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ALSO PRESENT:  
MATT WARD, A.I.C.P., P.P.  
Supervising Planner  
City Planning Division  
CAMERON BLACK, A.I.C.P., P.P.  
Planning Board Secretary  
City Planning Division  
TIMOTHY KREHEL, A.I.C.P., P.P.  
Principal Planner  
City Planning Division

CHAIRMAN LANGSTON: Let's move on to case P20-105. It is a preliminary and final major site plan with C variances for 665-669 Grand Street.

And do we have counsel back online?

MR. JOSEPH: Yes.

CHAIRMAN LANGSTON: Okay.

MR. JOSEPH: Still here.

CHAIRMAN LANGSTON: I'm sorry, our counsel.

MR. JOSEPH: Oh, I'm sorry.

CHAIRMAN LANGSTON: Okay. We do. All right. Go ahead.

MR. JOSEPH: We do have several witnesses. So if you're here testifying on this, please raise your hand. But we have Samuel Bellamy. We have Ted Hammer is testifying, Calisto Bertin is testifying. CManos, I believe that's another one. And I believe Conrad is another one.

MR. WARD: All promoted, Counsel.

MR. JOSEPH: Thank you so much.

CHAIRMAN LANGSTON: Thanks, Matt.

MR. JOSEPH: Stephen Joseph of the Cherami Law Firm, attorney for the applicant. This is 665-669 Grand Street.

Can we confirm my notices are received

<p style="text-align: right;">Page 5</p> <p>1 and acceptable?</p> <p>2 MR. ALAMPI: Bear with me, Counsel,</p> <p>3 because I'm looking for those.</p> <p>4 Chairman, I am in receipt of the</p> <p>5 affidavit of publication, proof of mailing, with</p> <p>6 respect to the application at 665-669 Grand Street</p> <p>7 here in the city. The application notice the for</p> <p>8 tonight's meeting at 5:30 here on Zoom. It</p> <p>9 identifies the various variances being sought in</p> <p>10 connection with the application. It does appear to</p> <p>11 be in order, so we can mark that as A-1 for the</p> <p>12 record.</p> <p>13 (Whereupon, Exhibit A-1 is marked for</p> <p>14 identification.)</p> <p>15 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>16 Counsel.</p> <p>17 MR. JOSEPH: Great. Thank you.</p> <p>18 And, Matt, there's one more, I'm sorry,</p> <p>19 Ted Hammer is -- needs to be promoted as well.</p> <p>20 MR. WARD: I thought he was up here. I</p> <p>21 apologize.</p> <p>22 MR. JOSEPH: So this property is</p> <p>23 located on the south side of Grand Street. It's in</p> <p>24 the MUE zone of the Morris Canal Redevelopment Zone.</p> <p>25 It's a strange site. There's a lot of</p>	<p style="text-align: right;">Page 6</p> <p>1 factors in play here. 20,000 square feet is</p> <p>2 required to develop a property in this zone. The</p> <p>3 site's only just over 12,000 square feet. It's</p> <p>4 irregular. There's no real opportunity to obtain</p> <p>5 any more property over here.</p> <p>6 Parking is required in this zone, but</p> <p>7 curb cuts are prohibited on the lot's only frontage,</p> <p>8 on Grand Street.</p> <p>9 The plan also calls for the extension</p> <p>10 of Westervelt Place, but that hasn't happened yet,</p> <p>11 and we don't know where that street tension is</p> <p>12 exactly going to line up in relation to this</p> <p>13 property.</p> <p>14 So my client and his professionals have</p> <p>15 been working for many months designing this</p> <p>16 building, back and forth with many different</p> <p>17 concepts, and addressing the complexities of this</p> <p>18 site. What my client and his team have come up with</p> <p>19 is a new four-story building with commercial on the</p> <p>20 ground floor, parking in the rear, and dwelling</p> <p>21 units on the second, third, and fourth floors.</p> <p>22 This application does require</p> <p>23 variances:</p> <p>24 The site is undersized, as I stated, so</p> <p>25 there's a variance for lot area.</p>
<p style="text-align: right;">Page 7</p> <p>1 Parking is provided, but in order to</p> <p>2 maximize the retail, the parking is located in the</p> <p>3 rear yard, and it's short of the number of spaces</p> <p>4 required, pursuant to the calculations in the plan.</p> <p>5 Because we're providing parking, we</p> <p>6 need a variance for the location of a curb cut on</p> <p>7 Grand Street. Our professionals, Ted Hammer,</p> <p>8 will -- our architect, from Architectura, Calisto</p> <p>9 Bertin from Bertin Engineering, and Samuel Bellamy</p> <p>10 from Dresdner Robin, will walk you through the</p> <p>11 project and explain to you why we believe this is</p> <p>12 the right proposal for this site.</p> <p>13 So we're going to start with Ted</p> <p>14 Hammer. Chris Manos is actually going to be sharing</p> <p>15 his screens, and Ted is going to be speaking over</p> <p>16 that.</p> <p>17 So, Ted, let's get you sworn in.</p> <p>18 T H E O D O R E H A M M E R, having</p> <p>19 been duly sworn, testified as follows:</p> <p>20 MR. HAMMER: Theodore Hammer,</p> <p>21 T-H-E-O-D-O-R-E, Hammer, H-A-M-M-E-R.</p> <p>22 CHAIRMAN LANGSTON: And, Mr. Hammer,</p> <p>23 what are you testifying to tonight?</p> <p>24 MR. HAMMER: The architectural aspects</p> <p>25 of the project.</p>	<p style="text-align: right;">Page 8</p> <p>1 CHAIRMAN LANGSTON: Okay. And your</p> <p>2 license is current tonight in the state of New</p> <p>3 Jersey?</p> <p>4 MR. HAMMER: Yes, it is.</p> <p>5 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>6 You're qualified.</p> <p>7 A. All right. Why don't we -- I'll give</p> <p>8 you the vital statistics and go through the</p> <p>9 presentation. As Stephen said, it's a four-story</p> <p>10 building; has 23 units. There are 18 one-bedrooms</p> <p>11 and five two-bedrooms. The building is 55 foot in</p> <p>12 height, but only four stories. Instead of</p> <p>13 squeezing in five, we've opted for extra ceiling</p> <p>14 heights in all the units. It was 13 foot 9 between</p> <p>15 floor to floor, so we'll have ceilings of about at</p> <p>16 least 12 feet. So it should be a very generous,</p> <p>17 loftlike space.</p> <p>18 The rendering you see in the front</p> <p>19 shows the brick building with a little change of</p> <p>20 color to give it some variety, since it's a long</p> <p>21 building. The first floor has retail, and the</p> <p>22 entrance to the residential units. And you can see</p> <p>23 the garage door, which is glass, so it's consistent</p> <p>24 with the front elevation, that leads to the parking</p> <p>25 in the rear.</p>

