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TOWN OF WESTFIELD

PLANNING BOARD

IN RE :
PUBLIC HEARING :
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: :

TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES

Monday, July 17, 2023

Municipal Building
425 East Broad Street
Westfield, New Jersey
Commencing at 7:30 p.m.

1 B E F O R E:

2

MICHAEL ASH, CHAIRMAN

3

MICHAEL LA PLACE, VICE-CHAIRMAN

4

COUNCILMAN MICHAEL DARDIA, COUNCIL LIAISON

5

MATTHEW CEBERIO, MEMBER

6

ANASTASIA HARRISON, MEMBER

7

ROSS GOLDSTEIN, MEMBER

8

MICHAEL DUELKS, FIRE DEPARTMENT CHIEF

9

ALEXANDRA CARRERAS, FIRST ALTERNATE

10

ANN FREEDMAN, SECOND ALTERNATE

11

12

DON SAMMET, TOWN PLANNER/BOARD SECRETARY

13

DAVID BATTAGLIA, TOWN ENGINEER

14

15 A B S E N T:

16 MAYOR SHELLEY BRINDLE, MAYOR DESIGNEE

17 ASIMA JANSVELD, MEMBER

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

19 ASHENFELTER, TREMBULAK, MCDONOUGH, GOLIA &
TREVENEN, LLP

20 BY: ALAN TREMBULAK, ESQ.
Attorney for the BOARD

21

22 INGLESINO, WEBSTER, WYCISKALA & TAYLOR, LLC
BY: DEREK W. ORTH, ESQ.

23 Attorney for the APPLICANT WC SOUTH URBAN
RENEWAL, LLC

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ELITE / MOHAMMED NASSER
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- PB 23-009 (*SCHEDULED FOR 8/7/2023*)
PASSAIC AFFORDABLE HOUSING
211 SOUTH AVENUE EAST
- PB 23-010 (*IN COMPLETENESS REVIEW*)
RAPUANO & RAPUANO, LLC
500 NORTH AVENUE EAST

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P R O C E E D I N G S
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CHAIRMAN ASH: Good evening,
everyone. Welcome to the regular meeting of the
Town of Westfield Planning Board. Today is
July 17, 2023. Notice of this meeting has been
published in accordance with the Open Public
Meetings Act, and our agenda has been posted on
the Town of Westfield website. Let's all rise for
the flag salute.

(Whereupon, the Pledge of Allegiance
was recited.)

CHAIRMAN ASH: Let's start by taking
attendance this evening.

MR. SAMMET: Good evening, everyone.
Chairman Ash.

CHAIRMAN ASH: Here.

MR. SAMMET: Vice-chair La Place.

VICE-CHAIRMAN LA PLACE: Here.

MR. SAMMET: Mayor Brindle is absent
this evening. Councilman Dardia.

COUNCILMAN DARDIA: Here.

MR. SAMMET: Chief Duelks.

CHIEF DUELKS: Here.

1 MR. SAMMET: Ms. Harrison.

2 MS. HARRISON: Here.

3 MR. SAMMET: Mr. Ceberio.

4 MR. CEBERIO: Here.

5 MR. SAMMET: Ms. Jansveld is absent
6 this evening. Mr. Goldstein.

7 MR. GOLDSTEIN: Here.

8 MR. SAMMET: Ms. Carreras.

9 MS. CARRERAS: Here.

10 MR. SAMMET: And Ms. Freedman.

11 MS. FREEDMAN: Here.

12 CHAIRMAN ASH: Thank you. No
13 minutes this evening. They're not ready yet. All
14 right, so we'll go right to our resolutions. The
15 first being PB 23-08 for Westfield Station
16 Fidelco, 210 South Avenue West, Block: 3101,
17 Lot: 7.

18 MR. SAMMET: For the roll call; I
19 have Ms. Harrison, Ms. Jansveld, who is absent
20 this evening, and Ms. Freedman as not being
21 eligible on this resolution. So I just won't call
22 your names during the roll.

23 CHAIRMAN ASH: Okay. Can I have a
24 motion to approve?

25 MR. CEBERIO: I'll make that,

1 motion.

2 COUNCILMAN DARDIA: Second.

3 CHAIRMAN ASH: Thank you.

4 MR. SAMMET: Seconded by Councilman
5 Dardia. Chairman Ash.

6 CHAIRMAN ASH: Yes.

7 MR. SAMMET: Vice-chair La Place.

8 VICE-CHAIRMAN LA PLACE: Yes.

9 MR. SAMMET: Councilman Dardia.

10 COUNCILMAN DARDIA: Yes.

11 MR. SAMMET: Chief Duelks.

12 CHIEF DUELKS: Yes.

13 MR. SAMMET: Mr. Ceberio.

14 MR. CEBERIO: Yes.

15 MR. SAMMET: Mr. Goldstein.

16 MR. GOLDSTEIN: Yes.

17 MR. SAMMET: And Ms. Carreras.

18 MS. CARRERAS: Yes.

19 CHAIRMAN ASH: Our next resolution
20 is PB 23-07, Bronx Realty, LLC, 184 Elm Street,
21 Block: 2405, Lot: 30.

22 MR. SAMMET: Same as before; I have
23 Ms. Harrison, Ms. Jansveld, and Ms. Freedman as
24 not eligible to vote on this resolution.

25 CHAIRMAN ASH: May I have a motion

1 to approve?

2 MR. CEBERIO: I'll make that motion.

3 CHAIRMAN ASH: Second?

4 CHIEF DUELKS: Second.

5 MR. SAMMET: Seconded by...was that
6 Chief Duelks?

7 Chair Ash.

8 CHAIRMAN ASH: Yes.

9 MR. SAMMET: Vice-chair La Place.

10 VICE-CHAIRMAN LA PLACE: Yes.

11 MR. SAMMET: Councilman Dardia.

12 COUNCILMAN DARDIA: Yes.

13 MR. SAMMET: Chief Duelks.

14 CHIEF DUELKS: Yes.

15 MR. SAMMET: Mr. Ceberio.

16 MR. CEBERIO: Yes.

17 MR. SAMMET: Mr. Goldstein.

18 MR. GOLDSTEIN: Yes.

19 MR. SAMMET: And Ms. Carreras.

20 MS. CARRERAS: Yes.

21 MR. SAMMET: Thank you.

22 CHAIRMAN ASH: Our last resolution
23 is PB 23-05, PSM 743 Central Avenue, LLC, 743
24 Central Avenue, Block: 4001, Lot: 97.

25 MR. CEBERIO: I'll make that motion.

1 CHAIRMAN ASH: And a second?

2 CHIEF DUELKS: Second.

3 MR. SAMMET: I'll do the roll call
4 the same. The folks that are eligible for this
5 are the same as the first two.

6 Chair Ash.

7 CHAIRMAN ASH: Yes.

8 MR. SAMMET: Vice-chair La Place.

9 VICE-CHAIRMAN LA PLACE: Yes.

10 MR. SAMMET: Councilman Dardia.

11 COUNCILMAN DARDIA: Yes.

12 MR. SAMMET: Chief Duelks.

13 CHIEF DUELKS: Yes.

14 MR. SAMMET: Mr. Ceberio.

15 MR. CEBERIO: Yes.

16 MR. SAMMET: Mr. Goldstein.

17 MR. GOLDSTEIN: Yes.

18 MR. SAMMET: And Ms. Carreras.

19 MS. CARRERAS: Yes.

20 MR. SAMMET: Thank you very much.

21 CHAIRMAN ASH: Thank you. There are
22 no carried appeals this evening, which brings us
23 to the new appeals.

24 The application tonight is

25 PB 23-011, Westfield School District, Roosevelt

1 Intermediate School.

2 MR. GOLDSTEIN: Chair, I have a
3 student at that school; do I need to abstain?

4 CHAIRMAN ASH: Counselman?

5 MR. TREMBULAK: No, I don't believe,
6 so. No.

7 MR. DUTHIE: Good evening. I'm
8 George Duthie. I'm a principal deputy of FVHD
9 Architects for the Westfield Board of Education.
10 We're here in the matter tonight of a facade
11 restoration at the Roosevelt Intermediate School.
12 A project that though is actually more of a
13 structural project than an aesthetic project. And
14 one of our primary goals of the project is to
15 prevent further damage to the building. So we did
16 receive Mr. Sammet's letter regarding the finials
17 on the building which I would like to address in a
18 moment.

19 But I'd like to possibly begin by
20 saying that we've as much as we were able to do
21 with emulating the existing terra cotta panels
22 using what we call glass fiber reinforced cement,
23 and even reusing some of the panels within the
24 building, as Mr. Sammet's letter stated. We've
25 done a lot of work on that design with consultants

1 who specialize in terra cotta and building facade
2 restoration. As well as with a structural
3 engineer who specializes in this type of work as
4 well. And the finials, from a performance and
5 integrity standpoint, we're concerned about
6 maintaining the long-term water tightness of that
7 condition and not having a repeat of the
8 circumstances that kind of got the building to
9 where it is right now with the rusted ceiling.

10 Cost is another factor, but the
11 experts who had worked on the design as our
12 consultant are concerned about the water
13 integrity, the wind buffering that's going to
14 occur at that elevation, and really the ability to
15 attach these finials in such a way as to not cause
16 any problems in the longer term. Okay. So that's
17 our response to the comment that was presented.

18 VICE-CHAIRMAN LA PLACE: I have a
19 question.

20 CHAIRMAN ASH: Yeah, go ahead.

21 VICE-CHAIRMAN LA PLACE: What's the
22 age of the building?

23 MR. DUTHIE: That building is from
24 1918.

25 VICE-CHAIRMAN LA PLACE: 1918.

1 MR. DUTHIE: Correct.

2 VICE-CHAIRMAN LA PLACE: And the
3 pinnacles have been in place on-site since 1918?
4 They're original to the building?

5 MR. DUTHIE: The ones that are on
6 here? Well, I don't know that they're all
7 original to the building or not if some are
8 reconstructed. I don't know how many are
9 original.

10 VICE-CHAIRMAN LA PLACE: But I mean
11 as far as the design of the building, the
12 pinnacles were part of the original design of the
13 building?

14 MR. DUTHIE: Yes, correct.

15 VICE-CHAIRMAN LA PLACE: So that's a
16 pretty long stretch that they've survived before
17 this repair; is that not correct? I mean it's
18 2023.

19 MR. DUTHIE: Yes.

20 VICE-CHAIRMAN LA PLACE: I'm just
21 confused about this whole discussion. Because in
22 the past, when we've had public buildings and
23 Board of Ed buildings come before us, and as you
24 know, the processes that we're supposed to provide
25 guidance to what's being proposed. Demolition is

1 already taking place on the site; isn't it?

2 MR. DUTHIE: Yes, correct.

3 VICE-CHAIRMAN LA PLACE: I live by
4 the school. I see the parapets have already been
5 demolished mostly.

6 MR. DUTHIE: That's correct.

7 VICE-CHAIRMAN LA PLACE: So what are
8 we talking about then? I mean we're talking about
9 after the work has already been done?

10 CHAIRMAN ASH: Well, the role of
11 this Board is to make recommendations based on our
12 local knowledge of our ordinances that can, maybe,
13 be upgraded to the application to the State of the
14 New Jersey Department of Education Offices of
15 School Facilities that is the Board that has
16 jurisdiction to approve these types of
17 improvements to school facilities. Alan, is that
18 accurate?

19 MR. TREMBULAK: Yes. I mean it's
20 basically -- you know, to require you that the
21 Board's role is essentially advisory to make
22 recommendations with the State --

23 VICE-CHAIRMAN LA PLACE: I
24 understand that, but my question is timing.

25 MR. TREMBULAK: I agree.

1 VICE-CHAIRMAN LA PLACE: The
2 building is already being -- a portion is being
3 demolished. The cornice, the pinnacles, are being
4 taken down. There's a big shoot in front of this
5 building where debris is being shot down. I'm
6 really troubled by the fact that the pinnacles
7 which you say are not an important element of the
8 building and they weren't being preserved or in
9 storage. But what's the sense of even talking
10 about it? They've already been removed.

11 MS. HARRISON: May I ask if they
12 were preserved or were they thrown in the garbage?

13 MR. DUTHIE: Certain pieces were
14 taken to the fabricators to be scanned to be made
15 into, you know, the molds for the new panels that
16 are being installed. There are no plans to use
17 the finials that are there now. They couldn't be
18 used in that form. They would have to be -- if it
19 were going to be done -- they would have to be
20 replicated in a material that's being used now.
21 We can't put back in what was there before. The
22 current codes with the seismic resistance that has
23 to be built at the top of the building, we can't
24 build that building the same way as it was built
25 back then.

1 VICE-CHAIRMAN LA PLACE: Right. But
2 it had a pretty long run, 1918 to 2023, those
3 finials; correct?

4 MR. DUTHIE: Agreed.

5 VICE-CHAIRMAN LA PLACE: I guess my
6 question right now is did the Board of Ed not file
7 this in time for us to see it before work began?
8 I mean aren't we supposed to see these things
9 before work begins?

10 MR. TREMBULAK: I would think so. I
11 mean I assume the building department --

12 CHAIRMAN ASH: Demolition permits
13 have been issued?

14 MR. DUTHIE: That's correct. The
15 building department issued demolition and
16 structural skill permits. But the process of
17 putting the panels up comes later. That's later
18 in the project. Right now, we're dealing with the
19 emergent structure issues. The issues that come
20 to light there with the structure; we're fixing
21 the beams, we're doing the structural portion of
22 the work right now.

23 VICE-CHAIRMAN LA PLACE: Yeah, I
24 understand that. But what I'm frustrated with is
25 this issue has already been resolved before it

1 came to the Planning Board for discussion. The
2 decision was already made to remove the finials.
3 So they're kind of off the table because that work
4 has already happened. That demolition is already
5 underway.

6 MR. DUTHIE: That's correct. They
7 could not be preserved in the any event; not in
8 their current form.

9 MS. FREEDMAN: Well, actually,
10 another idea would be to do what the First
11 Methodist Church did was to take a couple of
12 finials and put them in a garden. So you're
13 preserving it, but you're respecting the safety
14 because it sounds like it's a possible safety
15 issue. But to just throw them away seems a shame.
16 So they could maybe be used even for an
17 educational purpose if some of them still are in
18 good shape.

19 MR. DUTHIE: Sure. We could
20 preserve some for that purpose.

21 VICE-CHAIRMAN LA PLACE: I just have
22 one more question. This is for the planner. Don,
23 our ordinance that requires review of demolition
24 permits for anything built prior to 1930, was that
25 just for houses, or is it for anything?

1 MR. SAMMET: That's for a
2 substantial demolition of the structure, which
3 must not have cut it. This probably didn't even
4 go to zoning; the demolition part of it, and was
5 probably just issued through construction.

6 VICE-CHAIRMAN LA PLACE: I think --
7 I know our council representative is as concerned
8 as I am. I think our public buildings are every
9 bit as important as our private buildings in this
10 town, certainly because they belong to a whole
11 community and are part of our history. And I hope
12 we next time -- for instance, I hope we get to
13 review a project before it begins, that would be
14 nice. And, you know, have some meaningful input
15 into it. That's what we've done in the past.

16 MS. HARRISON: If new construction
17 hasn't been done, you've only done some demolition
18 and some structural repairs; correct?

19 MR. DUTHIE: Correct.

20 MS. HARRISON: Is there such a time
21 if this Board recommended that you redesign this
22 parapet wall to be more in kind to what was there?
23 Because that sawtooth edge is pretty distinctive
24 from all of the surrounding neighborhoods and it's
25 architecture. Could the parapet be redesigned

1 with new fiber cast finials into the parapet wall
2 to be more like it was?

3 MR. DUTHIE: So in order to achieve
4 what's there now. Again, that concern, it was
5 discussed with the consultants who -- our experts
6 in facade restoration and structure -- again, the
7 concern being putting those finials back in their
8 form -- and basically, those finials are currently
9 at the stair tower. There are four locations in
10 the building -- five locations in the building
11 where those locations occur. There are four stair
12 towers, and over the entrance of the building.
13 That's where those spiracle finials are located.
14 That was discussed with the consultant. This
15 comment was discussed with them in terms of being
16 able to put a replica of those finials back into
17 place and maintain the structure's integrity;
18 waterproof, water tightness, and structural
19 integrity of the building. The way it has to be
20 put back together now, as I said, seismic
21 constraints and everything else we have on the
22 building, so...

23 MS. HARRISON: I see that I'm not
24 making myself completely clear. The parapet wall
25 comes along the cap, on the corners it has a brick

1 parapet, and it has what looks here like a
2 limestone cap. Then it goes to this decorative
3 frieze which is proud of the brick.

4 MR. DUTHIE: Right.

5 MS. HARRISON: And then that
6 decorative frieze has a rhythm of in between each
7 panel, and those vertical elements are taller than
8 parapet by -- I don't know 8, 10, 12 inches -- and
9 then that comes back down. And so there are
10 different elevation heights. There's a cap of the
11 brick wall, there's the top of every vertical
12 stanchion, right, and they have a flat-pack on
13 that.

14 MR. DUTHIE: Right.

15 MS. HARRISON: Then the panels are
16 lower than that. And then at the stair tower
17 which is the decorative finial. There are several
18 elements that ebb and flow to give the height of
19 that building its sawtooth action. In looking at
20 these drawings, you've flattened out the whole
21 thing; is that correct?

22 MR. DUTHIE: Yes, that's correct.

23 MS. HARRISON: I think maybe what my
24 colleague may be feeling is how you've flattened
25 it, and it's not necessarily talking about the

1 three finials above the stairs, but really the
2 architecture of the entire parapet is so different
3 than it currently is.

4 MR. DUTHIE: It's definitely, yeah.
5 That's for sure.

6 MS. HARRISON: Yes. That's what
7 we're talking about. Did I articulate that
8 clearly enough?

9 MR. DUTHIE: I understand, yes.
10 Thank you.

11 MS. HARRISON: I think that's what
12 the reaction is. The panels are beautiful. The
13 fact that you're replacing this fabulous -- you've
14 completely lost all of the architecture of that
15 top rhythm of that parapet. And you get a great
16 vista of that building on a lot of different
17 streets on your ride in and out of town. And that
18 top element is part of its character and charm.
19 And one of the things we lose in old buildings is
20 character and charm because it's easier, cheaper,
21 better to build it flat and straight. But is that
22 necessarily the way we should be addressing this?
23 Is there a way to add some of the detail back?

24 MR. DUTHIE: Stepping up and down?

25 MS. HARRISON: Um-hmm. I've seen it

1 done before. I've seen it done in New York City.
2 I know it can be done. I know that the
3 consultants may not have recommended it, but why?
4 Why can't -- is it just because it was easier in
5 the budget?

6 MR. DUTHIE: No, I don't think that
7 was thought about. It was just more of an issue
8 of constructing it in such a way that we don't
9 have a repeat of what's happening to the building
10 with water getting down inside.

