

1 ROSELLE PARK MUNICIPAL LAND USE BOARD
2 COUNTY OF UNION - STATE OF NEW JERSEY
3 - - - - -

4 REGULAR MEETING FOR:
5 MERIDIA AT PARK SQUARE, URBAN RENEWAL, LLC
6 BLOCK 610, LOTS 1&3
7 10 Westfield Avenue
8 Preliminary & Final Major Site Plan
9 - - - - -

10 TRANSCRIPT OF PROCEEDINGS
11 PUBLIC HEARING
12 SPECIAL MEETING VIA VIDEOCONFERENCE
13 MONDAY, MAY 4, 2020

14 B O A R D M E M B E R S :
15 LOREN HARMS, CHAIRMAN
16 PAUL BAIAMONTE
17 JOHN CURIA
18 WILLIAM FERDINANDO
19 SUSAN GROSSO
20 KEVIN KOLBECK
21 ROBERT A. MATHIEU, COUNCILMAN
22 J. ALBERT NITCHE
23 JAY ROBAINA
24 JOHN STEPHEN
25 JOSEPH SIGNORELLO, III, MAYOR
THOMAS SIGNORELLO

16 A L S O P R E S E N T :
17 RICHARD S. SCHKOLNICK, ESQUIRE, BOARD ATTORNEY
18 ANTHONY KURUS, P.E., BOARD ENGINEER
19 VICTOR VINEGRA, P.P., BOARD PLANNER
20 ANDREW J. CASAIS, CHIEF ADMINISTRATIVE OFFICER
21 MARTHA BANKS, BOARD CLERK

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1 TRANSCRIPT of the stenographic notes
2 of the proceedings in the above-entitled matter, as
3 taken by and before ANGELA C. BUONANTUONO, a
4 Certified Court Reporter, Registered Professional
5 Reporter, Certified LiveNote Reporter and Notary
6 Public of the State of New Jersey, held via
7 videoconference on Monday, May 4, 2020, commencing
8 at 6 o'clock in the evening.

9
10

11

A P P E A R A N C E S: (VIA VIDEOCONFERENCE)

12

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1 CHAIRMAN HARMS: I call the meeting of
2 the -- special meeting of May 4, 2020 to order.

3 Can we have a roll-call, please.

4 Is Martha on?

5 MS. BANKS: Can you hear me now?

6 MEMBER NITCHE: I can.

7 MS. BANKS: Okay, great.

8 MR. SCHKOLNICK: Folks, if you're a
9 board member now and you're not speaking, I think
10 the suggestion is to mute so we don't hear the
11 background and then just click your button when
12 you're going to speak up.

13 MEMBER ROBAINA: Okay, I'm here.
14 We're just waiting for roll-call.

15 MR. SCHKOLNICK: Yeah, that's true.
16 Martha, are you ready --

17 MEMBER ROBAINA: Martha just got back
18 on.

19 MS. BANKS: I'm sorry. I just managed
20 to get back on.

21 Can you hear me?

22 MEMBER ROBAINA: Yes.

23 MS. BANKS: Okay. All right, perfect.
24 My apologies.

25 Are you ready for roll-call?

5

1 CHAIRMAN HARMS: Yes.

2 MS. BANKS: Okay. Mayor Signorello?

3 MAYOR SIGNORELLO: Here.

4 MS. BANKS: William Ferdinando?

5 MEMBER FERDINANDO: Here.

6 MS. BANKS: Robert Mathieu?

7 COUNCILMAN MATHIEU: Here.

8 MS. BANKS: Albert Nitche? Albert

9 Nitche?

10 MEMBER ROBAINA: Yeah, he's here. I

11 can see him.

12 MS. BANKS: He's here?

13 MEMBER NITCHE: I'm here.

14 MS. BANKS: John Stephen?

15 MEMBER STEPHEN: Here.

16 MS. BANKS: Glen Costello?

17 CHAIRMAN HARMS: No, Glen is no longer

18 on the board.

19 MS. BANKS: My apologies. John Curia?

20 MEMBER CURIA: Here.

21 MS. BANKS: Thomas Signorello?

22 MEMBER SIGNORELLO: Here.

23 MS. BANKS: Michael Quiroga? Absent.

24 Jay Robaina?

25 MEMBER ROBAINA: Here.

6

1 MS. BANKS: Paul Baiamonte?

2 MEMBER BAIAMONTE: Here.

3 MS. BANKS: Kevin Kolbeck?

4 MEMBER KOLBECK: Here.

5 MS. BANKS: Susan Grosso?

6 MEMBER GROSSO: Here.

7 MS. BANKS: Chairman Harms?

8 CHAIRMAN HARMS: Here.

9 MS. BANKS: Okay, roll-call complete.

10 CHAIRMAN HARMS: Okay. Thank you.

11 Again, to honor our country, please repeat the

12 Pledge of Allegiance.

13 (Pledge of Allegiance.)

14 Thank you. And let us just take --

15 just take a moment to remember all these first

16 responders and our nurses and doctors that are

17 taking care of all our sick people. Let's just take

18 30 seconds, if that, to, in your mind, say thank you

19 to them.

20 (A brief pause is taken.)

21 All right, thank you.

22 We'll begin. We have no approval of

23 minutes. There is no memorializations. So we might

24 just get right into the hearing for Meridia at Park

25 Square.

7

1 MR. SCHKOLNICK: Chairman?

2 CHAIRMAN HARMS: Yes, sir.

3 MR. SCHKOLNICK: If I may, I didn't go

4 through the transcript for this but I just want to

5 make sure that Mr. Vinegra and Mr. Kurus were sworn

6 in. So could I do that now?

7 CHAIRMAN HARMS: Yes, you can.

8 MR. SCHKOLNICK: I'm not 100 percent

9 sure if they were.

10 CHAIRMAN HARMS: Okay. Good catch.

11 Thank you.

12 MR. SCHKOLNICK: Mr. Kurus and

13 Mr. Vinegra, can you raise your right hands.

14 Do you swear to tell the truth, the

15 whole truth and nothing but the truth in this

16 matter?

17 MR. KURUS: Yes.

18 MR. SCHKOLNICK: Okay. So who was

19 that?

20 MR. KURUS: Anthony.

21 MR. SCHKOLNICK: That's Anthony.

22 And, Mr. Vinegra, are you on the line?

23 MR. VINEGRA: Yes.

24 MR. SCHKOLNICK: And can you confirm?

25 MR. VINEGRA: Yes.

8

1 MR. SCHKOLNICK: We just want to make

2 sure the court reporter has that. Thank you.

3 CHAIRMAN HARMS: Thank you.

4 MR. SCHKOLNICK: Chairman, with that

5 we'll turn it over to Ms. Kasetta?

6 CHAIRMAN HARMS: Yes.

7 MR. SCHKOLNICK: We can't hear her.

8 MS. KASSETTA: I apologize. Good

9 evening. Allyson Kasetta with the firm of Prime &

10 Tuvel, appearing on behalf of the applicant.

11 Again, we want to thank you for your

12 time and your willingness to let us present this

13 application virtually.

14 Just to recap a little bit, the

15 applicant is proposing a mixed-use development that

16 consists of two buildings, each of which contains

17 four residential stories above ground-floor

18 commercial and amenity space, as well as off-street

19 parking.

20 The property is located at 10 West

21 Westfield Avenue. It's Block 610, Lots 1 and 3 on

22 the tax map, located in the B-3, Arterial Business

23 Redevelopment Zone, and governed by the 10 West

24 Westfield Avenue Redevelopment Plan.

25 As you know, we had an initial hearing

9

1 on April 20th, during which we presented the
 2 testimony of our civil engineer and traffic expert,
 3 Matthew Seckler. The adjournment to tonight was
 4 announced on the record, but we did re-serve and
 5 re-publish notices of tonight's hearing.
 6 So I want to confirm that that was
 7 received and found to be acceptable?
 8 MR. SCHKOLNICK: Yes.
 9 MS. KASSETTA: Okay. Thank you. And
 10 because we went out a little bit out of order last
 11 time, I just want to go over the exhibits that we
 12 marked:
 13 A-1 was the aerial map exhibit prepared
 14 by Stonefield.
 15 A-2 was a site plan rendering also
 16 prepared by Stonefield.
 17 A-3 was an architectural rendering of
 18 West Westfield Avenue looking east. That was
 19 prepared by Blackbird Group Architects.
 20 And finally, A-4 was a fire truck
 21 turning exhibit prepared by Stonefield.
 22 So I would like to call our architect,
 23 Avelino Martinez. I do note that he was sworn and
 24 qualified at the last hearing but I will leave it up
 25 to you, Mr. Chair, whether you would like us to do

10

1 the swearing.
 2 Mr. Chairman, you are muted.
 3 CHAIRMAN HARMS: Okay. I'm back on.
 4 Sorry about that.
 5 MS. KASSETTA: That's okay.
 6 CHAIRMAN HARMS: No, we'll accept him
 7 being sworn in from last meeting.
 8 MR. SCHKOLNICK: Mr. Avelino, you
 9 understand --
 10 MS. KASSETTA: Thank you.
 11 MR. SCHKOLNICK: Mr. Avelino, you
 12 understand you're sworn already?
 13 THE WITNESS: Yes, I do.
 14 MR. SCHKOLNICK: Thank you, sir.
 15 A V E L I N O M A R T I N E Z, R.A.,
 16 previously sworn, continues as follows:
 17
 18 E X A M I N A T I O N
 19 BY MS. KASSETTA:
 20 Q. So, Avelino, in order for me to not
 21 interrupt you, as I noted, we already marked one of
 22 your exhibits as A-3. Maybe we should mark the
 23 other two before you begin.
 24 A. Sure. We can do that.
 25 Q. So what I have is your other rendering,

A. Martinez, R.A.

11

1 West Westfield Avenue looking west and then the
 2 material sample board, excuse me. So I guess those
 3 should be A-5 and A-6.
 4 A. Right. So we'll mark the color
 5 rendering on West Westfield Avenue looking west,
 6 that will be A-5.
 7 And we have a material sample board,
 8 and I will mark that A-6.
 9 (Exhibit A-5, colored architectural
 10 rendering, is marked.)
 11 (Exhibit A-6, material sample board, is
 12 marked.)
 13 BY MS. KASSETTA:
 14 Q. Perfect. And this plan that you have
 15 up on the screen now, is that the same plan that was
 16 submitted to the board?
 17 A. That's right. So I will be using the
 18 architectural drawings that were submitted to the
 19 board with the application. This is Page A-10 of
 20 that, but this consists of 11 sheets, T-1 through
 21 A-10, dated April 3rd, 2020.
 22 Q. Thank you.
 23 MS. KASSETTA: And just to confirm, the
 24 board members have all received this plan now,
 25 correct?

A. Martinez, R.A.

12

1 CHAIRMAN HARMS: Yes, they have.
 2 MS. KASSETTA: Okay. Thank you.
 3 BY MS. KASSETTA:
 4 Q. With that, Mr. Martinez, I'll turn it
 5 over to you.
 6 A. Okay. Thank you.
 7 So just to recap -- and, again, I'm
 8 referring to Drawing A-10 of the drawings which has
 9 an overall site plan depicting the two buildings on
 10 the property. So just in terms of general
 11 statistics, if you will, we have a total of 325
 12 dwelling units in a combination of two mixed-use
 13 buildings.
 14 So Building A would be the building
 15 furthest to the east. Building B would be the one
 16 furthest to the west. So Building A containing 166
 17 dwelling units, Building B contains 159 dwelling
 18 units. Four stories of residential apartments over
 19 one story of parking and commercial spaces.
 20 To the west we also have a five-level
 21 parking garage which contains a total of 324 parking
 22 spaces. So just in terms of parking numbers, and we
 23 heard testimony at the last hearing but we have 80
 24 parking spaces beneath Building A, 87 beneath
 25 Building B and 324 in the parking garage. In

1 addition to that, we have 14 surface parking spaces
2 on a lot to the west of Building B.

3 So both buildings are separated by a
4 common outdoor plaza. And vehicular access, as we
5 heard at the last hearing but just to recap, would
6 be through a four-way intersection at -- in front of
7 Building A off of Westfield Avenue.

8 So vehicles can enter the site and
9 enter under the building -- under Building A, travel
10 through to Building B, and access the parking
11 garage. In addition to that, we have vehicular
12 access off of the driveway which also fronts on
13 Westfield Avenue.

14 So pedestrian access to the building
15 would be, for the residential spaces, would be from
16 a common lobby on either of the two buildings. And
17 I'll get into that a little bit closer as we look at
18 the buildings. And the retail spaces would have
19 doors fronting directly on West Westfield Avenue.

20 So if I could just refer to -- this is
21 Drawing A-8 of the same set of drawings, which
22 depicts the ground floor plan of Building A. So
23 this is representative of the general layout of both
24 buildings. But, as you can see, around the
25 perimeter and fronting on Westfield Avenue as well

1 as the open plaza we have our retail and commercial
2 spaces.

3 So in particular, this building has a
4 fitness center, a business center, a restaurant
5 located on the corner, as well as a coffee shop. In
6 addition to that, we have a common lobby for
7 residential use and -- which contains a mailroom and
8 a package room as well as a leasing office.

9 So these commercial spaces, I know
10 there was some question about whether these are
11 amenities or not, the fitness center and the
12 business center and the restaurant and coffee shop
13 are businesses that are opened to the public.

14 The applicant hasn't determined an
15 operator at this point but the intent is that
16 they're not resident-only type uses.

17 So in addition to the parking and the
18 commercial and residential components, we also have
19 our sprinkler room --

20 MAYOR SIGNORELLO: Hey, Avelino,
21 sorry, just real quick. This is Mayor Signorello.

22 So the intent is for the fitness
23 center, that that will be another operator outside
24 Capodagli; is that the thought behind it?

25 Just trying to figure out what it's

1 like. Is it like an Orangetheory or something that
2 is going to go there, or like a center? I don't
3 know.

4 THE WITNESS: Yeah, at this point
5 they've determined it is a fitness center, so it is
6 a gym. And this is a business center which is
7 similar to like the WeWork concept, if you will.

8 MAYOR SIGNORELLO: Right.

9 THE WITNESS: Same thing for the
10 restaurant and the coffee shop. They haven't
11 determined who that operator is, whether it's going
12 to be an outside party or it's going to be operated
13 by them.

14 MAYOR SIGNORELLO: Unmute yourself.
15 Just the chairman has got a question, I want to make
16 sure he's unmuting himself.

17 CHAIRMAN HARMS: So with the gym and
18 the, I guess, the office space there, you called it
19 a "we room" or whatever?

20 MAYOR SIGNORELLO: WeWork.

21 CHAIRMAN HARMS: Rework?

22 MAYOR SIGNORELLO: WeWork.

23 CHAIRMAN HARMS: Okay. I'm not sure
24 what that all means but, anyhow, just a little note
25 or question on it.

1 So even if you run it or you get an
2 outside firm, there will be some kind of notice of
3 some sort to the public to be able to join this
4 particular gym and across to it?

5 THE WITNESS: I'm not sure how the
6 operation of that works but absolutely it would be
7 open to the public.

8 CHAIRMAN HARMS: Okay. Just so you
9 know, I'm going to need to know, or the board is
10 going to need to know, how that's going to be
11 handled. Because what -- I'm hearing what you're
12 saying but I need some -- not knowledge -- that you
13 are going to do it that way and it's part of the
14 cost because this is part of your 10,000 square feet
15 or 15 -- so, right, so my whole point is you don't,
16 with these two particular pieces right here, you
17 don't meet the criteria, so I need to know and the
18 board needs to know what is going to be in there and
19 how it's going to run and some kind of an idea of
20 how the public is going to know how to use the
21 office space there and also the gym.

22 THE WITNESS: Okay.

23 CHAIRMAN HARMS: Okay?

24 MS. KASSETTA: Can I just for one --

25 CHAIRMAN HARMS: Sure.

1 MS. KASSETTA: I think when Avelino
2 gets into talking about the signage, this is tied
3 into one of the questions Mr. Vinegra had because he
4 was asking in his report if these were only
5 amenities for residents of the building, would we
6 really need Edge. But we are proposing signage to
7 the public that these are, in fact, businesses and
8 not just amenities for residents of the building.

9 CHAIRMAN HARMS: And I understand
10 that.

11 MS. KASSETTA: I understand he made --

12 CHAIRMAN HARMS: Right. But signage
13 doesn't say to me that the public has the ability to
14 join if that's what they want to do. Just because
15 it's a sign out there doesn't mean anything other
16 than, okay, it's a gym or it's a, whatever you call
17 the other part of that building there.

18 So anyhow, I do need proof, and I think
19 the board should want proof, on some kind of letter
20 stating what's going to be done and how it's going
21 to be done.

22 And that will be part of the criteria
23 to put in the resolution, Rich? To put in the
24 resolution, you know, we can give a final if that's
25 the case, but this has to be met in the resolution.

1 MR. SCHKOLNICK: That's fine. I don't
2 know that what they're doing there requires variance
3 relief.

4 CHAIRMAN HARMS: No, I'm not worrying
5 about -- well, that's true too. I'm just worrying
6 on the proof that it's going to be done as they're
7 saying to be part of this footage that they're
8 saying that they have. That's all.

9 MR. SCHKOLNICK: Yes. They
10 have -- they have requirements in the Redevelopment
11 Plan.

12 CHAIRMAN HARMS: Right.

13 MR. SCHKOLNICK: And Ms. Kasetta will
14 clarify. And they, obviously, have to meet those.
15 They haven't asked for relief on that.

16 CHAIRMAN HARMS: Right. So that's why
17 I'm saying these two pieces right here go to that,
18 what they have already said in the Redevelopment
19 Agreement.

20 MS. KASSETTA: Well maybe we can
21 revisit this once the testimony is done and speak
22 about ways to give it assurances about that.