<p style="text-align: right;">Page 9</p> <p>1 On the next slide, you will see a</p> <p>2 rendered site plan; a view from the top. You can</p> <p>3 see Grand at the top. We have trees that are</p> <p>4 required. We have set back the building over -- a</p> <p>5 little over 5 foot from the property line, to allow</p> <p>6 for a larger sidewalk, 15 feet.</p> <p>7 And in the rear of the building,</p> <p>8 you'll see -- the site, rather -- you'll see the</p> <p>9 seven parking spaces, with a bit of green space, a</p> <p>10 6-foot fence to shield the property from the</p> <p>11 neighbors, and the -- since we're looking down on</p> <p>12 it, you'll see that it has a rooftop amenity that's</p> <p>13 about 2,000 square feet, with over 1,500 additional</p> <p>14 square feet of green roof along the perimeter.</p> <p>15 The brown space to the upper part of</p> <p>16 that plan is a -- screens the mechanical equipment</p> <p>17 for the building.</p> <p>18 The next slide shows the floor plan of</p> <p>19 the first, and second, and third floor. The first</p> <p>20 floor has our retail space -- two retail spaces on</p> <p>21 either side of the driveway, and our -- to the left</p> <p>22 of the plan, you'll see the entry to the</p> <p>23 residential units. We have our trash room that</p> <p>24 goes right out to the street, it does not go</p> <p>25 through the lobby. Our utilities. And in the</p>	<p style="text-align: right;">Page 10</p> <p>1 back, we have a bike room that has 12 bikes.</p> <p>2 Q. And, Ted, before we move on from this,</p> <p>3 can you just identify -- we do have several</p> <p>4 variances on -- that can be easily seen on this</p> <p>5 sheet: the location of the curb cut, the curb cut</p> <p>6 width, and the driveway width.</p> <p>7 So for the driveway, we're requires 24</p> <p>8 feet; we're providing 20, which we feel is</p> <p>9 sufficient.</p> <p>10 The location of the curb cut on Grand</p> <p>11 Street, where no curb cuts on Grand Street are</p> <p>12 permitted, but that's our only frontage.</p> <p>13 And then, the width of the curb cut of</p> <p>14 20 feet to match the drive aisle.</p> <p>15 A. Exactly.</p> <p>16 So the second and third floors are</p> <p>17 similar. The top floor is slightly different. It</p> <p>18 should be noted that the units that face the south</p> <p>19 and the backyard have small balconies, which should</p> <p>20 be a nice amenity.</p> <p>21 And the units, it should be noted, are</p> <p>22 a bit larger than the norm. So they should be very</p> <p>23 comfortable. The two-bedrooms range from 1,000 to</p> <p>24 almost 1,200 square feet, and the one-bedrooms are</p> <p>25 all over 800.</p>
<p style="text-align: right;">Page 11</p> <p>1 The next sheet, you'll see the</p> <p>2 elevations. So our front elevation is in the lower</p> <p>3 right. It shows the two colors of brick to break</p> <p>4 up the facade. We have a canopy over the entrance</p> <p>5 to the residential in the lower right, and we have</p> <p>6 a decorative overhang on the upper left, to give,</p> <p>7 again, some variety to a fairly long building, so</p> <p>8 it doesn't look monolithic.</p> <p>9 The rear elevation has the same</p> <p>10 materials, the brick and perforated railings --</p> <p>11 metal railings, to give a lightness to the rear</p> <p>12 elevation. And there, you can see the driveway.</p> <p>13 And, again, the driveway's hidden by a glass</p> <p>14 overhead door facing Grand.</p> <p>15 The materials for the building, you</p> <p>16 should note mostly the reddish brick, which is</p> <p>17 consistent with the neighborhood, accent of some</p> <p>18 darker brick. The canopies are in the aluminum</p> <p>19 material in the lower left, and it should be noted</p> <p>20 that, on the sides of the building, we're using a</p> <p>21 concrete masonry unit, which is a rather finished</p> <p>22 look, it's a ground-face concrete block, so it</p> <p>23 doesn't look like just a rough surface. Those</p> <p>24 face -- those two sides, on one side, we have a</p> <p>25 one-story warehouse; on the other side, it's a</p>	<p style="text-align: right;">Page 12</p> <p>1 vacant portion. So it should look finished, even</p> <p>2 if those lots are not developed for a while.</p> <p>3 Q. And, Ted, the HVAC system for the</p> <p>4 property, what type of system are we using here?</p> <p>5 A. It's a split system, and the units on</p> <p>6 the roof are shielded by a 6-foot fence from the</p> <p>7 rooftop amenity.</p> <p>8 Q. Great.</p> <p>9 A. That should give you a good sense of</p> <p>10 the scope of the project.</p> <p>11 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>12 Mr. Hammer.</p> <p>13 And the split system, just for</p> <p>14 everybody's information, there are no PTAC units.</p> <p>15 Correct?</p> <p>16 MR. JOSEPH: Correct.</p> <p>17 MR. HAMMER: No, there are not.</p> <p>18 CHAIRMAN LANGSTON: Okay. Thank you.</p> <p>19 We appreciate that.</p> <p>20 MR. HAMMER: I knew you would.</p> <p>21 MR. JOSEPH: And, Ted, if you could go</p> <p>22 back to the rear yard plan, where the parking is.</p> <p>23 MR. HAMMER: Okay.</p> <p>24 MR. JOSEPH: So one thing I just want</p> <p>25 to bring to the board's attention, in the rear yard,</p>