11 MS. HARRISON: But the construction
12 materials 1915...what year was this built?

13 VICE-CHAIRMAN LA PLACE: 1918.

14 MS. HARRISON: We're very different
15 than they are today. I mean we have ADDM, we have
16 waterproofing, we have poly-fiber cast stone that
17 won't take water in. I think that the materials
18 are so much better today and our details are so
19 much better. I don't understand why we can't make
20 it work.

21 MR. DUTHIE: We can look into it. I
22 can say that we can certainly look into it if
23 something can be done.

24 (Crosstalk.)

25 MS. HARRISON: And I understand that

1 large finials don't work. I think it's mostly
2 that undulation across the top that's missing.

3 MR. DUTHIE: We'd be happy to look
4 at it.

5 COUNCILMAN DARDIA: Yes. I would
6 agree that you should. And to Vice-chair
7 La Place's vis disappointment, there's certainly a
8 loss of character. And, unfortunately, this is
9 coming to us so late that maybe in time it could
10 have been saved. I understand what you're saying.
11 But for those finials that have been removed and
12 cannot be put back in place of course, to Ann's
13 point, maybe they could serve as an example of
14 architecture for the children who go to school
15 here, Roosevelt Intermediate, and could serve as a
16 point of history for architecture.

17 MR. DUTHIE: Sure.

18 MS. HARRISON: And even if they
19 can't be replaced, we can cast new ones just like
20 it.

21 MR. DUTHIE: Yeah.

22 COUNCILMAN DARDIA: Yeah, that
23 sounds good.

24 CHAIRMAN ASH: Mr. Duthie, did I
25 hear you use the "emergent" when you described the

1 facade?

2 MR. DUTHIE: Yeah, I used the word
3 "emergent" but I would say it's more of like a
4 situation that's been occurring over time with
5 deterioration. So "emergent" might not have been
6 the best choice of word for that.

7 CHAIRMAN ASH: Okay. But I mean
8 there's not a concern that there could be building
9 elements falling off of this building?

10 MR. DUTHIE: I'm not sure I
11 understand. What do you mean "falling off?" You
12 mean the old building elements?

13 CHAIRMAN ASH: Well, there were some
14 questions regarding the timing and why you started
15 your project before you came here for this
16 courtesy review. And I'm wondering if there was a
17 time-sensitive nature to this project that
18 concerned the safety of the people attending that
19 school.

20 MR. DUTHIE: That's a great point.
21 So after the terra cotta was examined more
22 closely, there was a concern with that which
23 required examination from a lift and scaffolding.
24 So there was an investigatory process that was
25 done. That's when the temporary fence went up

1 around the school. Because there was a concern
2 after looking at the terra cotta pieces on the
3 lift that there could possibly have one that could
4 fall. Although, that did not happen.

5 CHAIRMAN ASH: I know in Mr.
6 Sammet's memo, this school, this building, was not
7 identified as a historic site or in a historic
8 district which may have otherwise brought these
9 issues to the forefront while the project was
10 being planned. At this time --

11 VICE-CHAIRMAN LA PLACE: Yeah.
12 That's my recollection, although, I seem to
13 remember when we did the Master Plan -- when we
14 talked about the importance of landmarking public
15 landmarks and public buildings. And we even named
16 a bunch -- I don't know if this one of them -- but
17 Kehler Stadium; places like that.

18 CHAIRMAN ASH: Yeah. It would seem
19 this school is not.

20 VICE-CHAIRMAN LA PLACE: We've left
21 a big hole in our landmarking planning in this
22 town and I think we're paying dearly for it now.

23 CHAIRMAN ASH: Well, this Board does
24 have the authority to make recommendations to be
25 incorporated into the project.

1 MS. HARRISON: Yes. I think the
2 building is a classic collegiate architecture and
3 this provision of the parapet, I believe it's
4 called a crenulated parapet, would be maintained
5 and not flattened as suggested. And to suggest
6 that they will forward with other details that
7 they have, but to address the height of the
8 parapet to be more in connected with what it
9 originally was.

10 CHAIRMAN ASH: Okay. I'm going to
11 see: Are there any other members of the board
12 with questions or comments for Mr. Duthie? Okay.
13 At this time, are there any members of the public
14 that have questions or comments?

15 (A member of the public interrupts
16 from the gallery.)

17 MR. MONROE: You were talking about
18 --

19 CHAIRMAN ASH: Sir, you need to come
20 up -- sir, please approach the microphone and give
21 us your name and address.

22 MR. MONROE: My name is Kevin
23 Monroe, 307 Windsor Avenue. Speaking of
24 destroying the sites, over there by the tennis
25 courts, that was a historic site and y'all built

1 over there anyway.

2 CHAIRMAN ASH: I'm not sure what
3 site you're referring to.

4 MR. MONROE: The tennis court on
5 Grandview; Grandview and Grove. There was no
6 building that was supposed to be there. I've been
7 here for 60 years, but nothing -- that's a
8 historical site and you built it anyway. Just
9 like you're doing now up on Windsor, you want to
10 build a park. We was here December 15, 2019, they
11 said there'll never be a park there. Now, I get a
12 notice in the mail about a public park.

13 CHAIRMAN ASH: That's our next
14 application. Sir, do you have comments relative
15 to Roosevelt Intermediate?

16 MR. MONROE: No, only on the next
17 one. I got comments on that.

18 CHAIRMAN ASH: So that will be next.
19 Thank you.

20 MR. MONROE: Well, you said
21 historical sites, you're not supposed to build.
22 But you've already built on one and they didn't
23 even notify the neighborhood.

24 CHAIRMAN ASH: Any other members of
25 the public with questions or comments regarding

1 Roosevelt Intermediate School? Does this board
2 have a recommendation for this project?

3 VICE-CHAIRMAN LA PLACE: I really
4 thank my colleague, Ms. Harrison, for her
5 suggestion that we hopefully preserve that
6 verticality of the finials --

7 MS. HARRISON: Crenulated.

8 VICE-CHAIRMAN LA PLACE: -- so it's
9 not a flat cornice, which it never was and it's
10 105 -- those finials lasted 105 years. That's a
11 pretty good run. So I don't understand why all of
12 a sudden they would be stripped from the building.
13 This is a big building. It's a highly visible
14 building. It's visible from at least three public
15 streets. It's a landmark. So thank you,
16 Ms. Harrison, I think your suggestion is really
17 spot-on. And I would ask the Board of Ed if you
18 all could give us these things before you start
19 working on these buildings that would be helpful
20 and make our input a little more meaningful.
21 Thank you.

22 MS. HARRISON: So are we officially
23 denying this application and saying -- or do we
24 have to say --

25 CHAIRMAN ASH: It's not an

1 application. But if you were to make the
2 recommendation, as you articulated before, we can
3 make that a motion as a recommendation. So with
4 that, do you want to state your recommendation?

5 MS. HARRISON: Yes. Sure. I'm
6 recommending a motion to incorporate the
7 crenulated parapet as it currently exists with
8 newer technology and construction materials,
9 means, and methods to provide watertight
10 structural security as required.

11 COUNCILMAN DARDIA: I'll second
12 that.

13 CHAIRMAN ASH: And just to clarify,
14 it's just a recommendation to be added to the
15 project. Mr. Sammet, can I have a vote, please?

16 MR. SAMMET: Recommendation by
17 Ms. Harrison. I'm sorry, I didn't catch the
18 second.

19 CHAIRMAN ASH: Seconded by
20 Councilman Dardia.

21 MR. SAMMET: Chairman Ash.

22 CHAIRMAN ASH: Yes.

23 MR. SAMMET: Vice-chair La Place.

24 VICE-CHAIRMAN LA PLACE: Yes.

25 MR. SAMMET: Councilman Dardia.

1 COUNCILMAN DARDIA: Yes.

2 MR. SAMMET: Chief Duelks.

3 CHIEF DUELKS: Yes.

4 MR. SAMMET: Ms. Harrison.

5 MS. HARRISON: Yes.

6 MR. SAMMET: Mr. Ceberio.

7 MR. CEBERIO: Yes.

8 MR. SAMMET: Mr. Goldstein.

9 MR. GOLDSTEIN: Yes.

10 MR. SAMMET: Ms. Carreras.

11 MS. CARRERAS: Yes.

12 MR. SAMMET: And Ms. Freedman.

13 MS. FREEDMAN: Yes.

14 CHAIRMAN ASH: Thank you.

15 MR. SAMMET: Alan, how does this get
16 to the Board of Ed's school facilities?

17 MR. TREMBULAK: I mean, typically, a
18 letter or a memorandum would suffice. We don't
19 need a formal written resolution.

20 MR. SAMMET: Okay.

21 VICE-CHAIRMAN LA PLACE: I think the
22 most recent one we did was McKinley School for air
23 conditioning units in the front yard with some
24 other changes. But I think we did one about a
25 year ago.

1 MR. SAMMET: For solar panels as
2 well.

3 (Crosstalk.)

4 CHAIRMAN ASH: Next on the agenda is
5 PB 23-04, Westfield Crossing South Urban Renewal,
6 418 South Avenue East, Blocks: 4004/4005,
7 Lots 3/4.

8 MR. ORTH: Good evening,
9 Mr. Chairman and Members of the Board, my name is
10 Derek Orth, and I'm here on behalf of the
11 applicant, WC South Urban Renewal, LLC. It's
12 great to be here tonight with all of you in
13 beautiful Westfield. As you may know, the
14 Applicant is an affiliate of Elite Properties
15 which is a family-run development and construction
16 firm based out of Watchung, New Jersey. The
17 family has been developing and constructing
18 high-quality residential homes and apartments in
19 northern and central New Jersey for the past
20 several decades. This is a first-class outfit,
21 and the family takes great pride in the
22 communities in which they construct, operate, and
23 manage.

24 The application before the Board
25 this evening is Phase 2 of a South Avenue

1 redevelopment project. The subject properties,
2 which are designated as Block: 4004, Lot 17, and
3 Block: 4005, Lots: 3 and 4 on your tax map are
4 all located in the South Avenue Redevelopment Plan
5 which was approved by the Westfield Council in
6 March of 2021.

7 As I've indicated previously, this a
8 phased redevelopment project. The Board approved
9 Phase 1 of this project for the north side in
10 October of 2021. Phase 1 consisted of 156
11 residential apartments in two buildings with
12 approximately 17,000 square feet of ground-floor
13 commercial space fronting on South Avenue East.
14 If any board members have taken a drive past the
15 subject property, you'll that the construction of
16 Phase 1 is well underway. The Applicant has
17 installed doors and windows on one building and is
18 in the process of installing the facade. The
19 second building is still being framed out but is
20 also moving along quite well. In short, we're
21 hoping to open the first building for tenants in
22 January of 2024, and open the second building in
23 April of 2024. So the Applicant has enjoyed a
24 great relationship with Westfield and this Board
25 and we're looking forward to continuing our mutual

1 success this evening with Phase 2.

2 Phase 2 is more modest than Phase 1
3 and consists of 37 residential units; six of which
4 are reserved for lower moderated income
5 households. One of the most exciting components
6 of this project is the Lot 17 public park which
7 the Applicant will construct and dedicate to the
8 municipality for public use. The park has been
9 designed as a gateway to Westfield with display
10 areas for the public park with murals along with
11 seating areas, planting beds, and decorative
12 pavement. We think it's a great component of this
13 application.

14 Now, excepting one minor bulk
15 deviation -- which I'm going to get to in just a
16 minute -- the application before the Board is
17 consistent with the South Avenue Redevelopment
18 Plan, the Redevelopment Agreement between
19 Westfield and the Applicant, and Westfield's
20 Affordable Housing Settlement Agreement. In terms
21 of the requested deviation, we are seeking relief
22 for one bulk requirement in the Redevelopment
23 Plan. And that concerns building stories. I want
24 to emphasize from the outset that this proposal
25 fully complies with the height requirements in the

1 Redevelopment Plan, but due to a technical
2 definition of the word "story," one portion of the
3 building constitutes four stories whereas three is
4 permitted. So in this regard, prior to fully
5 conducting site engineering of this project, the
6 Applicant had prepared a concept plan to conform
7 to the bulk requirements of the Redevelopment
8 Plan.

9 Our initial concept had a broader
10 building base than what the Board has before them
11 this evening. As we moved through site
12 engineering, we realized that we could improve the
13 building design by concentrating the building
14 footprint into a smaller area. This creates a
15 little more open space, reduces building coverage,
16 and also reduces lot coverage. To ensure that we
17 honored the height standards in the plan, we
18 buried the parking level of the site as a basement
19 level. However, even though this parking level,
20 in layman's terms, a basement level, it is still
21 deemed a story, which necessitates a deviation. I
22 also want to note that the concept plan
23 modification was reviewed and approved by the
24 Mayor as required under the Redevelopment
25 Agreement with the Town. But, of course, remains

1 subject to your review and approval.

2 One other item to note,
3 Mr. Chairman, is that we are going to propose a
4 monument sign for this project. We inadvertently
5 omitted that from our application materials. But
6 we do have an exhibit for the Board's
7 consideration this evening which will be fully
8 compliant with the bulk standards in the
9 Redevelopment Plan.

10 In terms of witnesses tonight; I
11 have three for the Board's consideration. The
12 first is Lee Titus who is our civil engineer. He
13 will present the typical testimony regarding the
14 existing and the proposed conditions. The second
15 is John Saracco our project architect who is going
16 to present the architecture of the project and
17 also touch on the landscaping components as well.
18 And, finally, Mr. Chairman and Members of the
19 Board, we intend to close out with Paul Ricci who
20 is our project planner to present the planning
21 proofs in support of the requirement story
22 deviation. And unless there are any further
23 questions, Mr. Chairman, I'd like to call my first
24 witness and begin.

25 CHAIRMAN ASH: All right. Please

1 proceed.

2 (A member of the public interrupts
3 from the gallery.)

4 CHAIRMAN ASH: Sir, we'll let you
5 know when it's time for the public. First,
6 there's going to be public questions -- hold on --
7 as have we witnesses and the witnesses testify,
8 the Board will ask questions and make comments --

9 (A member of the public interrupts
10 from the gallery.)

11 CHAIRMAN ASH: Sir, I'm explaining
12 to you how the proceeding is going to go this
13 evening. We have witnesses; they're going to
14 testify, the Board asks questions, and the public
15 can ask questions.

16 (A member of the public interrupts
17 from the gallery.)

18 CHAIRMAN ASH: When they have
19 completed, the public can make a comment.

20 (A member of the public interrupts
21 from the gallery.)

22 MR. ORTH: Where do you want my
23 witnesses? Over there?

24 (Whereupon, a discussion is held off
25 the record.)

1 LELAND TITUS, having been duly
2 sworn, was examined and testified as follows:

3 CHAIRMAN ASH: Were you here as part
4 of Phase 1 of this project?

5 MR. TITUS: Yes, I was.

6 CHAIRMAN ASH: Have there been any
7 updates to your qualifications or educational
8 experience since then?

9 MR. TITUS: There hasn't, no.

10 CHAIRMAN ASH: Are you up to date
11 with all your civil engineering continuing
12 education?

13 MR. TITUS: Yes, I am.

14 CHAIRMAN ASH: I would accept
15 Mr. Titus as an expert in civil engineering unless
16 there are any comments or objections. Okay.

17 MR. ORTH: Thank you, Mr. Chairman.
18 Mr. Titus, do you want to mount that plan set on
19 the easel there? How would you like for us...?

20 MR. TITUS: I'm just going to go
21 through it.

22 MR. ORTH: You'll just go through
23 it. Okay. The document that Mr. Titus is
24 referring to was submitted as part of the site
25 plan application set. There are no revisions or

1 modifications to the document which he is talking
2 about at the moment.

3 BY MR. ORTH:

4 Q. So, Lee, why don't you walk us
5 through the existing conditions and then take us
6 through the proposed conditions?

7 A. Okay. There are two properties
8 involved in this. The properties are located at
9 the intersection of South Avenue and Windsor
10 Avenue. There's a triangular property to the west
11 that contains 12,074 square feet. That's the area
12 that's going to be a park. And presently on
13 there, there's a building and a parking lot. Most
14 of the entire site there's building and parking
15 lot and not much green at all on the site. There
16 are several curb cuts along South Avenue, and
17 that's how the site is now. Lots 4 and 3 are east
18 of Windsor Avenue, and that contains two
19 buildings. And one building is a garage and the
20 other building is some kind of a shop or
21 something. And those two sites were virtually
22 entirely covered with pavement and buildings. The
23 proposal is to tear all the buildings down, pick
24 up all the blacktop. Lot 17 will be constructed
25 as the park. This is the landscape architect's

1 colored rendering. (Indicating.)

2 MR. ORTH: This would be an exhibit,
3 Mr. Chairman.

4 BY MR. ORTH:

5 Q. Lee, why don't you describe what it
6 is that we're talking about so we can ask that it
7 be entered into the record?

8 A. It's a colorization of Sheet 1 of
9 the landscape architect's plans.

10 (Whereupon, Applicant's Exhibit A-1,
11 COLORIZED LANDSCAPE PLAN RENDERING - SHEET 1 -
12 DATED 1/19/2022, was marked for identification.)

13 MR. TITUS: And it shows the park,
14 the triangular shape, when the park was built.
15 It's going to be 84.3% impervious and the rest
16 will be landscaped. There will be various
17 hardscape around and benches and things that
18 typically go in a park. On the other side of the
19 street is where the building is going to be built.
20 That lot contains 51,712 square feet. And when
21 it's built, the building coverage will be 35.8%
22 and the improvement coverage is going to be
23 51.91%. It complies with all the requirements of
24 the Redevelopment Plan.

25 BY MR. ORTH:

1 Q. Except for the building stories;
2 correct?

3 A. Except for the stories. But the
4 general flow of everything is in a southerly
5 direction down towards -- there's an old brook
6 that's been kind of channelized and everything
7 flows towards that brook. There is some drainage
8 in the street, and the building will be tied into
9 the street drainage. The rest of the site flows
10 overland towards the brook. Access to the
11 building would be from Windsor Avenue, and it
12 would be through a little parking lot that's
13 there. And that parking lot contains 15 spaces.
14 There's also parking in the underground of the
15 building that contains 36 spaces.

16 Q. In terms of pedestrian activity, can
17 you talk about the sidewalks?

18 A. Yes. There are existing sidewalks
19 along the street. Those will all be repaired and
20 upgraded too. There's a sidewalk along Windsor
21 Avenue, we're removing the sidewalk along Windsor
22 Avenue. And there's also going to be pedestrian
23 access to Willow Avenue, which is actually in
24 Garwood, through across the building and tied into
25 the side on Windsor Avenue.

1 (A member of the public interrupts
2 from the gallery.)

3 BY MR. ORTH:

4 Q. There was a question regarding
5 parking; the size of parking stalls. They are all
6 size-compliant; is that correct?

7 A. Yes, they are. The parking spaces
8 outside will be 9-by-18. And I assume that's
9 inside. Additionally, there's a handicapped space
10 right next to the garage entrance, and that will
11 be van-accessible.

