: Just a question, is
6 there any chance they get three?

7 MR. VALETUTTO: I don't believe you should
8 be doing three because --

9 CHAIRWOMAN SZARO: Okay.

10 MR. VALETUTTO: The width of the driveway,
11 we don't want the tandem parking side by side
12 by side.

13 CHAIRWOMAN SZARO: Okay, okay, so then two
14 spaces.

15 MR. VALETUTTO: Two is better than the
16 current none.

17 MR. HOREZGA: Question.

18 CHAIRWOMAN SZARO: Yes.

19 MR. HOREZGA: Just regarding the parking
20 spaces, the large area, 20 by 20. In the past,
21 we have had applicants who had parking areas at
22 the rear of houses and lighting was an issue.
23 I don't see any lighting proposed, but just
24 kind of looking at this, they would probably
25 put a light off the back of the corner. The

1 concern is the projecting light to the
2 neighbors as opposed to a downward light. I
3 don't know if there's even a street light in
4 that area. But is there any recommendation as
5 proposal on lighting on parking?

6 MR. VALETUTTO: I don't believe lighting
7 is necessary or an issue. If you think of a
8 single-family home, do those homes have lights
9 that project out? No, they have like little
10 lights over their garage or something of that
11 nature.

12 Also, this driveway is going to be
13 adjacent to Henry Street. I'm sure the street
14 lighting is going to be sufficient to
15 illuminate that area. I don't think, I don't
16 think lighting is an issue.

17 MR. HOREZGA: Okay.

18 CHAIRWOMAN SZARO: Have we decided on the
19 impervious or pervious?

20 MR. KUKFA: Well, if we're going to
21 increase the parking, we would -- it would
22 obviously increase the impervious coverage. I
23 think that's what we talked about.

24 MR. VALETUTTO: I think the question from
25 the Board Chairwoman is the material. We're

1 going to go with a paved driveway as opposed to

2 --

3 MR. KUKFA: Yes, yes, we will be --

4 MR. VALETUTTO: So the tradeoff is the
5 city will be gaining two off-street parking
6 spaces. However, the impervious -- the
7 existing impervious coverage variance is going
8 to increase.

9 MR. KUKFA: Correct.

10 CHAIRWOMAN SZARO: Thank you.

11 MR. KUKFA: Thank you. Is there any
12 questions for the witness?

13 CHAIRWOMAN SZARO: Any other questions?
14 Thank you.

15 MR. JUSUFI: Thank you.

16 MR. KUKFA: I would like to call Richard
17 Lapinski as the professional planner.

18 MR. STAHL: In this matter, do you swear
19 the testimony you're about to give is the
20 truth, the whole truth, nothing but the truth,
21 so help you God?

22 MR. LAPINSKI: I do.

23 MR. STAHL: Thank you. Please state your
24 name and spell your last name.

25 MR. LAPINSKI: Richard Lapinski,

1 L-A-P-I-N-S-K-I.

2 MR. STAHL: And, Counsel, do you want to
3 provide us with his -- I know he's been here,
4 before but...

5 MR. KUKFA: Sure. We'll quickly go over
6 his credentials.

7 Mr. Lapinski, can you please give the
8 board what your professional licenses are.

9 MR. LAPINSKI: Yes, I've been a
10 professional planner in the State of New Jersey
11 for, believe it or not, 50 years.

12 MR. STAHL: Oh, wow.

13 MR. LAPINSKI: 1972 was when I got my
14 license working for Woodbridge Township. I
15 graduated 1965 from the Rutgers University
16 Undergraduate City and Regional Planning
17 Program. From '65 through '86, I was employed
18 by the Department of Planning and Development
19 of the Township of Woodbridge in several
20 capacities including some 14 years as director
21 of that department. Then worked for a private
22 developer throughout the State of New Jersey
23 for about ten years on various large
24 development projects. And, now, semi-retired,
25 but been practicing planning for all that time.

1 Appeared before over 100 boards throughout the
2 state. And about four, five Superior Court
3 cases as an expert in planning and zoning. And
4 I've appeared before this board four or five
5 times that I can recall. The last one being an
6 application almost identical to this in terms
7 of land use.