<p style="text-align: right;">Page 13</p> <p>1 related to the parking, we've placed the parking in</p> <p>2 the rear yard in order to maximize the amount of</p> <p>3 square footage for the retail. We included a roof</p> <p>4 deck, in order to make up for no space in the rear</p> <p>5 yard for the tenants.</p> <p>6 But one thing about this plan is the</p> <p>7 extension of Westervelt, like, I said earlier, we</p> <p>8 don't know if or when that's going to happen, or</p> <p>9 where that's going to be located, but one</p> <p>10 interesting thing is that on-street parking for that</p> <p>11 new street extension can be used towards the parking</p> <p>12 requirement, and if that street is located near this</p> <p>13 property, there is some possibility of connecting</p> <p>14 that with the rear yard, and eventually eliminating</p> <p>15 the curb cut on Grand Street.</p> <p>16 We don't -- again, I want to be very</p> <p>17 clear: We don't know what's going to happen with</p> <p>18 that extension. It's, right now, on a neighboring</p> <p>19 property, which my client does not own, and is used</p> <p>20 by -- being used by PSE&amp;G at the moment. But that</p> <p>21 is something that's contemplated by the plan.</p> <p>22 And with that, that concludes our</p> <p>23 architectural direct testimony, if there's any</p> <p>24 questions.</p> <p>25 CHAIRMAN LANGSTON: All right. Thank</p>	<p style="text-align: right;">Page 14</p> <p>1 you.</p> <p>2 Yeah, I have no other questions for</p> <p>3 Mr. Hammer, but I do have a question on that curb</p> <p>4 cut, that I guess I would have to address with Matt.</p> <p>5 Matt, do we have you on?</p> <p>6 MR. WARD: I'm here.</p> <p>7 CHAIRMAN LANGSTON: Okay. As</p> <p>8 Mr. Joseph just said, that parking requirement could</p> <p>9 change with the new street that's, you know, been</p> <p>10 proposed. If that street came to fruition, is it</p> <p>11 something we could deed restrict onto the</p> <p>12 application, that if and when that new street is</p> <p>13 built, that the curb cut on Grand Street would be</p> <p>14 eliminated?</p> <p>15 MR. WARD: I think that that's a</p> <p>16 condition that makes sense. I'm not sure if the</p> <p>17 applicant would be willing to accept it, but I think</p> <p>18 that condition makes sense.</p> <p>19 And I can point to the location of that</p> <p>20 future road, should the zoning for that area stay in</p> <p>21 place, and this road get built, where it would be</p> <p>22 located in relationship to their site.</p> <p>23 CHAIRMAN LANGSTON: Okay. Yeah, if you</p> <p>24 could. I wanted to address it with you before I</p> <p>25 brought it up to Mr. Joseph, even though we're in a</p>
<p style="text-align: right;">Page 15</p> <p>1 public forum here.</p> <p>2 MR. WARD: Yeah, I'm not sure if the</p> <p>3 building was designed to be -- that space was</p> <p>4 designed to be adaptable, that they were using for</p> <p>5 their garage entry.</p> <p>6 MR. JOSEPH: There's --</p> <p>7 MR. WARD: It would probably come at</p> <p>8 some cost, obviously, but I think future-proofing</p> <p>9 it, if the board wishes to do so, that that seems</p> <p>10 like an interesting concept.</p> <p>11 CHAIRMAN LANGSTON: Okay. So, then,</p> <p>12 I'll go to Mr. Joseph. You know, I don't need an</p> <p>13 answer right this second, I know you have a number</p> <p>14 of other witnesses to call, but if we want to start</p> <p>15 that ball rolling, and see if we can get --</p> <p>16 MR. JOSEPH: Yeah, I'm prepared to</p> <p>17 answer that right now. I did bring it up in our</p> <p>18 direct testimony. It's -- that would be ideal, if</p> <p>19 that happened. That space where the drive aisle is</p> <p>20 now can be converted into retail, which is really</p> <p>21 something we've heard as the community wanting. So</p> <p>22 that space could be converted into retail, where the</p> <p>23 drive aisle is now, the parking situation</p> <p>24 reconfigured, and connect it to the new street, if</p> <p>25 that new street is adjacent to the property, and</p>	<p style="text-align: right;">Page 16</p> <p>1 we're able to do that.</p> <p>2 I don't know what the layout of the new</p> <p>3 parking area would be, I don't know if we would lose</p> <p>4 some spaces, but the actual parking requirement, as</p> <p>5 defined in the zone, would almost certainly</p> <p>6 increase, because we could use that on-site parking.</p> <p>7 So we may -- that on-street parking as part of the</p> <p>8 calculation. So we may lose a space or two in our</p> <p>9 on-site parking, but the ratios would improve,</p> <p>10 because of the on-street parking. So the</p> <p>11 applicant's willing to agree to that.</p> <p>12 CHAIRMAN LANGSTON: Okay. And you</p> <p>13 would -- the applicant would be okay with a deed</p> <p>14 restriction on that? That would be recorded with --</p> <p>15 you know, with the deed?</p> <p>16 MR. JOSEPH: Yeah, happy to work with</p> <p>17 the city on the language for that, exactly how they</p> <p>18 want it. Again, assuming that the street is</p> <p>19 adjacent to our -- to our property.</p> <p>20 CHAIRMAN LANGSTON: Sure.</p> <p>21 MR. JOSEPH: One thing that we didn't</p> <p>22 really focus on in the direct testimony is the</p> <p>23 adjacent property wraps around our property in the</p> <p>24 rear, so I -- I don't know what the plans are for</p> <p>25 developing the adjacent site. It's -- it does go</p>