12 Q. And the drive aisles within the
13 development area are also compliant as far as
14 size?

15 A. Yes, they are.

16 Q. I think there was a question
17 regarding a fence which stretched out in the front
18 yard along South Avenue East; correct?

19 A. The fence would be built along the
20 rear of the property opposite Windsor Avenue.
21 That would be a vinyl fence. It's shown best on
22 Sheet 2 of the plans. It will stop at the
23 building line. And then we've proposed it to be
24 continued as a metal fence out to the South Avenue
25 East. There was a comment that that wouldn't be

1 permitted and we don't have to build that metal
2 fence.

3 Q. Correct. So the Applicant is
4 proposing to remove the portion of the fence which
5 would otherwise be in the front yard. Do you want
6 to notate that?

7 A. It would be the place north of the
8 building along the property line at South Avenue
9 East.

10 Q. So the Applicant will remove that
11 portion of the fence which eliminates one of the
12 concerns raised in Mr. Sammet's memo?

13 A. Yes.

14 Q. We also received an engineering memo
15 from Mr. Battaglia; correct?

16 A. That is correct.

17 Q. Do you have any concerns with any of
18 the comments related to the report?

19 A. No. I reviewed it briefly with
20 Mr. Battaglia, and I reviewed it briefly with my
21 client and they don't have a problem with any of
22 the items on the list.

23 Q. So we have no issue with the
24 submission of revised plans, with updated parking
25 counts, and the electric vehicle charging

1 stations; correct?

2 A. That's correct. The other thing was
3 sewer monitor. And he was also interested in a
4 stormwater report. Due to the decrease in motor
5 vehicle traffic and impervious coverage a lot of
6 it is exempt. We would have to deal with water
7 quality requirements. We would have to do for
8 quality, there's something called a "hydrograph"
9 and that is a curve with the stormwater. And the
10 test that you do is your try to fit the proposed
11 hydrograph within the existing hydrograph and the
12 reductions of the impervious coverage. On other
13 jobs that I've done similar in nature, that would
14 more likely occur -- I'd have to crunch the
15 numbers; it's a real lengthy computation.

16 MR. ORTH: But we will submit that
17 as a condition of resolution compliance should the
18 Board act favorably upon the application. I have
19 no further questions for Mr. Titus on direct. I
20 give him to you, Mr. Chairman.

21 CHAIRMAN ASH: Thank you, Mr. Orth.
22 Are there any members of the board that have
23 questions for Mr. Titus? Ms. Freedman.

24 MS. FREEDMAN: Yes, thank you. I
25 have a few questions on parking and traffic. Is

1 anyone from Stonefield here?

2 MR. TITUS: Yes.

3 MS. FREEDMAN: Should I save my
4 question?

5 MR. TITUS: It depends on what they
6 are.

7 MS. FREEDMAN: I noticed that the
8 study was done --

9 MR. TITUS: That, you'll have to
10 save, please.

11 MR. ORTH: Please go ahead.

12 MR. TITUS: I'm sorry.

13 MS. FREEDMAN: So when I speak to
14 the rep from Stonefield, I'll ask him about any
15 updated plans. But in addition to that, I noticed
16 that in Don Sammet's memo, he mentions that five
17 people will have to walk across South Avenue
18 because the parking is on the north side of the
19 twin developments. That's correct; right?

20 MR. TITUS: I believe so, yes.

21 MS. FREEDMAN: Okay. So...

22 MR. ORTH: I'm sorry. I apologize
23 for interrupting. But we have adequate parking
24 for the entirety of the development. Lee, how
25 many -- let me do it this way -- how many parking

1 stalls are on the south side of the project?

2 MR. TITUS: On the south side of the
3 project, there are 36 within the building, and
4 there's 15 outside for a total of 51.

5 MR. ORTH: So there's higher than
6 one-for-one for each resident. We also have
7 somewhat of an initiative add, when the project as
8 a whole is taken into account, we have exceeded in
9 terms of number of minimum required parking
10 stalls. So we have excess on the north side which
11 will be available for the residents or guests
12 either living or visiting someone on the south
13 side of the project. In all, we have more than
14 enough parking for the entirety of the project.

15 MR. GOLDSTEIN: I think she's
16 referring to the public safety aspect of crossing
17 from one to the other.

18 MR. ORTH: We should talk about --

19 MR. TITUS: I can talk about that.
20 After the meeting with the first part of the
21 project, there were some concerns raised by the
22 Board. And subsequent to that, we had a meeting
23 set up with the county. South Avenue is a county
24 road, and we have to do what the county wants.
25 They're the prime actors in this. What we do have

1 is a pedestrian crosswalk across Windsor Avenue
2 that would go from a ramp from the patio from the
3 main entrance across South Avenue East. It will
4 be a painted crosswalk that would go across to the
5 north side.

6 MR. GOLDSTEIN: I apologize if this
7 is not the right time. But there was a commitment
8 that you would speak to the -- that they would
9 speak to the county about having a pedestrian
10 crossing signal as opposed to a crosswalk.

11 MR. TITUS: They don't -- they don't
12 think you should have a crosswalk signal; the
13 County. We did discuss it with them; it was
14 brought up. We went over speed bumps there, you
15 know, we went over different options.

16 COUNCILMAN DARDIA: Did they explain
17 why there would be no beacon crossing?

18 (A member of the public interrupts
19 from the gallery.)

20 MR. TITUS: They might have, but I
21 don't recall. I don't know if the traffic expert,
22 when he speaks, can go into more detail on that.

23 VICE-CHAIRMAN LA PLACE: Yeah. I
24 was wondering too if you could clarify if the Town
25 were to report to us that the County would rather

1 just have a painted crosswalk without any other
2 way of making it more visible or safe such as,
3 like, curb extensions or signalization or
4 anything.

5 MR. TITUS: We also have that
6 application before them now, and I'm sure they'll
7 have additional recommendations that we can
8 review.

9

10 VICE-CHAIRMAN LA PLACE: Okay.

11 CHAIRMAN ASH: Was the County's
12 reluctance to the flashing beacon at the crosswalk
13 a maintenance issue?

14 MR. TITUS: I just don't remember.
15 It was quite a while ago when we had that meeting.
16 I just know that we met and that's what's
17 reflected on the plan.

18 MR. GOLDSTEIN: It was a condition
19 of the approval of the first part of the project
20 due to the retail element. Obviously, having the
21 retail is going to bring people to it. So that
22 was one of the conditions was that that formal
23 request would be made and we would be provided
24 that today. So it's disappointing to hear that we
25 don't have that information.

1 CHAIRMAN ASH: Did you review that
2 resolution before the application? That's a
3 really good memory. And we should probably
4 include that again for a second time.

5 MR. ORTH: There are two county
6 applications out there. There was a County 1
7 application that just came before the board for
8 Phase 1. There is a County 2 application which
9 has been submitted, albeit, just recently. We
10 have met with the County on Phase 2. We haven't
11 gotten any comments back from the County on
12 Phase 2 in particular. So certainly, if there is
13 some feeling from the Board or recommendation,
14 we're happy to take that to the County. And,
15 obviously, they will be provided with any
16 resolution adopted by this Board.

17 CHAIRMAN ASH: Any other questions
18 from the Board for Mr. Titus?

19 COUNCILMAN DARDIA: I have a
20 question. You said it's impervious material being
21 used for the most part?

22 MR. TITUS: It's 85% impervious,
23 yes.

24 VICE-CHAIRMAN LA PLACE: Currently.

25 MR. TITUS: Currently, there's 100%.

1 COUNCILMAN DARDIA: The proposed
2 would be 85?

3 MR. TITUS: Yes.

4 COUNCILMAN DARDIA: So it's going to
5 be like a lot of pavers; is what you're saying?

6 MR. TITUS: Exactly.

7 MS. FREEDMAN: Is there a reason why
8 it's 85% impervious? I would expect it to be the
9 flip; 15/85 with 85 being grass and the balance
10 impervious; is that right?

11 MR. TITUS: I didn't prepare the
12 design. That was prepared by a landscaping
13 architect.

14 MR. ORTH: I can just note that we
15 had a concept plan attached to the Redevelopment
16 Agreement for the Lot 17 park, and this design is
17 consistent with that concept plan which is
18 attached to the Redevelopment Agreement. The
19 Board is seeing what the Town has already seen and
20 what was appropriate for the site. So that is
21 what we're proposing today. We're certainly happy
22 to hear any comments.

23 VICE-CHAIRMAN LA PLACE: Yeah, I
24 don't recall the Redevelopment Plan that this
25 Board saw requiring 85% of the site would be

1 impervious coverage.

2 CHAIRMAN ASH: The Redevelopment
3 Agreement. Included in the concept.

4 (Crosstalk.)

5 VICE-CHAIRMAN LA PLACE: But it
6 didn't say 85% impervious coverage. Why would we
7 ask for a park and then ask you to have a hard
8 surface for most of it. I don't understand it.
9 It's like a parking lot.

10 MR. ORTH: You're asking good
11 questions. All I can tell you is what we've
12 proposed tonight is consistent with the concept
13 plan.

14 VICE-CHAIRMAN LA PLACE: I mean why
15 have a green space if it isn't green?

16 CHAIRMAN ASH: On Page 4 of
17 Mr. Sammet's memo is a narrative description of
18 the new open space which is defined as -- this
19 plan was reviewed by Mr. Sammet. In his memo, he
20 does state that this plan that's being heard
21 tonight is consistent with the concept in the
22 Redevelopment Agreement, and it's described as
23 being "a gateway feature to the Town with places
24 for the display public art and murals, along with
25 seating areas, planting beds, and a multi-use area

1 surfaced with decorative paving."

2 MR. SAMMET: I believe, Mr. Titus,
3 you're referring to the -- if I'm saying it
4 correctly, Mr. Titus -- the lots that will have
5 multi-family buildings on them; the 85%.

6 MR. TITUS: I'm talking about the
7 parking.

8 MR. SAMMET: Okay. In any event,
9 the maximum number of impervious coverage
10 permitted is 95%. So it falls below what is
11 permitted by the Redevelopment Plan.

12 VICE-CHAIRMAN LA PLACE: But that's
13 the maximum.

14 MR. SAMMET: It's a maximum, yeah.
15

16 VICE-CHAIRMAN LA PLACE: But we can
17 request that more of that be green space; right?

18 MR. SAMMET: Yes. You can make the
19 recommendation to the governing body for --
20 because you have to treat the public park as a
21 capital improvement project.

22 VICE-CHAIRMAN LA PLACE: But I'm
23 sorry, could you clarify though? It's not a
24 minimum requirement; the 95?

25 MR. SAMMET: No, that's a maximum.

1 VICE-CHAIRMAN LA PLACE: Maximum.
2 There's no minimum; right?

3 MR. SAMMET: No.

4 VICE-CHAIRMAN LA PLACE: That's
5 where I'm going; we have some flexibility if we
6 ask for more green space and less pavement.

7 MR. SAMMET: You can make that
8 recommendation, sure. But as I think it was
9 stated, the concept plan is consistent with what's
10 in the Redevelopment Agreement. So it may require
11 a modification in the Agreement which isn't for
12 this board to worry about. We, of course, are
13 providing recommendations regarding the park.

14 CHAIRMAN ASH: Mr. Orth, are we
15 going to have more detailed testimony regarding
16 the landscape plan where these open-space features
17 will be in greater detail?

18 MR. ORTH: We have our architect
19 here tonight who's going to provide some testimony
20 on that. The landscape architect was not able to
21 join us this evening, but our architect can speak
22 to that to some degree. This is a -- the concept
23 plan was designed in connection with Topology and
24 the Redevelopment Plan with the Town. This is the
25 vision that was put forward by the Town. We're

1 just implementing it. We're happy to hear any
2 suggestions for impervious pavers or additional
3 plantings. But ultimately, the lot will be
4 dedicated to the municipality.

5 CHAIRMAN ASH: I understand that
6 what is proposed and what is part of this
7 application is consistent with the specifics of
8 the Redevelopment Plan. I think perhaps some
9 additional testimony in greater detail as to how
10 this space was designed and maybe for a particular
11 purpose, would bring some clarity.

12 MR. ORTH: We're happy to do that.

13 COUNCILMAN DARDIA: I have a
14 question about the fence. If we could just review
15 that a bit more. We're talking about removing a
16 chain-link fence and keeping a PVC fence; is that
17 right?

18 MR. TITUS: We're proposing a PVC
19 fence from the south-easterly property corner all
20 the way up along the property. There are
21 residential properties on Willow Avenue in
22 Garwood, and we're trying to buffer those
23 residential properties from our site. It will be
24 a 6-foot PVC white fence. And the proposal was to
25 stop it at the corner of the building, at the

1 northerly side of the building, and then continue
2 it as a metal fence. It's a very open fence.
3 There's detail on the plan.

4 CHAIRMAN ASH: What sheet is that,
5 Mr. Titus?

6 MR. GOLDSTEIN: I thought that was
7 being removed.

8 COUNCILMAN DARDIA: I see what
9 you're talking about.

10 MR. TITUS: There was a metal fence,
11 and it's on Sheet 5. And then based on
12 Mr. Sammet's comments, we're saying that we can
13 remove the metal fence that goes out the rest of
14 the way to address his comment and maintain the
15 PVC fence.

16 COUNCILMAN DARDIA: So it will run
17 the length of the back of the building --

18 MR. TITUS: There will be a cut-out
19 for the side.

20 (Crosstalk.)

21 COUNCILMAN DARDIA: Thank you. That
22 was going to be my next question.

23 MR. TITUS: There's more visibility
24 than stopping people from going back and forth.
25 It's more for aesthetics.

1 CHIEF DUELKS: I just want to touch
2 on this real quick. We were talking about the EV
3 charging stations. I know Mr. Battaglia talked
4 about possibly making it 9 -- I believe you guys
5 had a total and rounded it up to 9, it was 8.2 or
6 something rounded up to 9 -- so 9 charging
7 stations.

8 MR. TITUS: Yes.

9 CHIEF DUELKS: Is the architect
10 going to get into detail on where those 9 charging
11 stations are going to be located at all?

12 MR. ORTH: Yes, he will.

13 CHIEF DUELKS: He will?

14 MR. ORTH: Yes.

15 CHIEF DUELKS: Okay. I'll wait for
16 him.

17 CHAIRMAN ASH: Any other members of
18 the Board with questions for Mr. Titus? At this
19 time, are there any members of the public that
20 have questions?

21 Mr. Monroe, now is the time in the
22 application for the public to ask questions to
23 Mr. Titus based on what he just testified to.

24 MR. MONROE: I have a letter from
25 December 15, 2019, that Shelley Brindle, right

1 here (indicating) that there would be no park.
2 Why do we need two parks on one block? Answer
3 that. I'm listening.

4 MR. TITUS: I understand you're
5 listening.

6 (Crosstalk.)

7 MR. MONROE: You already have --

8 MS. BREIEN: One at a time, please.
9 Thank you.

10 MR. TITUS: The park was agreed to
11 in the --

12 MR. ORTH: Have you seen the letter?

13 MR. TITUS: No.

14 MR. MONROE: There's a letter here
15 saying there won't be a park, Shelley Brindle, now
16 you're saying -- this is from 2019
17 (indiscernible.)

18 MR. ORTH: Can I see a copy of the
19 letter?

20 MR. MONROE: No. Get one from
21 Shelley. Y'all didn't do your homework,
22 evidentially.

23 CHAIRMAN ASH: Mr. Monroe --

24 MR. MONROE: They've been destroying
25 the neighborhood. They took Columbus School down.

1 Hold up -- let me talk.

2 CHAIRMAN ASH: Mr. Monroe, there's
3 an opportunity for you to make a comment after all
4 of the testimony has been completed. Right now --

5 MR. MONROE: I'm talking about the
6 park they're trying to build y'all already --

7 (Crosstalk.)

8 CHAIRMAN ASH: Mr. Monroe, you'll
9 have an opportunity to make a comment at the
10 appropriate time. Now is not that time. Now is
11 the time for anyone to ask questions --

12 MR. MONROE: He never answered the
13 question.

14 CHAIRMAN ASH: He didn't know the
15 answer to the question. Do you have another
16 question?

17 MR. MONROE: Why are you building
18 another park; two parks on one block? That's what
19 I'm asking.

20 CHAIRMAN ASH: Mr. Monroe, he is an
21 engineer who testified to the site plan and
22 engineering of the site. Do you have a question
23 related to those aspects?

24 MR. MONROE: Yeah. I have another
25 question. There's supposed to be 37 apartments

1 y'all building, and what is the fence for?

2 MR. TITUS: The fence is so if you
3 live on Willow Avenue you don't have to look at
4 the buildings as much from Willow Avenue.

5 MR. MONROE: Why don't you put it on
6 the north side? Listen, I grew up on Windsor
7 Avenue. All y'all doing is knocking this down,
8 don't notify no neighbors. All of a sudden, you
9 get a letter in the mail they're building this.
10 That ain't how you do things. Even as a
11 politician, have some integrity. What about we're
12 hard-working people? You ever think about us?
13 Hell no, evidentially. Because y'all going to do
14 what you want to do. It's wrong, and you know
15 it's wrong. (Indiscernible) Somebody's pockets
16 getting fat. (Indiscernible.) Let's talk the
17 truth.

18 CHAIRMAN ASH: Mr. Monroe, let's
19 keep this meeting at a level of decorum, please.

20 MR. MONROE: (Inaudible commentary
21 from the gallery.)

22 CHAIRMAN ASH: Mr. Monroe.
23 Mr. Monroe, another outburst will be out of order.

24 MR. MONROE: (Inaudible commentary
25 from the gallery.)

1 CHAIRMAN ASH: Mr. Monroe that is
2 your last warning.

3 MR. MONROE: (Inaudible commentary
4 from the gallery.)

5 CHAIRMAN ASH: Good evening. Name
6 and address, Ms. Bonacci.

7 MS. BONACCI: Carla Bonacci,
8 603 Lawrence Avenue, Westfield, New Jersey. A
9 couple of questions right off the top of my head.
10 You mentioned the fence that backs up to that
11 neighborhood; is that a solid fence or an open
12 fence? The one that runs along the back.

13 MR. TITUS: That would be a solid
14 fence.

15 MS. BONACCI: Is there a reason why
16 it can't be an open fence, like, a picket fence?
17 And is there a reason why you have to have a
18 fence? Two questions.

19 MR. TITUS: I think the fence should
20 be there to screen the neighbors on the adjacent
21 lot. It doesn't have to be open, it could be
22 higher. That's just the fence that I picked out.

23 MS. BONACCI: And how high is that
24 fence?

25 MR. TITUS: It's 8-foot.

1 MS. BONACCI: And what's happening
2 between the edge of the fence and the back of the
3 building? Is that a paved surface?