8 MR. STAHL: And your license is still in
9 full force and effect?

10 MR. LAPINSKI: It is.

11 MR. STAHL: Notwithstanding the age of
12 the license.

13 MR. LAPINSKI: License number 1025 believe
14 it or not.

15 MR. STAHL: Madame Chair.

16 CHAIRWOMAN SZARO: Any objections?

17 No objections. Thank you.

18 MR. LAPINSKI: Thank you.

19 MR. KUKFA: All right, Mr. Lapinski, can
20 you give the board your justification.

21 MR. LAPINSKI: Yeah. Briefly to describe
22 the proposal, not to beat a dead horse because
23 you understand it quite well. It's to convert
24 an existing one-story commercial building for
25 residential use.

1 Two buildings exist on this 5,000 square
2 foot lot in the RA zone. The building that's
3 not to be modified is an existing two-story,
4 two-family home. The proposal is to add this
5 third dwelling unit on the property. A D
6 variance is required to have three dwelling
7 units on one lot. Plus there's also a D
8 variance for density. Your ordinance has a
9 density requirement, a number of dwelling units
10 per acre.

11 The permitted number of dwelling units per
12 acre is 8.71. The existing development before
13 the changes is 17.33, and what's proposed by
14 adding the final or the third dwelling unit is
15 26 dwelling units per acre. I note just as a
16 general comment that the area is developed,
17 fully developed with residential units varying
18 in lot sizes from 25 feet to 50 feet and some
19 larger.

20 Oddly enough also the area seems to have a
21 history of these small commercial buildings
22 that were built adjacent to and sometimes
23 attached to residential structures. It's
24 unusual even for the City of South Amboy.

25 Obviously, this development goes back

1 probably pre-zoning when the combination of
2 commercial and residential uses was not
3 prohibited certainly. And many of them exist
4 in this particular area. As I said, I did a
5 case before this board about four years ago,
6 very similar in nature.

7 Although on street -- off-street parking
8 rather is being contemplated and the amount has
9 now been proposed to two. Generally speaking,
10 off-street parking is not provided in this
11 area. Certainly on most of the 25-foot lots,
12 and there are many of them in this vicinity, no
13 off-street parking is provided.

14 The property was developed many, many
15 years ago. And, as I said, the potential
16 conflict with commercial and industrial -- I
17 mean commercial and residential activity was
18 not contemplated then. Apparently most of the
19 access to the commercial uses that existed as
20 stores, retail stores, was probably pedestrian,
21 very few people even had cars. The world has
22 changed and this type of development is just
23 not reasonable.

24 So what the board is achieving, if
25 approved, is the elimination of a nonconforming

1 commercial use, and its replacement by a
2 residential use.

3 In terms of the positive criteria for the
4 variance, the advancement of one or more
5 purposes of the Municipal Land Use Law may be
6 considered a special reason, and I respectfully
7 suggest that there are three purposes of the
8 Municipal Land Use Law advanced by this
9 proposal.

10 The first is 40:55D-2G, which, to
11 paraphrase, is just to provide a variety of
12 land uses of all types, with respect to their
13 particular environmental needs. The conversion
14 of a nonconforming commercial building to a
15 residential unit I believe meets that purpose
16 of the act. It's a reasonable redevelopment of
17 a piece of property that's been existing in its
18 present condition for apparently many decades.

19 I would also consider subsection H of the
20 statute, which talks about congestion in blight
21 and traffic improvements, as being addressed by
22 virtue of the fact that although not ideal, the
23 two spaces proposed is an advancement over the
24 existing condition. And an advancement over
25 the condition of the neighborhood in general

1 where off-street parking is not universally
2 provided.

3 And then, finally, H -- I'm sorry,
4 finally, subsection M as in Mary of the statute
5 is that purpose of the act, which discusses
6 coordinating public and private land use
7 development practices to affect -- to improve
8 the efficiency of the use of land.

9 I would, again, respectfully suggest to
10 the board that conversion of this obsolete,
11 really obsolete commercial building into a
12 residential unit is an efficient use of
13 property. And therefore, meets that criterion
14 of the Land Use Law.

15 The negative criteria are there are three
16 prongs. The first of which is there
17 substantial detriment to the public good, which
18 is usually defined as effects on nearby and
19 surrounding properties. I would, again,
20 suggest that the conversion of this building to
21 a residential use would have no impact on the
22 nearby and surrounding properties. The two
23 buildings that exist on the lot are going to
24 remain exactly the same dimensions, and the
25 modifications to the building that was

1 commercial will be mostly internal in nature
2 with possibly some aesthetics on the outside.