23 CHAIRMAN HARMS: Sure. That's fine.

24 MS. KASSETTA: Okay.

25 CHAIRMAN HARMS: You can continue.

1 I'm sorry.

2 THE WITNESS: No problem. No.
3 Okay. So in addition to that, we have
4 a sprinkler room and a trash room. And I'll talk
5 about that when we get to the upper floors, but that
6 trash room contains a trash compactor which handles
7 regular refuse. And then we also have a recycling
8 chute which terminate in this trash room at the
9 northeast corner of the building.

10 In addition to that we have bike racks
11 within the garage as well as a gas meter. So there
12 was a question about gas meters in one of the
13 reports. Gas meters would be located in the garage
14 in this area to the south of the trash room.
15 Electric meters would be located on the upper
16 stories for each of the individual tenants.

17 So access to the upper stories would be
18 through one of two elevators in this building, which
19 is in the common lobby, or by either of two stairs,
20 which are also used for egress purposes.

21 So just moving to typical upper floor
22 plans, and this would be drawing A-7 of the same set
23 of drawings. So if we take a look at the -- sorry,
24 Building A. So a typical floor plan is arranged
25 with the units around a common courtyard. So that

1 courtyard is centered in the middle of the building.
2 It's really just a passive outdoor recreation space,
3 so really just seating, sort of an outdoor area for
4 tenants. This is for tenant-only access. And then
5 the dwelling units are arranged around the
6 perimeter, as well as facing that courtyard as well.

7 So in terms of the total number of
8 units, I just wanted to break that down for a
9 second. So we have of a total of the 325 units, 272
10 of them are one-bedroom and studios -- one bedroom
11 and studios, and 53 of those would be two-bedroom
12 units.

13 So there was also a question that was
14 raised previously about the difference between our
15 Type 1A and 1B units. Our 1A units are one-bedrooms
16 and studio-type units and the Type 1B units are
17 one-bedroom with a den. So that den doesn't have a
18 separate egress window. It's really just a separate
19 room.

20 So all of the stories are effectively
21 identical with the exception of a few differences.
22 At the top left corner of the building, so the
23 northwest corner of Building A, and we'll see this
24 more on the renderings and the elevations, but we
25 have a loft unit. And effectively what that has is

1 just a two-story living space and a small loft level
2 up top.

3 So that is pretty much typical for the
4 second, third, and fourth floors of the building.
5 The fifth floor is set back. So as you can see,
6 that front area facing Westfield Avenue is set back
7 approximately 25 feet. And again, we'll see that on
8 the elevations but the intent is really to minimize
9 the scale of the building and the perceived height.

10 The roof common to both buildings is a
11 conventional flat roof building, if you will. So
12 it's not a pitched roof with internal drains.

13 In terms of mechanical equipment on
14 that roof, it's really just limited to that required
15 for the commercial component. So for the
16 restaurant, that would be HVAC and restaurant
17 exhaust hood and things of that sort.

18 All of the units, the dwelling units
19 themselves are served with PTAC units, which is
20 basically a through-wall-type system, so there would
21 be no additional equipment required on the roof.

22 So if we just go over to Building B
23 now, which would be the one furthest west, the
24 ground floor plan is fairly similar to Building A.
25 So again, we have our retail spaces fronting on

1 with this floor. Again flat roof, also set back
2 from the street.

3 So if we refer to the exterior
4 rendering, and this would be Exhibit A-3, previously
5 introduced, so this would be a view from West
6 Westfield Avenue looking towards the east. So we
7 have to the right we have Building B. To the left
8 we have Building A and we have a courtyard or plaza
9 open to the public and to the restaurants and these
10 businesses.

11 The building height is 64 feet overall
12 and we have five stories. So four stories over the
13 commercial spaces and parking that we spoke about
14 previously.

15 In terms of the exterior materials,
16 this is a combination of brick and PVC panels and
17 trim. So what we tried to do is vary the color and
18 material and projections and also introduce vertical
19 and horizontal demarcations to add some visual
20 interest and scale to the building.

21 In addition to that, we have two
22 canopies at these -- at opposing corners of these
23 elements and those are cable -- I should say
24 rod-supported canopies. We have also introduced a
25 combination of awnings, so fabric awnings just to

1 Westfield Avenue as well as the common plaza between
2 the buildings.

3 All of this retail has not been planned
4 at this point. It's dedicated to retail and would
5 be subdivided in the future by individual tenants.
6 Again, we have a sprinkler room. Same trash room
7 arrangement again, and two elevators and two stairs.

8 Now, the difference with this building
9 is that it attaches directly to the parking garage.
10 So we have an additional elevator and stair off of a
11 common vestibule at the intersection of that.

12 And if we go to the upper floor plans,
13 we can see how that interfaces. So effectively, now
14 referring to the second floor plan, this would be
15 drawing -- excuse me, Drawing A-7. So anyone
16 parking in this parking garage would enter the
17 building through a common vestibule. And that has
18 access to an elevator which would either take them
19 down to the ground level, or whichever floor they
20 need to. As well as access to a stair or directly
21 into the building. So presumably if you live on the
22 third floor, you can park on the third floor and
23 enter directly into -- onto that level.

24 So, again, very similar layout with the
25 exception of the intersection of the parking garage

1 bring some more color and visual interest as well.

2 And the loft unit that we referred to
3 earlier is the element I'm referring to here. So
4 that would be a two-story space within that loft
5 corner unit.

6 So now, just looking at the next
7 rendering, which is Exhibit A-5, and this is again
8 Westfield Avenue but looking towards the west now.
9 As you can see, the fifth floor of the building is
10 barely visible in this view, and the intent of that
11 was to push the story back so that it would only
12 have four stories exposed on the predominant facade
13 throughout the building.

14 Again, you can see the combination of
15 different materials, different colors and decorative
16 trim. We have also introduced some accent light
17 fixtures and things of that nature.

18 So in terms of exterior materials, what
19 we've done is used a combination of two different
20 bricks. And this is true brick. This is not brick
21 veneer. It's traditional nominal brick. And we
22 have two colors sort of complementary to each other
23 but to provide a little bit of contrast to be able
24 to differentiate different areas of the building.

25 The residential windows will be a 100

1 Series Andersen single-hung window product and that
2 is planned to be black. Storefront windows and
3 doors, so at the lower level is an aluminum
4 storefront window system, also black.

5 We have introduced decorative light
6 fixtures, as I mentioned earlier. And a combination
7 of decorative millwork and trim and brackets to
8 provide some additional visual details.

9 On the side and rear of the building,
10 we have similar architectural language in terms of
11 forms but that material will be a hard coat stucco
12 system and that's proposed to be gray.

13 And I guess just to touch briefly on
14 the life safety aspects of the building, both
15 buildings will be fully accessible and fully
16 sprinklered. There was also a request from the fire
17 department to provide standpipes at no greater than
18 300 feet in the parking garage and we will comply
19 with that as well.

20 MR. SCHKOLNICK: Can you say that
21 again because there was a conversation about that.
22 So fully sprinklered and there's going to be
23 standpipes in the garage?

24 THE WITNESS: That's correct. So both
25 buildings are fully sprinklered in accordance with

1 NFPA 13 and that includes the parking garages as
2 well below the building. And the parking garage
3 itself will have standpipes, so they will be dry
4 standpipes. And those will be located at a maximum
5 distance of 300 feet. I expect it will probably be
6 less than that.

7 The request from the fire officially, I
8 believe, was 300-foot maximum.

9 MR. SCHKOLNICK: Thank you.

10 MR. VINEGRA: There's also previous
11 testimony.

12 MR. FERDINANDO: Are there standpipes
13 in any of the stairwells of the buildings?

14 THE WITNESS: Yes, the stairwells will
15 have standpipes as well, correct.

16 MR. FERDINANDO: Okay, thank you.

17 MR. SCHKOLNICK: Okay. And are we set
18 on the location of the fire hydrants also? That was
19 one of my notes that wasn't clear.

20 THE WITNESS: I think the previous
21 testimony we heard is that we had -- I'm sorry.

22 MR. FERDINANDO: And that was
23 something he could go over with them later on when
24 they apply for all their permits, he had said?

25 MR. SCHKOLNICK: Okay. So we're going

1 to have a condition that the number and location of
2 the hydrants -- that's, you know, assuming we're
3 approved -- will be agreed -- will be agreed to with
4 the appropriate fire officials. All right.

5 Sorry about that. Thank you.

6 THE WITNESS: No problem.

7 So just to touch on signage for a
8 second, I know we very briefly touched on this, but
9 the signage that we have shown on the drawings
10 are -- is really just a suggestion. In reality each
11 of the individual tenants would be applying for
12 their own signage permit.

13 So, for example, the sign at the
14 restaurant right now says just "restaurant." Of
15 course, that would have to be coordinated with the
16 actual tenant and their text and their logo,
17 et cetera.

18 The only sign that is planned at this
19 point to be included is the project naming sign,
20 which was in accordance with the construction and
21 design requirements. I believe it's a maximum of
22 20 square feet, and that one sign on Building A does
23 comply with that.

24 MR. SCHKOLNICK: So the board is
25 clear, the signage package complies with the

1 Redevelopment Plan. So if any individual tenant
2 wants to come back, they need variances, they would
3 have to come back or comply.

4 But that's for a later stage of the
5 project when they identify the tenants and what they
6 want to do.

7 THE WITNESS: That's correct. And
8 partly because, for example, on Building B we have
9 the large area of retail --

10 MAYOR SIGNORELLO: One second. I
11 think just the Chairman wanted to mention something.

12 CHAIRMAN HARMS: On the signage, when
13 they say they have to --

14 MAYOR SIGNORELLO: Hold on one second,
15 Loren. You're good. Give me one second. Here you
16 go.

17 CHAIRMAN HARMS: Okay. On the
18 signage, I know they'll have to get a permit, so it
19 will be up to -- to the Borough to okay each sign,
20 because I don't want someone to come in and have an
21 ABC store and having it one, you know, different
22 than -- that would distract from the building
23 itself.

24 MAYOR SIGNORELLO: Do you mind if I
25 comment on that a little bit, Loren?

1 CHAIRMAN HARMS: Go ahead.
 2 MAYOR SIGNORELLO: So I think we need
 3 to -- our signage -- I think what Rick is saying is
 4 that the applicant would be subject to our current
 5 signage rules, whatever they may be, and then if
 6 there's any variance they would have to go to the
 7 land use board.
 8 CHAIRMAN HARMS: Correct.
 9 MAYOR SIGNORELLO: But we -- we
 10 probably have some work to do, as mayor and council,
 11 to update our signage ordinance to make sure it's of
 12 the quality that we want to see there.
 13 CHAIRMAN HARMS: Right. Because we
 14 don't want to have something cheap looking on
 15 something -- on this building here if we don't have
 16 all our cards all in a row.
 17 MAYOR SIGNORELLO: I'll give you a
 18 perfect example. I love Dowling's but I get agita
 19 that they're allowed to have just a, you know --
 20 they have banner up there, they don't have a real
 21 sign.
 22 CHAIRMAN HARMS: And that's what we
 23 don't want. The ordinance, we're not supposed to
 24 have banners.
 25 MAYOR SIGNORELLO: Right. Exactly.

1 So we have a little internal housecleaning there.
 2 CHAIRMAN HARMS: Yes.
 3 MR. BAIAMONTE: Sorry. Can we use the
 4 word "consistency," there needs to be some sort of
 5 -- this is Paul Baiamonte, land use board.
 6 Can we use some sort of consistency
 7 between signs?
 8 MR. ROBAINA: Say uniformity.
 9 Correct.
 10 MR. BAIAMONTE: Uniformity?
 11 CHAIRMAN HARMS: I like that idea,
 12 that word. I think that fits exactly what I'm
 13 asking for.
 14 MR. BAIAMONTE: Okay.
 15 MR. VINEGRA: So could you hear me
 16 now? It's Vic Vinegra.
 17 THE WITNESS: Yes.
 18 CHAIRMAN HARMS: Yep.
 19 MR. VINEGRA: Well, we should do that,
 20 all the signs should be approved by the zoning
 21 officer/construction official. And that no
 22 box-style signs. So all the signs should be
 23 individually props that are backlit, so we don't
 24 have a box sign with a piece of plastic.
 25 CHAIRMAN HARMS: Right.

1 MR. VINEGRA: So we can make that a
 2 condition, if there is a motion made tonight. And
 3 that will be part of the submission that I'll get.
 4 MR. SCHKOLNICK: And what was that,
 5 the suggestion, no box style? They must be backlit?
 6 MR. VINEGRA: Yes. Backlit,
 7 individual prop signs that are non-box. Individual
 8 props, the bulbs are individual.
 9 CHAIRMAN HARMS: Okay.
 10 MR. SCHKOLNICK: And, Mayor, that
 11 might be something you can work on with the
 12 applicant, sort of as the next stage. We'll have
 13 some time, obviously, as well to develop some
 14 uniform standards.
 15 MR. VINEGRA: Yes.
 16 MR. SCHKOLNICK: I'll tell you what,
 17 they like what they like. Like I did some work for
 18 Orangetheory and, you know, they want what they want
 19 because that's part of their branding.
 20 MR. VINEGRA: So we'll note the
 21 condition, any sign package would have to be
 22 reviewed and approved by...
 23 MAYOR SIGNORELLO: Yeah. And I think
 24 -- I think, you know, it's probably a good tandem,
 25 right, because we've got -- Rich knows the space.

1 Rich has actually done work with Avelino, so I
 2 think, you know, we're in good hands there
 3 anecdotally.
 4 MR. SCHKOLNICK: Duly noted. We'll
 5 have something in there and we'll work on some
 6 language for that.
 7 THE WITNESS: I would also note that
 8 the -- the document, the construction and design
 9 standards for this project, does speak to signage.
 10 And I think it has some language in there that would
 11 be helpful.
 12 So I think that covers the -- the
 13 majority of the testimony. If anybody has
 14 questions, I would be happy to address those.
 15 BY MS. KASSETTA:
 16 Q. Actually, can I ask a couple of
 17 follow-ups before we open it up to the board?
 18 A. Sure.
 19 Q. On the subject of the construction and
 20 design standards, can you confirm for the board that
 21 the overall design complies with those standards? I
 22 know that was very important.
 23 A. Yeah, we do. We comply with those
 24 standards. I can only speak to the architectural
 25 components. There was a number that were civil and

1 landscape related, but we do comply with the
 2 requirements of that document.
 3 Q. Thank you. And can you confirm that
 4 the building is fully compliant with the Americans
 5 with Disabilities Act, as it needs to be?
 6 A. As it needs to be, correct. So we
 7 have the public portions and the common areas are
 8 covered by the ADA, and the upper levels are
 9 governed by the federal and state, so it would be
 10 the Fair Housing Act and the New Jersey Barrier Free
 11 Sub Code, but yes.

12 Q. Thank you.
 13 And one last topic I wanted to touch on
 14 is how we're going to handle refuse removal.

15 A. Sure. So, and I apologize, I should
 16 have done that earlier, but...
 17 So every floor has a -- has two chutes,
 18 as required by the design guidelines. We have two
 19 chutes. As you can see there's a trash room; this
 20 would be referring to Building A, so the northeast
 21 corner of the building.

22 And that contains two chutes, one for
 23 recycling and one for conventional trash. That
 24 trash goes through the chute down into a compactor
 25 and gets compacted roughly at a 5-to-1 ratio. And

1 those go into rolling dumpsters so they're sealed
 2 containers on wheels. And once they're full, they
 3 get wheeled out to the street and the private hauler
 4 would come and pick that up.

5 So typically, as I understand
 6 operations from the applicant's end, the trash
 7 company would call when they're about ten minutes
 8 out. Building maintenance would have the dumpsters
 9 ready to be hooked up to the truck and then removed.

10 Q. Thank you. I think those were all the
 11 questions that I had.

12 A. Okay.
 13 MR. SCHKOLNICK: Okay. I will point
 14 out that there are some design standards for signage
 15 that have to be complied with. They're appended to
 16 the Redevelopment Agreement. Neon, electric,
 17 plastic, or oversize not acceptable. Color can be
 18 black and white, no red or blue. Size, look and
 19 material to be submitted and approved by the
 20 Borough.

21 So there is a start there. And if you
 22 decide you want to refine that, you can.

23 Mr. Chair, remember we want to do board
 24 members first. And then members of the public, if
 25 there are any, they'll have a chance to ask

1 questions, make comments. You can e-mail them in.
 2 I will provide an e-mail address or if you don't
 3 have access to video, you can call the number also.
 4 So we have multiple ways.

5 I think, Mr. Chair, they can ask
 6 questions of this witness or the engineer from the
 7 last hearing as well, if they want. We'll reopen
 8 that as well.

9 So if we can do board members first.

10 CHAIRMAN HARMS: Rich, before we do
 11 that, I'm going to call on Anthony, the engineering
 12 for the, board, and then Victor. Let them give
 13 their -- anything that they have to bring up, any
 14 discussion on theirs, and then we can go to the
 15 board.

16 So, Anthony, at this time on your
 17 engineering end of it, do you have any questions?
 18 Have they met all your -- I read some of these
 19 things that you have in here. Have they met it or
 20 not? Is there, you know, anything outstanding yet?

21 Anthony?

22 MR. KURUS: Hi, Chairman.

23 CHAIRMAN HARMS: Okay, go ahead.

24 MR. KURUS: So they did respond to our
 25 initial report. There's a few outstanding items

1 that they've agreed to provide us and agreed to
 2 comply with. The majority of our comments, they
 3 have addressed.

4 Following up, I know we heard testimony
 5 about the fire hydrants, coordinating that with the
 6 fire department and the fire chief. I would ask
 7 that at some point, once the fire suppression design
 8 is completed, they submit an overall plan that shows
 9 the hydrants, the FDCs, the standpipes all on one
 10 fire suppression plan so that it's clear for the
 11 fire department and everyone else who is reviewing
 12 it, what is going to be provided and where it's
 13 going to go.