<p style="text-align: right;">Page 17</p> <p>1 over there. So I don't know where that street is</p> <p>2 going to end up being located. But happy to deed</p> <p>3 restrict, not to -- trying not to be too long</p> <p>4 windowed about it. Happy to agree to a deed</p> <p>5 restriction.</p> <p>6 CHAIRMAN LANGSTON: Okay. Excellent.</p> <p>7 Thank you.</p> <p>8 Anybody else, any questions for</p> <p>9 Mr. Hammer while he's on?</p> <p>10 COMMISSIONER ALLEN: I have one.</p> <p>11 CHAIRMAN LANGSTON: Sure. Go ahead,</p> <p>12 Geoffrey.</p> <p>13 COMMISSIONER ALLEN: Good evening,</p> <p>14 Mr. Hammer.</p> <p>15 MR. HAMMER: Good evening to you.</p> <p>16 COMMISSIONER ALLEN: Quick question. I</p> <p>17 see that you have flood barriers around your doors.</p> <p>18 Why none around the garage door?</p> <p>19 MR. HAMMER: Because it doesn't go into</p> <p>20 an interior space, it would just flow to the</p> <p>21 outside.</p> <p>22 COMMISSIONER ALLEN: Okay. That was</p> <p>23 it, my only question. Thank you.</p> <p>24 CHAIRMAN LANGSTON: Okay. Thank you,</p> <p>25 Geoffrey.</p>	<p style="text-align: right;">Page 18</p> <p>1 COMMISSIONER TORRES: Chairman</p> <p>2 Langston?</p> <p>3 CHAIRMAN LANGSTON: Go ahead, Ed.</p> <p>4 COMMISSIONER TORRES: Is there going to</p> <p>5 be somebody on that panel that's going to speak of</p> <p>6 the traffic or the roads? Or is this question</p> <p>7 really for the architect.</p> <p>8 MR. JOSEPH: We do not have a traffic</p> <p>9 engineer this evening.</p> <p>10 COMMISSIONER TORRES: Okay. Then I'm</p> <p>11 just wondering, my question is on the exiting onto</p> <p>12 Grand Street, or -- the exit onto Grand Street, are</p> <p>13 you -- is the traffic just going with the flow of</p> <p>14 traffic? Are we -- will you be able to cross roads,</p> <p>15 and go east or west, or are we going to favor the</p> <p>16 side of the road that the building is on?</p> <p>17 MR. ALAMPI: Counsel, before you even</p> <p>18 provide that response, Chairman, the applicant has</p> <p>19 asked that a traffic impact study be waived in</p> <p>20 connection with this application. So that's</p> <p>21 something that's in the discretion of both city</p> <p>22 planning, and, obviously, this body, if that is</p> <p>23 something that the commissioners feel they would</p> <p>24 like to see, now that Commissioner Torres has raised</p> <p>25 that issue. I just want the board to know that they</p>
<p style="text-align: right;">Page 19</p> <p>1 are asking for a waiver of that requirement, and</p> <p>2 have not submitted that document to the board.</p> <p>3 CHAIRMAN LANGSTON: All right. Thank</p> <p>4 you, Counsel.</p> <p>5 MR. JOSEPH: So there would be a no</p> <p>6 left-hand turn sign there.</p> <p>7 Ted, if you could just confirm that's</p> <p>8 accurate, there would be a no left-hand turn sign.</p> <p>9 COMMISSIONER TORRES: That's what I'm</p> <p>10 looking for. Thank you.</p> <p>11 MR. HAMMER: Yes.</p> <p>12 MR. JOSEPH: Thank you.</p> <p>13 CHAIRMAN LANGSTON: Matt, do you want</p> <p>14 to address the traffic study, with the applicant</p> <p>15 requesting a waiver for it?</p> <p>16 MR. WARD: Yes, I'm trying to rack my</p> <p>17 brain. I believe that this went through Tanya and</p> <p>18 the traffic engineer, Andrew Vischio, to review the</p> <p>19 waiver request, but I'm unable to locate it and I</p> <p>20 don't have it in front of me. I know that that is</p> <p>21 standard procedure. I assume, but I can't speak for</p> <p>22 certain, that that was granted by -- by the director</p> <p>23 of both traffic and engineering and city planning,</p> <p>24 but it -- you know, the waiver request is still</p> <p>25 before the board.</p>	<p style="text-align: right;">Page 20</p> <p>1 This is a -- I think this is a small</p> <p>2 amount of off-street parking compared to some other</p> <p>3 projects with this amount of frontage, so there may</p> <p>4 be a little impact, but I'm -- I'm not qualified to</p> <p>5 say. But they are asking for a number of variances</p> <p>6 just to have the parking there in the first place,</p> <p>7 since the zoning does not allow them to have a curb</p> <p>8 cut along Grand Street, because it envisions these</p> <p>9 future roads. So through that condition that</p> <p>10 they've already agreed to, we might be ameliorating</p> <p>11 that concern, should the zoning produce the road</p> <p>12 grid that's envisioned down the road.</p> <p>13 Beyond that, I don't have any -- I</p> <p>14 can't say for certain that it was granted, I don't</p> <p>15 have it in front of me.</p> <p>16 CHAIRMAN LANGSTON: Okay. Yeah, I</p> <p>17 mean, I know it's -- we're only talking about a</p> <p>18 small number of parking spaces. I do have, you</p> <p>19 know, major concerns with a curb cut on Grand</p> <p>20 Street, and since -- you know, since they are asking</p> <p>21 for the deviation, I just -- you know, I'm concerned</p> <p>22 with how that's going to impact Grand Street, and is</p> <p>23 it safe, is it -- you know, is it a concern for</p> <p>24 traffic and engineering. You know, these are</p> <p>25 questions.</p>