3 The next prong is, is there substantial
4 detriment to the Master Plan by virtue of this
5 proposal. I would, again, suggest that there
6 is not. On page seven of the Land Use
7 objectives of your Master Plan, it talks about
8 providing housing types of varying types for
9 various income groups. Which means obviously
10 substantial homes for higher priced situations,
11 and modest homes, such as this, will be for
12 those income groups that make available.

13 This use is compatible with the existing
14 development patterns in the neighborhood, which
15 have many smaller residential units on very
16 small lots. So that I believe the character of
17 the neighborhood is not modified in any
18 detrimental way by virtue of this proposal.
19 And, therefore, there's no conflict with the
20 Master Plan.

21 Finally, substantial detriment to the
22 intent and purpose of the zoning ordinance.
23 Well, this proposal is inconsistent with the
24 letter of the law in terms of density and
25 number of units on the lot. It's clearly not

1 an ideal situation. You're not dealing with a
2 blank slate. You're dealing with an existing
3 building, two existing buildings on an existing
4 lot. Been there for a very, very long time.

5 In a neighborhood of mixed character, well
6 maintained neighborhood of mixed character,
7 where buildings of this kind of intensity and
8 even density are not uncommon. So that even
9 though the ordinance says what it says, in
10 terms of density and dwelling units, this board
11 is well within its right, and, in my opinion,
12 within its jurisdiction to discuss the effects
13 of this particular use in this particular
14 setting on this particular property.

15 And, again, due to the unique
16 characteristics of this particular property in
17 terms of the buildings that exist thereon,
18 there can be no precedent for other requests of
19 this type in the neighborhood which would be on
20 a different lot with different characteristics.

21 So, therefore, the integrity of the zoning
22 ordinance is maintained.

23 Finally, the reconciliation of the use
24 variance or use variances. With the fact that
25 the governing body did not permit this use at

1 this density in this zone is one that has to be
2 addressed. And that's what I intend to do.

3 The governing body has a broad -- a brush
4 approach to developing land use patterns in the
5 zoning ordinance. In ideal situations, you
6 have a big enough piece of property to deal
7 with and everything can be developed in
8 accordance with the ordinance requirements.
9 That's not the case here. This particular
10 property has a unique history, unique set of
11 circumstances. And, therefore, any grant by
12 this board, of this particular relief, would
13 not frustrate, in my opinion, the governing
14 body's land use scheme of this community.

15 And I just want to briefly mention the
16 bulk variance that are associated with this
17 project as Mr. Valetutto stated. There are
18 many preexisting nonconforming bulk variance,
19 bulk situations on this lot, none of which are
20 changing by virtue of this proposal. Again,
21 the buildings exist as they are, and the
22 justification for all those bulk variance
23 reliefs would in fact be hardship by virtue of
24 preexisting nonconformity. That's it.

25 MR. KUKFA: Thank you. I don't know of

1 anybody has any questions.

2 CHAIRWOMAN SZARO: Any questions from the
3 board? Jason?

4 MR. VALETUTTO: I just wanted to say that
5 I concur with Mr. Lapinski's testimony and
6 findings.

7 I did have one thing that I think the
8 applicant should consider. By virtue of
9 putting the two parking spaces, that are going
10 to come off of Henry Street, the cars are going
11 to pull in and their headlights are going to
12 shine onto lot number six, which is the
13 southerly property line.

14 I was going to suggest if you can put a
15 tree row of arborvitaes to try to shield the
16 headlights so they're not effecting the
17 adjoining property. As Mr. Lapinski pointed
18 out, most of the properties here don't have a
19 driveway. And they most certainly wouldn't
20 have driveways pointing into someone's backyard
21 or home as it might be.

22 MR. KUKFA: Here. That would be no
23 objection on the applicant's part to put some
24 sort of barrier.

25 CHAIRWOMAN SZARO: Any other questions?

1 MR. STAHL: No.

2 CHAIRWOMAN SZARO: I just have -- I just
3 want to make sure that I am clear on the
4 testimony from before. So we have the
5 two-family house, and both of those are two
6 bedrooms, and I believe they're both 982 square
7 feet each unit.