14 Other than that, I mean, they've
 15 provided or agreed to comply with our report.

16 CHAIRMAN HARMS: Okay. I'm looking at
 17 your last correspondence here to the board was
 18 revised on April 17th. And I just happened to open
 19 this one page, Page 4 of 7. And it says here under
 20 Item 20, "Final plans require more spot elevations
 21 within the parking areas and throughout the site for
 22 our constructability."

23 And it says here, "A separate grading
 24 plan with additional spot grades provided. Comment,
 25 partially addressed, see Comment 21."

1 So I need to know on your end what has
2 to be either discussed or given guidance on or
3 something before we, you know, approve this and not
4 have what you need to have talked about or papers
5 issued to you. So I mean --

6 MR. KURUS: I mean, as long as they
7 agree to address our latest report, I'm okay with
8 that. So Comment 21, we recommended that they
9 provide a -- we're recommending that they provide
10 some type of a swale in the back with area drains to
11 prevent water from accumulating on the back wall of
12 the parking structure. Currently they have a French
13 drain back there. We're just asking them to take a
14 second look and possibly make that better.

15 But, again, that's on -- that's on
16 their property. That's not going to impact
17 adjacent. But those details, as long as they agree
18 to work out those details with us, I'm fine with
19 that.

20 CHAIRMAN HARMS: Okay. But that's my
21 point I was going to. I just have to hear that
22 they're going to be able to work with you or they're
23 saying that, no, we're going to leave the French
24 drain. It's going to be one or the other.

25 MR. SCHKOLNICK: Let me just address

1 it broadly.

2 MR. KURUS: That's a good question to
3 ask.

4 MR. SCHKOLNICK: Let me just address
5 this broadly. Assuming the board approves, I'm
6 going to draft a resolution and I'm going to go
7 through all of the review letters with a fine-tooth
8 comb. And I'm going to, anything that is open, I'm
9 going to list as a condition of approval. And you
10 should have that resolution within about a week or
11 so.

12 So if there's anything that hasn't been
13 addressed in any of the reports -- from the fire
14 department, from Victor's office, from Neglia -- I'm
15 going to list that as a condition of approval.

16 CHAIRMAN HARMS: Okay.

17 MR. SCHKOLNICK: And we're going to
18 try a comparison, so in effect it's sort of like a
19 checklist.

20 CHAIRMAN HARMS: Right.

21 MR. SCHKOLNICK: You're approved but
22 you have to do A, B, C, D. There's probably going
23 to be at least 20 things --

24 CHAIRMAN HARMS: I'm thinking so.

25 MR. SCHKOLNICK: -- that they're going

1 to have to do. And we're going to try to make those
2 as clear as we possibly can.

3 CHAIRMAN HARMS: Okay. And then we,
4 when we memorialize it, if it's not, then it doesn't
5 get memorialized because they didn't follow what
6 they said they would do, correct?

7 MR. SCHKOLNICK: Got it.

8 CHAIRMAN HARMS: I mean...

9 MR. SCHKOLNICK: The thought is it's
10 going to be in the resolution, and in order to get
11 the site plan signed to bring it to the next step,
12 to bring it to the building department, they are
13 going to have to show satisfaction of these items
14 before it goes to the building department. That's
15 the idea.

16 CHAIRMAN HARMS: Okay.

17 MR. SCHKOLNICK: And you'll designate
18 somebody to make sure each of these things are done.
19 There are probably about 20 of them all together.

20 CHAIRMAN HARMS: Okay. I just need
21 our checks and balances. That's all I need.

22 MR. SCHKOLNICK: That's what I'm
23 trying to say. I have already gone through it and
24 we're going to go through it again and work it out
25 with the, presumably, with the applicant to make

1 sure everybody is clear.

2 For example, the electric charging
3 stations. They have to do a study of the sanitary
4 sewer. And we're going to be very specific about
5 when it has to get done.

6 CHAIRMAN HARMS: Okay. All right.
7 And, okay, since we're doing that, and I have great
8 faith in you to have that, we just have to make sure
9 that it's done. That's all it is.

10 So here we have the checks and then we
11 have to make sure that the balance is there that
12 they do it. That's all.

13 Okay. So, Anthony, if you don't have
14 anything else, I'll turn it over to Victor.

15 Victor, you had in your report -- and,
16 again, I will say it, you've done an outstanding job
17 on your report and your findings. So there's quite
18 a few of them in there. I'm not sure that we have
19 to go over every one of them but, again, this will
20 be the same thing as Neglia. If these aren't
21 addressed in the resolution, then the building
22 permit doesn't get signed or given is the way I'm
23 hearing it.

24 So you have it.

25 MR. VINEGRA: Avelino --

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1 THE WITNESS: Yes.

2 MR. VINEGRA: -- can you go over

3 briefly the side elevations?

4 THE WITNESS: Sure.

5 MR. VINEGRA: Do you have those

6 rendered?

7 THE WITNESS: We do not have them

8 rendered. I only have the drawings that were

9 submitted with the application, so --

10 MR. VINEGRA: Just tell us the

11 textures and what you're doing on the sides.

12 THE WITNESS: Sure. Okay. So if we

13 look at, this would be Drawing A-4, and that's the

14 right side elevation of Building B. So facing the

15 parking garage.

16 So this would be as if it were cutting

17 through the parking garage and looking at the

18 building, Building B on the west side.

19 So, as you can see, we're wrapping the

20 same materials mostly around the side of the

21 building. So we have the same brick and PCV trim

22 and millwork. And then it starts to go into the

23 stucco that we talked about earlier.

24 So if we look at the rear of the

25 building now -- okay, and so this would be rear

A. Martinez, R.A. 42

1 elevation now. And you can see we have -- well,

2 it's probably tough to see but we have the -- we

3 have the same rhythm, same type of details and

4 cornice and things like that. But rather than using

5 brick on the back of the building, this would be a

6 stucco. So it's not an EIFS or -- it's a true hard

7 coat stucco system as required by the -- by the

8 design standards or guidelines, if you will.

9 And the same philosophy carries along

10 the side of Building A to the east side where we

11 wrapped the brick just a little bit around the

12 corner and then we transition back to stucco and the

13 other materials, as you can see.

14 MR. VINEGRA: Avelino, would you think

15 about breaking up the colors along the rear on the

16 stucco?

17 THE WITNESS: We can. And I

18 apologize, I don't have a colored rendering of that,

19 but the intent is the windows are black, the stucco

20 is gray and then the trim remains white. So I think

21 that may be enough, but we can look at two different

22 shades of gray to add a little interest to the rear

23 of the building.

24 MR. VINEGRA: Since you're coming back

25 with a sign package, would you want to come back in

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1 with a color package too, so the board could see

2 colors around the entire building?

3 MS. KASSETTA: If I could jump in, I

4 don't know that we're necessarily coming back as the

5 property owner with a sign package. I just want to

6 make sure that we're all on the same page about

7 that.

8 I thought that the understanding was,

9 you know, there will be uniform compliance with

10 those design standards. But if a particular tenant

11 wants something different, they would have to come

12 before the board.

13 MR. VINEGRA: The design standards

14 didn't go into great detail and we didn't want to

15 upset the architecture, let them come up with the

16 designs. But a lot of times what we'll do, the

17 applications come back just for the signage package

18 to be reviewed and the board has no other

19 jurisdiction between design and the colors.

20 MAYOR SIGNORELLO: I thought we were

21 just saying this was going to be up to the zoning

22 official. Didn't we really just say that like

23 15 minutes ago?

24 MS. KASSETTA: That was my

25 understanding.

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1 MR. VINEGRA: Okay.

2 THE WITNESS: So I think they're all

3 going to be consistent with each other, same similar

4 style, but I think what each tenant would be coming

5 back for is probably for overall percentages,

6 dimensions, things like that, and to review for

7 compliance with the uniformity.

8 But in terms of the colors, this was

9 the gray we had selected. Was the suggestion to

10 have different shades of gray or --

11 MR. VINEGRA: That's a very big mass

12 along the back to have it all gray. You may want to

13 break it up with vertical columns of a different

14 color of stucco.

15 THE WITNESS: Yeah. What we can do is

16 we can -- let me see if I can just go back to that

17 elevation.

18 MR. VINEGRA: Your front elevation is

19 beautiful.

20 THE WITNESS: Thank you.

21 Let's see here, so I guess what

22 I'm -- what we can do is probably have two shades of

23 gray. So the recessed portions would be one shade

24 and then the projecting portions would be another

25 shade of gray.

1 So I think it would add a little bit of
2 interest in there. And then in combination with the
3 trim, with black windows and the cornice and those
4 features, I'm not sure if you think that's -- that's
5 appropriate.

6 MR. VINEGRA: Okay. How about the
7 other side, the side of Building A, the easternmost
8 building?

9 THE WITNESS: Yes.

10 MR. SCHKOLNICK: And which elevation
11 is that, the east or west elevation?

12 MR. VINEGRA: The east elevation of
13 Building A. Because the elevations that wrap around
14 the courtyard, again, are very nice.

15 THE WITNESS: Okay. So this would be
16 the east elevation of Building A. And what we've
17 done is we're bringing the brick up to the first
18 bay, then that bay transitions to stucco, and then
19 we go brick again, and then stucco, and brick again,
20 stucco and brick.

21 So on this elevation, because I think
22 it's a little bit more visible, we have considerably
23 more brick on this side of the building. So the
24 only stucco areas would be the projecting towers.

25 MR. VINEGRA: What is the type of

1 material you're doing under the windows, between the
2 windows in the front?

3 THE WITNESS: In this area?

4 MR. VINEGRA: Yes.

5 THE WITNESS: That's a -- it's a PVC,
6 so an AZEK or similar product to that, with built-up
7 trim around the perimeter.

8 MR. VINEGRA: How do you feel about
9 matching the color of the brick as a vertical
10 element to the stucco in the back to break up the
11 rear elevation, that long wall of gray?

12 Do you want to go back to that
13 elevation? The elevation of the rear elevation
14 along the railroad tracks.

15 THE WITNESS: So this would be the
16 rear elevation of Building A.

17 MR. VINEGRA: Do you think
18 that's -- what is your opinion of breaking that up,
19 the narrow vertical elements with the same color,
20 make the stucco similar to the brick color to make
21 the building look uniform?

22 THE WITNESS: We can do that. We can
23 probably do the lower segment. I probably wouldn't
24 go all the way up.

25 MR. VINEGRA: Yeah, okay.

1 THE WITNESS: We can come up to some
2 horizontal point and introduce a darker color
3 similar to the brick.

4 MR. VINEGRA: Yeah, that may work.
5 That may look real -- it will look brick on the
6 bottom and then you have stucco on the top. Yeah,
7 okay.

8 THE WITNESS: Okay.

9 MR. VINEGRA: Great.

10 MR. SCHKOLNICK: Just so I could have
11 at least a placeholder note, which elevation you're
12 talking about right now and then -- and what you
13 decided you're going to do?

14 MR. VINEGRA: Well, he could
15 submit it. We could make a proviso that he submits
16 it to the planner for sign-off and -- with the
17 elevation colors.

18 MR. SCHKOLNICK: Which elevation?

19 MR. VINEGRA: This way it doesn't go
20 before the board, it comes before me. And I'll get
21 a quick rhythm from the municipality which way
22 they're going with the colors and the signs.

23 So this doesn't go back before the
24 board. Signage plan and color rendering should be
25 signed off by the planner.

1 MR. SCHKOLNICK: Victor, there's not
2 going to be a signage plan for a long time because
3 they're not going to know who the tenants are.

4 MR. VINEGRA: Yeah, but that signage
5 -- again, they can start construction before that.
6 It's just when they go to buy the signs, they'll
7 have to have approval for the signage plan. That's
8 all.

9 MR. SCHKOLNICK: Put the signs to the
10 side for a second. We're submitting all elevation
11 colors or this was just a specific --

12 MR. VINEGRA: All elevation colors,
13 yeah. So there's a sign-off on all colors on the
14 elevations, yeah. This way it doesn't have to go
15 back before the board.

16 MR. SCHKOLNICK: Okay. And, Board, on
17 something like that, ultimately if there isn't
18 agreement -- if there is not agreement, that could
19 have to come back to the board. Although I'm
20 confident they'll reach agreement, but the applicant
21 always has the right, if they're not happy, to come
22 back to you.

23 CHAIRMAN HARMS: Right. Okay.

24 MS. KASSETTA: And to make sure I'm
25 clear, we're talking about adjustments to the side

1 elevation of Building B and then the rear elevation
 2 of Building A, right?
 3 MR. VINEGRA: Really color choices.
 4 Really not an adjustment.
 5 MS. KASSETTA: Right.
 6 MR. VINEGRA: He's got to go with a
 7 stucco material. We just want to see the color
 8 choices.
 9 MS. KASSETTA: The color of the...
 10 yeah.
 11 MR. VINEGRA: Yeah.
 12 MS. KASSETTA: Okay.
 13 MR. VINEGRA: Only because we don't
 14 have them rendered in front of us now, I'll look at
 15 the rendering if it is and sign off on those.
 16 MR. SCHKOLNICK: Okay. And is that
 17 for -- I don't know if the applicant has agreed.
 18 Which elevations are we talking about? Because I
 19 think -- are you talking about --
 20 MR. VINEGRA: Whatever elevation
 21 hasn't been rendered tonight in this presentation.
 22 MR. SCHKOLNICK: Okay. Allyson, would
 23 you just let me know which ones?
 24 MS. KASSETTA: Sure.
 25 MR. SCHKOLNICK: Apologize. So

1 that -- right. The elevations not rendered for
 2 hearing to be submitted. It's the color of the
 3 elevations so, because I have to draft something.
 4 MS. KASSETTA: The color of the stucco.
 5 THE WITNESS: Yeah, I believe it's the
 6 color of the stucco on the rear --
 7 MR. SCHKOLNICK: Okay.
 8 THE WITNESS: -- and side elevations.
 9 MR. SCHKOLNICK: Okay. So the color
 10 of the stucco for the elevations not rendered for
 11 the hearing. And that's the -- and which ones were
 12 those?
 13 MR. VINEGRA: But I want to see that
 14 in a rendering. So I want the applicant to submit a
 15 rendering with the colors applied to the building to
 16 be signed off by the Borough planner.
 17 MR. SCHKOLNICK: Okay. So it's to be
 18 rendered.
 19 MR. VINEGRA: Yeah.
 20 MR. SCHKOLNICK: Okay. And is it --
 21 just so I can draft something, this is the rear and
 22 the side or for everything?
 23 MR. VINEGRA: Whatever has not been
 24 presented before the Board tonight.
 25 MR. SCHKOLNICK: And that's a little

1 vague, so I'm trying to just pin that down.
 2 MR. VINEGRA: Avelino, yeah.
 3 THE WITNESS: I think it's the side of
 4 Building A, the rear side of Building A. And then
 5 the rear side of Building B, and the west side of
 6 Building B.
 7 MR. SCHKOLNICK: Okay. So that's
 8 the -- which side of Building A?
 9 THE WITNESS: Building A would be the
 10 east and the rear, so east and south.
 11 MR. SCHKOLNICK: So the east side of
 12 A, the rear of both A and B, and the west of B?
 13 THE WITNESS: Correct.
 14 MR. SCHKOLNICK: And they're going to
 15 be rendered for review and approval by the board
 16 planner. Got it. Thank you.
 17 Thanks for your patience, guys.
 18 THE WITNESS: No problem.
 19 MR. SCHKOLNICK: Wanted to make sure I
 20 got it right.
 21 MR. VINEGRA: Avelino?
 22 THE WITNESS: Yes.
 23 MR. VINEGRA: Would you like the
 24 flexibility if in the future you wanted to put
 25 penthouse units on the roof? You can if you so

1 choose.
 2 THE WITNESS: I defer that to the
 3 applicant. I know it was raised and they reviewed
 4 it and they opted not to proceed with the -- I
 5 assume you mean the terrace on the setback units on
 6 -- which would -- on the front here?
 7 MR. VINEGRA: Yeah. But if your
 8 client maybe -- if the applicant may change his
 9 mind, I wanted to give him the flexibility, if the
 10 board sees fit. If they want to come back, if they
 11 do a market study and figure, hey, we want to go
 12 with some penthouse units on the roof, that you have
 13 the ability to do so without going back before the
 14 board.
 15 THE WITNESS: Sure. I think that's a
 16 good idea.
 17 CHAIRMAN HARMS: That's adding to the
 18 325.
 19 MAYOR SIGNORELLO: No, no.
 20 MR. VINEGRA: No.
 21 CHAIRMAN HARMS: That's what I'm
 22 saying, because of these changes, how do you change
 23 --
 24 MR. VINEGRA: No, it's not additional
 25 units. It's the people who have the rooftop

1 apartments, they have -- they're stuck back off the
2 street. If the applicant so chooses, they can have
3 like a terrace in front of their apartment, if they
4 so choose to use it.

5 I want to give them flexibility.

6 MAYOR SIGNORELLO: Trying to clarify.
7 So, Joe. I don't have a view.

8 But it's basically -- it's not
9 additional units, Chairman. It is those top units,
10 if the applicant so chooses, allow them to have an
11 outdoor like patio or terrace or something like
12 that.

13 CHAIRMAN HARMS: I'll leave it up to
14 the board.

15 MAYOR SIGNORELLO: Chairman is trying
16 to unmute himself.

17 CHAIRMAN HARMS: Yeah, trying to
18 unmute.

19 I'll leave it up the board under the
20 board comments or anything like that, of letting it
21 go, having -- I mean, we'll -- we'll look at it as
22 we go through it.

23 MR. VINEGRA: But there's no objection
24 from anybody on the board to this?

25 CHAIRMAN HARMS: That's what I'm

1 leave it up to the board. If they want to let them
2 do it, then if they want to, they can.