4 MR. TITUS: Edge of the fence --

5 MS. BONACCI: And the back of the
6 building.

7 MR. TITUS: -- and the back of the
8 building. That would all be landscaped except for
9 a couple of sidewalks.

10 MS. BONACCI: So there's no reason
11 why it couldn't be open to let people walk along.
12 And then, regarding the park, there's been
13 discussion, is there a reason why you couldn't
14 increase the pervious nature of this park and make
15 it more of a green space? Because there's a
16 concern probably with excessive rainfall,
17 flooding, drainage, and providing more actual
18 green space. Is there a reason why --
19 conversations with the Town -- why you couldn't
20 have more green space?

21 MR. TITUS: That's the way the
22 design was proposed by the landscaping architect.
23 That's when we had the discussions with the Town
24 before, and that's what it is.

25 MS. BONACCI: One last question. Do

1 you think more green space -- would that help with
2 any drainage issues or potential excessive
3 rainfall issues in terms of using this opportunity
4 to retain water below ground?

5 MR. TITUS: Any change would
6 probably -- it's a very small area. The parking
7 in size is 11,000 square feet. And if we made
8 some more pervious, it would help slightly, but
9 not significantly.

10 MS. BONACCI: And then on parking;
11 you're saying you're not providing all parking for
12 the units that are being built on this site with
13 having some of the parking on the other side of
14 the street?

15 MR. TITUS: It meets the
16 requirements, yes.

17 MS. BONACCI: And what would happen
18 if you provided all of the parking for the units
19 you are building on this side of the street?

20 MR. TITUS: There would be less
21 green space. Because we went on this side to make
22 more impervious coverage to create more park.

23 MS. BONACCI: Can you just go
24 deeper?

25 MR. TITUS: You mean stack the cars?

1 MS. BONACCI: To have below-grade
2 and at-grade parking.

3 MR. TITUS: We do have below-grade.
4 But the building, the parking in the building is
5 already all used up, so the only alternative would
6 be to put more parking outside and then that would
7 be more impervious coverage.

8 MS. BONACCI: Okay. That answers my
9 questions.

10 CHAIRMAN ASH: Thank you. Are there
11 any other members of the public with questions for
12 Mr. Titus?

13 MR. KOLFENBACH: Good evening. My
14 name is William Kolfenbach. I reside at
15 693 Willow Avenue in Garwood, New Jersey. Since
16 we were talking about the fence; I just have a
17 concern as a resident on that side that I may not
18 have access to my driveway. I know in the plan
19 there was some easement allowed, but since we're
20 talking about that side of the fence, I really
21 wanted to bring that up. And we can discuss this
22 later on. Certainly, since we brought up the
23 fence, just to bring it to the Board's attention
24 that I do have a concern.

25 MR. TITUS: The fence would be

1 jogged so that you would never have any problem.

2 (Whereupon, a discussion was held
3 off the record between Mr. Orth and
4 Mr. Kolfenbach.)

5 CHAIRMAN ASH: It's clearer on
6 Sheet 2.

7 (Whereupon, Mr. Kolfenbach points
8 out his property lot on the site plan.)

9 MR. KOLFENBACH: This is probably
10 better. So this is my house. This is my
11 driveway. (Indicating.) Here's the street. So as
12 you can see, there's definitely going to be an
13 issue being able to get down this end of the
14 street, in addition to Garwood public works being
15 able to plow this end of the street and/or fire
16 department or anything else trying to get into my
17 lot. So, certainly, I'm just having some concerns
18 that we've talked about.

19 MR. TITUS: This is Sheet 2, it's
20 part of --

21 MR. KOLFENBACH: Yeah.

22 MR. TITUS: Have you looked at it?

23 MR. KOLFENBACH: Yes. I've seen it.

24 MR. TITUS: And it shows a 5-foot
25 easement around your driveway so you can get in

1 there. And it shows the vinyl fence jog along
2 your property. So the fence won't block your
3 property.

4 MR. KOLFENBACH: Yes. I appreciate
5 the easement. I just don't think it's enough if a
6 car parks in front of my neighbor, there's no way
7 to drive in and out of the street based on that
8 design plan.

9 CHAIRMAN ASH: Mr. Titus, is there
10 the ability to create a wider easement around,
11 wider than 5 feet? Maybe 7 to 8 feet?

12 MR. TITUS: We could widen that.

13 CHAIRMAN ASH: Mr. Kolfenbach, can I
14 ask you, in the present condition, in turning into
15 your driveway, do you turn onto the abutting
16 property to get into your driveway?

17 MR. KOLFENBACH: Good point. So the
18 turn into Willow Avenue is actually on the
19 Westfield property line. And I think the house
20 was built in 1911, my grandparents bought it in
21 1941. There was a stream that ran through the
22 back property at some point in time, so I don't
23 think it was a concern when the house was built.

24 CHAIRMAN ASH: But, presently, you
25 have a tight turn already?

1 MR. KOLFENBACH: Presently, I have a
2 tight turn getting in or out. I have to back out
3 of the driveway. I can't back out to the street,
4 I can't turn around.

5 CHAIRMAN ASH: I understand. So
6 based on what the Applicant is proposing in giving
7 you an additional 5 feet onto their property for
8 your turn, is that an improvement from your
9 current situation?

10 MR. KOLFENBACH: No.

11 CHAIRMAN ASH: No. Okay.

12 MR. KOLFENBACH: The last item was
13 -- since we talked about the conceptual plan -- is
14 that Phase 2 within the conceptual plan, the
15 entrance to the property was coming from Windsor
16 Ave, not coming from the parking lot off of
17 Windsor Ave and then going in. My house faces --
18 would face the garage doors. If they're
19 electronic overhead garage doors, it's going to
20 kick off quite a bit of noise if they're opening
21 and closing throughout the day. So obviously,
22 that's a concern from the conceptual plan to the
23 new plan. Those are my comments.

24 MR. ORTH: The architect will
25 provide some testimony about the door technology.

1 And, Mr. Kolfenbach, the few extra feet on the
2 easement, the Applicant is happy to provide that.

3 CHAIRMAN ASH: Yeah. I see there's
4 a landscaped area between the end of Willow Avenue
5 and where you're parking area is. And so that
6 fencing could be --

7 MR. ORTH: We can provide a little
8 extra space if there is that concern.

9 (Whereupon, a discussion is off the
10 record between Ms. Harrison and Mr. Goldstein.)

11 MS. HARRISON: If you remove the
12 sidewalk in front of Lot 2, I don't know if Mr. --

13 MR. TITUS: That's in Garwood. We
14 can't really do anything in Garwood. There's
15 curbing in there also.

16 MR. ORTH: But the Applicant is
17 willing the work with Mr. Kolfenbach and the
18 board's engineer to create a little more space
19 there and provide a little extra feet on the
20 easement.

21 MS. HARRISON: Is there any way to
22 soften that whole lot line fenced landscape so
23 that it doesn't appear that the end of Willow
24 Avenue where vehicles are going to be coming in
25 and driving into a white, stockade fence? There's

1 nothing really worse than that. So if there was
2 some sort of a softened edge to that piece of the
3 landscape where maybe there's a shorter fence and
4 some trees? So at least when you're coming in,
5 coming down Willow Avenue, you have something
6 beautiful to look at as opposed to just a big,
7 white, 8-foot tall fence. If you just did
8 beautiful plantings. Even if you needed a lower
9 fence to prohibit pedestrians walking back and
10 forth, but sort of giving the neighbors of Willow
11 Avenue something beautiful to look at. That would
12 be really lovely at the end of the street because
13 you're not doing anything with it. It's just
14 sidewalk and just landscaping, so...

15 MR. ORTH: I think we're happy to
16 just as a general matter to work with the board's
17 professionals on modifications to the landscape
18 plan. We're already -- I think there was another
19 comment in Mr. Sammet's memo about some plantings
20 he wanted installed which we're happy to stipulate
21 to as well.

22 CHAIRMAN ASH: Mr. Orth -- actually,
23 let me ask Mr. Titus this question. Can you
24 describe the existing condition along the Willow
25 Avenue property? There's a building there now;

1 right?

2 MR. TITUS: There's a building
3 awfully close to that area. And I'm trying to
4 remember what fences are. There are some fences
5 along there. I don't know if they're chain-link
6 timber-tied, and then there's all blacktop.

7 CHAIRMAN ASH: Right. I believe
8 it's a chain-link.

9 MR. TITUS: I think so too.

10 CHAIRMAN ASH: And the existing
11 building is almost right at the property line; is
12 that correct?

13 MR. TITUS: It's very close, yes.

14 CHAIRMAN ASH: The easement area
15 identified on Sheet 2, is that going to be
16 improved with the --

17 (Crosstalk.)

18 MR. TITUS: We'll put blacktop in
19 there. The easement is rectangular because that's
20 easier to describe when preparing an easement.

21 CHAIRMAN ASH: Right. I just want
22 to be sure it's not going to be --

23 (Crosstalk.)

24 MR. TITUS: If we make it wider, we
25 can put a little more blacktop in there and widen

1 it out.

2 CHAIRMAN ASH: Right. It's not
3 going to be curved, so you'll actually be able to
4 use that as an area to turn.

5 MR. TITUS: Yes.

6 MR. GOLDSTEIN: Does the fence need
7 to be on the property line? Could the fence
8 mirror the sidewalk path allowing landscaping on
9 both sides?

10 MR. TITUS: It could be set back,
11 but it becomes a maintenance issue. You know, who
12 maintains the stuff on the other side of the
13 fence? If you have a fence right up to the line,
14 now it's clear. Our client has to maintain the
15 property.

16 CHAIRMAN ASH: Are there any other
17 questions for Mr. Titus? Okay. Thank you.

18 MR. ORTH: Thank you. My next
19 witness is Mr. John Saracco, our project
20 architect. Mr. Chairman, would you kindly?

21 CHAIRMAN ASH: Thank you. Good
22 evening, Mr. Saracco. Would you please raise your
23 right hand?

24 JOHN SARACCO, having been duly
25 sworn, was examined and testified as follows:

1 CHAIRMAN ASH: Mr. Saracco, you have
2 testified as part of Phase 1 of this application?

3 MR. SARACCO: Yes, I did.

4 CHAIRMAN ASH: Okay. And since we
5 accepted you as an expert in that application, is
6 your license still current? Have your continuing
7 education license been current (indiscernible) --

8 MR. SARACCO: No. Same status.

9 CHAIRMAN ASH: If there's no
10 objection, we'll proceed with Mr. Saracco as an
11 expert architect.

12 MR. ORTH: Thank you, Mr. Chairman.

13 BY MR. ORTH:

14 Q. And Mr. Saracco, I'm going to turn
15 it over to you. Please walk the Board through the
16 architecture of the project?

17 A. Sure. So basically we have the
18 drawings on the board here are the drawings that
19 were submitted on 4/27/23. We'll start with
20 PB-100 just to walk you through some numbers on
21 the project. We have of the market-rate units, we
22 have nine one-bedrooms; three one-bedrooms with a
23 study; 17 two-bedrooms; and two two-bedrooms with
24 a study. On the affordable units, we have one
25 studio; three two-bedrooms; and, two

1 three-bedrooms with a total of 37 units. And as
2 Lee mentioned, 36 cars in the parking garage.
3 I'll describe the facade aesthetics of the
4 building after I go through the floor plan a
5 little bit. If we go to PB-200, we'll be looking
6 at the basement plan on top of the first floor.
7 The basement plan is predominantly parking. This
8 is South Avenue coming on a diagonal along here
9 (indicating) and Windsor would be running left to
10 right on the top of the page. So this is the
11 garage entrance that leads to that 15-car parking
12 surface parking at the south end of the building.

13 I should just point out that we have
14 two small overhead doors rather than putting in
15 one large commercial door. Lee likes to put small
16 10-foot residential doors; one for the in and one
17 for the out. And just as a comment that came up,
18 these are motorized doors, a fab card reader. The
19 motor is located within the garage. Their
20 residential doors, so like residential doors, so
21 the noise generated would be relatively light as
22 it affects the neighbors. Of the 36 cars, we do
23 have two ADA parking spaces in here. We have our
24 EV charger cars labeled. Off of the parking
25 garage, we have the water meter room off of

1 Windsor. We have a 10-foot-by almost 23-foot room
2 for bicycle storage. Elevator machine room. And
3 of course, we have our lobby that is located -- if
4 I could just put this landscaping plan up again
5 for a minute.

6 Q. And John, just before you get on
7 with that; we can fit the required amount of
8 bicycles in the bicycle storage area; is that
9 correct?

10 A. Yes, correct. So Mr. Spadaro, the
11 landscape architect, designed this very nice
12 plaza, kind of at the intersection of Windsor and
13 South Avenue. Our main entrance to the building
14 will be along the southern half of that plaza.
15 Off of that lobby, we have a large package room
16 that's designed for mail deliveries. And, of
17 course, the elevator going to the upper floors
18 upstairs. Walking toward through the lobby
19 towards South Avenue, we have a large activity
20 room. And then further west, we have a large gym
21 area all fronting on South Avenue. And then on
22 the backside of the property, we have a trash room
23 and our electrical room. I should just point out
24 that this amenity area and lobby area is about
25 4 feet higher than the parking garage.

1 CHAIRMAN ASH: Yeah. I was trying
2 to figure that out.

3 MR. SARACCO: Yeah, it's a little --
4 so this portion of the building, the parking
5 garage, is basically dug into the ground. It
6 really pops out only on this side. I'll walk you
7 through the elevations in a minute. So this back
8 portion of the garage is below grade, so we raised
9 the lobby area and the amenity area up to sidewalk
10 level.

11 CHAIRMAN ASH: Can you just walk
12 through; how does the ADA accessibility to the
13 dedicated spaces work?

14 MR. SARACCO: Yeah, sure. So we put
15 in a double-door elevator; meaning, there's a door
16 on one side of the elevator and a door on the
17 other side. So that allows us to fit the elevator
18 to address a 4-foot grade difference on each side
19 of the elevator.

20 CHAIRMAN ASH: The -- what I'll call
21 the van-loading area -- between those two spaces?

22 MR. SARACCO: Well, the van is
23 actually outside. But this is the ADA -- non-van
24 ADA non-van parking.

25 CHAIRMAN ASH: There's a strip

1 there, right, between the two spaces?

2 MR. SARACCO: Yes.

3 CHAIRMAN ASH: And then there's a
4 door to; what's that room?

5 MR. SARACCO: That's the elevator
6 machine room. And then we have roughly a 5 --
7 6-foot spot in front of the elevator which I've
8 labeled. That's where these ADA tenants would
9 take the elevator up to either the lobby -- 4 feet
10 up to the lobby floor to get their mail or they
11 can take the elevator all the way to the
12 residential floors.

13 CHAIRMAN ASH: And that elevator is
14 available for all tenants?

15 MR. SARACCO: Yes. When we get to
16 the first floor, this hashed area becomes the high
17 ceiling of the amenity and lobby area. So this
18 amenity lobby area has about 14-foot high
19 ceilings; which is a great amenity space.
20 Whereas, the parking garage, depending on where
21 you are, has about a 10- to a 12-foot high
22 ceiling. So this area here, when we get to the
23 first floor, we introduce all of our residential
24 apartments. We don't have any apartments on this
25 portion of the building.

1 is 16-by-16; roughly. The primary bedroom is
2 12-by-16, and the secondary bedroom is 11-by-14.
3 All the units are very different from each other,
4 but that's a typical type of apartment we are
5 providing. We do, because of the ceiling height
6 situation, above some of these compact cars
7 located here in gray, is a large storage area for
8 the tenants at the end of the hallway at the first
9 floor. When we move to PB-201, we're looking at
10 the second-floor and third-floor plan. And really
11 the apartments are similar; they stack up. The
12 difference is that we were able to get apartments
13 over the amenities space. We were able to get
14 apartments over the amenity space at the second
15 floor. And again, the third floor is similar. We
16 do have the three-bedroom units at the first and
17 the second floor for the affordable housing
18 obligation.

19 MR. GOLDSTEIN: Can you point to the
20 unit for the affordable housing element?

21 MR. SARACCO: We don't differentiate
22 between affordable and non-affordable. I should
23 point out that Lee does build out all the units
24 with the exact same finishes, the exact same
25 amenities. The only reason why I pointed out the

1 three-bedroom is because we have an obligation to
2 provide two, three three-bedroom affordable units.

3 MR. GOLDSTEIN: So it's only the
4 studios and the three-bedrooms?

5 MR. SARACCO: Yeah. You're right
6 about the studio versus the two-bedrooms, really
7 it would be, you know, as a marketing decision on
8 the affordable units.

9 COUNCILMAN DARDIA: Can you mention
10 just again where the studio is located on each
11 floor?

12 MR. SARACCO: I'm sorry. Say that
13 again.

14 COUNCILMAN DARDIA: The studio is
15 located on which floor?

16 MR. SARACCO: The studios -- that's
17 a good question. Hold on. The studio is located
18 on the first floor.

19 COUNCILMAN DARDIA: Thank you.

20 MR. SARACCO: Let me go to PB-300.
21 I think maybe I should just talk about the
22 rendering from this point. I think -- I should
23 just point out that we spent a lot of time with
24 Topology. It was a very good experience working
25 with them. And we went through not only the

1 massing of the building with them, the layout of
2 the building, but also the aesthetics of the
3 building. And we feel that -- we were all very
4 happy with that with what we ended up with. And
5 as I said, it was a very good experience working
6 with Topology. Basically, we took a lot of the
7 motives, a lot of the materials, a lot of the
8 messing proportions from the north side from
9 Phase I and we introduced it onto this side of the
10 street. So there's an aesthetic coherence on each
11 side of South Avenue. Just walking through
12 quickly; large windows with transoms, strong
13 cornice lines. This is all the amenities. So
14 we're looking from the corner of Windsor and South
15 Avenue -- this is all the amenity space with the
16 high ceilings there with all wood paneling and a
17 storefront glass. This is that patio that's on
18 the landscape plan with our building entrance over
19 here. It's a little bit dark. And then we do
20 introduce some clapboard siding to break up the
21 brick elements.

22 When we go back to PB-300, this is
23 -- you're standing at Windsor and you see the
24 entrance to go to the lobby, this is the door that
25 takes you from the activity room out to the patio

1 on Windsor. This is all the storefronts of the
2 activity areas. And then the two floors are
3 residential and this is the first-floor apartments
4 here and then the parking garage is actually
5 below. So from Windsor, you're only seeing three
6 stories. This is really the same view except
7 you're standing more on South Avenue. When we go
8 to PB-301, this is the east elevation. This is
9 where we talked about the fence and the neighbor's
10 parking situation. And in this side, you begin to
11 get a sense of the basement story, but the grade
12 pitches up slightly. So when we get to South
13 Avenue, it really reads as a three-story building.
14 And, of course, this is the south elevation facing
15 the parking lot with 10-foot doors; overhead
16 doors. And, again, at this part, it reads as a
17 four-story building because the parking, the
18 basement level does pop out of the ground here.

19 The roof plan is very simple; we
20 have a 5 and 12-pitch. It's -- let me look at the
21 rendering -- really, the cornice line, we believe,
22 reads stronger than the pitch of the roof. It's
23 so we're establishing more of a mainstream type of
24 look.