8 This new home will be one unit and I
9 believe I heard 998 point something, something
10 square feet. So that's comparable. But it's
11 going to be three bedrooms.

12 MR. LAPINSKI: Yes.

13 CHAIRWOMAN SZARO: Is there any reason as
14 far as when we start to talk about density and
15 trying to get parking and that, that it needs
16 to be three units and not two?

17 MR. KUKFA: You mean three --

18 CHAIRWOMAN SZARO: I'm sorry, three
19 bedrooms. I'm sorry. Yeah, bedrooms.

20 MR. KUKFA: Well, the testimony of the
21 bedrooms allowed for two parking spots. That
22 was the reason as we had discussed. And we
23 were talking about the new residence to take
24 those two parking spots.

25 So the three bedroom, it just makes the

1 most sense for my client and his family. That
2 would be the optimum situation for them. You
3 already have two existing two bedrooms. This
4 would be for a little bit larger, slightly
5 larger living space with three bedrooms.

6 CHAIRWOMAN SZARO: Okay, thank you.

7 Any other questions? Thank you.

8 MR. LAPINSKI: Thank you.

9 MR. KUKFA: Is there any other questions
10 for the board? I don't have any other
11 witnesses.

12 I request that the board accept the
13 application for the use variance and the
14 approval of the bulk variances, with the two
15 parking, off-street parking spots as testified
16 to.

17 CHAIRWOMAN SZARO: Okay. And before we do
18 that, if the board has no other questions, I
19 would like to open this hearing up to anyone, a
20 motion, anyone from the public who might want
21 to be heard on this application only.

22 Is there anyone from the public?

23 Okay, no one from the public would like to
24 be heard.

25 I would like to ask that, I know we've

1 heard a lot tonight. And I just want to make
2 sure if we could either Jim or Jason sum it up,
3 and then I will ask for a motion.

4 MR. STAHL: All right, if it please the
5 board, there are various variances that are
6 required, that being the use variance, there's
7 an FAR variance, there's a number of variances
8 that I don't have to elicit here that were
9 outlined by Mr. Lapinski, and which would allow
10 most of them or many of them are preexisting
11 bulk variances. Obviously not the use
12 variance, apparently this goes back a long time
13 with regard to being a retail use.

14 The recommendation of what I've heard of
15 is, A, the applicant has agreed to the removal
16 of the fence. Two, the applicant has agreed to
17 a no back to back parking. Tandem, we say
18 that. Going to provide two parking spaces.
19 The shed is to be removed. And the area where
20 the shed would be is going to contain two
21 off-street parking spaces.

22 He has, the applicant's experts have
23 indicated what they object to, which is on the
24 record, is not much. I would suggest if the
25 board is inclined to do this, the following

1 conditions would apply:

2 A: A row of arborvitae subject to the
3 approval of Mr. Valetutto with regard to
4 shielding lot six from headlights, whether
5 that's a single row or double row. That would
6 be something to Mr. Valetutto, as would any
7 other landscaping requirements. I don't think
8 there's been any testimony as to the
9 landscaping. But the board can approve that
10 condition on approval during resolution
11 compliance by Mr. Valetutto.

12 Next, with regard to the impervious
13 surface, we don't know what the dimensions or
14 the calculations are for the impervious
15 surfaces, but we know where they're going to
16 be. The board can grant -- we know that it's
17 more than permitted under the zone. The board
18 can permit and grant that variance subject to
19 the applicant providing or the applicant's
20 professionals providing a detailed calculation
21 of the impervious. And if required by
22 Mr. Valetutto, a drainage calculation to
23 provide that there's no increase runoff.

24 Those are the variances and those are the
25 conditions I would suggest the board would

1 consider. And, also, any representations made
2 by the applicant or the architect in this
3 hearing will also be fully subject to any
4 approval.

5 MR. VALETUTTO: Jim.

6 MR. STAHL: What did I forget?

7 MR. VALETUTTO: You didn't forget
8 anything. I just want to piggyback on your
9 statement. My report of July 8th, the board
10 has, page four.

11 MR. STAHL: Yes.

12 MR. VALETUTTO: Page four of five and page
13 five of five outline all of the existing bulk
14 variances, which become proposed bulk
15 variances. Just wanted to point out like Jim
16 stated, the impervious coverage we don't know.
17 And the landscape coverage we don't know.
18 Those two go hand in hand.