3 MR. VINEGRA: Okay.

4 One other item -- Avelino?

5 THE WITNESS: Yes.

6 MR. VINEGRA: -- from previous meetings
7 was about leasing, about the usage -- using the
8 plaza. And we had some additional discussion about
9 that and we feel that if any restaurateur wants to
10 occupy the space and utilize some of the courtyard
11 for outdoor dining, to make it simple, that that
12 restaurateur or coffee shop would have to seek a
13 permit from the municipality.

14 MAYOR SIGNORELLO: Myself? So just,
15 Andrew, keep me honest, we already have that, right?
16 They would need to seek a permit for the outdoor
17 dining is the way it works now? I forget. I
18 haven't seen those --

19 MR. CASAIS: That's correct.

20 MAYOR SIGNORELLO: Okay. So we
21 already have that mechanism.

22 MR. VINEGRA: Okay. We want that
23 ordinance to apply to this Redevelopment Area
24 because this Redevelopment Area is kind of a
25 separate item compared to -- because it's its own

1 saying. If the board has no objection to it, then,
2 well, he can do it. I just don't know their
3 feelings and I'm not going to give the answer.

4 MR. VINEGRA: No, we don't have to.
5 They can if they choose.

6 MEMBER BAIAMONTE: Victor, it's Paul.
7 Can you clarify what you mean by
8 penthouse units. Is it just access to that front
9 roof area?

10 MR. VINEGRA: Yes.

11 MEMBER BAIAMONTE: So the tenants
12 along the Westfield Avenue side or North Avenue side
13 would have access to that roof area.

14 They currently do not, right?

15 THE WITNESS: Correct.

16 MEMBER BAIAMONTE: It's just the
17 rooftop?

18 MR. VINEGRA: Correct.

19 MEMBER BAIAMONTE: Thank you for
20 clarifying that.

21 MR. VINEGRA: Avelino is showing you
22 with his little scroller, he's going over the area.
23 Right there.

24 THE WITNESS: Right there.

25 CHAIRMAN HARMS: Like I said, we'll

1 ordinance.

2 MAYOR SIGNORELLO: Yeah. So speaking
3 as mayor, I think that that would make sense. They
4 should fall in line with the rest of the --

5 CHAIRMAN HARMS: The community.

6 MAYOR SIGNORELLO: -- yeah, the
7 community. Yeah.

8 MR. VINEGRA: Is the applicant okay
9 with that?

10 MR. SCHKOLNICK: Well, that's not a
11 zoning issue. That's -- that's if -- they have to
12 get a permit under the general police powers.

13 MR. VINEGRA: That's correct, but
14 we're also regulating the outdoor dining. So the
15 board members who are open to permit using some of
16 that outdoor space for restaurant space, for table
17 service.

18 THE WITNESS: Victor, is that sidewalk
19 seating or within the open plaza between the two?

20 MR. VINEGRA: Within the open plaza.

21 MS. KASSETTA: I think, if I recall
22 correctly, on the site plan rendering, we had
23 updated the site plan to show a seating area within
24 the plaza.

25 MR. VINEGRA: Yes, you have.

1 MS. KASSETTA: If we can go back to
 2 that exhibit. I guess that was --
 3 MR. VINEGRA: It's in the Stonefield
 4 exhibits.
 5 CHAIRMAN HARMS: Well, what you're
 6 saying is --
 7 MS. KASSETTA: -- A-2.
 8 CHAIRMAN HARMS: Well, what you're
 9 saying is that they have to come back?
 10 MAYOR SIGNORELLO: I think that the
 11 general -- from what I -- and, again, I don't have a
 12 view on this one way or the other, I think I'm just
 13 trying to interpret the room.
 14 The sentiment is is the center of the
 15 two buildings is public space, theoretically. So in
 16 order to use the public space, they would need a
 17 permit in line with other folks that would want to
 18 use the sidewalk, you know, walking on Chestnut
 19 Street I guess would be the general feedback.
 20 So right? So if you lease out the
 21 restaurant on the left side, or whatever, the east
 22 side or west side, said restaurant would need to
 23 come to the Borough for a permit for using the
 24 outdoor seating, I guess is the -- is that the
 25 spirit of what we're saying here?

1 CHAIRMAN HARMS: Yes. Yes.
 2 MR. SCHKOLNICK: Is that public
 3 property or is that -- it's not going to be
 4 dedicated to the town, is it?
 5 MS. KASSETTA: No, I don't think so.
 6 THE WITNESS: No, I don't believe it
 7 is.
 8 MAYOR SIGNORELLO: That's not our
 9 land.
 10 MR. VINEGRA: But it's in the
 11 Redevelopment Plan that they have to have open
 12 space, open to the public. That's where I'm going
 13 with this.
 14 MR. SCHKOLNICK: Okay. But whether
 15 that -- whether -- I didn't -- I didn't look at the
 16 Redevelopment Plan but presumably those
 17 restaurateurs are going to want to have outdoor
 18 dining there.
 19 MR. VINEGRA: That's correct.
 20 MR. SCHKOLNICK: Does the applicant
 21 have an understanding at the moment about this issue
 22 at the moment?
 23 MS. KASSETTA: I'm not really sure of
 24 what the question is. I mean, they would be
 25 required to seek a permit, just like anyone else who

1 was not in a Redevelopment Area, for outdoor
 2 seating.
 3 MAYOR SIGNORELLO: So that's where --
 4 I think that's where I'm going. Right? I don't
 5 understand what would be needed above and beyond
 6 our -- so, if Dowling's wants to have outdoor
 7 seating they need to seek a permit. I think the
 8 same would fall.
 9 So it's an area in need of
 10 redevelopment, so zoning has effectively changed.
 11 But if we have a Borough-wide ordinance that
 12 somebody needs to seek a permit for outdoor seating,
 13 this falls clearly under that.
 14 Rick, I know we have you for the land
 15 use attorney but, you know, do you want to weigh in
 16 here with some legalese?
 17 MR. SCHKOLNICK: Well, I don't know.
 18 I think that the idea is that the owner of the
 19 building, they're going to rent the restaurant and
 20 that restaurant is going to have a right to put
 21 seating there, subject to whatever permit, whatever
 22 police powers. And that may have hours of operation
 23 or noise levels or whatever else that there is.
 24 So I don't think --
 25 MAYOR SIGNORELLO: Yeah. So my view

1 is I think we're probably overthinking this a bit.
 2 I think we have our -- we have our ordinance that
 3 stipulates you need to get a permit to have outdoor
 4 seating.
 5 MR. VINEGRA: But, Mayor, they haven't
 6 -- in the Redevelopment Plan they have to supply
 7 open space. Now, technically open space is not
 8 restaurant use for open seating. That's -- that's
 9 not the same thing.
 10 There's a requirement in the
 11 Redevelopment Plan that they have to supply open
 12 space. Tables with outdoor seating and outdoor
 13 table service really doesn't fall under open space.
 14 That's why I said when they come back for a permit
 15 to make sure that it's in keeping with the
 16 Redevelopment Plan.
 17 MS. KASSETTA: If I could, we
 18 originally didn't have seating shown in the
 19 concourse. We put that there in response to the
 20 recommendation of --
 21 MR. VINEGRA: From me.
 22 MS. KASSETTA: -- one of the board's
 23 professionals.
 24 MR. VINEGRA: From me.
 25 MS. KASSETTA: I don't recall which one

1 it was.
 2 MR. VINEGRA: Yeah, from Victor
 3 Vinegra.
 4 MS. KASSETTA: So we don't have to have
 5 it. We put it in there in response to a
 6 recommendation that we received. So if it's -- if
 7 the board doesn't consider that open space, we can
 8 take the seating area back out.
 9 MR. VINEGRA: But originally you
 10 didn't have it in. We felt it was a good idea to
 11 give you the option to have outdoor dining.
 12 MS. KASSETTA: Okay.
 13 MR. VINEGRA: But, again, we don't
 14 want the entire space taken out for outdoor dining.
 15 We're just trying to differentiate what's going to
 16 be open space for the general public and what may be
 17 leased or utilized by a restaurant in the future.
 18 We wanted to give you the flexibility
 19 for outdoor dining. It's good business. It makes
 20 the area more valuable. It makes the restaurant
 21 more valuable, especially with what's going on now,
 22 people want to dine outdoors.
 23 But you want to limit how much space of
 24 this plaza becomes --
 25 MR. SCHKOLNICK: Right. And that --

1 that should be up to the governing body doing the
 2 permit.
 3 MR. VINEGRA: That's why I want the
 4 applicant -- the restaurateur to come out before
 5 the governing body and sign off on whatever outdoor
 6 permit is associated with that restaurant.
 7 MR. SCHKOLNICK: Okay. So since the
 8 open space requirement is part of the Redevelopment
 9 Plan --
 10 MR. VINEGRA: Yes.
 11 MR. SCHKOLNICK: -- the applicant will
 12 have to go, and the applicant understands they're
 13 going to need a permit for outdoor dining from the
 14 governing body. And I think they're okay with that.
 15 MS. KASSETTA: Yes.
 16 MR. SCHKOLNICK: And then the
 17 governing body will then decide the appropriate
 18 hours and the appropriate amount of space and any
 19 other control they may want to have. And we'll
 20 leave it to them to do it.
 21 MAYOR SIGNORELLO: Just to be clear,
 22 so in -- I'm going to speak as mayor, but -- I'm not
 23 the Borough attorney, but I don't -- I don't think
 24 that we would consider a one-off for this. We have
 25 an overarching rule that pertains to the entire

1 Borough.
 2 You know, before this, if we see fit to
 3 adjust it in advance of this development because
 4 it's new to us, I think we'll do that. So yes, I
 5 think the long and short of it is Meridia 10 at
 6 Roselle Park is subject to all Roselle Park laws.
 7 Is that the -- okay?
 8 MR. VINEGRA: The reason I brought it
 9 up, it is private land, it's not public land.
 10 That's why I brought it up.
 11 MAYOR SIGNORELLO: Okay. Okay, fine.
 12 So then, I think, I've got our Borough clerk here.
 13 I think we might want to look -- we'll have to look
 14 at our ordinance to make sure that that's covered I
 15 think is the feedback.
 16 Does that make sense? Good.
 17 All right, next topic.
 18 MR. VINEGRA: That's about all I have.
 19 THE WITNESS: Thank you.
 20 CHAIRMAN HARMS: Okay. Now we'll go
 21 into any comments from the Board.
 22 MEMBER BAIAMONTE: This is
 23 Paul Baiamonte. I have a few questions and
 24 comments. Well, mostly questions.
 25 Can we go back to that board that

1 you're -- the material board?
 2 THE WITNESS: Sure.
 3 MEMBER BAIAMONTE: Can you just
 4 clarify for the board and whoever is listening what
 5 Andersen -- so Andersen has many different lines,
 6 what the 100 Series is and is it consistent with
 7 whatever was agreed upon in the Redevelopment Plan?
 8 THE WITNESS: That's correct. So an
 9 Andersen -- "Andersen" being the manufacturer -- the
 10 100 Series is what they refer to as a Fibrex
 11 product. So it's a composite material. And that
 12 was discussed in the development of those design
 13 guidelines. And I believe it was accepted as an
 14 acceptable -- yes, it was an acceptable product.
 15 MEMBER BAIAMONTE: Okay. Now, that
 16 Fibrex is interior and exterior?
 17 THE WITNESS: Correct. It's to be the
 18 same material, so it's a whole frame. And from what
 19 I understand, the color actually becomes part of
 20 that material. So it's not like a paint or anything
 21 like that, it actually is part of the product
 22 itself.
 23 MEMBER BAIAMONTE: Okay. So the whole
 24 -- the whole extrusion would have to -- it can't
 25 peel? The color can't peel away from that PVC

1 extrusion, basically, or the Fibrex extrusion,
 2 correct?
 3 THE WITNESS: That is my
 4 understanding, correct, yes.
 5 MEMBER BAIAMONTE: Okay. I notice
 6 that all your -- all your notes on here says that
 7 specific material or approved equal. Now, who's
 8 approving the equal? Is that the Borough planner or
 9 some other third-party company?
 10 THE WITNESS: I imagine if we made a
 11 significant deviation, we would have to come back to
 12 the board. The only reason why we usually say "or
 13 equal" is because if that particular model or color
 14 is no longer available at the time of construction,
 15 then we would have to go to something equal to it.
 16 MEMBER BAIAMONTE: Right. And I just
 17 -- I understand. I understand. I just feel like
 18 someone, like the Borough planner, should be
 19 responsible or someone should be responsible for
 20 approving those type of equal materials.
 21 Do you have a comment on that, Victor?
 22 MR. VINEGRA: Yeah, this is Victor.
 23 Uniformity area. I think once they submit the full
 24 package of the architectural, we can place that in
 25 the architectural so they have an official sign-off

1 by me. That protects them also.
 2 MEMBER BAIAMONTE: Okay. While we're
 3 talking about materials, just a point -- just a
 4 question in terms of you have an exterior finish
 5 legend on your drawing. Is that consistent with the
 6 renderings that you have shown tonight, the 3-D
 7 renderings?
 8 THE WITNESS: I believe it is, yes.
 9 MEMBER BAIAMONTE: That was just a
 10 general... I didn't find anything. I just wanted
 11 to know whether it was.
 12 THE WITNESS: Oh, it should be.
 13 MEMBER BAIAMONTE: That's fine. The
 14 renderings are really beautiful. I think this is a
 15 nice project. Aesthetically speaking from the North
 16 Avenue side, Westfield Avenue side, I think it's
 17 going to look really nice.
 18 I'll go back to the signage real quick.
 19 Whatever verbiage needs to be in there to get
 20 uniformity, consistency with the signs and make it
 21 look more upscale, I'm all in favor of.
 22 Can you -- can you just on -- can you
 23 give us a dimension from what that rooftop space is
 24 between the fourth floor and the fifth floor that we
 25 were talking about possibly making a penthouse

1 walkout terrace?
 2 THE WITNESS: Meaning how far that
 3 area is set back from the front, so how deep that
 4 terrace would be?
 5 MEMBER BAIAMONTE: Yeah.
 6 THE WITNESS: It's roughly 25 feet.
 7 It varies because there's bump outs in the building
 8 but roughly about 25 feet deep by the ledge.
 9 MEMBER BAIAMONTE: Okay. If that
 10 became -- if those became penthouses, would the
 11 parapets need to be raised or would there be some
 12 other sort of railing system?
 13 THE WITNESS: No, the parapet is
 14 already raised above the level of the roof surface,
 15 so that it would be about the same height.
 16 MEMBER BAIAMONTE: Okay.
 17 THE WITNESS: Yeah.
 18 MEMBER BAIAMONTE: I was trying to
 19 figure out whether it changes the aesthetics of that
 20 cornice or any part of the building.
 21 THE WITNESS: No. That parapet is
 22 roughly four feet high with varying heights, so
 23 there may be some area that we have to raise a
 24 couple of inches, but it's generally within the
 25 range of the guardrail.

1 MEMBER BAIAMONTE: Okay. All right.
 2 The courtyard on the inside --
 3 THE WITNESS: Yes.
 4 MEMBER BAIAMONTE: -- is that just
 5 going to be a concrete courtyard or is there any
 6 sort of vegetation?
 7 THE WITNESS: Well, there wouldn't be
 8 vegetation in the sense of trees. There would be
 9 potted plants and things of that nature. But the
 10 surface itself would be pavers. And that was one of
 11 the requirements of the redesign standards.
 12 So they're pedestal pavers, so they are
 13 basically elevated to permit drainage below.
 14 MEMBER BAIAMONTE: Okay, very good.
 15 The courtyard. Again, your buildings
 16 are beautiful, but there seems to be a little
 17 bit -- I don't know if you're avoiding it, but
 18 there's a lack of attention to it -- the parking
 19 deck in the back. So clarify this for me, if I'm
 20 standing on Chestnut Street and looking at the
 21 courtyard, the backdrop of that courtyard are going
 22 to be horizontal bands of, I assume, precast
 23 concrete for the parking deck?
 24 THE WITNESS: It's a precast concrete
 25 parking garage, correct.

1 MEMBER BAIAMONTE: In that area -- in
2 that area, is it possible to have a -- to do
3 something with the parking deck to create a nicer
4 facade? I mean something that is consistent maybe
5 with the colors of the building or with the material
6 of the building?

7 Because you did -- you did a really
8 nice job on the front and the courtyard sides of the
9 building, I was just wondering -- I think it's going
10 to look -- that concrete band across the back is
11 going to look like a sore thumb. And if there's
12 something that we can do, or you guys can do, to
13 make it look better.

14 And, again, it may be just a suggestion
15 of using materials within that section that are
16 consistent with the -- with the building facades.
17 Go ahead.

18 THE WITNESS: So because it is a
19 precast garage, we're sort of limited in what
20 finishes can be applied to it. But what we can do
21 is look at different colors that coordinate with the
22 rest of the project. So that's something that can
23 probably get us a little bit of -- may satisfy...

24 MEMBER BAIAMONTE: We don't have a
25 drawing, right, or rendering looking through that

1 materials as the street-facing facade, same
2 treatment. And the garage entrance is really just
3 this driveway opening that you see here.

4 MEMBER BAIAMONTE: Okay.

5 THE WITNESS: And so, in reality, you
6 don't see any of that parking garage.

7 MEMBER BAIAMONTE: So I guess I'm
8 trying to figure out what, if I'm standing across
9 the street on Westfield Avenue, right, looking
10 through the plaza, what am I looking at as a
11 backdrop to the plaza; the train tracks or whatever
12 is behind that building?

13 THE WITNESS: That's right. You would
14 see the train tracks and the embankment that exists
15 today. So landscaping.

16 There's also a transformer placed. And
17 I'm just going to refer to the site plan, the
18 rendered site plan by Stonefield Engineering.