25 BY MR. ORTH:

1 Q. And John, do we have any roof
2 mechanicals or HVAC equipment?

3 A. So we're going to have, obviously,
4 the normal plumbing and vents popping through,
5 trash shoot vents popping through. We're not
6 proposing any -- the elevator extension, the shaft
7 of the elevator extends up. That would fit within
8 the pitch of the roof, so we won't have any
9 elevator bulkhead. We're not proposing any of the
10 stairs coming up to the roof, and we're not
11 proposing any mechanicals. But I should point out
12 that -- I'm not sure if it's shown on Mr. Titus'
13 civil drawings -- but we will be proposing about
14 eight air conditioning compressors along this
15 sidewalk here. These four units above the amenity
16 spaces will not have louvers on the building
17 facing South Avenue. We're going to do split
18 systems. Because of that, we're going to have
19 four compressors over here for those units. And
20 then, of course, the amenity space in the hallways
21 will also need compressors. And these are small,
22 residential-type compressors that are 3 feet high,
23 you know, roughly 3 feet square.

24 MS. HARRISON: Can you talk about
25 the elevation where they'll be from the back

1 elevation?

2 MR. SARACCO: So they would be
3 located right in front of the trash room door and
4 this egress door. Again, it's against -- I'm not
5 sure what this building is, but it's up against
6 this commercial building and way at the back end
7 of this guy's lawn and rear yard.

8 MR. SAMMET: Mr. Saracco, can you
9 explain the elevation bulkhead for me again, is it
10 being enclosed within the roof structure?

11 MS. CARRERAS: Yeah. So the
12 elevator has a funny situation where there's an
13 overdrive on it. And it rises about 15 feet above
14 the last landing which is the third floor. And
15 because it's located, kind of, in the middle of
16 the pitched roof, we're able to house it within
17 the pitch of the roof.

18 MR. SAMMET: So you won't even see
19 it then?

20 MS. CARRERAS: Yeah.

21 MR. SAMMET: Thank you.

22 BY MR. ORTH:

23 Q. I think there was another question
24 in Mr. Sammet's memo about ADA compliance and
25 access.

1 A. So we have the ADA parking in the
2 parking garage. The elevator obviously goes to
3 that floor. So the building is fully accessible,
4 and all the units are adaptable units.

5 MR. GOLDSTEIN: Can you repeat the
6 width of the entrance with the elevator in the
7 basement after the bollard is taken into
8 consideration?

9 MR. SARACCO: This hatch area is
10 5 feet; that's an ADA requirement. So this is at
11 least 5 feet, if not a little bit more.

12 MR. GOLDSTEIN: Even with the
13 bollard in place?

14 MR. SARACCO: Well, the bollard is
15 to the side, so the wheelchair can come in against
16 the elevation wall, and then it has enough room to
17 do a turnaround to get into the elevator.

18 BY MR. ORTH:

19 Q. John, there was another comment
20 about trash receptacles. What are we proposing
21 for trash receptacles on the street there?

22 A. That, you know, I didn't -- I'm at a
23 loss. I didn't prepare this plan.

24 MR. ORTH: We will comply with
25 Mr. Sammet's memo comment about the trash

1 receptacles. Do you think two is probably enough
2 in this area? If there's a desire to see more, we
3 can accommodate that.

4 CHAIRMAN ASH: Just to clarify; the
5 building, itself, has a trash room?

6 MR. ORTH: Yes, it does. This is on
7 the side.

8 CHAIRMAN ASH: The receptacles
9 you're referring to are along the perimeter?

10 MR. ORTH: Correct. And I think
11 there are two trash receptacles on Lot 17; which
12 is probably adequate. But if the Board desires to
13 see another one on a sidewalk somewhere, we would
14 accommodate that.

15 CHAIRMAN ASH: Will Mr. Saracco be
16 providing testimony as to the open space? Is that
17 Lot 17?

18 MR. SARACCO: Well, so, Mr. Spadaro
19 is the landscape architect. He prepared a little
20 statement regarding this park. So if I can just
21 read it. It's a paragraph long about what his
22 design intent was for the park.

23 "In collaboration with Topology, the
24 Town park was designed with benches for pedestrian
25 seating, interactive art/play area for kids, art

1 murals for visual interest, and an open courtyard
2 which can be utilized as deemed appropriate by the
3 Town of Westfield. There is a proposed sign
4 located at the corner which was intended to be
5 used as a "Welcome to Westfield" sign as you cross
6 over the border from Garwood."

7 So I think the intent was to give as
8 much flexibility as possible for whatever program
9 uses might make sense for that park and what might
10 change over time to the uses for that park. I
11 believe that was the intent.

12 MR. ORTH: And, you know, we're kind
13 of in a strange situation. We hear the Board's
14 desire for some additional green space at the
15 Lot 17 park, and at the same time, we have come in
16 with an application that was consistent with the
17 concept plan for the park which we're doing to
18 dedicate to the municipality. Certainly, if the
19 Board expresses a desire for additional plantings,
20 I mean, it's actually cheaper for the Applicant to
21 install grass as compared to decorative pavers.

22 CHAIRMAN ASH: Right, but then, the
23 Town needs to maintain it.

24 MR. ORTH: Correct. The Town has to
25 maintain the park, but it's dedicated upon

1 construction. So if there are any comments the
2 Board wants to make on that subject to some
3 approval by the Governing Body, we just came in
4 with what the Town wanted us to come in with.

5 CHAIRMAN ASH: I understand, and I'm
6 mindful that this plan complies with, and is
7 consistent with, as our planner has reviewed and
8 commented in his own memo that this park design is
9 consistent with the concept plan that was
10 intuitive to the Redevelopment Agreement. So this
11 program then, if you will, was already negotiated,
12 thought about, reviewed by the planners, by the
13 Governing Body, approved, and you've incorporated
14 that through the design, and that's what's being
15 presented to us.

16 MR. ORTH: That's correct.

17 CHAIRMAN ASH: I appreciate the
18 statement that you read from Mr. Spadaro, and I
19 think maybe that gives a little more insight into
20 the intent. But I think this design comes to this
21 Board as an already programmed and thought-out
22 design that's incorporated into this plan.

23 MR. ORTH: That's correct. And I
24 neglected, Mr. Chairman, to introduce the exhibit
25 with the proposed monument sign for this project.

1 John, do you want me to pass out these copies?

2 MR. SARACCO: Yeah.

3 MR. ORTH: So, Mr. Chairman, this is
4 an exhibit depicting the proposed monument sign
5 for this project. It was prepared and is dated
6 July 17, 2023. This was prepared by Mr. Saracco.
7 And that has not yet been marked, but I think
8 we're at A-2. May I approach and pass it out?

9 (Whereupon, Applicant's Exhibit A-2,
10 RENDERING OF MONUMENT SIGNAGE OF 320 WESTFIELD
11 CROSSING DATED 7/17/2023 was marked for
12 identification.)

13 MR. SARACCO: This sign pretty much
14 mimics the sign that was approved across the
15 street for Phase 1. It's just a little smaller
16 because of the regulations that are a little
17 different on this side. And we're proposing to
18 place this sign -- it's not indicated on the site
19 plan -- but adjacent to the sidewalk entrance to
20 the main lobby; really on Windsor.

21 VICE-CHAIRMAN LA PLACE: So the
22 address 320 is 320 Windsor?

23 MR. SARACCO: Yes. But that was
24 really me putting the number wrong. That wasn't
25 really working on a marketing level with

1 ownership, the post office, or anything like that.

2 So that number --

3 VICE-CHAIRMAN LA PLACE: What's

4 actually going to say?

5 MR. SARACCO: What's what?

6 VICE-CHAIRMAN LA PLACE: What is it

7 actually going to say?

8 MR. SARACCO: Well, it's going to
9 say "Westfield Crossing" but the number might
10 change.

11 MR. ORTH: We have two lots there
12 which are most likely going to be consolidated.
13 There'll be a sign with the new street address.
14 But the post office --

15 VICE-CHAIRMAN LA PLACE: What I was
16 getting at is it's on the corner of South and
17 Windsor. If the monument sign is on Windsor, it's
18 going to be the Windsor address; right?

19 MR. ORTH: It very well could be.

20 CHAIRMAN ASH: Does the sign across
21 the street also say Westfield Crossing?

22 MR. SARACCO: It's a simple, yes,
23 the sign is exactly the same. The number is
24 different, but I believe it was 2 feet long wider.

25 CHAIRMAN ASH: Do you think that

1 would impose some weight on any challenges to the
2 visibility?

3 MR. SARACCO: I think the number
4 will really do it. You know, so whatever address,
5 whatever house number that Lee selects, I think
6 that will be fine. With Westfield Crossing, it's
7 more of a description of the overall project of
8 Phase 1 and Phase 2.

9 BY MR. ORTH:

10 Q. But we have a separate mail room for
11 the north side of the building; correct?

12 A. Yes.

13 Q. And this building has a separate
14 mailroom?

15 A. Yes.

16 Q. So it will have a separate postage
17 address for mailing purposes?

18 A. Yes.

19 CHAIRMAN ASH: Questions for
20 Mr. Saracco?

21 CHIEF DUELKS: Yes. Mr. Saracco, I
22 actually have a few questions. In reviewing your
23 plans here, unless I missed it, where is the
24 sprinkler room?

25 MR. SARACCO: Obviously, it's a

1 sprinkled building. We have the water room right
2 off of Windsor. It's 15-by-10-foot, which in our
3 experience, should be sufficient for the
4 sprinkler.

5 CHIEF DUELKS: So you're FCC from
6 the exterior is going to line up upon grade level
7 outside of the exterior right there; correct?

8 MR. SARACCO: I'm not sure of the
9 grading outside. Right there, it might be a
10 couple of feet up or down.

11 CHIEF DUELKS: Well, it's probably
12 going to be elevated. You're 4 feet down here and
13 you go up for the elevation. So your FCC is going
14 to go right below your required water room.

15 MR. SARACCO: Right.

16 CHIEF DUELKS: I would like to put
17 in there that if this does get approved, the site
18 plan is reviewed by the fire official to come to
19 dictate exactly where we're going to put that FCC
20 on this building for a location.

21 MR. SARACCO: Absolutely.

22 CHIEF DUELKS: Obviously, it's going
23 to be on the Windsor side because that's where
24 you're water -- your sprinkle room right there.
25 So I'd like that to be put in the minutes that the

1 fire official, if this is approved, would come out
2 to do site plan reviews. On top of that, moving
3 on to this ground level here; I see you have
4 eight, which will be nine now, due to the
5 recommendation of Mr. Battaglia, electric vehicle
6 charging stations.

7 MR. SARACCO: Right.

8 CHIEF DUELKS: Did you ever think
9 about putting them outside?

10 MR. SARACCO: The fire department
11 wants them all outside.

12 CHIEF DUELKS: Absolutely.

13 MR. SARACCO: The tenants want them
14 all inside.

15 CHIEF DUELKS: That is correct.

16 MR. SARACCO: So it's a little bit
17 of a challenge. And what we've been doing -- it's
18 a big issue in this day and age -- and what we're
19 doing is all our buildings are drifting more
20 towards what we call a "podium" "concrete podium"
21 which is what was built in Phase 1. It's
22 basically a 14-inch thick concrete slab,
23 three-hour rating, that will be the ceiling of the
24 parking garage. So it's tremendous fire
25 projection between the EV stations and the

1 residential apartments up above. And, of course,
2 the garage will be sprinkled NFPA 13.

3 CHIEF DUELKS: What about putting
4 half outside, half inside?

5 MR. SARACCO: That's really -- I
6 have no problem with it architecturally. It's a
7 marketing decision.

8 CHIEF DUELKS: And with the ones
9 inside, is there any chance to move them closer to
10 the entranceway due to accessibility for the fire
11 department to make entry over there? Right now,
12 where you have them located, they're all the way
13 in underneath the main structure of the building,
14 so you're looking at a longer lay, a longer
15 advancement of hose lines to get in there even
16 though there is a sprinkler system. We're talking
17 about EV vehicles now, we're not talking about
18 regular vehicles. They run hotter and longer and
19 a lot more water is going to be involved. So the
20 accessibility to get into that far in there for
21 the fire department, it would be more conducive if
22 we can put them more towards that entrance for
23 hose line advancements and more water sources
24 going in there as well. If that could be
25 something to be thought about like possibly

1 putting them closer to the entrance as well as if
2 we could try to put half in and half out. I know
3 there's nothing in the fire code, there's nothing
4 in the State code about electric vehicles now
5 about in the structure. Obviously, nothing has
6 been updated yet. But, ideally, if we can try to
7 make it more conducive for the fire department God
8 forbid there was an incident of this nature in
9 this building.

10 MR. SARACCO: Yeah. That could
11 absolutely happen. We could move them down to
12 this end. That's not a problem at all. Regarding
13 moving some to outside, I really -- I have to
14 defer to my client on that; what they want to do.

15 CHIEF DUELKS: Okay. While we're on
16 that topic; if we can look into multiple standpipe
17 locations as well in that basement if we are not
18 going to move these, or if there's going to be
19 electric vehicle charging stations inside this
20 building, we can put different standpipe locations
21 on the recommendation of the fire official when he
22 site plan reviews as well. Then when they come
23 through to go through your staircases, a
24 recommendation of where we're going to put the
25 standpipes as well.

1 MR. SARACCO: We'll be more than
2 happy to work with the fire marshal.

3 CHIEF DUELKS: And when we're
4 talking about the sprinkler system; what do you
5 have planned for this building; which one?

6 MR. SARACCO: We definitely have
7 that NFPA 13.

8 CHIEF DUELKS: A full 13?

9 MR. SARACCO: Well, NFPA 13 for the
10 garage.

11 CHIEF DUELKS: Correct.

12 MR. SARACCO: Upstairs, we do have,
13 by code, we do have the option to go 13R. Lee has
14 been drifting towards 13.

15 CHIEF DUELKS: I would ask as the
16 chief of the fire department if you could go to a
17 13 instead of a 13R; if the owner of this building
18 would like to do that. Put the uprising heads,
19 the heads in the void spaces as well compared to
20 the 13 to 13R that does not have uprising heads or
21 heads in void spaces so this whole building is
22 completely sprinklered beside the occupant areas.
23 So at least attics and the void spaces with
24 multiple head directions.

25 MR. SARACCO: Yeah. And, of course,

1 closets and things like that.

2 CHIEF DUELKS: Correct.

3 MR. SARACCO: I'd like to defer to
4 Lee on that one if they want to go that route. As
5 you said, they're not required by code.

6 CHIEF DUELKS: Correct. By code,
7 they're not required. It's just a -- you know, a
8 proffer I guess if you can think about that for
9 the future. It's been well-received in town --

10 MR. SARACCO: Of course.

11 CHIEF DUELKS: -- on that
12 recommendation. A lot of people are putting those
13 in. And just another question on the trash room.
14 So we're looking at the trash room here and,
15 obviously, it's all three floors, and that's going
16 to be your trash compactor down there. Is there
17 going to be accessibility for somebody to pick up
18 trash out of that room, or is this going to have
19 to be wheeled outside to trash bins? Because the
20 way it looks right now, you'd have to gain
21 entrance either from the exterior -- which it says
22 the HVAC is going to be blocking those doors, or
23 through the electrical room to empty that trash
24 room. Is that correct? If I'm reading that
25 correct.

1 MR. SARACCO: Kind of. So these go
2 -- so at the basement level.

3 CHIEF DUELKS: Those trash shoots
4 open exterior?

5 MR. SARACCO: Yeah. Those trash
6 shoots empty out to the bin. So those bins, it
7 will be the owner's obligation to bring those bins
8 to the street during pickup and time of pickup.
9 We're not proposing a garbage bin outside. The
10 garbage will stay here until an hour or two before
11 the garbage man comes and it will be brought out
12 to the sidewalk. But these double doors open up
13 to that sidewalk that was depicted on the
14 landscape plan.

15 CHIEF DUELKS: Correct. Where you
16 said you were going to put the HVAC units;
17 correct?

18 MR. SARACCO: Well, the HVAC units
19 could be on the grass.

20 CHIEF DUELKS: So there's going to
21 be -- because I know you have an egress there as
22 well for the residents God forbid for evacuation.
23 So the HVAC units will not be covering those
24 doors; correct?

25 MR. SARACCO: No. They're

1 absolutely going to maintain this sidewalk for
2 egress, for trash, and the air condition
3 compressors will go on the grass.

4 CHIEF DUELKS: Okay. Just so I
5 understand this correctly; it's up to the
6 residents to bring the trash out to the street
7 every time the trash comes as well, or there's
8 going to be a pickup service that's going to go
9 into the garage to pick them up and walk around
10 the back?

11 MR. SARACCO: Yeah. Just to be real
12 clear; this tenant right here will walk down the
13 hallway to drop trash and put it in the shoot.

14 CHIEF DUELKS: In the shoot.

15 MR. SARACCO: Right. Right.
16 And then it's the owner's obligation to get the
17 maintenance people twice a week to bring the
18 garbage from the basement trash room out to the
19 street.

20 BY MR. ORTH:

21 Q. And we have a private hauler on this
22 site; correct?

23 A. Yes. We have a private hauler.

24 MS. CARRERAS: Can I ask a quick
25 question pertaining to the trash removal?

1 MR. SARACCO: Sure.

2 MS. CARRERAS: Is the address to
3 this building on South Ave or to Windsor?

4 MR. SARACCO: That's really a
5 marketing decision.

6 MS. CARRERAS: Because if it's to
7 Windsor, shouldn't the trash go on Windsor and not
8 on one of our main streets?

9 MR. SARACCO: I'm not sure if the
10 trash pickup is correlated to the address of the
11 street. The address of the street, as I said, we
12 may have that marketing discussion.

13 MS. CARRERAS: South Avenue is
14 pretty busy. It's 37 units of compacting trash
15 that's going to be brought out to a main road.
16 That's just my question. Instead of having a
17 sidewalk going to the back; right? It's something
18 to think about.

19 MR. SARACCO: Right. It goes pretty
20 far -- I mean this isn't garbage that's sitting
21 out there. As I said, it's a private hauler.
22 And, in fact, they'll probably be contracted to
23 bring the trash out of the room, so that garbage
24 truck won't be sitting there very long. But
25 that's something we'll discuss in more detail with

1 the town engineer. Obviously, if it's
2 uncomfortable for the Town, it's uncomfortable
3 with the ownership. So it's not something we want
4 to have (indiscernible.)

5 CHAIRMAN ASH: Councilman?

6 COUNCILMAN DARDIA: Sir, are you
7 able to answer questions related to lighting;
8 outdoor lighting?

9 MR. SARACCO: Yeah. So if we look
10 at the rendering, this isn't a light rendering,
11 but we do show these small up-and-down lights, and
12 it's labeled on the elevation, but we do have them
13 scattered around.

14 COUNCILMAN DARDIA: I agree those
15 are really nice. But what about on South Avenue?
16 What are the plans for that in terms of for
17 pedestrians in the evenings?