<p style="text-align: right;">Page 21</p> <p>1 MS. MARIONE: Chairman, I just want to  2 clarify that we probably did not do that procedure.  3 I also tried to rack my brain, and look through my  4 email that you were talking about, because this  5 probably is grandfathered into the prior procedure.  6 So the new traffic assessment study, where myself  7 and Andrew recommend the waiving, wouldn't have come  8 into effect until probably February -- I think it's  9 February 2021. So this probably just would have  10 been a more normal procedure, where the board  11 reviews the waiver.  12 CHAIRMAN LANGSTON: Okay.  13 COMMISSIONER TORRES: Chairman  14 Langston, just for the record, I -- it's a small  15 amount of cars that are going through there. I  16 wasn't more concerned about a traffic study or -- I  17 was more concerned about safety, about which way the  18 cars are going to go, left or right, when they come  19 out of there, or if they're allowed to go with  20 traffic. That was my -- I just wanted to state that  21 to the rest of the commissioners, that's where my  22 concern is, on the safety of the cars coming out. I  23 don't know if a traffic study is relevant in this  24 case, but the safety of how the cars are exiting the  25 property, that was my concern.</p>	<p style="text-align: right;">Page 22</p> <p>1 CHAIRMAN LANGSTON: No, I agree, Eddie.  2 I think you made that clear.  3 MR. WARD: And just for the  4 clarification of the board, so thank you, Eddie, for  5 clarifying your comment or question, this applicant  6 is compliant with the front yard setback: They're  7 creating a 15-foot sidewalk; that's what the  8 requirement is. So it's providing additional space  9 to allow for a car to come out of that garage, and  10 assess traffic, and then clear that sidewalk, and  11 the alternative, turning into that driveway, while  12 having enough space to take into sight the  13 pedestrians. So there is an added pedestrian space,  14 with regards to the zoning, and they're complying.  15 CHAIRMAN LANGSTON: My only concern  16 is -- it's not my only concern, but, you know,  17 obviously, we all know Grand Street is a -- I don't  18 want to say it's not the safest street in the city,  19 but, you know, it's a high-volume street. It's --  20 we've had safety concerns before when it comes to  21 bike lanes. And, you know, my mind's set at ease a  22 little bit more if there is a new street that we can  23 move that curb cut to, and it's deed restricted,  24 that that happens when -- if and when that new  25 street is constructed.</p>
<p style="text-align: right;">Page 23</p> <p>1 I do feel like we should hear from  2 traffic and engineering on this, though.  3 MR. ALAMPI: Well, Chairman, just to  4 add to that, you know, a lot of the deviations go to  5 the fact that we've got a minimum lot area that  6 isn't being met, and you've got a parking  7 requirement. They're providing or proposing seven  8 spaces, where 25, 24 and change, are required. So  9 all of that is going to factor into how the board  10 weighs an application like this, and all of the  11 concerns that are being articulated are spot on.  12 That's exactly why the requirements are what they  13 are in the location that we're talking about.  14 So I just point that out, because a lot  15 of what's being created doesn't get you to the  16 number that you should be getting to in the first  17 place, parking-space-wise.  18 MR. JOSEPH: So a couple things that I  19 just wanted to address.  20 One, the application was reviewed by  21 the Division of Engineering, Traffic, and  22 Transportation; not necessarily a traffic engineer,  23 but there are some comments that address details,  24 and dimensions regarding the drive aisle, and the  25 curb, and so forth, in that letter.</p>	<p style="text-align: right;">Page 24</p> <p>1 There was also an earlier version of  2 this plan that had no parking, but as this board  3 knows, one of the biggest concerns that's heard in  4 front of this board is parking, why are buildings  5 coming up with no parking. My client had wanted a  6 very large amount of retail space, which is why he's  7 still willing to agree to the deed restriction, and  8 in order to have some type of compromise, we do have  9 a substantial amount of retail space, although a lot  10 less than if we had provided no parking as part of  11 this -- part of this application.  12 MR. ALAMPI: But with all due -- at  13 some point, sometimes, we might be putting a little  14 too much in the bag.  15 Chairman, obviously, we should hear the  16 testimony, but if --  17 CHAIRMAN LANGSTON: Sure.  18 MR. ALAMPI: -- the board feels they  19 need more information, either from the applicant or  20 from other agencies in the city, to help get to the  21 place that the board needs to get to, then there's  22 nothing wrong with the board asking for that  23 information, and getting that information, and not  24 wasting everybody's valuable time in the process.  25 CHAIRMAN LANGSTON: Of course. Yeah,</p>