19 So if you were standing in Westfield
20 Avenue looking towards the south, so towards the
21 train tracks, you would see the landscaping and then
22 you would see we have the two transformers and
23 landscaping in front of that.

24 So you wouldn't be seeing any of the
25 parking garage. The garage would be further to the

1 courtyard?

2 THE WITNESS: Not a rendering, we just
3 -- so and, I guess, the concern would be standing
4 from where? On Westfield Avenue or on the --

5 MEMBER BAIAMONTE: I'm more concerned
6 about the -- not the Chestnut Street, sorry, where
7 the movie theater is, looking straight through the
8 courtyard, the main courtyard where the water
9 fountain is.

10 THE WITNESS: Oh. So that the -- the
11 garage would not be visible from that courtyard at
12 all because the garage is on the west side of the
13 property.

14 MEMBER BAIAMONTE: Okay.

15 THE WITNESS: So from that area you
16 would only see the building itself. So if I can
17 just go back. I apologize, I just want to get to
18 that elevation.

19 MR. SCHKOLNICK: Victor, Victor, mute
20 your microphone, please.

21 THE WITNESS: So this is Drawing A-3.
22 So this would be Building B.

23 So if I'm standing in the plaza looking
24 towards Building B, so towards the east, this is the
25 facade that you would see. So it has the same

1 west. So you don't see any of that from this area.

2 MEMBER BAIAMONTE: Okay. In your
3 opinion --

4 THE WITNESS: The only opening you
5 would see is roughly a 24-foot-wide driveway opening
6 between the two. But all the finishes that you
7 would see, if you were standing in the plaza or on
8 the street, are all the same combination, which is
9 brick with the trim and detailing and things of that
10 sort.

11 MEMBER BAIAMONTE: And that
12 drive-through or that driveway that -- where you
13 have it, like the pavement color there, that is the
14 same level as the plaza basically, right?

15 THE WITNESS: Correct. Exactly. In
16 fact, there's a drop off right here, so somebody
17 could pull over, drop off their things, walk to the
18 entrance and back. So this is all at the same
19 level.

20 I believe the grade gets a little bit
21 steeper as the landscaping begins here for the train
22 track embankment, but that's --

23 MEMBER BAIAMONTE: I guess at this
24 point is there enough landscaping there to kind of
25 make it feel like it's creating a boundary for the

1 property in the plaza and also make it more sightly?
2 Because it is currently unsightly.

3 Looking at the back of whatever
4 building is there, CVS or some sort of factory
5 building or warehouse building, seems to be a little
6 unsightly right now.

7 I was first under the impression that
8 the parking deck actually went through there, but I
9 appreciate your clarification on that. Now I'm just
10 concerned about what that backdrop is going to be in
11 general because, obviously, nobody can manage the
12 maintenance of the properties behind this particular
13 property.

14 So is there a need or is the embankment
15 enough; is there a need for some additional tall
16 screening there?

17 THE WITNESS: I would probably defer
18 that to the civil engineer but I don't see why some
19 additional landscaping couldn't be added there. I
20 think we can make -- we can add some additional
21 landscaping there.

22 MR. SCHKOLNICK: How would you
23 describe that area at the end of the plaza?

24 THE WITNESS: I would call that the
25 landscaped area to the south of the access drive

1 between Building A and B.

2 MAYOR SIGNORELLO: I actually think --
3 I didn't realize, I think that's actually kind of a
4 plus because it wasn't a hard and fast rule for me
5 but, you know, there's train tracks behind there,
6 right? And I think there is a fantasy one day that
7 that can be used as a Rails-to-Trails. And it seems
8 like that, with landscaping, things could always be
9 adjusted to allow access for Rails-to-Trails, which
10 is good. Just a comment.

11 MEMBER BAIAMONTE: So, thank you,
12 Mayor.

13 The other thing that I wanted to -- I
14 don't know how fixed you guys are in general, the
15 design team, on the fountain. But I feel -- I think
16 the fountain is a nice touch, but I kind of feel
17 that it limits the use of the public space.

18 I'm sure it becomes a maintenance issue
19 also but, and somebody correct me if I'm wrong, but
20 it seems like a more open public space for either
21 some sort of outdoor performances or art displays or
22 something in that nature may be more appropriate
23 here.

24 Especially with the social distancing
25 stuff where, you know, if you are limited to

1 interior and indoor -- and I don't know how long the
2 social distancing stuff is going to last, but moving
3 forward, if we're limited to performances indoors
4 and you're limiting the amount of seating or the
5 amount of population indoors, it seems like outdoor
6 venues may become more popular, weather permitting.

7 I just feel like the fountain is a nice
8 touch but maybe a little bit of a waste for
9 something like this versus having something -- some
10 sort of public space that is actually usable for
11 other sort of events.

12 I don't know if anybody else has a
13 comment on it?

14 CHAIRMAN HARMS: Yeah. Paul, I'm glad
15 you brought that up. I like the idea of having
16 something other than a fountain as Cranford has over
17 there and they have that, by Walnut Street there.

18 MAYOR SIGNORELLO: Little
19 amphitheater.

20 CHAIRMAN HARMS: Yeah. Just something
21 where maybe the town can have, you know, hire a band
22 or something like that like they do over there or
23 have local people. You know, anything.

24 I mean, for the kids, you could have
25 kids come out there and have a puppet show. I mean,

1 these are just ideas. Especially now when these
2 kids want to get out, they might want to come and
3 see something.

4 So I think that's a good idea. Do you
5 think you can do anything about doing something like
6 that?

7 MEMBER ROBAINA: Agreed. We have to
8 begin to adapt for change now.

9 THE WITNESS: Well, I think for the
10 sake of having some sort of focal element, we can
11 probably replace all of this with just a pavement
12 pattern, so we have some symmetry and visual
13 interest there but eliminate the fountain. And that
14 would probably just have enough flexibility where it
15 could be used for multiple purposes.

16 COUNCILMAN MATHIEU: Yeah.

17 MEMBER BAIAMONTE: So how would you --
18 I mean this has seating around it. Would you
19 continue with your -- when you figure out the
20 design --

21 CHAIRMAN HARMS: Benches.

22 MR. BAIAMONTE: Yeah, keep a more
23 focal element but have some sort seating if there is
24 an outdoor performance or
25 bring-your-own-folding-chair type of event.

A. Martinez, R.A. 77

1 MR. VINEGRA: Avelino?

2 THE WITNESS: Yes.

3 MR. VINEGRA: Victor Vinegra.

4 Would you consider putting, like we've

5 done it in the past where we've done like a small

6 stage area and had electric or redesign it with a

7 small roof?

8 Just a very small stage or a center

9 area that would have more of, again, PA system in

10 case you would need something. A small covered area

11 there.

12 THE WITNESS: So with a roof over it?

13 MR. VINEGRA: With a small roof.

14 Because they're going to have like audio-visual

15 equipment or jacks for electric.

16 MAYOR SIGNORELLO: Like a pergola kind

17 of thing?

18 MR. VINEGRA: Yeah, a pergola with

19 electric built into the stage, a small elevated

20 stage.

21 MAYOR SIGNORELLO: I kind of like

22 that.

23 THE WITNESS: I'm looking to see if

24 they have any issue with. Otherwise, that may be

25 something that could be sort of set up on, you know,

A. Martinez, R.A. 78

1 when it's needed.

2 MR. VINEGRA: We can go over it. I

3 think the town wants to go in lieu of a fountain

4 something more useful. So in case, you know, Santa

5 Claus comes around or in case somebody wants to have

6 maybe a stand up there, people can bring their

7 chairs, watch it. Not have outdoor seating for the

8 people but to have an area to set up for musicians

9 possibly or a small art show.

10 I can give you some inexpensive designs

11 we've done in the past.

12 MAYOR SIGNORELLO: I see either of

13 those options are probably easier to maintain than a

14 fountain anyway. Probably more cost efficient to

15 run would be my guess.

16 I'm just following here, because I do

17 like this idea. You know, the other thing is you

18 could have it sort of, to keep it focal, make that

19 center part a little bit lower than the rest. You

20 know, and when you think about an amphitheater, it

21 doesn't have to be a true amphitheater, but you just

22 have to step down a foot or two. Right? And then

23 you have some ingrained seating there, you know,

24 like on the ground. Yeah, exactly.

25 MEMBER ROBAINA: Much like the design

A. Martinez, R.A. 79

1 in Cranford.

2 MAYOR SIGNORELLO: Yeah.

3 CHAIRMAN HARMS: Colosseum.

4 MAYOR SIGNORELLO: Exactly. That's

5 exactly...

6 CHAIRMAN HARMS: Benches I think would

7 be better.

8 COUNCILMAN MATHIEU: And this will

9 bring more business to the restaurants, in my

10 opinion, so...

11 MAYOR SIGNORELLO: Yeah, you could

12 have events there instead of...

13 COUNCILMAN MATHIEU: Yeah.

14 MR. VINEGRA: Avelino, are you

15 familiar with where the clock is in Downtown

16 Cranford?

17 THE WITNESS: I am, yes.

18 MR. VINEGRA: Okay. So something

19 similar to that which has some electric built in.

20 THE WITNESS: Right. Yeah, that's

21 something we can look at. I mean, I understand.

22 The concern with the fountain is, aside from the

23 maintenance issue, is just that it limits us in what

24 can be done.

25 So I would say for sure that we can

A. Martinez, R.A. 80

1 definitely just have an even-surface area or we can

2 do different things, or we can have the recessed

3 area as well. I would just want to confirm that

4 with the applicant.

5 MR. SCHKOLNICK: Guys, Chairman, can I

6 make a recommendation? I think --

7 CHAIRMAN HARMS: Go ahead.

8 MR. SCHKOLNICK: -- we have the

9 general gist but there's going to be a lot of

10 different ideas. I could get a condition of the

11 approval where we can work with the applicant,

12 hopefully reach agreement with everybody so that

13 they don't have to come back. I know they don't

14 want to have to come back.

15 But I don't think the planning board is

16 the appropriate forum to consider a series of design

17 changes that are aesthetic. So I think we got the

18 gist, we have the basic gist, and we can try to have

19 the applicant come up with something and have the

20 planner review it and get -- have the planner give

21 some input.

22 CHAIRMAN HARMS: I agree. We can have

23 the planner --

24 MAYOR SIGNORELLO: The planner.

25 CHAIRMAN HARMS -- we can leave it to

1 the planner to sit down with the applicant and go
2 over some ideas.

3 I would like to have down there that
4 they actually look for that kind of a sunken area,
5 like Cranford has over there, have one or two steps
6 down in here, just so the kids could sit around the
7 steps or whatever it might be if we do have
8 something there.

9 So I like that idea more than anything
10 else but we'll leave it to the planner and the
11 applicant to come up with an idea.

12 MEMBER ROBAINA: And, Chairman, we can
13 also make that a condition -- we can offer
14 flexibility regarding the rooftop terrace access for
15 the applicant --

16 MR. SCHKOLNICK: Yes.

17 MEMBER ROBAINA: -- in lieu of that
18 fountain?

19 MR. SCHKOLNICK: Yes.

20 MEMBER ROBAINA: Okay.

21 CHAIRMAN HARMS: Well, yeah. And I
22 have no problem with that, but the thing is is that
23 we're giving them a little bit of a break to
24 maintain that fountain too. So we have to watch
25 what we give away to get something that we are

1 I think these are amenities -- they are not
2 amenities, sorry. These are the type of businesses
3 we want to see in Roselle Park. I don't know
4 how -- I mean, so we have the assurances essentially
5 as mayor and council, any deviations from the
6 Redevelopment Agreement as it stands now we can fine
7 the developer up to -- is it \$1,000 a day, right?
8 So we do have those mechanisms to -- you know, we
9 have the stick for deviations from this.

10 So I guess, is -- is -- maybe this is
11 the question, is does the developer have in mind for
12 the fitness room and for the business center that:
13 a) there will be some access to the greater Roselle
14 Park community; and b) do they have in mind I guess
15 another -- some tenant there? I don't really know.
16 I'm probably phrasing the question poorly.

17 MS. KASSETTA: Mayor, in response to
18 that, they haven't determined the operator yet,
19 whether it will be something like an Orangetheory,
20 whether it will be operated by them. It will be
21 open to the public.

22 And I was trying to think of ideas
23 while we were proceeding with the testimony on how
24 we could assure you. And I think one thing, as I
25 mentioned before, is that there are signs proposed

1 saving them already. That's all.

2 MEMBER ROBAINA: Okay.

3 MR. SCHKOLNICK: Okay.

4 CHAIRMAN HARMS: Any other board -- I
5 do have some but I'm waiting for the board. I just
6 have some questions on the bedrooms.

7 MAYOR SIGNORELLO: Can we just
8 quick --

9 COUNCILMAN MATHIEU: I was going to
10 ask that too, Chairman.

11 MAYOR SIGNORELLO: I know we wanted to
12 come back on the retail space and the fitness room,
13 is now the time --

14 CHAIRMAN HARMS: Mic's off.

15 MAYOR SIGNORELLO: Son of a gun.

16 So I know we wanted to come back to the
17 fitness room and the business center. Is now the
18 time to talk about that?

19 CHAIRMAN HARMS: Well, let's get it
20 done.

21 MAYOR SIGNORELLO: Yeah. I don't know
22 if -- I think a representative, the attorney for the
23 applicants, had some commentary on that. I don't
24 know if we can address that, or if -- if...

25 I mean, I just think the concern is, is

1 for both of these uses. We could agree to
2 incorporate something in the signage to say that
3 they're open to the public. So that's an idea.

4 We could agree as a condition to
5 provide documentation to the board, or the Borough,
6 once the operator is determined, giving all of the
7 specifics, including what kind of fees would be
8 charged to the public, say, to use the gym, or for a
9 WeWork space, you know, what kind of rent would be
10 charged to people that want to use that space.

11 The other thing I was thinking of, I'm
12 not sure about Roselle Park but if individual
13 certificates of occupancy need to be issued for each
14 commercial space within this building, the Borough
15 would be able to track it that way.

16 MAYOR SIGNORELLO: Yeah. Okay, I'm
17 good. I like the signage idea. I think within the
18 signage.

19 I think that's probably just one extra
20 little, you know, fail-safe we have, which makes me,
21 I think -- I'll be honest with you, it's less of a
22 concern of mine. I think we have the mechanisms in
23 place. It's just something that, you know, as mayor
24 you hear every little thing that could potentially
25 go wrong, and I think this is the loudest that I've

1 heard from the community in terms of feedback.
 2 So, look, I can sleep well at night. I
 3 think we have what we need. I just would have been
 4 remiss if I didn't mention it.
 5 MS. KASSETTA: Thank you.
 6 MAYOR SIGNORELLO: Yep.
 7 CHAIRMAN HARMS: Okay. Back to my
 8 questions on the bedrooms. You have 1A, 1B, 2C,
 9 whatever it might be, the ones that have the
 10 den -- can you mute that, Mayor?
 11 MAYOR SIGNORELLO: Oh, sorry.
 12 CHAIRMAN HARMS: On this den, is it a
 13 wide space, four-foot space, 36-inch space where you
 14 can put a door up?
 15 Although you say there's no egress
 16 windows, still it can become a bedroom. I'm
 17 concerned.
 18 COUNCILMAN MATHIEU: I agree,
 19 Chairman.
 20 CHAIRMAN HARMS: Also the lofts, how
 21 big are the lofts? Because on your drawing it
 22 showed, you know, that up there, but it doesn't give
 23 any detail of what kind of height is the wall going
 24 to be so you don't fall off? How big is the loft?
 25 Does that become a bedroom, so your

1 two-bedroom becomes a three-bedroom now?
 2 THE WITNESS: No. So to answer the
 3 last question first, the height of that space is
 4 approximately 16 to 18 feet, that two story space.
 5 We don't have the layout finalized
 6 because we're still going back and forth with that.
 7 But just to be clear, that will be a one-bedroom.
 8 So there is additional living space downstairs but
 9 the bedroom is upstairs. So there's no, like, you
 10 know, second bedroom or second room. That's a
 11 one-bedroom with a loft, the majority of which is
 12 two-story, and a portion of that is the loft above.
 13 CHAIRMAN HARMS: So that's like a
 14 sitting room-type thing that you would use --
 15 THE WITNESS: Exactly.
 16 CHAIRMAN HARMS: -- or an office
 17 space, if that's what they were going to use it for
 18 too?
 19 THE WITNESS: Correct. So that living
 20 area on the first floor would be larger.
 21 And in terms of -- there would be a
 22 guardrail, we do require a guardrail, 42 inches
 23 minimum, and that's what we'll have.
 24 So in terms of the one-bedroom with a
 25 den, I'm not sure how we keep somebody -- I mean,

1 outside of just a management situation where I think
 2 we heard testimony at the last hearing with regard
 3 to the Latch system that the applicant uses for
 4 their door system. They can control how many people
 5 are coming in and out and ensure that it won't
 6 actually be a two-bedroom unit.
 7 The only other measure we can take is
 8 just to ensure there's no closet in that room so --
 9 CHAIRMAN HARMS: I was just going to
 10 say, that's a good idea. That's how I would suggest
 11 you do something, where there's no closet in there
 12 so, you know, they would have it.
 13 I'm just concerned about these bedrooms
 14 because our school system is probably going to be
 15 hit somewhat with all the development going on in
 16 town. And I just want to ensure that the
 17 one-bedrooms stay one-bedrooms and the two-bedrooms
 18 stay two-bedrooms, and we don't have five or six
 19 children in this two-bedroom living in, you know,
 20 taking that den and making it into another third
 21 bedroom.
 22 That's all.
 23 COUNCILMAN MATHIEU: Excuse me,
 24 Chairman. Council Mathieu here.
 25 Can I just make a short comment,

1 please?
 2 CHAIRMAN HARMS: Sure. Go ahead.
 3 COUNCILMAN MATHIEU: Thank you. From
 4 what I recall, I think our Redevelopment Agreement
 5 had a breakdown of the bedroom -- you know, the
 6 unit-count breakdown.
 7 So could you, Avelino, maybe verify
 8 what the breakdown is again?
 9 THE WITNESS: So I can easily verify
 10 what my breakdown is and then I can just go back and
 11 ensure that we have complied with the -- well, I
 12 know we did comply with the Redevelopment Plan but I
 13 can --
 14 COUNCILMAN MATHIEU: Sure. Yeah, if
 15 you can just verify what breakdown you have --
 16 THE WITNESS: Yeah.
 17 COUNCILMAN MATHIEU: -- and what you're
 18 proposing in this plan.
 19 THE WITNESS: All right. Our current
 20 breakdown is -- I apologize. So we have 15 studios,
 21 225 one-bedrooms, 32 one-bedroom plus den, and 53
 22 two-bedrooms for the total of 325.
 23 If my memory serves me, I think it was
 24 the Redeveloper's Agreement which listed a maximum
 25 number of two-bedroom units and the balance required

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1 to be ones and twos.