18 MR. SARACCO: Do you want...

19 MR. TITUS: As part of the
20 landscaping plans, the landscape architect has a
21 lighting plan. This is a point-by-point diagram
22 that shows we require -- the proposed lights. I
23 guess they'll add streetscape detail, the 15-foot
24 above-grade. They are...I'm trying to see the
25 density.

1 VICE-CHAIRMAN LA PLACE: Actually,
2 the landscape plan has a detail that is -- and
3 this was agreed upon on the north side
4 redevelopment project too -- that you be
5 consistent with Westfield fixtures used that are
6 used downtown or lighting to that effect.

7 MR. TITUS: That's what we're
8 talking about. That's what is along Windsor and
9 South.

10 VICE-CHAIRMAN LA PLACE: They're not
11 15 feet high, they're 13 feet high.

12 MR. TITUS: They're 12-foot-7 to the
13 bottom and 15-foot to the top. Depends on how you
14 look at it. And then the other ones are shoebox
15 lights for the parking lot.

16 VICE-CHAIRMAN LA PLACE: Sheet 4 in
17 Land Identity?

18 MR. TITUS: I'm looking at Sheet 3,
19 the point-by-point diagram. But it also shows the
20 shoebox around the exit of the parking lot.

21 COUNCILMAN DARDIA: I got it. Thank
22 you. Thank you for pointing that out.

23 CHAIRMAN ASH: Do any other members
24 of the Board have questions for Mr. Saracco?

25 MS. FREEDMAN: Yes. Just to close

1 the loop on the park. Was there any talk about
2 the park? I know we got sidetracked on the
3 signage. So it seems as there's a good consensus
4 to take another look at the design of the park and
5 to put in more green space. Is that something
6 that you would like to look at?

7 MR. ORTH: It's sort of outside of
8 our control, as the Applicant. It's up to the
9 Governing Body. So I'm not really sure what the
10 procedure is to go about.

11 MR. TREMBULAK: I think the most
12 that the Board can do, as the Chairman mentioned
13 earlier, is make recommendations because it's
14 ultimately in front of Council.

15 CHAIRMAN ASH: I'm struggling with
16 this Board trying to recreate what's already been
17 decided here. And I think there's been a lot of
18 intent and thought put in by the planning
19 professionals, Mr. Sammet, working with our
20 outside redevelopment planners, negotiating with
21 the redeveloper to come up with the best concept
22 for this very small piece of public space. And
23 I'm concerned if you say let's just make the whole
24 thing grass and have kids kicking a ball around
25 adjacent to South Avenue. I think we're -- I'm

1 always in favor of less impervious coverage and
2 more green structure. But I'm also reluctant to,
3 from the dais, decide what an improvement here
4 would be when there's already been intent and
5 thought and plan.

6 MS. FREEDMAN: I don't necessarily
7 mean it has to be prescriptive, and I'm not
8 recommending a soccer game there. I think there
9 might be a middle ground to getting more
10 shrubbery. I mean I'm not a landscape architect,
11 but... what were you going to say?

12 VICE-CHAIRMAN LA PLACE: I was going
13 to agree with you. I think also I mean let's
14 think about what's happening right now in the
15 world, we're having the hottest summer in history.
16 This is basically -- what is it -- 85% impervious
17 coverage; there's not even going to be much shade
18 in this kind of park. As I understand it, the
19 plan said a maximum -- that there was maximum set.
20 So we can come down on that; couldn't we?

21 CHAIRMAN ASH: Yes.

22 VICE-CHAIRMAN LA PLACE: I mean if
23 we said 50% impervious, I think that would be a
24 greener park at least. If we introduce more green
25 areas; there are more shade trees. I think that's

1 what Ms. Freedman was thinking about. Right?

2 MS. FREEDMAN: Yeah. And Matt wants
3 to say something.

4 MR. CEBERIO: Yeah. And it's going
5 to be a question for either Don or Mike.
6 Ultimately, who's programming and making the final
7 decision on the programming on this space? Is it
8 the rec department's recommendation? Mayor and
9 Council? Is it Council? Is it -- I think without
10 knowing that, all we would be able is a
11 recommendation and not a prescriptive --

12 CHAIRMAN ASH: And so -- not to put
13 you on the spot, Mr. Sammet, but can you give us
14 some background or some insight into how this
15 Redevelopment Plan was drafted and how the concept
16 of this public space which was developed and it's
17 attached to as an exhibit here.

18 MR. SAMMET: Sure. The concept plan
19 for the park came about after much discussion
20 between the Town's redevelopment planning
21 consultant working with Lee in what is an
22 appropriate design for this park. There was a
23 review of the design by public works, the business
24 administrator's office, and, of course, Topology
25 was involved in it. That concept evolved through

1 negotiation of the Redevelopment Agreement between
2 the Town, and the Governing Body, and Elite
3 Properties ultimately resulting in the plan that
4 you see before you this evening that matches that
5 Concept Plan in the Redevelopment Agreement. So
6 the Redevelopment Agreement also states that the
7 park is to be dedicated to the Town of Westfield
8 for its use. Does that answer the question,
9 Mr. Ceberio, and Mr. Chairman?

10 MS. HARRISON: I have a question,
11 Mr. Chairman. Would it be fair to say that
12 perhaps we look at adding permeability to the
13 existing plan? You know, there are surfaces that
14 are hard surfaces, yet they have permeability to
15 them so the groundwater runoff is going to turn
16 South Avenue into a lake when we have these
17 tremendous rainstorms. Or can we do bioswales or
18 something to soften the level of rainwater that
19 we're going to collect here?

20 VICE-CHAIRMAN LA PLACE: More trees.
21 This isn't brain surgery.

22 MS. HARRISON: Is there -- I guess
23 it's just our recommendation to Town Council.
24 Right, we can make recommendations to them?

25 MR. SAMMET: Yeah. Even though this

1 is privately owned, I still view this as a review
2 of a capital project.

3 MR. TREMBULAK: But it's going to be
4 dedicated to the Town.

5 MR. SAMMET: It will be dedicated to
6 the Town. Correct.

7 MR. CEBERIO: I mean to the point
8 though that there's a very specific program
9 already in this concept of a park; right? There's
10 stadium seating, there's a sign, there's art
11 displays. Someone has thought that through.

12 MR. SAMMET: Absolutely.

13 MR. CEBERIO: And so, if they wanted
14 it to be 100% lawn and trees; it would have.

15 MR. SAMMET: That's correct. And we
16 can't forget the location of the park further down
17 on Windsor Avenue which has sort of those green
18 spaces; if you will.

19 CHAIRMAN ASH: Right. And I'm
20 reading from your memo, Page 4, where you -- and
21 you've highlighted this in a border.

22 MR. SAMMET: Yes. Separated from
23 the rest of the document.

24 CHAIRMAN ASH: "The design of the
25 park submitted as part of the site plan

1 application has been reviewed by myself" -- Don
2 Sammet -- "the Director of Public Works, the
3 Town's redevelopment Planning Consultant, and the
4 Town Business Administrator. The park design is
5 consistent with the concept plan included as an
6 exhibit to the Redevelopment Agreement. The park
7 design has been designed to act as a gateway
8 feature to the Town with places for the display of
9 public art and murals, along with seating areas,
10 planting beds, and a multi-use area surfaced with
11 decorative paving."

12 MR. SAMMET: That's it.

13 CHAIRMAN ASH: There's a balance
14 here, right, if we say more trees, more green
15 space that's going to require more maintenance.
16 And that's going to also create a potential for
17 this to not look as pristine as people are driving
18 by as this is a gateway to Westfield.

19 VICE-CHAIRMAN LA PLACE: I remember
20 this discussion very clearly when we first talked
21 about it. We talked about maybe having some kind
22 of sculpture that's an introductory or welcoming
23 element to Westfield. I remember that clearly.
24 But we never said to make it a plaza of varying
25 trees and stuff. That was not part of the

1 concept. So that's why I'm surprised in this day
2 and age when you see a park with so little shade
3 and so little green space. I mean if you want to
4 go forward with this as amended then fine, but who
5 is going to sit in this park in July or August?
6 You know, that's all we're putting up; the
7 practicality.

8 CHAIRMAN ASH: I mean trees are
9 indicated, and if the recommendation is more
10 planting and more trees, I think we can do that.

11

12 VICE-CHAIRMAN LA PLACE: Okay.

13 MS. FREEDMAN: That sounds good.

14 CHAIRMAN ASH: I mean there's the
15 topography exhibit of the North Avenue train
16 station plaza. Something like that would be
17 perfect in this type of space. It would attract
18 people. People driving by would see something and
19 come back and visit it. I think that's kind of
20 the purpose of this. It's a plaza; right?

21 Mr. Orth, did you have an
22 opportunity to confer with your client in regard
23 to the recommendations by our fire chief?

24 MR. ORTH: May I take a two-minute
25 break here to grab a drink of water and come back?

1 CHAIRMAN ASH: Before you do, let's
2 have Mr. Saracco answer any questions from members
3 of the public. If there are members of the public
4 that have a question, any questions, specific to
5 the testimony and the exhibits presented by
6 Mr. Saracco? With the understanding that there
7 will be an opportunity for public comment and to
8 express your opinions and feelings after the
9 conclusion of that.

10 MR. MCNAMARA: Bob McNamara, 603
11 Lawrence Avenue. My first question was I
12 understand that in the back of the building, there
13 are now four stories. So what is the actual
14 height of the building?

15 MR. SARACCO: The height measured
16 from the average grade with the average grade of
17 the entire perimeter of the building -- right, the
18 same number -- to the bottom of the eave is
19 4.05 feet. Basically, 40 feet.

20 MR. MCNAMARA: And how do you get
21 that with four stories?

22 MR. SARACCO: Well, so that's an
23 average grade. And that average grade, the bottom
24 of that -- the average grade is elevation
25 100.7 feet, and the garage and the basement

1 elevation is 96.25, so the four stories start
2 below that average grade.

3 MR. MCNAMARA: When we had the
4 Topology presentation February 23, 2021,
5 Topology's report from May 25, 2021, and our
6 actual Redevelopment Agreement which is also
7 May 25, it was adopted as a three-story building,
8 and you now have a four-story building, and why is
9 that?

10 MR. SARACCO: So getting back to the
11 -- originally we -- right now, we have a total of
12 four floors. And previously -- and the length of
13 our building is roughly 3/4 the length of this
14 site. Early on, we had a lot of different designs
15 where the building extended almost to the full
16 width of the site. And we're able to take that
17 top floor of our proposed building and spread it
18 out over here. So we eliminated a floor, but the
19 building became much longer. After lots of
20 discussions with Topology, it was decided that it
21 would be better planning, better contextually to
22 shorten the building and take whatever we lost
23 over here and put up on the top floor over here.

24 MR. MCNAMARA: So that's in
25 contradiction to the zoning. The south subzone

1 zoning is three stories, and now you have four
2 stories; is that correct?

3 MR. SARACCO: Well, when we go to
4 the building department -- and I don't want to get
5 too technical -- the building code wants for three
6 stories and a basement. Zoning wants -- I would
7 like to leave it up to Derek if possible to
8 discuss the four stories. Because at this point,
9 I don't fully understand why zoning is considering
10 this a four-story building. Because when we
11 fought with the definition of building coverage,
12 we started at the basement.

13 MR. MCNAMARA: Okay. And what was
14 approved in the Redevelopment Plan with a longer
15 building, all of the parking at 49 spaces were in
16 the building. You now have an on-grade parking
17 that basically faces the residential units; is
18 that correct?

19 MR. SARACCO: Correct.

20 MR. MCNAMARA: And I see that you've
21 also reduced the amount of setbacks that face the
22 street from what was previously presented.

23 MR. SARACCO: No. The setbacks --
24 this setback along Windsor?

25 MR. MCNAMARA: No, along -- that

1 face Garwood. Every submission you had previously
2 had significantly more setbacks than you currently
3 show.

4 MR. SARACCO: I don't believe that's
5 correct, but I didn't bring all of the previous
6 plans here.

7 MR. MCNAMARA: Did you consider
8 having some sound attenuation for these
9 compressors that you're now putting against those
10 three residential units?

11 MR. SARACCO: Right along here.
12 (Indicating.) We can look at exploring a fence
13 that might have some sound attenuation qualities
14 to it. We have no problem looking into that.

15 MR. MCNAMARA: Yeah. I think the
16 impression is that we're going to snub our nose at
17 Garwood because we're putting up a fence and we're
18 not dealing with sound attenuation or at least
19 putting the compressors there as opposed to other
20 places within the site. It just seems to me
21 that's sending the wrong message not being
22 neighborly; as far as I'm concerned.

23 MR. SARACCO: Yeah, that's a fair
24 point.

25 MR. MCNAMARA: Thank you.

1 MR. MONROE: I want to talk about
2 the waste. Where's it going to be? On Windsor or
3 South Avenue? Because we've got a brook there.
4 In the brook you've got frogs, rats; all that
5 stuff is all right in there. So if you want to
6 send it to Windsor, all you're doing is bringing
7 more rodents for the residents and people. So
8 you've got to get it together right now.

9 MR. SARACCO: You're talking about
10 the trash room?

11 MR. MONROE: Yeah. That's what I'm
12 talking about along Windsor. So y'all better get
13 your stories right. Because right now, the story
14 you're giving is flippity-flop.

15 MR. SARACCO: Well, I think --

16 (Crosstalk.)

17 MR. MONROE: I'll say it straight up
18 to your face; you're lying.

19 MR. SARACCO: The plans are very
20 clear and I believe my presentation was very clear
21 that --

22 (Crosstalk.)

23 MR. MONROE: You said you weren't
24 sure in your presentation -

25 CHAIRMAN ASH: Mr. Monroe, if you're

1 going to continue asking questions, please --

2 (Crosstalk.)

3 MR. MONROE: You said about the --

4 CHAIRMAN ASH: Mr. Monroe, we need
5 to hear you on the microphones, we're on the
6 record. Mr. Monroe, please ask a question, and
7 let him answer the question before you ask another
8 question.

9 MR. SARACCO: I think the plans are
10 clear and I believe my testimony was clear that
11 the trash room opens up to the sidewalk leading to
12 South Avenue and that's where the trash would be.

13 MR. MONROE: That's not what you
14 said.

15 MR. SARACCO: And I believe there
16 was a comment that there might be a traffic
17 situation here with the garbage truck. And I
18 mentioned that we would be more than happy to
19 explore with the town engineer bringing the
20 garbage onto Windsor, but --

21 MR. MONROE: We do want it on
22 Windsor. First of all, you've got to contact the
23 residents. There's people been there 50, 60
24 years. My man, John, and all of us been there for
25 years. Y'all just coming in like Bogart and doing

1 what you want. You ain't contact no residents in
2 our neighborhood. Trust me, because if you did,
3 there would be more of us here tonight. Because
4 we're going to fill this building up next town
5 council meeting. Trust me. I'm going to have the
6 whole entire neighborhood right up in here.
7 Believe me. That park ain't going, I'm tell you
8 all now. That park is not coming there when she
9 said there would not be a park.

10 CHAIRMAN ASH: Mr. Monroe.

11 MR. MONROE: And then one year
12 later, you're building a park.

13 MR. SARACCO: So I think -- I just
14 consulted with the client -- the private waste
15 hauler, which the Applicant is going to contract
16 with, can come into the building to pick up the
17 waste directly. It's not going to be placed on
18 the sidewalk. Okay. So that's what the Applicant
19 will do.

20 CHAIRMAN ASH: All right. We have
21 some other members of the public with questions.

22 MS. BONACCI: Hi. Carla Bonacci,
23 603 Lawrence Avenue. I think you were talking
24 about the apartment sizes. So in 2017, there were
25 three affordable housing units that were

1 transferred to this project, and three were for
2 special needs; one three-bedroom and two
3 two-bedrooms. Are they in this southern site for
4 the three special units?

5 MR. SARACCO: No.

6 MS. BONACCI: Where are they? In
7 the north site?

8 MR. ORTH: Yes.

9 MR. SARACCO: Derek knows better
10 than I do.

11 MR. ORTH: They're on the north
12 site.

13 MS. BONACCI: The special needs are
14 on the north site?

15 MR. ORTH: Yes.

16 MS. BONACCI: Can you also describe,
17 in the Redevelopment Plan, it discusses this
18 project as a "gateway to Westfield." Can you
19 explain how this site in concert with the north
20 site acts as a gateway to Westfield?

21 MR. SARACCO: Sure.

22 MR. ORTH: The planner will talk to
23 that.

24 MR. SARACCO: Okay. We'll have the
25 planner -- that's a good point. Yes.

1 MS. BONACCI: All right. That's it.

2 MR. ARMENTO: Mike Armento, 30
3 Sandra Circle. I just had two quick questions.
4 One about ADA I was inquiring about. They
5 mentioned elevator access. And is that for a
6 person or caregiver -- someone in a wheelchair or
7 somebody who needs to carry a wheelchair in?
8 Because when you have a caregiver and someone is
9 in a wheelchair, the elevator needs extra depth to
10 get the person in and out. I'm just curious.

11 MR. SARACCO: The elevator can
12 definitely handle a wheelchair and a support
13 person pushing the wheelchair.

14 MR. ARMENTO: And my second question
15 is you mentioned about the park it's going to be
16 open to people coming to the town. It sounds like
17 parking is an issue. Where are people going to
18 park when they go to this park that you're now
19 building? Parking is already an issue. Where are
20 they going to park for this new park? On South
21 Avenue? Are they going to park on the side
22 streets? What's the plan you've got if the goal
23 is to have people to go to that park?

24 MR. SARACCO: I'm not sure if the
25 planner is addressing the parking.

1 MR. ORTH: We'll have Paul Ricci
2 address your question.

3 MR. ARMENTO: Thank you.

4 MR. KOLFENBACH: William Kolfenbach.
5 So referencing PB-301; is that on the existing
6 elevation on the -- so the four-story side is on
7 the Willow Ave side, and the three-story side is
8 on the Windsor Avenue side. Will it be -- I'm
9 guessing there will be excavation going towards
10 Garwood for the Windsor road or will any
11 excavation on the existing body structure, will
12 that be graded for the basement?

13 MR. SARACCO: I'm not answering too
14 many questions here. I'm going to defer to
15 Mr. Titus on that. He prepared the grading plan.

16 MR. TITUS: The proposal for access
17 for the construction is shown on the control plan
18 which is Sheet 8. And there's a tracking path on
19 Windsor Avenue for both the park and for the
20 apartment building. The access would be from
21 Windsor Avenue.

22 MR. KOLFENBACH: So the existing
23 slab that's there is going to stay at that same
24 elevation?

25 MR. TITUS: The slab?

1 MR. KOLFENBACH: Yeah. The current
2 building that's there; you're knocking it down
3 or...?

4 MR. TITUS: We're going to take down
5 that building. The building is going to be lower
6 than that.

7 MR. KOLFENBACH: And then,
8 referencing PB-301, and the third floor, the third
9 floor with two-bedroom apartments with a balcony,
10 the 301 -- I'm on two different pages, sorry -- so
11 I'm on PB-201, and PB-201. If you see on PB-301,
12 on your south elevation, there's no balcony on
13 that side.