<p style="text-align: right;">Page 25</p> <p>1 my -- like I said, my concern isn't necessarily with</p> <p>2 the applicant providing a traffic study, I know</p> <p>3 we're only talking about seven cars, but, you know,</p> <p>4 I do feel like we should hear from Mr. Vischio on</p> <p>5 the safety of a curb cut on Grand Street. Again, I</p> <p>6 know the applicant's -- you know, I appreciate their</p> <p>7 willingness to move that curb cut once -- if and</p> <p>8 when that new street is constructed, but, again,</p> <p>9 that street isn't, you know, a done deal at this</p> <p>10 point. So I certainly have concerns with a curb cut</p> <p>11 on Grand Street.</p> <p>12 I don't know, does anyone else from the</p> <p>13 board want to weigh in on this, or am I alone, are</p> <p>14 my concerns unfounded?</p> <p>15 VICE CHAIRMAN GONZALEZ: Agree with</p> <p>16 you, Mr. Chair.</p> <p>17 COMMISSIONER ALLEN: I agree.</p> <p>18 COMMISSIONER TORRES: I agree with you,</p> <p>19 and I think we should make it clear: There is no</p> <p>20 other road being built right now. We're voting on</p> <p>21 something that has no road being built. We can say</p> <p>22 maybe in the future, but we don't know that.</p> <p>23 COMMISSIONER GANGADIN: I agree as</p> <p>24 well, Chair.</p> <p>25 COMMISSIONER THAKUR: Me too. I agree</p>	<p style="text-align: right;">Page 26</p> <p>1 too.</p> <p>2 CHAIRMAN LANGSTON: Okay. And, Matt,</p> <p>3 are you comfortable with us -- I mean, I'm not</p> <p>4 asking for a traffic study from the applicant. Are</p> <p>5 you okay with that, just asking for, you know,</p> <p>6 Mr. Vischio to weigh in?</p> <p>7 MR. WARD: I don't know. I can't speak</p> <p>8 for Mr. Vischio. I don't know what we will be</p> <p>9 comfortable commenting on, if he has enough</p> <p>10 information to opine on your -- the board's concern.</p> <p>11 So I don't really know.</p> <p>12 CHAIRMAN LANGSTON: I'm asking more on</p> <p>13 your end.</p> <p>14 MR. WARD: I don't have an opinion.</p> <p>15 CHAIRMAN LANGSTON: Okay. Understood.</p> <p>16 Understood.</p> <p>17 Mr. Joseph, I didn't mean to cut you</p> <p>18 off.</p> <p>19 MR. JOSEPH: I'm sorry, my question was</p> <p>20 going to be what the proper procedure would be.</p> <p>21 I've never had the experience of having the city's</p> <p>22 traffic engineer provide something specific for an</p> <p>23 application like this, in the --</p> <p>24 CHAIRMAN LANGSTON: Neither have I, so</p> <p>25 that's -- you know, that's why I'm asking. I'm not</p>
<p style="text-align: right;">Page 27</p> <p>1 trying to burden the applicant with a traffic study</p> <p>2 if it's not warranted, but I think, just from a</p> <p>3 safety standpoint, we should hear from -- you know,</p> <p>4 we should know that traffic and engineering is aware</p> <p>5 of the project, is aware of the curb cut, and its</p> <p>6 impact on Grand Street, on the safety of Grand</p> <p>7 Street. That's really all I'm looking for.</p> <p>8 MR. JOSEPH: I know they are aware,</p> <p>9 because when we send out review agents, they go</p> <p>10 there; we typically don't get a specific letter from</p> <p>11 traffic, just a general Division of Engineering</p> <p>12 letter. So I'm not -- I'm not sure what the</p> <p>13 solution would be. I'm not sure if the board wants</p> <p>14 to hear the balance of testimony, and then -- and</p> <p>15 then get something from the city's traffic engineer.</p> <p>16 I'm not -- I'm not sure, just because we -- neither</p> <p>17 of us have encountered there before.</p> <p>18 MR. ALAMPI: Chairman, I think it's</p> <p>19 pretty clear what you would like, which is you want</p> <p>20 to hear from the city engineer about the curb cut on</p> <p>21 Grand Street, and whether or not it's an issue for</p> <p>22 them. That's your question.</p> <p>23 CHAIRMAN LANGSTON: Exactly. And</p> <p>24 that -- when we say the city engineer, we're talking</p> <p>25 about Mr. Vischio, or the Department of Traffic and</p>	<p style="text-align: right;">Page 28</p> <p>1 Engineering.</p> <p>2 MR. ALAMPI: Correct.</p> <p>3 CHAIRMAN LANGSTON: I mean, I'm looking</p> <p>4 at the engineering letter right now, and, you know,</p> <p>5 item number 1 is "Please revise the driveway design</p> <p>6 according to city design standards." So, obviously,</p> <p>7 Counsel, you don't agree with that statement from</p> <p>8 engineering, so --</p> <p>9 MR. JOSEPH: So our -- our engineer did</p> <p>10 review that letter, and they have no issue with</p> <p>11 that. I think the design standards would be in</p> <p>12 terms of the width of the curb cut. So the width</p> <p>13 that's permitted on the curb cut is -- 10 feet's</p> <p>14 permitted, and 20 feet are proposed. So we're -- we</p> <p>15 are asking for a variance of the maximum width of</p> <p>16 the curb cut to match the drive aisle --</p> <p>17 MR. WARD: I'm just going to cut in. I</p> <p>18 don't actually think that's accurate. He meant --</p> <p>19 the engineer is probably speaking more to, like, if</p> <p>20 there's -- if you guys are doing, like, a brick</p> <p>21 paver drop curb or -- I know you have a brick paver</p> <p>22 parkway band next to your sidewalk; it's probably</p> <p>23 more related to that. But we would have to reach</p> <p>24 out to Lichuan to understand that comment more,</p> <p>25 because it's really not -- it's not giving us</p>