2 COUNCILMAN MATHIEU: So the

3 one-bedroom plus den is how many again? I'm sorry.

4 THE WITNESS: Total of 32 on the

5 project.

6 COUNCILMAN MATHIEU: 32, okay.

7 THE WITNESS: Under 10 percent.

8 COUNCILMAN MATHIEU: All right. Not

9 terrible.

10 I would say, absolutely, just like

11 Chairman Harms said, we want to be assured that,

12 yeah, these don't convert into anything else other

13 than I guess storage or a library or something like

14 that, or an office, something like, you know,

15 whatever.

16 CHAIRMAN HARMS: No, I agree. I

17 agree.

18 COUNCILMAN MATHIEU: Okay.

19 THE WITNESS: So just reading from the

20 Redevelopment Agreement, the maximum permitted would

21 have been 125 two-bedrooms where we're currently

22 proposing 53.

23 MR. VINEGRA: Yeah, that's correct.

24 COUNCILMAN MATHIEU: Right. Right.

25 Thank you. Thank you, Avelino.

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1 MR. VINEGRA: Yeah, real quick in my

2 report, on Page 6 -- this is Victor Vinegra with

3 Harbor Consultants -- we have a breakdown that they

4 are much lower than the permitted amount in the

5 redevelopment agreement. And the permitted amount

6 is 125 for two-bedrooms, they're at 53.

7 So their density, their bedroom count

8 is lower than permitted. And normally when they

9 lease these buildings, and I have been in lease

10 meetings and I have visited these buildings after

11 they have been constructed. I have been in a number

12 of different buildings. The people who give you the

13 tours are very specific that you can't rent these

14 for bedroom occupancy. So for now I've been seeing

15 that most of these developers have been keeping with

16 their approvals.

17 CHAIRMAN HARMS: Okay. Is there

18 anybody on the board, have any other questions or

19 any comments?

20 All right. Hearing none, at this time

21 we'll open it up to the public.

22 Rich, can you handle that, of how we

23 did it last -- last meeting?

24 MR. SCHKOLNICK: Sure. So members of

25 the public, James, our operator -- I think it's

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1 James -- can you help us on how we did that?

2 We know you can send an e-mail in in

3 accordance with the notice to Mr. Casais. We know

4 that you can just call in. The phone number has

5 been provided.

6 Allyson, can you read that phone number

7 again that's on the notice?

8 MS. KASSETTA: Give me a moment. I

9 don't have it in front of me -- actually, James

10 might have it handy.

11 MR. KINOSIAN: Yeah, I have it, if you

12 would like me to read it off?

13 MR. SCHKOLNICK: Yeah, could you read

14 it twice slowly and then we're going to keep the

15 mikes open to make sure we have sufficient

16 opportunity.

17 And this is for any member of the

18 public to ask a question of any witness, tonight's

19 witness or last week's, or make a comment.

20 MR. KINOSIAN: Yes, the phone number

21 is (571) 317-3122. And the access code is

22 307-073-781.

23 MR. SCHKOLNICK: And can you just read

24 that one more time, please.

25 MR. KINOSIAN: Sure. The phone number

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1 is (571) 317-3122. And the access code is

2 307-073-781.

3 MR. SCHKOLNICK: Okay. Now

4 everything's Zoom, is there a way to ask a question

5 here at all on this platform?

6 MR. KINOSIAN: Yeah, there is an

7 option. There's a link up on the top right that you

8 can pose a question, too, if you wanted and it's

9 seen by everybody.

10 MR. SCHKOLNICK: And you can also send

11 an e-mail to Mr. Casais.

12 Is there anybody on the line that would

13 like to ask a question or make a comment from the

14 public?

15 Let's just give a minute. Okay.

16 CHAIRMAN HARMS: Rich, what we'll do,

17 what we'll do also is we'll let the public know if

18 they really couldn't get in, had a hard time or

19 whatever it might be, they can always send it to

20 Andrew Casais an e-mail and he can pass it onto

21 myself and we will try to get whatever question they

22 have answered by the applicant.

23 MR. SCHKOLNICK: Right. And, Allyson,

24 can you read that e-mail? Did you find it? I have

25 it too.

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1 MS. KASSETTA: No, I don't have the
 2 notice in front of me.
 3 MR. SCHKOLNICK: Okay. I can -- I
 4 think I do. We just want to give a couple of
 5 minutes here.
 6 CHAIRMAN HARMS: Andrew's e-mail
 7 address is acasais@rosellepark.net. I'll repeat
 8 that again: acasais@rosellepark.net.
 9 So if anybody in the public couldn't
 10 get in tonight, couldn't get on the phone or
 11 whatever it might be, send Andrew an e-mail asking
 12 your question. He will get it to myself and we will
 13 get an answer, the best we can, from the applicant.
 14 MR. SCHKOLNICK: Okay. Chairman, I
 15 think we may be done with this witness for now.
 16 CHAIRMAN HARMS: Yes, we are.
 17 MR. SCHKOLNICK: We have one more
 18 witness, the planner.
 19 CHAIRMAN HARMS: We did the planner
 20 already.
 21 MR. SCHKOLNICK: We didn't do the
 22 planner.
 23 CHAIRMAN HARMS: We didn't do the
 24 planner?
 25 MR. SCHKOLNICK: We didn't do the

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1 planner.
 2 CHAIRMAN HARMS: We did Victor.
 3 MR. SCHKOLNICK: Well, we did our
 4 planner.
 5 CHAIRMAN HARMS: Oh, their planner.
 6 Okay.
 7 MR. SCHKOLNICK: We didn't do their
 8 planner, so...
 9 CHAIRMAN HARMS: Okay.
 10 MR. SCHKOLNICK: Do you want to take a
 11 break or plow through? We still need to do the
 12 planner.
 13 MS. KASSETTA: If it's okay with the
 14 board, I would ask that we take a short break before
 15 we get into the planning testimony.
 16 CHAIRMAN HARMS: All right. What time
 17 do we have?
 18 MAYOR SIGNORELLO: 7:47.
 19 CHAIRMAN HARMS: 7:47. How about --
 20 MAYOR SIGNORELLO: 7:55?
 21 CHAIRMAN HARMS: -- 7:55.
 22 MR. SCHKOLNICK: Okay. So we're going
 23 to take an eight-minute break and reconvene at 7:55.
 24 CHAIRMAN HARMS: Yeah. We'll take an
 25 eight-minute break and we'll be back at 7:55.

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1 MR. SCHKOLNICK: Okay, thank you.
 2 MS. KASSETTA: Thank you.
 3 MR. SCHKOLNICK: Don't forget -- don't
 4 forget to mute.
 5 (A recess is taken.)
 6 CHAIRMAN HARMS: Okay. We're going to
 7 start back up again.
 8 Is everybody back on? I might be a
 9 minute early, but that's all right.
 10 CHAIRMAN HARMS: Okay. We're going to
 11 start back up again.
 12 Is everybody back on? I might be a
 13 minute early, but that's all right.
 14 Rich, we have to swear in the planner?
 15 MR. SCHKOLNICK: Okay. We have Ms.
 16 Gregory. Are you ready?
 17 MS. GREGORY: Yes.
 18 KATHRYN GREGORY, P.P.,
 19 having been duly sworn, testifies as follows:
 20 MR. SCHKOLNICK: Thank you.
 21
 22 DIRECT EXAMINATION
 23 BY MS. KASSETTA:
 24 Q. And, Ms. Gregory, would you give the
 25 board the benefit of your educational background and

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1 K. Gregory, P.P.
 2 qualifications, please.
 3 A. Yes. I am a licensed professional
 4 planner in the State of New Jersey and have been so
 5 for 20 years. I'm a principal of Gregory
 6 Associates, which is located in Fort Lee, New
 7 Jersey. I have been testifying for the last
 8 20 years throughout the State of New Jersey.
 9 I have not had the pleasure of
 10 testifying in Roselle Park but I'm happy to do so
 11 tonight, as I actually grew up in Union, right next
 12 door to Roselle Park in five points. So it's kind
 13 of bringing me back to my roots. And I'm very, very
 14 familiar with Westfield Avenue.
 15 Q. Thank you.
 16 MS. KASSETTA: Mr. Chairman, will the
 17 board accept her as an expert?
 18 CHAIRMAN HARMS: Yes, we will unless
 19 there's somebody on the board that says no, instead
 20 of going and asking everybody.
 21 Okay, you can proceed.
 22 MS. KASSETTA: Thank you.
 23 BY MS. KASSETTA:
 24 Q. Ms. Gregory, just a foundational
 25 question. You prepared a report in advance of this
 hearing, correct?

K. Gregory, P.P. 97

1 A. Yes, that is correct.

2 Q. And that was dated April 16th, 2020?

3 A. Yes.

4 MS. KASSETTA: And just so the board

5 knows, that was made available on the Stonefield

6 link, in case anyone went and looked at it in

7 advance.

8 So if Ms. Gregory refers to a report in

9 her testimony, that's what she was referring to.

10 And I will not interrupt her any further.

11 MR. SCHKOLNICK: Allyson, I don't

12 think I saw that report. If you can email it to me,

13 if that's possible?

14 MS. KASSETTA: Sure.

15 MR. SCHKOLNICK: For Stonefield, I

16 don't think I ever saw that.

17 MS. KASSETTA: No problem.

18 And, I'm sorry, before we move on, we

19 should mark that Exhibit A-7.

20 So, Avelino, do you still have control

21 of the screen?

22 THE WITNESS: Actually I do.

23 Q. Oh you do?

24 A. Yes.

25 Q. Okay. So can you mark it Exhibit A-7?

K. Gregory, P.P. 98

1 A. Yes.

2 (Exhibit A-7, report prepared by

3 Kathryn Gregory, P.P., dated 4-16-20, is

4 marked.)

5 MR. SCHKOLNICK: Okay, are we ready for

6 Ms. Gregory's testimony?

7 CHAIRMAN HARMS: Let's start.

8 THE WITNESS: Okay, great.

9 So we're here tonight requesting only

10 one bulk variance associated with this redevelopment

11 application. I'm not going to go through all the

12 details of the site itself and the building and

13 whatever. There has been a lot of extensive

14 testimony about that, so I'll get straight to the

15 point.

16 We're seeking a sideyard variance and

17 an on your screen what you will see is I pulled up

18 the site plan. I'm going to point where that side

19 yard setback variance is required.

20 As you will see right here we have the

21 corner of the building. We have a 2.7 foot --

22 excuse me, setback where five feet is required. So

23 that is the only variance that is required. So that

24 is the only variance that is required for

25 this application.

K. Gregory, P.P. 99

1 According to the variance proofs under

2 the bulk variance or a "c" variance, there's two

3 types, the c(1), the c(2). The c(1) has to do with

4 unique features of a property, and the c(2) is

5 founded in the purposes of zoning.

6 I would say here we actually have a

7 flexible c(1)/c(2). We have, obviously, an

8 irregularly shaped lot. We have a portion of a lot

9 that is much narrower in the rear portion than it is

10 in the bulk portion. And with that said, we have an

11 exceptional location right here where what we're

12 talking about here is a very short span of the

13 building that is only 2.7 feet back.

14 So when you take a look at this you

15 also have to look at Lot 2, which is located in the

16 front here. And you will notice that there happens

17 to be a stream bed culvert that's located right

18 here. When you take a look at the aerial photograph

19 you will see that this lower right-hand portion of

20 the site is not developed.

21 Obviously, there's not really any

22 access to back here, so it's likely that this will

23 never be developed. So, in effect, this acts --

24 this area on the adjacent lot actually does act as a

25 buffer. So I do believe that we have some reasons

K. Gregory, P.P. 100

1 to grant the variance.

2 In terms of the positive criteria,

3 which is rooted in the purposes of zoning, we meet

4 several of the purposes of the Municipal Land Use

5 Law. These are outlined on Page 3 of my report.

6 They include Purpose A, which talks about promotion

7 of the public health, safety, morals and general

8 welfare.

9 And the reason I say that is because

10 there is a court case called, Anfuso v. Seeley, that

11 talked about if you promoted a state goal then you

12 promoted the general welfare. And essentially

13 Roselle Park is located in Planning Area 1 in the

14 state plan, where the idea is that you are to

15 build -- redevelop in areas with existing

16 infrastructure. And that's what we're doing here.

17 Obviously there's existing infrastructure. There's

18 water. There's sewer. There's roads. So we are

19 redeveloping a site in accordance with those goals

20 and objectives of the State Plan.

21 Just as well I believe that we are

22 providing adequate light, air and open space, which

23 is Purpose C. Even though we do have a 2.7-foot

24 setback I don't believe that that's going to impact

25 any adequate light, air and open space on this or

K. Gregory, P.P. 101

1 any adjacent properties.

2 I also believe you are promoting

3 Purpose E, which talks about the promotion of

4 appropriate population densities. We are in

5 concert with -- excuse me, we comply with the

6 density requirement that is located in the

7 Redevelopment Plan.

8 We also promote Purpose G, which talks

9 about promoting sufficient space in appropriate

10 locations for a variety of uses, which is what we're

11 doing here, which is mixed-use development.

12 And lastly, we promote Purpose I, which

13 I also think is a very important one, we promote a

14 desirable visual environment.

15 Obviously we're taking a defunct

16 commercial site that has been vacant for

17 approximately 12 years, and we're providing a

18 state-of-the-art mixed-use development where it's

19 really going to be vibrant for the surrounding

20 community.

21 In terms of the negative criteria, I

22 don't believe there's any substantial detriment to

23 the public good or any substantial impairment to the

24 zone plan and zoning ordinance. In fact, obviously

25 I believe this project is going to be a benefit to

K. Gregory, P.P. 102

1 the public good because I do believe it's going to

2 spur other redevelopment in the area where it may be

3 needed.

4 In terms of your zone plan and zoning

5 ordinance, that's really the Redevelopment Plan.

6 And I do believe that we promote the general goal of

7 the Redevelopment Plan which is:

8 "To promote a mixed-use development of

9 retail and multi-family housing consistent

10 with a comprehensive strategy creating

11 commercial and residential opportunities to

12 take advantage of mass transit access to

13 a sustainable commercial and residential

14 development supporting the population of the

15 surrounding area."

16 And that's exactly what we're doing

17 here. We're providing a transit-oriented

18 development. The train station is only a half a

19 mile away, which is approximately a ten-minute walk.

20 So, therefore, I do believe that we

21 promote both the positive and the negative criteria

22 for the granting of the variance associated with

23 this application.

24 Q. Thank you very much.

25 MS. KASETTA: No follow-up questions

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1 from me.

2 MR. SCHKOLNICK: Ms. Gregory, just to

3 make clear, you're offering that on the c(1)

4 criteria because of the peculiar shape and the c(2);

5 so either/or you're suggesting the board could find,

6 or both, of course?

7 THE WITNESS: Yes, that is correct

8 MR. SCHKOLNICK: Got it. Got it.

9 Okay, thank you.

10 Chairman, I think we can open up to the

11 board members and then the public.

12 CHAIRMAN HARMS: Yep. Again,

13 any -- any questions from the Board on --

14 MR. SCHKOLNICK: Ms. Gregory, can you

15 just give us the length of the deviation over there?

16 I don't think I heard that. I appreciate it's not

17 the full part of the -- the flag part of the lot.

18 THE WITNESS: I might need some help

19 from the engineers right now. Can any one of the

20 engineers measure that out? Because my printout is

21 only 11-by-17 and, I apologize, so I don't know that

22 I have the proper scale on my paper copy.

23 MR. SCHKOLNICK: Okay. If you can

24 give that to us. I think the board appreciates, the

25 deviation is not for that entire length in that

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1 spot.

2 THE WITNESS: Yes, that's correct.

3 And just as well, just to repeat myself, it's also

4 not even located adjacent to where the development

5 is on the other property because that corner of the

6 adjacent property is not developed at all.

7 MR. SCHKOLNICK: I think everybody

8 appreciates that. Effectively you have the buffer

9 because it's not developable over there in that

10 spot.

11 THE WITNESS: Correct.

12 MR. SCHKOLNICK: You have -- you're

13 only short 20 something inches, 2.3 feet, so -- and

14 you have it over there, so...

15 CHAIRMAN HARMS: Okay. We'll get

16 that, we'll get that measurement soon enough.

17 We have done the public portion, Rich.

18 I'm going to give one more chance for them to call

19 in or send an email to Andrew.

20 MR. SCHKOLNICK: Okay.

21 CHAIRMAN HARMS: So, again, that

22 number again? I don't have the number.