19 We do know that it will be an increase
20 from what is existing. So they will -- the
21 board will be granting an increase in
22 impervious coverage variance, and a decrease in
23 landscape coverage variance. And, also, you'll
24 note, the floor unit area testimony was
25 provided that where it says needs

1 clarification, those numbers are 981.75 square
2 feet, and 981.75 square feet.

3 And then the parking situation we
4 clarified that they're required five parking
5 spaces and they're providing two parking
6 spaces.

7 So, basically, the board is voting to
8 legalize the preexisting nonconforming
9 variances as well as the new variances which
10 will be the increase in impervious coverage,
11 the decrease in landscape coverage, and the
12 off-street parking requirement still is not
13 met. So those are the variances that they're
14 granting.

15 MR. STAHL: If I may, Madame Chair, and
16 thank you, Jason. If the board grants the
17 approval, the requirements of the board as set
18 forth here in would be set forth in the
19 resolution and during resolution compliance, a
20 post approval, the applicant's professionals
21 would respond to Mr. Valetutto's letter and
22 provide the information that is required.

23 MR. VALETUTTO: Well, they would, Jim,
24 they would respond in the form of updating
25 their plans.

1 MR. STAHL: Right.

2 MR. VALETUTTO: To match everything that
3 they agreed upon in the report, plus the
4 additional comments that we added with the
5 driveway, the trees, et cetera, et cetera.

6 MR. STAHL: Right, that's what -- thank
7 you. We're on the same page. So you
8 understand that -- Mr. Lee does, that whatever
9 the open items are will be submitted during
10 resolution compliance.

11 MR. LEE: Yes.

12 MR. STAHL: Provide plans, data, et
13 cetera.

14 MR. KUKFA: Yes.

15 MR. LEE: Yes.

16 CHAIRWOMAN SZARO: So based on those
17 variances and conditions, do I have a motion to
18 accept application 432-22?

19 MR. FORSHNER: So moved.

20 CHAIRWOMAN SZARO: Second?

21 MS. KERN: Second.

22 CHAIRWOMAN SZARO: Roll call.

23 MS. BROOKS: Mary Szaro?

24 CHAIRWOMAN SZARO: Yes.

25 MS. BROOKS: Scott Kominkiewicz?

1 MR. KOMINKIEWICZ: Despite the application
2 not being perfect, as very few are, I think
3 that it's beneficial for the city to have two
4 more parking spots moved to off street, so
5 that's an improvement. And also having the
6 property revert back to single -- revert back
7 to residential use solely I think is
8 improvement for the neighborhood.

9 The only thing I would like the applicant
10 to consider, and I mentioned it earlier, is for
11 the sake of appearances is to somehow
12 streamline the rooflines and even the Henry
13 Street, the wall of the building, I think it
14 has no windows on it right now. I'm not
15 saying -- you may want to extend windows, but
16 do something to make it look like it's one unit
17 from that side. I think that would be
18 architecturally and aesthetically an
19 improvement that would benefit the owner in the
20 future for the value of his property, and also
21 for the benefit of those in the neighborhood.

22 MR. KUKFA: We'll take it.

23 MR. KOMINKIEWICZ: So, yes.

24 MS. BROOKS: George Baranowski?

25 MR. BARANOWSKI: Yes.

1 MS. BROOKS: Janet Kern?
2 MS. KERN: Yes.
3 MS. BROOKS: Gary Forshner?
4 MR. FORSHNER: Yes.
5 MS. BROOKS: William DeMasi?
6 MR. DeMASI: Yes.
7 MR. STAHL: That was number seven.
8 MS. BROOKS: That was number six.
9 MR. STAHL: No, I'm just trying --
10 MS. BROOKS: Andrew Horezga?
11 MR. HOREZGA: Yes.
12 MS. BROOKS: That would be seven. You have
13 little faith.
14 MR. STAHL: Oh, I have a lot of faith.
15 CHAIRWOMAN SZARO: Congratulations.
16 Application is approved.
17 MR. KUKFA: Thank you.
18 MR. STAHL: Mr. Lapinski and Counsel
19 tonight, can I see you for one minute?
20 MR. KUKFA: Sure.
21 CHAIRWOMAN SZARO: Okay, that takes care
22 of our application hearings this evening. Do
23 we have anything for discussion?
24 MS. BROOKS: No.
25 CHAIRWOMAN SZARO: Okay, anything for

1 correspondence?