14 MR. SARACCO: Correct.

15 MR. KOLFENBACH: However, in the
16 plan on PB-201, it does show one. I wasn't sure
17 if that's going to be a balcony because that
18 height is about 35 feet. I just didn't want a
19 balcony pointing toward my bedroom.

20 MR. SARACCO: Thank you for that.
21 You're absolutely correct. And that is something
22 that has to be addressed. So on the curve, we
23 have no balcony on the second floor, and we have
24 no balcony on the first-floor apartment. But when
25 we go to the third-floor apartment, there is a

1 balcony. And when we go to 301 -- I'm just
2 walking the Board through this -- this should be a
3 balcony. Thank you very much for that.

4 MR. KOLFENBACH: Thank you.

5 CHAIRMAN ASH: Mr. Saracco, to
6 clarify the detail on Sheet 301 should have a
7 balcony where there is none?

8 MR. SARACCO: On the third floor
9 right above the garage doors, that trickle window
10 at the third floor should be a balcony. I
11 apologize for that.

12 CHAIRMAN ASH: Are there any other
13 members of the public who have questions for Mr.
14 Saracco?

15 MS. CARRERAS: Can I just make a
16 clarification? I believe he said he did not want
17 a balcony facing his house.

18 MR. SARACCO: Well, we would like to
19 have a balcony there. It's a great apartment.
20 Let me just -- that's correct.

21 MS. CARRERAS: Can you make that
22 correction?

23 MR. SARACCO: So I believe this is
24 his house here (indicating) and that balcony is
25 right over here. It's a pretty far distance from

1 the house. I don't find it as an intimidating
2 balcony by any means. that's my opinion.

3 MR. KOLFENBACH: That was my
4 concern.

5 MS. CARRERAS: Can we just get a
6 confirmation about the distance?

7 MR. SARACCO: This probably is
8 almost 100 feet. This is 60 feet. It's almost a
9 100-foot distance. That's a pretty strong
10 distance.

11 MR. KOLFENBACH: Again
12 (indiscernible) plans. I just want to clarify
13 that.

14 CHAIRMAN ASH: Would you please step
15 to the microphone so we can get that on the
16 record?

17 MR. KOLFENBACH: I was asking for
18 clarification between the discrepancies and the
19 plans.

20 CHAIRMAN ASH: And you stated a
21 preference not to have a balcony?

22 MR. KOLFENBACH: To not have a
23 balcony on that side.

24 MR. SARACCO: We would prefer to go
25 with two over one.

1 CHAIRMAN ASH: Are there any other
2 members of the public with questions for
3 Mr. Saracco? Any Board Members? Okay. Thank
4 you.

5 MR. ORTH: Thank you, Mr. Chairman.
6 Can we just have a short two-minute recess? I can
7 consult on the two open questions regarding EV.

8 CHAIRMAN ASH: Recess.

9 (Break taken.)

10 CHAIRMAN ASH: Mr. Orth, are you
11 ready to proceed?

12 MR. ORTH: Yes, I am, Mr. Chairman.
13 Just a quick stipulation after consulting with my
14 client. We are willing to move half of the
15 electric vehicle charging stations outdoors. The
16 other half, which are inside the building, we will
17 position them closely to the door of the garage.

18 CHAIRMAN ASH: And the sprinklers?

19 MR. ORTH: The building will be
20 NFPA 13.

21 MR. TREMBULAK: Minor point. You're
22 going to have nine EV stations?

23 MR. ORTH: Five inside, four
24 outside.

25 CHAIRMAN ASH: But they're all

1 closer --

2 MR. ORTH: They'll all be closer to
3 the --

4 (Crosstalk.)

5 CHIEF DUELKS: So the five inside
6 will actually be closer to the actual egress doors
7 coming in?

8 MR. ORTH: Correct.

9 CHIEF DUELKS: Four is going to be
10 outside, and you're going to go with a full 13?

11 MR. ORTH: Correct.

12 CHIEF DUELKS: Good.

13 CHAIRMAN ASH: If the Chief's happy,
14 I'm happy.

15 MR. ORTH: We should make the Chief
16 happy. May I call my list witness, Mr. Chairman,
17 Mr. Paul Ricci?

18 CHAIRMAN ASH: Yes.

19 PAUL RICCI, having been duly sworn,
20 was examined and testified as follows:

21 CHAIRMAN ASH: And, Mr. Ricci, did
22 you testify as part of Phase 1 of this project?

23 MR. RICCI: I did not.

24 CHAIRMAN ASH: You've been before
25 this board; correct?

1 MR. RICCI: I have.

2 CHAIRMAN ASH: And we've accepted
3 your qualifications as a professional planner?

4 MR. RICCI: Yes. I've been licensed
5 since the year 2000. My license is in good
6 standing. I'm a planning consultant for seven
7 towns. I've been qualified for over 250 towns
8 throughout the state.

9 CHAIRMAN ASH: Unless there is any
10 objection, I'll accept Mr. Ricci's qualifications.

11

12 VICE-CHAIRMAN LA PLACE: (Raises
13 hand.)

14 CHAIRMAN ASH: Well, wait, there's
15 an objection.

16

17 VICE-CHAIRMAN LA PLACE: This is not
18 an objection.

19 CHAIRMAN ASH: I asked for
20 objections.

21

22 VICE-CHAIRMAN LA PLACE: May I go on
23 the record?

24 CHAIRMAN ASH: Sure.

25

1 VICE-CHAIRMAN LA PLACE: I just want
2 to state for the record that Mr. Ricci and I had a
3 working relationship. He's the planner for a
4 municipality that I worked for. So I don't think
5 there's any conflict, but I wanted to state that.

6 MR. TREMBULAK: No conflict.

7 CHAIRMAN ASH: With no conflict,
8 then we accept your qualifications as an expert in
9 planning.

10 MR. RICCI: Thank you.

11 BY MR. ORTH:

12 Q. Mr. Ricci, please provide your
13 planning testimony.

14 A. Sure. In preparation, I visited the
15 site. Many years ago, as a young planner, I did
16 live in town. I had a rental in town for a few
17 years. I raised my children locally in Clark, so
18 I do know the area. I've reviewed the
19 Redevelopment Plan, your Housing Plan, your Master
20 Plan, I've reviewed the professional's comments.
21 And I used that as a basis for my opinion as to
22 why I believe the one deviation being requested
23 tonight is appropriate, supports sound land use
24 planning, and is consistent with your
25 Redevelopment Plan. Section 7.7 of your

1 Redevelopment Plan specifies that this Board may
2 grant deviations from the Plan for several
3 reasons. They're similar to the reasons that we
4 traditionally hear for traditional bulk variances.
5 When we're in a redevelopment environment, I don't
6 call it a variance. I refer to it as a
7 "deviation." And it says when furthering goals of
8 the Redevelopment Plan, that's one of the prongs
9 of the criteria for the granting of deviations,
10 the benefits of the deviation outweigh the
11 detriment and similar to all variances that -- or
12 deviations, that can be granted without a
13 substantial detriment to the public good, that's
14 namely the surrounding property owners, and
15 without a substantial detriment to the
16 Redevelopment Plan. And the Plan specifically
17 states and gives this Board that power, again,
18 Section 7.7.

19 From just a general perspective
20 here, just stepping back, I know witnesses focused
21 on the very particulars of the project. But here
22 you have to recognize that this is a long-standing
23 auto facility. But I've always worked in
24 combination with the State Motor Vehicle Agency.
25 This is an active reuse, repurposing that's

1 clearly consistent with the intent and purpose of
2 the Redevelopment Plan. I've read Mr. Sammet's
3 letter several times. It was very well prepared.
4 I'm not going to read the exact language that he
5 states in his letter, but he comes to the same
6 conclusion. He says in his letter dated
7 7/11/2023, that "the submitted plans represent the
8 final step in the fulfillment of the goals in the
9 Redevelopment Plan." That couldn't be any more
10 clear. And as a planner, I know that when we're
11 in a redevelopment environment, this is not an
12 area we're looking to preserve, per se, as green
13 space and open space, but this is an area where
14 the Town Council has determined where they would
15 like to see development focused and see
16 improvements take place.

17 I think we've seen some of the other
18 witnesses that the Applicant, consistent with the
19 other side of the road as well, has designed quite
20 an attractive project. And one that I'll speak to
21 more in a second, that doesn't achieve or doesn't
22 maximize the redevelopment potential under the
23 Plan. Granting the deviation, I will say, will
24 not detract from the overall objectives of the
25 Redevelopment Plan. In this context, it really

1 represents a design change based upon the existing
2 condition to the property. And I'll discuss some
3 of those benefits in a moment. I think it's clear
4 that this is not an issue of overdevelopment as
5 the development adheres to the permitted
6 residential density. This Plan meets all and
7 exceeds all regarding building setbacks; front,
8 side, and rear yard. While we are seeking that
9 story variance, we do not exceed the maximum
10 height permitted in the Plan. And that was
11 mentioned by the planner. That's an important
12 fact. That tells me as a planner that the mass of
13 this building is not larger than anticipated as
14 part of the Redevelopment Plan. The proposed
15 building coverage of 35.8% is well under the
16 permitted amount of 70%. The maximum improved
17 coverage of 51.91% -- except for the impervious
18 coverage -- is well under. And I have a 90%
19 allowance, not 95%. But being on the conservative
20 side, that's 38% more open space on the building
21 site than is anticipated in the Redevelopment
22 Plan.

23 Also, this application advances your
24 2018 Affordable Housing Plan which specifically
25 identifies this tract as meeting your fair share

1 obligation under your agreement with Fair Share
2 Housing. So I think it's clear. And another
3 finding is that the benefits of the proposed
4 development advance the housing need in a manner
5 that's largely consistent with the Redevelopment
6 Plan outweighs the detriment of that proposed
7 story increase. We've also heard of other
8 particulars that the Developer has listened to the
9 Town. There are pedestrian connections on Willow
10 Avenue. Pedestrian connections all throughout the
11 site connected with South Avenue as well.

12 Regarding the park -- and some of
13 this is pointed out clearly in your planner's
14 letter as well -- the reasons that this results
15 and improves zoning for the tract, the additional
16 height, as a result of the redesign, the
17 impervious coverage of the former building was
18 reduced from 51.9% to 35.8%. The lot coverage was
19 reduced from 62.4% to 51.91%. Also, the building
20 is now being delivered with the garage doors that
21 are not facing Windsor. The proposed deviation is
22 over 75 feet from South Avenue. It's not largely
23 visible from the public rights-of-way. And,
24 again, that maximum building height is not being
25 exceeded for the property.

1 For these reasons, and overall
2 reasons and testimony by the previous witnesses,
3 this application promotes essentially every
4 objective of your Redevelopment Plan. "Eliminates
5 blighted sites in Westfield. Provides a
6 development that encourages multimodal
7 transportation. Stimulates a pedestrian-friendly
8 environment. Incorporates high-quality
9 architecture that respects the character of the
10 surrounding area as well as historic architectural
11 designs." And we'll have the architect speak to
12 that how about the gateway entrance treatment,
13 about how he's using design elements that
14 complement the building across the street.
15 "Employ green infrastructure and sustainable
16 design that minimize the site's impact on the
17 environment. Provide a diverse set of housing
18 options to suit the needs of Westfield's
19 residents. Create a vibrant community on the
20 property by strategically integrating the open
21 space into the development. Enhance the physical
22 characteristics of the town through facade and
23 streetscape improvements." And, "create expanded
24 and equitable housing options." What I just
25 mentioned represents what we commonly refer to as

1 the "positive" side of the deviation request.

2 In terms of the negative criteria, I
3 think these deviations can be granted without a
4 substantial detriment to the public good and
5 without impairing the intent of the Redevelopment
6 Plan. Again, I think I've largely focused on that
7 this project implements rather than detracts from
8 your Redevelopment Plan. This plan is designed to
9 provide multi-family housing which is achieved
10 here. We've demonstrated that this project meets
11 all the core requirements of the Plan.

12 The deviation being requested is
13 largely design-oriented. It does not affect the
14 mass of the building as permitted under the Plan.
15 I think it's clear that the benefits of this
16 project far outweigh the one deviation detriment.
17 Some of the other benefits are the substantial
18 landscape improvements. The public park -- while
19 there's been a lot of discussion about that --
20 there's still a public park that is being
21 dedicated to the Town as part of this project. It
22 would result in a dramatic appearance to this area
23 overall. Collectively; the building, streetscape,
24 all the new sidewalks, the park and the like --
25 complemented with the building across the street

1 -- will completely reinvigorate this area as an
2 entrance gateway into Westfield.

3 Again, this project is less intense
4 than permitted in the Plan. Specifically, with
5 coverages; both building and improvement that I
6 mentioned. Stormwater impacts are being
7 addressed. There really are no known substantial
8 impacts that have been identified throughout this
9 property. The Developer has essentially agreed in
10 stipulating to the main concerns of the Board a
11 few moments ago. It's clear to me that this is a
12 project that results in sound land use planning
13 and one that meets the criteria under your
14 Redevelopment Plan for the relief requested.

15 CHAIRMAN ASH: Thank you. Members
16 of the Board, questions for Mr. Ricci.

17 MS. FREEDMAN: Is this the time to
18 bring up Stonefield or is that later?

19 CHAIRMAN ASH: Mr. Orth?

20 MR. ORTH: We did not intend to -- I
21 consulted with the client -- we did not intend to
22 present any additional traffic testimony beyond
23 what we've presented on the first application and
24 the Traffic Impact Study which was submitted in
25 connection with the application. What I can say

1 is if the Board has a suggestion they would like
2 to take to the County, we're absolutely willing to
3 do that.

4 MS. FREEDMAN: That would be great.
5 So the study was done in 2021?

6 MR. ORTH: Correct.

7 MS. FREEDMAN: And that was at the
8 height of the pandemic. And that's when Wonder
9 trucks were parked there, so the situation has
10 changed somewhat. But you're not submitting an
11 addendum; it sounds like.

12 MR. ORTH: No, we are not. And the
13 Wonder trucks were only allowed to -- I'm not sure
14 if there was a specific time period where they
15 could be on the site as well.

16 MS. FREEDMAN: Right. You
17 mentioned, or Mr. Ricci mentioned, that pedestrian
18 access was important. We're concerned about the
19 pedestrian traffic. And so, we talked about that
20 a little bit about 1/2 hour ago. Collectively,
21 we've talked at the last -- when you made the
22 original submission -- about having traffic
23 mitigation especially because you have the north
24 side of the street and the south side of the
25 street and people walking back and forth. So one

1 idea would be to have blinkers. I know that you
2 said that the County wasn't very interested in
3 putting in speed bumps. But there are all sorts
4 of traffic mitigations. And I think there's a
5 reference from Stonefield here to talk about it.

6 I'm not a traffic expert, but I go
7 by the area frequently. And I know the addition
8 of this number of units, there will be more
9 pedestrians in the future than there are now. Is
10 there someone that can speak to traffic
11 mitigations in general?

12 MR. ORTH: South Avenue is under
13 county jurisdiction, so anything that we talk
14 about here has to be submitted to the county. So
15 whenever we are going -- well, we have actually in
16 my office ready today, or at least it's ready to
17 be picked up today -- we have an application that
18 is or is about to be pending with the county. If
19 there's any recommendation, we're happy to
20 coordinate with the board engineer on any
21 potential improvements which are under county
22 jurisdiction for the crosswalks.

23 MS. FREEDMAN: Okay. I think Ross
24 wanted to speak to that; right?

25 MR. GOLDSTEIN: Yeah. I don't have

1 the transcript in front of me, but my
2 understanding, or certainly, my takeaway from the
3 approval on Phase 1 was that the suggestion was
4 made about whether there when would be safety
5 lights in addition to a crosswalk was going to be
6 presented as part of the Phase 2 proposal. So
7 we're asking those same questions because they
8 were to be presented as part of Phase 2.
9 Understanding it comes from the county and that
10 all you can do is offer to say that you want them
11 and you would fund them. I understand you can't
12 make a decision on what the county will allow on
13 their road. But the comment, as I understood it
14 from the Phase 1 approval was that at the Phase 2,
15 it would be presented when those questions were
16 made, so we should hold off on those questions
17 until the Phase 2 presentation while the county
18 road permission were sought after.

19 MR. ORTH: My recollection -- and
20 I'm not diluting anything you said there at all --
21 is that the county did not want blinkers or
22 flashers when we submitted the county application
23 with the county for Phase 1. We can bring it back
24 up to the county again which is why they're not
25 showing on the application for Phase 2. But we

1 can suggest it to the county when we go back in.

2 MR. GOLDSTEIN: Did you present
3 Phase 2 when you asked for the Phase 1 blinkers?

4 MR. ORTH: I don't recall.

5 MR. GOLDSTEIN: Because you're
6 creating the actual need to cross the street;
7 right? So when you create the retail, which is
8 great, we're all for that, but by obviously having
9 retail on one side and also having additional
10 parking on one side, you're creating the need for
11 the desire to cross the street. And then,
12 obviously, the public plaza as well is creating
13 the desire to cross the street for the residents
14 of Phase I. They're ideally going to take
15 advantage of the great plaza you're dedicating in
16 Phase 2. So you're creating the actual traffic.
17 So I think it would be important that the county
18 is aware of that in order to make a right
19 decision.

20 MR. ORTH: I fully understand what
21 you're saying. Just give me one second.

22 (Whereupon, Mr. Orth confers with
23 his client off the record.)

24 MR. ORTH: I have a suggestion. You
25 know, we're stuck between two jurisdictions here.

1 The country is going to consider anything this
2 Board does with a little more weight with just the
3 Applicant coming in. So my suggestion is if the
4 Board has a suggestion or a desire to direct the
5 Applicant to install flashers at those
6 intersections, the Board can include that as a
7 condition that we do so on the county application.
8 And to the extent that I need to amend -- which
9 we're not in my office today -- I will do that and
10 I will copy your board engineer or Mr. Sammet so
11 that you have that on your records and you could
12 see that we've requested that or included as a
13 condition for any action taken by the Board.

14 MR. GOLDSTEIN: Thank you for that
15 consideration.

16 CHAIRMAN ASH: Yeah. I mean there
17 are flashers on South Avenue by the Boulevard. I
18 think there may be a different speed limit there,
19 and maybe an extra lane there. But there's
20 precedent on South Avenue for those flashing
21 crosswalks and --

22 (A member of the public interrupts
23 from the gallery.)

24 CHAIRMAN ASH: -- I think maybe
25 there's a reluctance to maintain those flashers.

1 There may be at least some high-visibility signage
2 that draws attention to the crosswalk on both
3 sides may be appropriate.