23 MR. KINOSIAN: I can read it off.

24 CHAIRMAN HARMS: Okay, please.

25 MR. KINOSIAN: That phone number is

1 (571)-317-3122. And the access code is 307-073-781.
 2 CHAIRMAN HARMS: Okay. And if you want
 3 to send an email to Andrew, it is
 4 acasais@rosellepark.net. That's A-C-A-S-A-I-S
 5 @rosellepark.net.

6 And we're just going to wait a minute,
 7 Rich, and then we'll go around and ask the board.

8 MR. SCHKOLNICK: Okay. And, James,
 9 can you just repeat again, if somebody wants to ask
 10 a question through the video platform, how do they
 11 do that? How do they raise their hand?

12 MR. KINOSIAN: Yes, they can unmute
 13 themselves and raise their hand and they can talk
 14 then and pose a question, or there's also -- there's
 15 also a small little chat forum, a chat bubble in the
 16 top right that you could select and post a comment,
 17 as well.

18 MR. SCHKOLNICK: Okay. So they can
 19 just unmute themselves, to make it clear; they can
 20 unmute?

21 MR. KINOSIAN: They can.

22 MR. SCHKOLNICK: Any member of the
 23 public, this is the time to either ask a question of
 24 Ms. Gregory or make a comment in any way on this
 25 application.

1 So, just to sum it up while we're
 2 waiting, there's four ways: You could use the
 3 function you just mentioned; you can unmute
 4 yourself; you can call into a phone number or you
 5 can email to the email address. We set four
 6 different ways to cross-examine the witness or to
 7 make a comment about the application.

8 And, board members, obviously, this is
 9 something new, but this is the way to protect
 10 everybody's due process rights to a fair hearing.
 11 So there's four separate ways to have an opportunity
 12 to be heard, either through a question or a comment,
 13 on anything to do with the application or any
 14 witness at this time.

15 Do we have anybody?

16 MR. CASAIS: Rick, for the record, we
 17 have not received any emails.

18 MR. SCHKOLNICK: Okay.

19 MR. CASAIS: I have continued to
 20 monitor the emails throughout this process.

21 MR. SCHKOLNICK: Okay. Thank you,
 22 Andrew. We appreciate that.

23 Okay, Chairman.

24 CHAIRMAN HARMS: All right. At this
 25 time, if we don't have anybody on the board have any

1 questions or any comments, I would ask for a motion
 2 to --

3 COUNCILMAN MATHIEU: Chairman?

4 CHAIRMAN HARMS: Yes.

5 COUNCILMAN MATHIEU: Hey, Councilman
 6 Mathieu here.

7 CHAIRMAN HARMS: Go ahead.

8 COUNCILMAN MATHIEU: Question and
 9 comment.

10 So, you know, tonight we, you know, we
 11 had a lot of recommendations and requests. I think,
 12 in my opinion, you know, the applicant should just
 13 at least show us something before, you know, we --
 14 we would fully, you know, sign off on this
 15 eventually.

16 I know we're just introducing this
 17 right now but, I think, you know, just with how the
 18 back wall is going to look at least, and the garage,
 19 I mean just -- you know, when it comes to aesthetics
 20 of the buildings. I was always under the
 21 understanding, because we did this with Romerovski,
 22 we asked to just, you know, we asked them to revise
 23 the way the exterior of the building looked, and
 24 then they revised it and showed us something new.

25 So I just think -- I think the board

1 just deserves a -- just a chance to at least see it
 2 at some, you know, at some point of time.

3 MAYOR SIGNORELLO: So, Rob, the other
 4 way to cut it, which I think is Vic's suggestion --
 5 hold -- hold on, one second.

6 -- which, stop me if I'm wrong, Vic, I
 7 think the suggestion that was on the table before is
 8 to have the planner okay it, and then, obviously, as
 9 councilman and land use board member you would be
 10 able to opine on those aesthetic aspects.

11 I think the outstanding issues, so
 12 we've seen the -- we've seen the colors for most of
 13 the building. I think it's the back side of the
 14 building that Vic has looked for details on and the
 15 public plaza part of it. And then what we would do
 16 is, you know, should the board move to sign off, it
 17 would be subject to that part being approved by the
 18 planner at a later date.

19 MR. VINEGRA: I like what the Mayor is
 20 saying. I really like the renderings that Avelino
 21 has generated. I like his color palette. I like
 22 everything he has chosen. I'm just looking for a
 23 little detail in the back.

24 And I think, as long as Avelino matches
 25 the color palette he shows here on this application,

1 and matches that with the outdoor plaza, I feel
 2 comfortable reviewing it and just signing off as the
 3 planner. But, you know, I will tell you what I'm
 4 doing. I will show you what I'm doing, to the board
 5 member.
 6 COUNCILMAN MATHIEU: Of course. No,
 7 I'm just putting that option out for the board if
 8 they feel that they want to be able to see that. I
 9 mean, if everyone is okay to defer to the
 10 professionals, so be it, you know.
 11 MAYOR SIGNORELLO: Okay.
 12 CHAIRMAN HARMS: Okay. Mr. Kolbeck,
 13 you have a -- you wanted to make a comment?
 14 MEMBER NITCHE: I kind of agree with
 15 what Rick was proposing, that he was going to --
 16 MR. KOLBECK: Can you hear me?
 17 MEMBER NITCHE: Can you hear me?
 18 CHAIRMAN HARMS: Yeah. Hold on. Hold
 19 on. Hey, Kev?
 20 MAYOR SIGNORELLO: Al Nitche was
 21 talking first.
 22 CHAIRMAN HARMS: Al Nitche was talking
 23 first. Finish up, Al.
 24 MEMBER KOLBECK: He has the floor.
 25 CHAIRMAN HARMS: He has the floor.

1 MEMBER NITCHE: Let me finish it
 2 because I may lose it.
 3 I think Rick's idea of having a punch
 4 list, and I, quite frankly, I would make the motion
 5 that we approve this, contingent on Rick's punch
 6 list being met, where he had I think he said
 7 something like 20, 15 or 20 items, that needed, just
 8 for clarity and understanding to be checked off.
 9 P.S., I think we should approve it, keep the ball
 10 rolling. Let Rick's, again, suggestions and then --
 11 you know, quite frankly, that's what we pay a
 12 professional for, to dot the I's and cross the T's
 13 -- and let's keep this ball rolling. How many years
 14 has it been?
 15 CHAIRMAN HARMS: I agree.
 16 So what I will do, Al, is I will take
 17 that as a motion to approve with the conditions that
 18 Rich has come up with -- and we'll have him read
 19 them off the best he can -- and then I will have a
 20 second.
 21 But, before I do that, Mr. Kolbeck?
 22 MEMBER KOLBECK: Yeah. I'm sorry, I
 23 didn't speak all night long, I'm having problems
 24 with my computer.
 25 But I'm sitting here listening, I'm

1 reading and watching everything, everything looks
 2 great. You know, we talked about the chairs and the
 3 dining area. And the good idea as far as, like,
 4 trying to eliminate the water fountain back there
 5 and do something like they did in Cranford.
 6 But my suggestion, my own, is it
 7 possible that somewhere back there when they design
 8 that and they build it, what is the chances of
 9 getting like an American flag put back there high
 10 enough? Like some kind of American flag.
 11 I, personally, would like to see that
 12 in this town here, if that's possible somewhere
 13 along the line when you're building something in the
 14 back, an American flag.
 15 CHAIRMAN HARMS: Why put it in the
 16 back? Let's put it in the front.
 17 MR. SCHKOLNICK: Well why don't we do
 18 this --
 19 MEMBER KOLBECK: Because you have that
 20 -- you're having that indentation in the back there
 21 where that little monument is at, you're going to
 22 build a recess in, it would be perfect to put a flag
 23 right dead center of that, Chairman.
 24 It probably would be nice in the front.
 25 CHAIRMAN HARMS: Right. And let's ask

1 the architect what they think they can come up with.
 2 MR. SCHKOLNICK: Let me make this
 3 suggestion, why don't -- why don't we put that as a
 4 best efforts?
 5 I think the applicant has come a long
 6 way and we'll put in their best efforts, that
 7 they're going to make their best efforts for a
 8 flagpole.
 9 CHAIRMAN HARMS: Well, if they make
 10 best efforts, I think they can come up with a way to
 11 do it, then.
 12 MR. KOLBECK: And this project, too,
 13 has been long overdue, so I think it's going to
 14 benefit this town --
 15 CHAIRMAN HARMS: Yep.
 16 MR. KOLBECK: -- in every way.
 17 CHAIRMAN HARMS: Okay.
 18 MR. SCHKOLNICK: So here is what I'm
 19 hearing, I'm hearing that we're going to -- we're
 20 going to entertain more specifically a motion for
 21 preliminary and final site plan approval. And then
 22 within a week's time, within a week, I should have
 23 for you a resolution, and it's going to be quite
 24 specific with all the conditions.
 25 I don't think I can really read them

1 off because they're in all the different reports.
2 But within about a week you will have a draft.

3 CHAIRMAN HARMS: Okay.

4 MR. SCHKOLNICK: Everything in the
5 planner's report, the fire department, being very
6 specific about when do things have to be done. And
7 we can even have a provision in there that they have
8 to provide a certification that it has all been
9 satisfied.

10 And we'll all have a chance to look at
11 that and then we can reconvene for a couple of
12 minutes during our regular meeting, I think it's two
13 weeks from tonight, and they can have their
14 resolution.

15 And, of course, I will distribute that
16 to our engineer and our planner and the applicant to
17 take a look at it, but I can do that this week. And
18 main thing is the -- is the conditions of approval.
19 That's the main thing we want to be looking at.

20 CHAIRMAN HARMS: Right. Okay, so
21 right now I have a motion to approve with
22 the -- also with the waiver of the sideyard setback
23 with your -- how do I say it, Rich, with all of your
24 notes that you have to be put in this resolution?

25 MR. SCHKOLNICK: Yes.

1 CHAIRMAN HARMS: So, Al, is that
2 correct?

3 MEMBER NITCHE: Yes, that's correct.
4 And I think his idea of putting a due date or a
5 schedule on it is the icing on the cake. I think
6 that's a good idea. And we keep things going.

7 CHAIRMAN HARMS: I agree.

8 Do I have a second?

9 MEMBER BAIAMONTE: Hold on, hold on.

10 CHAIRMAN HARMS: Hold on. Everybody
11 relax. Everybody relax, please.

12 I have a motion. I need a second.

13 MR. VINEGRA: I want to put the
14 conditions that were not included in my letter. It
15 only takes about --

16 MS. KASSETTA: Mr. Chairman, I just
17 need to jump in very quickly before the board votes.
18 I apologize.

19 CHAIRMAN HARMS: Go ahead.

20 MS. KASSETTA: I just want to clarify
21 on the plaza, because there were a lot of ideas
22 thrown out tonight and it's difficult for us to
23 agree to anything specific without having looked at
24 it.

25 So what I would propose is that the

1 condition require us to eliminate the fountain and
2 reprogram that area of the plaza to be more
3 conducive to sort of public assembly uses. And that
4 would, of course, be subject to final sign-off by
5 the board's professionals, but just so we're not
6 confused about all of the different ideas that were
7 thrown around.

8 MR. VINEGRA: Okay. Let me put up,
9 there's only six items that I have that were not
10 listed in my letter -- and I'll be brief -- that was
11 agreed to today:

12 That the architect will supply four
13 renderings to the Borough planner presenting color
14 choices for palettes -- for renderings that were not
15 presented tonight.

16 Also, that the outdoor dining area and
17 open space is to be reprogrammed and submitted to
18 the Borough planner for approval.

19 Also that the outdoor dining area, if
20 any -- any outdoor dining area in the public plaza
21 would have to be permitted by Borough Council.

22 The other item was to remove and
23 relocate the electric poles along the rear.

24 There was a simple one, the transfer
25 switch for a generator to be connected for a backup

1 generator in the future.

2 And that's about it. You know, these
3 were items that were not in my letter but that were
4 agreed to during testimony over the last two
5 meetings.

6 And again, the outdoor area lighting
7 and how it's reprogrammed, we will work with Avelino
8 and present it to my office. And I'll sign off on
9 the final color selection in the outdoor area.

10 MR. SCHKOLNICK: I'm sorry. Victor,
11 was that outdoor lighting that you said right at the
12 end?

13 MR. VINEGRA: I'm going to have
14 Avelino give me what type of fixtures he's going to
15 propose in the area and we'll sign off on that also.

16 MR. SCHKOLNICK: The details of the
17 outdoor lighting and the fixtures?

18 MR. VINEGRA: Yes. So the applicant
19 does not have to go back before the planning board,
20 I would have jurisdiction over that.

21 And the signage package, also. So the
22 signage package doesn't have to go back before the
23 planning board, if the board so wants to give me
24 jurisdiction on those items.

25 CHAIRMAN HARMS: Okay. Okay. So, I

1 have a motion; I still have not gotten a second.
 2 But I do want to have a discussion on...
 3 Do I have a second?
 4 MAYOR SIGNORELLO: I'll second.
 5 CHAIRMAN HARMS: Okay. Who seconded?
 6 MAYOR SIGNORELLO: Mayor Signorello.
 7 CHAIRMAN HARMS: Oh, Mayor, okay.
 8 All right. To your statement
 9 on -- with the water fountain and all that, I'm
 10 concerned about not -- not giving a final on this
 11 project because I want it to move, but I'm concerned
 12 that all's we're going to get is you will remove the
 13 fountain and you will just make a nice design in
 14 there and say that's it.
 15 How can I feel different about that?
 16 MAYOR SIGNORELLO: With respect to the
 17 Chair, so I think if we have -- I mean, so I guess
 18 the proposition has been that the final say will be
 19 up to our professional, the planner, Vic. So as
 20 long as we trust that Vic isn't going to give us
 21 crap in the middle there...
 22 MR. VINEGRA: Mr. Chair.
 23 CHAIRMAN HARMS: Time. Time out
 24 please, okay. And I have no doubt that Victor
 25 would, but if the developer doesn't come and give

1 anything but, how does he not say no and they still
 2 go forward? That's what my concern is.
 3 So if they only come and they give us
 4 one thing, I'm just giving that, if you look at that
 5 diagram that they have up there on the screen, and
 6 they have that nice design there, so if they take
 7 out the water fountain, they put the design in there
 8 and they say, "That's all we can do," how do
 9 I -- how do I know that I'm going to get something?
 10 When, yes, I can give Victor and I have no problem
 11 doing that --
 12 MAYOR SIGNORELLO: Vic can reject it.
 13 MR. SCHKOLNICK: Yeah.
 14 MR. VINEGRA: Absolutely.
 15 CHAIRMAN HARMS: Okay. And, okay, so
 16 what happens if he rejects it? What happens then,
 17 and they say, well, that's all we can do?
 18 Then what happens? Where do we go? Do
 19 we just get that and we, what...
 20 MR. VINEGRA: They don't get a
 21 building permit.
 22 CHAIRMAN HARMS: Okay. So --
 23 MR. VINEGRA: Vic Vinegra speaking.
 24 By them approving -- by them agreeing to give me the
 25 power there, they're actually sticking their necks

1 out by thinking that I'm going to work with them.
 2 They don't get a building permit unless I sign off
 3 on their plan. They will get zero building permits.
 4 CHAIRMAN HARMS: All right. So we
 5 have a first, and -- we have a motion and we have a
 6 second. And we kind of all know what the details
 7 are in the resolution that is coming forward.
 8 Any comments before we take a vote?
 9 MR. BAIAMONTE: Yeah, Chairman. This
 10 is Paul. I kind of feel like we're -- not that -- I
 11 trust Victor's ability to make the right decision,
 12 but I feel like we're relinquishing a lot of power
 13 here in terms of, you're right, we don't really know
 14 what we're going to get, and we have been through
 15 this in the past. And we've been, I feel like, we
 16 have been smacked in the face in the past for making
 17 decisions based on trust.
 18 I don't -- I don't, actually, I don't
 19 even feel comfortable without going through all the
 20 conditions and hoping that the conditions are right
 21 when the resolution is out. You know, we all may
 22 have our own interpretation of what those conditions
 23 are at this point.
 24 So I'm -- I feel a little uncomfortable
 25 right now rendering some sort of a vote, but that's

1 me. I can only speak for myself.
 2 I agree, I mean, they can come back
 3 with a plaza and just put a circular paver pattern
 4 there and call it whatever they want to call it. I
 5 trust that they would -- I would like to trust that
 6 they would do more than that, but I don't know that
 7 until we see the whole plan. And that's one of my
 8 sticking points is this plaza.
 9 I like -- overall I like the project.
 10 I think it's really developed into a nice project,
 11 but there are some things that I feel like, you
 12 know, if we leave them out there for interpretation,
 13 it may not be what we think we're getting.
 14 So that's -- that's my comment.
 15 MR. SCHKOLNICK: Here's, if you want,
 16 here is how you handle it: Victor can distribute
 17 the information informally to the board. So Victor
 18 -- you know, this is a detail. All right? You have
 19 to decide how critical of a detail it is. But many
 20 boards -- not all but many -- choose to at this
 21 point assign this sort of thing to a professional.
 22 If agreement can't be reached, if he says no, then
 23 the applicant has the right to come back to the
 24 board to decide it.
 25 So that's -- that's how it can work.

1 MAYOR SIGNORELLO: But I can't -- go
2 ahead, Rick.

3 MR. SCHKOLNICK: There's a cost and
4 delay to the developer to have to come back versus a
5 relatively narrow point. So I sort of have an
6 opinion, but ultimately it's definitely up to you.

7 MR. NITCHE: It's a two-way street:
8 The developer doesn't agree or Victor doesn't agree,
9 then they come back. If one doesn't agree or the
10 other doesn't agree, then they come back.

11 MAYOR SIGNORELLO: Right. And can I
12 overlay, we have lent so much of this project
13 expertise, we have lent on Victor to get us to where
14 we are, which is this project is, a thousand times
15 over, better than it was from, say, step one. And a
16 lot of that is the expertise of Victor.