2 Okay, at this time do I have a motion to
3 open up to the public.

4 MS. KERN: Motion.

5 CHAIRWOMAN SZARO: Second?

6 MR. DeMASI: Second.

7 CHAIRWOMAN SZARO: Anyone from the public
8 like to be heard?

9 Do I have a motion to close to the public?

10 MS. KERN: Motion.

11 MR. DeMASI: Second.

12 CHAIRWOMAN SZARO: Thank you. Our next
13 meeting is Wednesday, October 26th, 2022, at
14 7:00 p.m.

15 Motion to adjourn.

16 MS. KERN: Motion.

17 CHAIRWOMAN SZARO: All in favor?

18 BOARD MEMBERS: Aye.

19 CHAIRWOMAN SZARO: Have a good night.

20

21 (Whereupon, the meeting was
22 adjourned at 8:53 p.m.)

23

24

25

1 C E R T I F I C A T E

2 I, DEVON GERBER, a Certified
3 Court Reporter, Registered Professional Reporter, do
4 hereby certify that prior to the commencement of the
5 examination, the witness was duly sworn to testify
6 the truth, the whole truth, and nothing but the
7 truth.

8 I FURTHER CERTIFY that the
9 foregoing is a true and accurate transcript of the
10 testimony as taken stenographically by and before me
11 at the time, place, and on the date hereinbefore set
12 forth, to the best of my ability.

13 I FURTHER CERTIFY that I am
14 neither a relative nor employee nor attorney nor
15 counsel of any of the parties to this action, and
16 that I am neither a relative nor employee of such
17 attorney or counsel, and that I am not financially
18 interested in this action.