<p style="text-align: right;">Page 29</p> <p>1 enough.</p> <p>2 CHAIRMAN LANGSTON: Okay. And, yeah, I</p> <p>3 mean, asking for a 20-foot-wide curb cut, to me, you</p> <p>4 know, encourages a faster entrance and exit to the</p> <p>5 project. You know, again, I'm not a traffic</p> <p>6 engineer, but my concern is, you know, a</p> <p>7 20-foot-wide curb cut, someone coming off of Grand</p> <p>8 Street that is pulling into the building, one of</p> <p>9 those seven cars that is pulling into that building,</p> <p>10 might be at a higher rate of speed than if the curb</p> <p>11 cut was 10 feet. The 10 feet curb cut would</p> <p>12 encourage more of a 90-degree turn, where a 20-foot</p> <p>13 curb cut encourages more of a -- you know, a softer</p> <p>14 angle going into that garage, and I'm concerned</p> <p>15 about pedestrian safety on that sidewalk with a curb</p> <p>16 cut that size.</p> <p>17 MR. JOSEPH: Understood. I'm also</p> <p>18 getting messages from my client saying he's happy to</p> <p>19 eliminate the parking altogether, if it's that big</p> <p>20 of a concern.</p> <p>21 CHAIRMAN LANGSTON: Again, it's not the</p> <p>22 parking; it's the curb cut.</p> <p>23 I mean, I would like to hear from</p> <p>24 Mr. Vischio. If we're eliminating the parking, you</p> <p>25 know, obviously, that's not something that we're</p>	<p style="text-align: right;">Page 30</p> <p>1 going to do right this second, unless you have</p> <p>2 alternate plans in your back pocket eliminating that</p> <p>3 parking.</p> <p>4 MR. JOSEPH: We probably do have a</p> <p>5 prior set of plans with no parking.</p> <p>6 CHAIRMAN LANGSTON: I wouldn't be</p> <p>7 surprised.</p> <p>8 MR. JOSEPH: But I -- unfortunately, my</p> <p>9 client's not going to want to hear me say this, but</p> <p>10 there's been too many additional changes since that</p> <p>11 initial set. And, Ted, if you can just confirm that</p> <p>12 on the record, that the prior set of drawings that</p> <p>13 has no parking, there are other substantial changes</p> <p>14 besides the parking, that has been made since then.</p> <p>15 Is that accurate?</p> <p>16 MR. HAMMER: Yes, that's accurate.</p> <p>17 MR. JOSEPH: So I don't -- my client</p> <p>18 doesn't want to hear me say this, but it's --</p> <p>19 jurisdictionally, I don't know if we can --</p> <p>20 MR. ALAMPI: Yeah, I don't think that</p> <p>21 we can. And, Chairman, I think that the starting</p> <p>22 place is to see if we can get Mr. Vischio to give</p> <p>23 the board some guidance. If we can, great; if we</p> <p>24 can't, then the board will have to proceed without</p> <p>25 that guidance. We're not going to hold up the</p>
<p style="text-align: right;">Page 31</p> <p>1 application indefinitely waiting for a response, but</p> <p>2 I can see that you're struggling with this issue and</p> <p>3 need guidance on it, and I suspect that the other</p> <p>4 commissioners have a very similar feeling, that this</p> <p>5 is an issue, and we need some guidance from</p> <p>6 Mr. Vischio, so that's what we need. And where that</p> <p>7 takes us is where we go.</p> <p>8 CHAIRMAN LANGSTON: Yeah, and, you</p> <p>9 know, Counsel, by no means am I putting a -- it's</p> <p>10 not my intention to put a nail in the coffin on this</p> <p>11 project. You know, like Mr. Alampi said, we really</p> <p>12 want guidance on this from traffic.</p> <p>13 MR. JOSEPH: Understood.</p> <p>14 CHAIRMAN LANGSTON: Yeah, it's -- you</p> <p>15 know, putting a curb cut on Grand Street is a</p> <p>16 concern, and I think we need them to weigh in on it.</p> <p>17 So, Matt, can you reach out to</p> <p>18 Mr. Vischio tomorrow?</p> <p>19 MR. WARD: I will do so, yeah.</p> <p>20 CHAIRMAN LANGSTON: Okay. And --</p> <p>21 MR. WARD: So I have it written down as</p> <p>22 the board's concerns are the safety of the curb cut</p> <p>23 on Grand Street, and also the width of the curb cut.</p> <p>24 CHAIRMAN LANGSTON: Yes.</p> <p>25 And, Counsel, are you comfortable with</p>	<p style="text-align: right;">Page 32</p> <p>1 that?</p> <p>2 MR. JOSEPH: Yes.</p> <p>3 CHAIRMAN LANGSTON: Okay. Do we want</p> <p>4 to put a date on this yet, Matt? Do we want to</p> <p>5 set -- I know May 4th is loaded up already.</p> <p>6 MR. WARD: I think that we could put it</p> <p>7 to the beginning of the agenda on May 4th.</p> <p>8 CHAIRMAN LANGSTON: Okay. Counsel,</p> <p>9 you're okay with that?</p> <p>10 MR. JOSEPH: That would be greatly</p> <p>11 appreciated. Greatly appreciated.</p> <p>12 CHAIRMAN LANGSTON: Yeah, let's put you</p> <p>13 right up front, then, if we could.</p> <p>14 All right. So let's entertain a motion</p> <p>15 to carry to May 4th.</p> <p>16 VICE CHAIRMAN GONZALEZ: Mr. Chair, at</p> <p>17 this point, I'd like to make a motion to carry case</p> <p>18 P20-105 to a date certain of May 4th, 2021.</p> <p>19 COMMISSIONER TORRES: Second.</p> <p>20 COMMISSIONER CRUZ: Second it.</p> <p>21 CHAIRMAN LANGSTON: Okay. We have a</p> <p>22 motion and second.</p> <p>23 MR. ALAMPI: And, Counsel, are you</p> <p>24 willing to extend time for the board to act?</p> <p>25 MR. JOSEPH: Yes, the applicant</p>