17 Now, what we're talking about, as we
18 reach the five-yard line, is a public plaza and the
19 colors for part of the building that are not even
20 street facing. Now, I'm not trying to minimize
21 these points as if they are not important. Public
22 plaza, in particular, is important. But we have the
23 planner that will have, you know, jurisdiction over
24 this. The planner who, oh, by the way, we have lent
25 on for most of -- to get us here, and we have access

1 Vic to get us a nice public space.

2 MR. BAIAMONTE: Mayor, with all due
3 respect, no one here, I think, wants to delay this.
4 I think that this could be resolved tonight if we
5 just had a little more clarification on a direction.
6 You know, is it a concrete paver? I mean, is it
7 just -- is it going to be a concrete slab?

8 Just some sort of direction on what the
9 potential could be and some -- and maybe we go over
10 all the -- all the, what do you call them, the --
11 the -- the --

12 MAYOR SIGNORELLO: Conditions.

13 MEMBER BAIAMONTE: -- the conditions.
14 Thank you, that's the word I was looking for. The
15 conditions --

16 MR. ROBAINA: That would be his
17 responsibility.

18 MR. BAIAMONTE: Hold on. Hold on.

19 MR. SCHKOLNICK: Wait, wait, wait. We
20 can't hear you.

21 CHAIRMAN HARMS: Hold on. Paul is
22 still speaking, Jay.

23 Go ahead, Paul.

24 MR. BAIAMONTE: I couldn't hear Rick.
25 I'm just -- again, I like the project. I'm, for the

1 to all of him, right? So it's not like Victor goes
2 away in some secret cave and, you know, smokes
3 cigars and says, all right, I'm just going to give
4 them a free pass on this.

5 I'm sorry, but, folks, time is money
6 here. And we live in a world where we do not know
7 what the state of the economy is going to look like
8 in two weeks, let alone three months, let alone a
9 year. And this project has been stalled for the
10 last three years. The site has been empty for the
11 last 12. And I -- I struggle with the idea of
12 stalling this project any further because we do not
13 trust Vic to deliver on a good enough public space.

14 Now, I get it. I get we have all been
15 burnt in the past on approvals. I think we have got
16 a very strong level of transparency to both the
17 public and, you know, the land use board that hasn't
18 happened in the past.

19 I really just, for the two things and
20 the couple of things that are remaining, to not
21 trust our professionals -- Neglia, who has been with
22 us for a while, and Vic who has shown, you know, I
23 think, great improvement in these developments -- I
24 think is a little foolhardy and I just -- I struggle
25 with pushing this any further because we don't trust

1 most part, in favor of the project. I think that we
2 can get a little bit more clarification tonight and
3 possible put this to rest and not drag it out.

4 I agree with you, Mayor. This has been
5 dragged on for way too long prior to your
6 administration. I have seen it come and go several
7 times on this board. So I am looking for something
8 positive here. I just feel like we're all -- we
9 should all be on the same page as a planning board
10 on what we're getting here.

11 I trust Vic, more than anybody. I
12 think I know Vic pretty well. We've done -- you
13 know, I have worked with him for multiple years here
14 on this board and I trust his opinion. I am sure he
15 will do the right -- do right by us, but I just want
16 a little more clarification on some of this stuff.

17 MAYOR SIGNORELLO: How do we get that,
18 Rick?

19 MR. SCHKOLNICK: Well, the conditions
20 are everything that Vic said, and they have
21 essentially agreed to everything in all of the
22 review letters.

23 But it will take a while if you want me
24 to go through them all. But you have all read the
25 review letters. You have had access to them. And

1 they have agreed to everything that is in there with
2 some minor tweaks; for example, the car charging
3 stations and, I think, the generator.

4 So I did have the applicant's lawyer go
5 through the letters and they have essentially, you
6 know, agreed. I would have to go through each
7 review letter, you know, line by line now --
8 or not -- you know, there are a lot of...

9 MAYOR SIGNORELLO: So let's just break
10 this down a little bit, all right.

11 So Anthony, from Neglia, do you feel
12 comfortable -- so everything in your letter has been
13 agreed to to be remedied by the developer; is that
14 right?

15 MR. KURUS: Yes, that's correct.

16 MAYOR SIGNORELLO: Okay.

17 So, Vic, and the same goes for the
18 planner, everything in your letter has been agreed
19 to be remedied by the developer; is that -- is that
20 a fair assessment?

21 MR. VINEGRA: Yes.

22 MAYOR SIGNORELLO: Okay, hold on. You
23 were on mute. You were on mute.

24 MR. VINEGRA: Yes. And the couple of
25 items, like the six or seven items that were brought

1 up, correct.

2 MAYOR SIGNORELLO: So these
3 outstanding things are the things that Vic brought
4 up tonight. And of the ones that were brought up
5 tonight, the important ones that are coming to light
6 right now are the public plaza and the color
7 scheming for the site -- the bits that we didn't see
8 the colors for tonight.

9 So is it possible for us to be more
10 descriptive with what we want to see in the public
11 plaza tonight if that is the outstanding last bit
12 here? I mean, unless I'm oversimplifying, Paul?

13 MR. BAIAMONTE: No, I think -- I think
14 that's a pretty accurate statement.

15 MAYOR SIGNORELLO: So, can we be --
16 so, Rick, can we -- is there some sort of middle
17 ground here we could have, to be more specific about
18 what we would like to see in the public area, and
19 leave the finer minutiae to Vic Vinegra?

20 MR. SCHKOLNICK: Well, you have to
21 give me something to -- to write down.

22 I think we decided we're going to
23 eliminate the water element, but after that...

24 MAYOR SIGNORELLO: So then, let me
25 take a stab at this and then let me see how -- let's

1 have the board react to it.

2 So, then, subject to the final details
3 being approved by Vic, we would like to see the
4 water fountain be replaced by a public -- let's call
5 it, amphitheater with seating and electricity
6 provided for public -- for public consumption, for
7 public performing arts.

8 Is that a fair -- is that directional
9 enough, or am I being too vague?

10 MR. VINEGRA: Maybe with one small
11 architectural feature. So Avelino could come up
12 with some small architectural feature within that
13 plaza, too.

14 COUNCILMAN MATHIEU: Sounds good.

15 MR. SCHKOLNICK: Mayor, they are going
16 to have to look at liability issues there. It, you
17 know, I don't know if -- if they can have an
18 amphitheater. I don't know that -- you know, that
19 has to be thought through; can it be done safely
20 there.

21 MR. ROBAINA: Well, there's going to
22 be cameras around the building. There's going to be
23 security.

24 MR. SCHKOLNICK: No, no, people
25 falling into the amphitheater.

1 MAYOR SIGNORELLO: Okay. So then
2 let's -- can I be -- all right. Let me -- let me
3 try and straddle the line here. Let's give slightly
4 more wiggle room.

5 So a public plaza with seating for
6 performing arts and a distinct architectural
7 feature?

8 MR. VINEGRA: That sounds good.

9 MAYOR SIGNORELLO: Paul, keep me
10 honest here.

11 MR. BAIAMONTE: That's a better
12 definition than was previously rendered.

13 Listen, I'm okay with it. I just don't
14 want -- what I'm trying to avoid is something being,
15 you know, the space being compromised for -- because
16 it wasn't defined properly or because of cost or
17 because of something that is out of our control.

18 I think that, you know, I just -- I'm
19 going to go back to my original comment. I feel
20 like the fountain is actually a waste of money
21 because -- and there's going to be maintenance
22 issues with it, right, and somebody needs to
23 maintain it, and if it's not the town it's going to
24 be the owner.

25 I just feel like there's a potential

1 here to do something better with the space and, you
2 know, as long as it can accommodate some sort of
3 public use, I'm -- I'm okay with it. And, you know,
4 outdoor arts and outdoor performances seems like it
5 may be something that we're going to lean a little
6 more towards, too. And I think it would help some
7 of the retail spaces there.

8 The fountain, people will sit around.
9 They'll throw cigarette butts in. Once in a while
10 they'll throw a quarter in, but that's the best it's
11 going to get.

12 So I'm okay with that.

13 MR. NITCHE: So we're back to --
14 we're back to the outstanding motion, which is we
15 move forward --

16 CHAIRMAN HARMS: Correct.

17 MR. NITCHE: -- we approve, contingent
18 on Rick's timetable and punchlist being met.

19 CHAIRMAN HARMS: Right.

20 MS. KASSETTA: I apologize, I need to
21 ask for another break to confer with my client
22 because I am not authorized at this moment to agree
23 to that without speaking to them. And I realize we
24 already took a break, but I would ask for a very
25 short one.

1 CHAIRMAN HARMS: What time -- anybody
2 have the time?

3 MAYOR SIGNORELLO: 8:35.

4 CHAIRMAN HARMS: 8:40. 8:40. And we
5 have to come up with a solution or we'll be back in
6 two weeks.

7 MS. KASSETTA: Okay. Thank you.
8 (A recess is now taken.)

9 - - -

10 (Record resumes at 8:40 p.m.)

11 CHAIRMAN HARMS: I hope everybody's
12 back. Okay, we're back in session.

13 What did we find out?

14 MEMBER ROBAINA: We are in the middle
15 of a motion. We are in the middle of the motion,
16 correct? I second the motion.

17 CHAIRMAN HARMS: I understand. She
18 asked to adjourn for a little bit and I need to know
19 what she comes back with before I take a vote.

20 MS. KASSETTA: Thank you, Mr. Chairman.

21 I want to say that we really sincerely
22 appreciate the board's efforts and your time and
23 your patience. The truth is with things as
24 uncertain as they are and unemployment at 30 percent --

25 MR. KOLBECK: We say no, then.

1 MS. KASSETTA: I'm sorry?

2 CHAIRMAN HARMS: No, go ahead. Hold
3 on, hold on. Hold on. Go ahead.

4 MS. KASSETTA: -- we simply can't agree
5 to a condition that's so open-ended on this public
6 plaza, not knowing what kinds of features we're
7 going to have to provide and at what expense.

8 So what I've been asked to do is
9 request an adjournment, not have the board vote this
10 evening, and let us present something to you showing
11 the details of a reprogramming of that plaza rather
12 than voting and, hopefully, approving the
13 application, subject to a condition that is very
14 open-ended and very subjective because we're not
15 talking about specific requirements of the
16 Redevelopment Plan that are being evaluated, we're
17 talking about personal preferences as to what should
18 be in that plaza, which, I understand, but this is
19 where the applicant is coming from. In such a
20 difficult and uncertain time it's -- we just can't
21 agree to something that is that open.

22 CHAIRMAN HARMS: Okay. Here is what
23 we'll do: I'll have an adjournment. We have a
24 meeting in two weeks. How about your -- who would
25 you deal with, the architect, Victor?

1 MR. VINEGRA: Yes.

2 CHAIRMAN HARMS: Okay. How about you
3 have your architect get with our planner and come up
4 with some idea before the next meeting?

5 MS. KASSETTA: We can do that. I don't
6 know that we'll have something finalized or that
7 we'll be able to agree with Victor, but we will get
8 right on it and see where we end up and keep Rick
9 updated as to whether we might be ready to move
10 forward at that time.

11 CHAIRMAN HARMS: Okay. So, and here's
12 the other thing, so I will ask for a motion to
13 adjourn until next meeting, which is May -- no --
14 yeah, May 18th.

15 If we don't have anything, so we don't
16 have to go through this again, what is your feelings
17 of waiting until the following month? Because if we
18 don't have anything in two weeks we'll be in the
19 same boat we're in tonight, correct?

20 MEMBER NITCHE: Correct.

21 CHAIRMAN HARMS: I mean, we couldn't
22 vote on anything. If we can't agree with something
23 --

24 MAYOR SIGNORELLO: I can't believe...

25 CHAIRMAN HARMS: Well, I understand you

1 can't believe, Mayor, but here they're
 2 requesting -- they're requesting the adjournment,
 3 okay, because they can't make a decision on what
 4 they're going to do. So I'm giving them for two
 5 weeks. They are just saying that they might not be
 6 able to come up with something. Well, let's hope
 7 that they do.

8 MAYOR SIGNORELLO: How detailed do we
 9 need? Can we just do a concept, like a simple
 10 sketch, for two weeks?

11 MR. VINEGRA: Concept, yeah.

12 MAYOR SIGNORELLO: We don't need a
 13 full plan, like a concept.

14 CHAIRMAN HARMS: But I'm going on
 15 whatever they're going to give us. And if they can
 16 give us a concept, then so be it. But I'm not even
 17 hearing that that might be possible. I don't know.

18 MS. KASSETTA: Yeah. Mr. Chairman, I'm
 19 not sure because I'm not the one who's going to
 20 prepare it.

21 CHAIRMAN HARMS: Right.

22 MS. KASSETTA: And so not to waste the
 23 board's time, I would recommend that you adjourn
 24 this to next month, that way we don't go through the
 25 exercise of trying to get a meeting together in two

1 weeks only to not be able to go forward that night.

2 MR. SCHKOLNICK: Allyson, you don't
 3 want to come back? Six more weeks now?

4 MS. KASSETTA: I'm sorry?

5 MR. SCHKOLNICK: You don't want to
 6 carry this for two weeks from tonight?

7 MS. KASSETTA: I'm just concerned that
 8 we might not be able to come up with something, put
 9 it on a plan and get Victor's input to the point
 10 that he is satisfied, and I don't want to waste the
 11 board's time.

12 MR. SCHKOLNICK: Well, we're not
 13 wasting the -- let's carry it for two weeks. This
 14 board is going to be prepared to vote. We'd like to
 15 wrap it up, I believe, if we can.

16 CHAIRMAN HARMS: Well, Rich.

17 VOICE: We could always adjourn.

18 MR. SCHKOLNICK: We could always
 19 adjourn again. Let's keep it for two weeks. That
 20 would be my recommendation.

21 CHAIRMAN HARMS: Hold, hold on. Okay.
 22 Okay, here's what we're going to do. Here is what
 23 we're going to do. We can -- we could have -- we'll
 24 give you the opportunity to come up with a concept
 25 plan, okay, on this thing here and get it to Victor

1 within the next week and -- week and a half type
 2 thing, okay. If it's possible to have the meeting,
 3 we'll have the meeting on the 18th.

4 Is that agreeable? If not, then we're
 5 going to carry it over until June.

6 MS. KASSETTA: Understood. That's
 7 fine.

8 CHAIRMAN HARMS: I mean, we're giving
 9 you the chance to do it so we can get this thing
 10 finalized.

11 MS. KASSETTA: Sure.

12 CHAIRMAN HARMS: No, I'm just saying.
 13 We want to get this thing done, too, but I don't --
 14 and I'm hearing the board, I'm hearing that the
 15 board has some issues and, however they feel, that's
 16 their prerogative to feel that way.

17 MS. KASSETTA: Sure. And we want to
 18 address them the right way.

19 CHAIRMAN HARMS: I don't disagree. So
 20 here's what we're going to do, we're going to still
 21 keep for the 18th of May. If you feel -- here's
 22 what -- here, if you feel within the next week and a
 23 half or so, because you have to give us a couple of
 24 days notice so we can cancel the meeting, that it's
 25 going to be wasting your time and our time, then we

1 -- we just get in touch with the board's clerk and
 2 our lawyer, and we'll just cancel that and we could
 3 set it up for the following month.

4 MS. KASSETTA: We will do that.

5 CHAIRMAN HARMS: But let's give it a
 6 shot for the 18th.

7 MR. SCHKOLNICK: Chairman, if any
 8 members of the public that are on, it's going to be
 9 the same call-in number, there's not going to be any
 10 further public notice. I don't know if there is any
 11 members of the public watching, but there will be no
 12 further public notice.

13 Members of the public, call the board
 14 clerk -- Martha, what's your number -- to find out
 15 if we're going forward. The phone number, what is
 16 your phone number?

17 CHAIRMAN HARMS: Martha?

18 MS. BANKS: I'm sorry. I'm sorry,
 19 sir. They could just call me at -- they can just
 20 dial the extension 1200.

21 MR. SCHKOLNICK: What's your full
 22 phone number.

23 MS. BANKS: Let me just check.

24 MR. SCHKOLNICK: Andrew, what's
 25 Martha's phone number? Members of the public could

1 call in.
 2 MR. CASAIS: It's (908) 245-6222,
 3 extension 1200.
 4 MR. SCHKOLNICK: Okay. So we're --
 5 we're going to reconvene at 6 o'clock -- 6 o'clock,
 6 we'll need an Open Public Meetings Act notice -- in
 7 two weeks. Members of the public, call Martha Banks
 8 at Borough Hall to see if the meeting is going to go
 9 forward. We're going to try to wrap it up, if we
 10 can.
 11 CHAIRMAN HARMS: Okay. So at this
 12 point -- Rich, do we have to withdraw the motion?
 13 MR. SCHKOLNICK: No, the motion is
 14 still pending out there. We can leave it and carry
 15 it over.
 16 CHAIRMAN HARMS: Just leave it the way
 17 it is, okay.
 18 I need a motion to adjourn.
 19 MEMBER ROBAINA: Make a motion.
 20 CHAIRMAN HARMS: Do I have a second?
 21 MEMBER NITCHE: Second.
 22 CHAIRMAN HARMS: All in favor?
 23 BOARD MEMBERS IN UNISON: Aye.
 24 CHAIRMAN HARMS: All right. Thank you
 25 very much everybody and have a good night.

1 MS. KASSETTA: Thank you very much.
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 3 (Hearing adjourned at 8:55 p.m.)
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I, ANGELA C. BUONANTUONO, a Notary Public and Certified Court Reporter of the State of New Jersey and Registered Professional Reporter, do hereby certify that prior to the commencement, the witnesses were duly sworn to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the hearing as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

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

Angela C. Buonantuono, CCR, RPR, CLR
 License No. 30XI00233100
 Dated: May 18, 2020

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