19

20

21

22

DEVON GERBER, RPR, CCR
Certification # 30X100238100

23

24

25

<p>BOARD MEMBERS: [3] 9/4 10/19 85/17 CHAIRWOMAN SZARO: [90] MR. BARANOWSKI: [5] 4/17 5/19 11/16 57/20 83/24 MR. DeMASI: [11] 4/24 5/12 6/1 9/2 26/20 27/5 27/10 58/1 84/5 85/5 85/10 MR. FORSHNER: [27] 4/22 5/24 30/24 31/2 31/11 31/15 31/21 32/10 32/19 33/2 33/5 33/9 33/13 33/22 34/3 34/5 34/22 35/13 35/22 35/24 36/4 36/13 36/23 37/10 57/24 82/18 84/3 MR. HOREZGA: [18] 5/1 6/3 13/9 13/25 14/5 24/9 24/11 24/22 24/24 28/4 40/25 42/2 44/6 58/3 63/16 63/18 64/16 84/10 MR. JUSUFI: [15] 58/20 59/2 59/5 59/7 59/9 59/13 59/17 59/22 60/1 60/4 60/9 60/13 60/15 60/19 65/14 MR. KOMINKIEWICZ: [18] 4/15 5/17 10/15 40/15 40/17 40/22 42/9 43/1 43/4 44/17 44/20 44/23 45/15 45/21 46/4 57/18 82/25 83/22 MR. KUKFA: [43] 11/25 12/3 12/8 13/1 13/7 14/7 14/25 15/6 15/10 15/13 16/21 39/3 40/1 48/23 58/11 58/23 59/11 59/15 59/19 59/23 60/2 60/5 60/10 60/14 60/16 60/20 62/2 64/19 65/2 65/8 65/10 65/15 66/4 67/18 74/24 75/21 76/16 76/19 77/8 82/13 83/21 84/16 84/19 MR. LAPINSKI: [10] 65/21 65/24 66/8 66/12 67/9 67/12 67/17 67/20 76/11 77/7 MR. LEE: [112] MR. MULVEY: [5] 5/5 6/7 16/10 16/12 58/7 MR. PAULUKIEWICZ: [6] 5/3 6/5 9/6 9/12 36/1 58/5 MR. STAHL: [95] MR. VALETUTTO: [85] MS. BROOKS: [40] 4/12 4/14 4/16 4/18 4/20 4/23 4/25 5/2 5/4 5/14 5/16 5/18 5/20 5/22 5/25 6/4 6/6 11/17 11/19 12/16 14/10 57/15 57/17 57/19 57/21 57/23 57/25 58/2 58/4 58/6 82/22 82/24 83/23 83/25 84/2 84/4 84/7 84/9 84/11 84/23 MS. KERN: [13] 4/19 5/10 5/21 8/25 10/17 10/24 11/18 57/22 82/20 84/1 85/3 85/9 85/15 THE WITNESS: [1] 31/19</p>	<p>14 [2] 3/3 66/20 15 [1] 26/20 17 [4] 36/2 36/4 52/18 59/14 17.33 [1] 68/13 17th [1] 7/9 18 [2] 3/19 6/11 1965 [1] 66/15 1972 [1] 66/13 1997 [1] 15/9</p> <hr/> <p>2</p> <p>2 feet [1] 48/11 2-foot [2] 35/12 47/8 2-ton [1] 53/14 20 [2] 63/20 63/20 20-foot [4] 62/11 62/12 63/2 63/3 200 [4] 6/11 6/14 6/15 9/18 2021 [1] 7/9 2022 [7] 1/10 5/9 10/1 11/4 12/25 39/14 85/13 22 [4] 1/5 11/2 11/24 82/18 236 [1] 15/5 24 [1] 52/18 25 feet [1] 68/18 25-foot [1] 69/11 26 [1] 68/15 263 [1] 15/5 26th [1] 85/13 27th [2] 5/9 39/14 28 [1] 1/10 2G [1] 70/10 2nd [1] 11/4</p> <hr/> <p>3</p> <p>30 [4] 7/4 7/5 7/11 10/5 30X100238100 [1] 86/22 36 [1] 52/18 389-18 [1] 6/11</p> <hr/> <p>4</p> <p>4-foot [3] 48/1 48/14 61/19 40:55D-2G [1] 70/10 432-22 [3] 1/5 11/24 82/18 434-22 [1] 11/2</p> <hr/> <p>5</p> <p>5,000 [1] 68/1 50 [1] 66/11 50 feet [2] 53/12 68/18 530 [2] 9/20 10/10 59 [1] 3/4</p> <hr/> <p>6</p> <p>6-foot [4] 47/7 47/9 48/1 48/10 60 [1] 7/4 60 percent [1] 22/21 65 [1] 3/5</p> <hr/> <p>7</p> <p>708 [1] 2/3 76 [1] 1/6 7:00 [1] 1/11 7:00 p.m [2] 39/14 85/14</p> <hr/> <p>8</p> <p>8.71 [1] 68/12 80 percent [1] 22/21 8:53 [1] 85/22 8th [2] 12/25 80/9</p>	<p>9</p> <p>981 [3] 54/24 55/25 56/2 981.75 [5] 56/4 56/5 56/7 81/1 81/2 982 [8] 54/25 54/25 55/10 55/11 55/16 56/2 56/4 76/6 998 [4] 26/15 55/2 55/19 76/9 999 [1] 55/5</p> <hr/> <p>A</p> <p>A-1 [2] 3/19 18/1 A100 [5] 17/19 18/2 18/3 51/14 53/1 A101 [2] 26/11 26/23 ability [1] 86/12 able [3] 8/12 20/18 21/23 above [4] 26/20 42/20 42/22 42/22 absolutely [4] 8/3 19/12 24/25 54/8 Abstain [3] 5/16 5/20 5/25 AC [1] 50/4 accept [10] 5/10 20/4 20/25 32/6 32/8 33/8 34/14 38/7 77/12 82/18 acceptable [1] 22/18 