<p style="text-align: right;">Page 33</p> <p>1 consents.</p> <p>2 MR. ALAMPI: Thank you.</p> <p>3 CHAIRMAN LANGSTON: All right. Thank</p> <p>4 you, Counsel.</p> <p>5 All right. So we have a motion and a</p> <p>6 second for carry.</p> <p>7 Can we have a roll call, please?</p> <p>8 MR. WARD: On a motion to carry to May</p> <p>9 4th with testimony taken, commissioner Dr. Gonzalez?</p> <p>10 VICE CHAIRMAN GONZALEZ: Aye.</p> <p>11 MR. WARD: Commissioner Torres?</p> <p>12 COMMISSIONER TORRES: Aye.</p> <p>13 MR. WARD: Commissioner Thakur?</p> <p>14 COMMISSIONER THAKUR: Aye.</p> <p>15 MR. WARD: Commissioner Allen?</p> <p>16 COMMISSIONER ALLEN: Aye.</p> <p>17 MR. WARD: Commissioner Cruz?</p> <p>18 COMMISSIONER CRUZ: Aye.</p> <p>19 MR. WARD: Commissioner Gangadin?</p> <p>20 COMMISSIONER GANGADIN: Aye.</p> <p>21 MR. WARD: And Chairman Langston?</p> <p>22 CHAIRMAN LANGSTON: Aye.</p> <p>23 MR. WARD: Motion carries, all in</p> <p>24 favor.</p> <p>25 CHAIRMAN LANGSTON: Thanks, Matt.</p>	<p style="text-align: right;">Page 34</p> <p>1 And if you need me to speak to</p> <p>2 Mr. Vischio and throw my concerns out there, just</p> <p>3 exactly what we're looking for, feel free, put him</p> <p>4 in touch with me if you need to.</p> <p>5 MR. WARD: Understood.</p> <p>6 MR. HAMMER: Hi, this is Ted Hammer.</p> <p>7 The -- you know, Calisto Bertin, our engineer, can</p> <p>8 comment on the traffic, if you'd like.</p> <p>9 CHAIRMAN LANGSTON: We're really --</p> <p>10 we're looking for Mr. Vischio to give his input,</p> <p>11 from the city's point of view.</p> <p>12 MR. HAMMER: Very good.</p> <p>13 CHAIRMAN LANGSTON: All right. Thank</p> <p>14 you.</p> <p>15 (Whereupon, the hearing concluded at</p> <p>16 7:33 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 35</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I, Michael Lombardozzi, a Notary Public</p> <p>6 and Certified Court Reporter of the State of New</p> <p>7 Jersey, do hereby certify that the foregoing is a</p> <p>8 true and accurate transcript of the testimony as</p> <p>9 taken stenographically by and before me at the time,</p> <p>10 place, and on the date hereinbefore set forth.</p> <p>11 I do further certify that I am neither</p> <p>12 a relative nor employee nor attorney nor counsel of</p> <p>13 any of the parties to this action, and that I am</p> <p>14 neither a relative nor employee of such attorney or</p> <p>15 counsel and that I am not financially interested in</p> <p>16 this action.</p> <p>17</p> <p>18</p> <p>19 Michael Lombardozzi,</p> <p>20 Certified Court Reporter, State of New Jersey</p> <p>21 CERT #: 30X100239700</p> <p>22 Date: 2 May 2021</p> <p>23</p> <p>24</p> <p>25</p>	

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