accepted [2] 11/7 32/14 access [5] 43/8 43/24 44/4 53/5 69/19 accessibility [1] 43/13 accommodate [5] 20/12 20/18 21/3 22/18 61/5 accordance [1] 74/8 according [2] 37/22 42/14 accurate [2] 56/8 86/9 achieving [1] 69/24 acknowledgment [1] 13/5 acquire [1] 14/5 acre [3] 68/10 68/12 68/15 across [1] 53/9 act [3] 4/4 70/16 71/5 action [2] 86/15 86/18 activity [1] 69/17 actually [1] 52/19 add [4] 24/4 25/11 36/8 68/4 added [2] 45/4 82/4 adding [1] 68/14 additional [6] 31/5 31/23 33/2 34/21 36/15 82/4 address [7] 3/11 18/18 19/18 20/24 46/13 46/14 46/15 addressed [4] 11/15 46/24 70/21 74/2 Adequate [1] 4/3 adjacent [9] 17/2 29/4 30/12 42/23 52/3 53/11 55/21 64/13 68/22 adjoining [2] 50/18 75/17 adjourn [1] 85/15 adjourned [1] 85/22 advanced [1] 70/8 advancement [3] 70/4 70/23 70/24 advertisement [1] 4/5 advise [2] 7/1 7/19 aesthetically [1] 83/18 aesthetics [2] 45/7 72/2 affect [1] 71/7 affidavit [2] 12/15 12/16 affidavits [1] 12/15 After [1] 60/15 again [8] 10/12 17/23 44/11 71/9 71/19 72/5 73/15 74/20 age [1] 67/11 agenda [2] 9/17 11/22 ago [2] 69/5 69/15 agree [3] 18/20 19/17 39/11 agreed [3] 78/15 78/16 82/3 agreement [2] 41/24 46/9</p>
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<p>apartments [1] 39/19</p> <p>apparently [3] 69/18 70/18 78/12</p> <p>appearance [3] 45/23 61/2 61/10</p> <p>appearances [1] 83/11</p> <p>appeared [2] 67/1 67/4</p> <p>appears [1] 45/2</p> <p>applicant [18] 2/4 10/4 10/10 11/12 12/7 13/6 36/23 49/25 50/1 56/23 58/13 60/23 75/8 78/15 78/16 79/19 80/2 83/9</p> <p>applicant's [5] 33/17 75/23 78/22 79/19 81/20</p> <p>applicants [1] 63/21</p> <p>application [29] 1/5 6/10 6/10 6/16 8/10 9/20 10/6 10/24 10/25 11/1 11/8 11/23 11/24 13/1 13/22 16/23 16/25 17/3 39/21 41/8 46/25 47/1 67/6 77/13 77/21 82/18 83/1 84/16 84/22</p> <p>apply [2] 40/4 79/1</p> <p>applying [1] 61/22</p> <p>appreciate [1] 25/25</p> <p>approach [1] 74/4</p> <p>approaching [1] 49/12</p> <p>approval [16] 5/7 11/15 29/15 39/15 39/24 56/18 61/13 61/16 61/25 62/2 77/14 79/3 79/10 80/4 81/17 81/20</p> <p>approvals [1] 29/11</p> <p>approve [5] 41/6 41/8 48/3 48/4 79/9</p> <p>approved [2] 69/25 84/16</p> <p>approving [1] 48/21</p> <p>arborvitae [1] 79/2</p> <p>arborvitae's [1] 75/15</p> <p>architect [6] 15/4 16/4 16/7 23/6 26/8 80/2</p> <p>architectural [3] 15/10 45/13 54/17</p>	<p>architecturally [2] 42/15 83/18</p> <p>architecture [1] 16/8</p> <p>are [67]</p> <p>area [13] 24/13 38/16 42/23 42/24 63/20 64/4 64/15 68/16 68/20 69/4 69/11 78/19 80/24</p> <p>areas [2] 41/16 63/21</p> <p>arguments [1] 37/1</p> <p>ask [8] 15/20 19/21 19/22 35/14 42/4 42/5 77/25 78/3</p> <p>asked [1] 53/1</p> <p>asking [1] 44/11</p> <p>assistant [1] 38/13</p> <p>associated [1] 74/16</p> <p>assume [9] 19/11 20/4 20/6 26/9 33/7 33/8 38/4 38/23 51/23</p> <p>assuming [2] 29/11 29/15</p> <p>assumption [1] 20/7</p> <p>astute [1] 38/13</p> <p>attached [1] 68/23</p> <p>attainable [1] 20/20</p> <p>attic [6] 42/20 42/21 43/8 43/20 43/22 44/3</p> <p>attorney [4] 39/7 46/24 86/14 86/17</p> <p>attorneys [1] 41/5</p> <p>available [1] 72/12</p> <p>Avenue [6] 1/6 2/3 15/6 45/2 51/22 51/24</p> <p>aware [2] 7/8 56/21</p> <p>away [2] 48/5 52/14</p> <p>Aye [4] 9/5 9/7 10/20 85/18</p> <p>aye's [1] 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