4 MR. GOLDSTEIN: They just did it on
5 Springfield in front of Dreyer Farms on a county
6 road where in order to facilitate that traffic
7 load between the park and Dreyer they put a very
8 similar new crosswalk with the new flashers.

9 CHAIRMAN ASH: And I'm working on a
10 project in Union County on a county road and the
11 same suggestions come up and the county's
12 reluctance to really maintain the lights and
13 infrastructure. So if there's a willingness to
14 accept that maintenance operation, and with our
15 recommendation, the county may be more receptive.

16 MR. ORTH: I understand. We can
17 certainly coordinate with the board engineer and
18 the township engineer on the submission or the --
19 I may be able to pull the packet back so I can get
20 a new cover letter in -- if that's so desired by
21 the Board.

22 CHAIRMAN ASH: We'll get there in
23 deliberations. Mr. La Place?

24 VICE-CHAIRMAN LA PLACE: I'm just
25 glad we're spending some time on this because

1 obviously a major part of this whole concept of
2 this development is that in order for the
3 development and South Avenue and the park work
4 together as an ensemble, and you're talking about
5 something we'll add to cross the street for the
6 parking and go to the retail space and things like
7 that. So this crosswalk is actually rather
8 important; both crosswalks. And it's sort of an
9 integral part of the whole concept of this
10 development. And I'd be surprised if the county
11 would be okay with a crosswalk, just a painted
12 crosswalk, on a street as busy as South Avenue.
13 So I think it's important for us to make the
14 recommendation that somehow we have to make the
15 crosswalks more visible to stand out whether it's
16 curb extensions or flashing lights or whatever. I
17 mean the county engineers know what options are
18 available.

19 COUNCILMAN DARDIA: And Chair, we
20 also need to take into consideration not just the
21 folks that are going to be living in these new
22 apartment buildings, but also the folks that
23 currently live there --

24 (A member of the public interrupts
25 from the gallery.)

1 COUNCILMAN DARDIA: -- the
2 crosswalk. So let's make it as safe as possible
3 for everyone who lives in this area.

4 CHAIRMAN ASH: Any other members of
5 the Board with questions for Mr. Ricci? Are there
6 any members of the public that have questions for
7 Mr. Ricci? I see your hand raised. You need to
8 approach the microphone and state your name and
9 address. Again, these are questions based on the
10 testimony you just heard.

11 MR. BARDEN: Hi. My name is Steve
12 Barden. I live at 231 Windsor Avenue. The
13 crosswalk that they have at Cacciola and the
14 boulevard, people don't stop there now. You put
15 these other crosswalks at Windsor Avenue; they're
16 not going to stop for that. Plus, you've got kids
17 and you're trying to put a park there on a busy
18 street; it's got going to work. I mean I've been
19 trying to get speed bumps on Windsor Avenue the
20 last 15 years to be able to park there, and we
21 still can't get speed bumps. And all the traffic
22 comes down Windsor Avenue, people fly up and down
23 Windsor Avenue. So this right here, the
24 development, I'm all good for the people going
25 there, but coming down Windsor Avenue, we have

1 kids that will be in the park that come out in the
2 street and people come flying down from South
3 Avenue. So that crosswalk up there, it's going to
4 stop some people. But I've been there on the
5 boulevard, on Cacciola, where nobody stops for
6 those flashing lights. You know what I'm saying?

7 CHAIRMAN ASH: I understand.

8 MR. BARDEN: I'm concerned about the
9 kids in our neighborhood. I've been living there
10 for over 40-plus years, and for us to give up what
11 we have to come down for these apartments and for
12 all this other -- the extra park. So we have a
13 problem with it. We don't need an extra park.
14 Fix the park that we have now. Make it bigger or
15 expand it so the kids can play there. Going up
16 there towards South Avenue, to me, it's a safety
17 hazard.

18 CHAIRMAN ASH: Thank you. Any other
19 members of the public with questions for
20 Mr. Ricci.

21 MR. ARMENTO: Mike Armento,
22 30 Sandra Circle. I just want to ask the question
23 again about parking. You mentioned that this is a
24 gateway, and where is the parking going to be for
25 the retail, for the park? Are the people going to

1 be parking on Windsor on the side streets? This
2 is going to inconvenience the residents of the
3 town. Thank you.

4 MR. RICCI: Again, as testified by
5 the previous witnesses; parking is compliant.
6 Overall, there's an excess amount of parking for
7 the entire redevelopment area site. The
8 redevelopment area is specifically finds that up
9 to 50% of the parking from any one site can be
10 provided from offsite. So that was something that
11 was already addressed by the town council here.
12 The amount of parking being placed offsite is well
13 under the limit.

14 MR. ARMENTO: "Offsite" meaning,
15 side streets that --

16 MR. RICCI: No. "Offsite" what we
17 usually mean by that is private property. My
18 understanding is in my review of the Redevelopment
19 Plan; is the redeveloper is not taking credit for
20 any off-street parking. There's language in the
21 Plan that indicates that additional credit could
22 be taken, at least on South Avenue, if they
23 essentially address that to the county, the plan
24 allows for on-street parking to be counted to the
25 Developer, and he has not done that.

1 MR. ARMENTO: Okay. So there will
2 be more foot traffic for people who are parking
3 from both sites and trying to get to retail and
4 park amenities; is that correct? It's an increase
5 in traffic across South Avenue.

6 MR. RICCI: If there're people
7 parking? I'm trying to understand.

8 MR. ARMENTO: For people trying to
9 get to retail stores and trying to get to the
10 park.

11 MR. RICCI: Well, if the town is
12 encouraging retail, either they're encouraging
13 foot traffic in that area --

14 MR. ARMENTO: That's where you're
15 going to have foot traffic. Nobody walks to those
16 areas, in Westfield, you're driving. You're not
17 going to take a bicycle, you're going to drive
18 there. So I think it's unrealistic to think
19 you're going to increase foot traffic except for
20 the people who are right there; that's
21 unrealistic. That's all I'm saying.

22 MR. RICCI: I mean the Developer is
23 going to do everything they can to encourage
24 pedestrians right there. They're extending the
25 sidewalks. On Willow Avenue, they're working with

1 the county for the crosswalk across the street.
2 There are sidewalks around the site and the park.
3 So there really nothing else that the Developer
4 can really do to encourage pedestrian activity.

5 MR. ARMENTO: Once again, the
6 citizens, the residents of Westfield, again,
7 they're not going to the walk to that facility;
8 they'll drive. They're not going to be crossing
9 South Avenue versus getting into accidents, you
10 know. (Indiscernible) on South Avenue are not
11 safe. Other areas in Westfield are not safe. So,
12 again, we're increasing the foot traffic. It's
13 not a good plan.

14 CHAIRMAN ASH: Is that -- I'm sorry
15 -- is there a question?

16 MR. ARMENTO: I guess I'm making a
17 statement based on his testimony. Thank you.

18 CHAIRMAN ASH: Again, any other
19 questions for Mr. Ricci? Mr. Orth.

20 MR. ORTH: Thank you. That's all
21 the witnesses I have for this evening. I'll just
22 make one note. One thing we were kicking around,
23 which we will propose to the county if the board
24 engineer thinks it's appropriate, is the
25 installation of the flashers that are a solar

1 panel at those intersections across South Avenue.
2 Those are relatively low maintenance; they're
3 solar powered. Hopefully, the county would
4 approve something like that. We can certainly
5 make that request. Again, we'll consult with the
6 board engineer on those traffic/sidewalk safety
7 devices.

8 MR. BATTAGLIA: The board engineer
9 likes that idea.

10 (A member of the public interrupts
11 from the gallery.)

12 MR. ORTH: What I just said is that
13 we are willing, subject to county approval, is to
14 install flashers which are solar-paneled mounted
15 signs on South Avenue subject to County approval.
16 So it's like a pedestrian device that has flashing
17 blinkers on it, but it has to be approved by the
18 county. We think if it's a solar panel, the
19 County should approve it because it's relatively
20 low maintenance.

21 (A member of the public interrupts
22 from the gallery.)

23 CHAIRMAN ASH: Anything else,
24 Mr. Orth?

25 MR. ORTH: I don't have anything

1 else except I reserve the pending of a closing
2 statement after public comments.

3 CHAIRMAN ASH: At this time, if
4 anyone has public comments, any comment about this
5 application, please approach the microphone.

6 MS. BONACCI: Hi. Carla Bonacci,
7 603 Lawrence Avenue. This very interesting
8 tonight to listen to the community and some of
9 their concerns and even some of the planning
10 board's concerns. And I would say this current
11 site can't be considered an isolation. This
12 project was submitted as three sites that act as a
13 gateway. I'll ask the question and you can
14 answer, but right now, I don't know this project
15 truly as a gateway to Westfield. Meaning, as you
16 enter from South Avenue, you see this complex. I
17 am concerned with materiality because, quite
18 frankly, the north building on the side is kind of
19 cheap-looking. I have to tell you. And, so
20 again, the materiality of the complex should be
21 consistent. And if brick is your thing, then it
22 really should tie around both sides of the
23 building that people are going to see.

24 I do also think that the variance --
25 I mean this project has been out there since 2017

1 with the Settlement Agreement, and then 2018, and
2 then plans with '20 and '21. And I find it
3 disconcerting that at this point in time, yet
4 again, a developer needs a variance to achieve
5 what -- even in this Redevelopment Plan, if the
6 zoning ordinance says it should be a three-story
7 building. So that's disconcerting. Regarding the
8 park; it's really disappointing that the Town has
9 not included the community in what that park
10 should be. And it's almost an environmental
11 justice, a social justice issue, based on what I'm
12 hearing tonight. And it's disappointing. So
13 really what you should do -- and people have
14 concerns about excessive rainfall and impervious
15 and more trees. And you know what, if you just
16 ask the community, the residents who live there --
17 whether it's Garwood or Westfield -- what they
18 want. That's really what should happen. It's
19 very disappointing to me, as an architect and
20 planner.

21 Then in terms of "good neighbor"
22 when I'm hearing all of this, and a fence along
23 the back side, people can't get into their
24 driveways; I'm concerned about safety. An 8-foot
25 solid fence; who's hiding behind there? What's

1 the lighting behind there? You know balconies;
2 kids have to sleep. They live in houses. You
3 know who's really thinking about the people who
4 live there? Where is the trash? Okay? EV is
5 inside and outside; you have a whole deal with EV
6 and lithium batteries and the water putting out
7 these fires. And so I really wonder if you
8 thought about the people who have to live in this
9 community and how this development impacts them.
10 So I would ask that you wait and -- and safety;
11 you're having people cross the street and you
12 can't even accommodate the parking for the people
13 who live there and you're going to put flashing
14 blinkers at the gateway to Westfield. I really
15 think that you should really work out the safety
16 traffic issues before you approve at site plan
17 when this is a three-parcel site that needs to
18 work together and to integrate and be safe on a
19 road where people go 40 to 50 miles an hour on any
20 given day. So you're asking people to cross the
21 street.

22 So I really think you need to think
23 about your impact to Westfield and any interest of
24 our community from the east. So I ask you to
25 pause and force people to really do their job and

1 give you the best product because we deserve it.

2 CHAIRMAN ASH: Mr. Monroe.

3 MR. MONROE: Kevin Monroe,
4 307 Windsor Avenue. It seems like y'all
5 politicians have no integrity. You know? Y'all
6 contacted no one in our community. You come in
7 there and you're doing what you want to do,
8 basically. I don't get it. You know? We was
9 here 2019 about there would be no park. Am I
10 right, Steve? Now, all of a sudden, you've got
11 these clowns coming in here talking about they're
12 building a park. Who did y'all contact in our
13 community about this park? We went through this
14 in 2019. Four years later, y'all politicians
15 basically lied to us. Because now all of a sudden
16 y'all want to put a park because you're building
17 some apartments. So some of these people in here
18 that so the politicians' pockets get fat, man. We
19 ain't having it. Y'all got to represent us;
20 hardworking people that helped build Westfield.
21 I'm a Westfield Hall of Famer. I've been here for
22 over 60 years. You think I want to go through
23 this crap with y'all? It's a bunch of bull and
24 y'all know it.

25 I mean come on. And then, it was

1 very unorganized how y'all presented your plans
2 tonight. A bunch of lies were told. I can't even
3 count how many lies was told. All y'all trying to
4 do is accommodate the new apartment complex y'all
5 building and fatten up your pockets. Respect the
6 people who have been there; hardworking for over
7 50/60 years; which you're not doing. Get it
8 right. Stop lying to the public.

9 MR. MCNAMARA: Bob McNamara,
10 603 Lawrence Avenue. I wanted to just point out
11 that this Redevelopment Plan was supposed to be
12 where the Town and the Developer got together so
13 that we had better developments. That was the
14 statement goal of it. That's part of why it's a
15 pilot program. And it seems to me disingenuous
16 that at the last moment, before you were now
17 presented with a significant change, the idea that
18 we would go from a three-story building, which
19 it's been since 2017, all of the presentations by
20 Topology the zoning, all of that and now becomes
21 a four-story. And I didn't hear one convincing
22 argument relative from Mr. Ricci or Mr. Saracco as
23 to why it changed. I didn't hear anything about
24 why they did that. So now we have a taller
25 building toward the residents; which I think is

1 awful. We have at least a 5-foot-9 retaining wall
2 to get down to that area that nobody has talked
3 about; it's not on the drawings. But the average
4 grade is basically artificial because of that
5 retaining wall toward the parking garage. So I
6 think that, and reiterate, this is a violation of
7 the current zoning, it's a violation of the
8 Redevelopment Plan that was signed off by the
9 Town.

10 Also, I think relative to parking;
11 before, when it was within the building,
12 obviously, it was hidden from the adjacent
13 residences. Now, it's wide open. In addition to
14 that, now, the garage doors are now on the side as
15 opposed to on Windsor. So the neighbors on that
16 side now have cars coming around with headlights
17 and they're going to now be flashing into those
18 residential houses as opposed to coming straight
19 off of Windsor and right into the garage. So
20 again, I don't see anything in terms of anything
21 positive relative to going from a three-story
22 building to a four-story building. It doesn't
23 make any sense. Thank you.

24 MR. KOLFENBACH: William Kolfenbach
25 at 693 Willow Avenue. Just to note, yes, since

1 probably '19 I've been as a resident logging on
2 the concept plans and then got the certified
3 letter which was dated the 7th with plans that
4 were completely different. Which, when I got the
5 letter, they weren't accessible through the
6 website. I did check today, and they were
7 available. So I don't know how long they've been
8 around. But obviously, as mentioned, since we are
9 neighbors, we would like to work with the builder
10 and work through some of our differences.

11 CHAIRMAN ASH: Are there any other
12 members of the public who would like to comment on
13 this application? Going once. Going twice. The
14 public portion is closed. Mr. Orth; summation.

15 MR. ORTH: Thank you, Mr. Chairman
16 and Members of the Board. I'll be brief, I know
17 it's been a long evening. First of all, we
18 appreciate everyone's time this evening. This is
19 a fulfillment of a year-long redevelopment process
20 for the South Avenue corridor in Westfield. The
21 Applicant has presented nearly a variance-free or
22 deviation-free application. The deviation which
23 we are requesting that the Board grant is for the
24 number of building stories. The project, from a
25 height perspective, is fully compliant. It's

1 actually 2 feet shorter than the permitted maximum
2 height in the Redevelopment Plan.

3 CHAIRMAN ASH: I'm sorry. Can you
4 say that again, please?

5 MR. ORTH: The project is fully
6 compliant with the height requirements in the
7 Redevelopment Plan, and is in fact 2 feet less
8 than what is permitted.

9 CHAIRMAN ASH: Two feet less than
10 permitted.

11 MR. ORTH: Correct.

12 CHAIRMAN ASH: In terms of height.

13 MR. ORTH: In terms of building
14 height measured in feet.

15 CHAIRMAN ASH: Thank you.

16 MR. ORTH: And, also, I want to note
17 that certain portions of the building are
18 permitted to be four stories in the Redevelopment
19 Plan. It's only a small portion of the building
20 which is required to be three stories in the
21 Redevelopment Plan, whereas, in fact, four
22 stories, and that is because we have buried
23 parking below grade. The Board heard the
24 testimony of our architect, the civil engineer,
25 and also our planner, Mr. Ricci, fully presented

1 the positive and negative criteria associated with
2 the requested deviation. We think this project
3 represents sound planning. And we're happy to
4 work with all the Board's professionals with
5 regard to revised landscaping plans and also the
6 issue of the intersection for pedestrians and
7 flashers which are in the jurisdiction of the
8 county.

9 With all that said, I'd like to
10 thank the Board for their time, the board
11 professionals for their comments, the public for
12 their comments. And we respectfully request that
13 the Board approve this application. Thank you.

14 CHAIRMAN ASH: Thank you, Mr. Orth.
15 Members of the Board --

16 (A member of the public interrupts
17 from the gallery.)

18 CHAIRMAN ASH: The public portion of
19 this meeting has closed. The Board will now
20 deliberate on the testimony you've just heard
21 including your comments.

22 MS. HARRISON: I would like to say
23 that plans are complicated. Meeting everybody's
24 needs, requirements, wants and desires is
25 complicated. And that a viable solution has to be

1 found among many of those compromises. The site
2 previous to 2019 was dilapidated, full of toxic
3 storage, chemicals, and overgrown weeds. The
4 property along the back of the building is bound
5 by a 20-foot high wall and it's pretty awful as it
6 is. And I think the development meets the
7 requirements of the Settlement Agreement. It also
8 improves the existing site from what it is today,
9 or what it was in 2019. You can argue the
10 materials being used, you can argue the height of
11 the fence, the color of the fence, where are the
12 tree, where it isn't. You can argue all of those
13 things. But I think that there are a lot of
14 people who have come together to make this the
15 best project that they felt at the time it could
16 be.

17 In my opinion, I think maybe the
18 park shouldn't even have been an opportunity. But
19 in looking at the design, it's more of a gateway
20 as opposed to the word "park." It's a plaza, it
21 has an art wall, it has an art sculpture. It has
22 a lot of elements to it, but it's not for play as
23 much as it is for visual stimulation. And that is
24 probably a very positive thing, and maybe that can
25 be -- I mean, could it have been something else?

1 Yeah, it could have been a gateway. It could have
2 been a lot of things. But there are opportunities
3 during the redevelopment process that we had as a
4 town where everybody was invited. Everybody was
5 asked for their opinions on what they wanted to
6 see. The Recommendation Committee created lots of
7 opportunities to come and talk to them about what
8 they needed where. I don't know what the
9 individual elements of all of those were, but I
10 know that... I would vote yes for this project
11 because I do feel that it is an improvement, and I
12 have to abide by what my rules are. And if it
13 meets the intent of the Redevelopment Plan, then I
14 think with the modifications that we discussed
15 this evening; it does.

16 (A member of the public interrupts
17 from the gallery.)

18 CHAIRMAN ASH: Mr. Monroe, you're
19 out of order. You had your opportunity. We gave
20 you the opportunity to comment and you did.

21 (A member of the public interrupts
22 from the gallery.)

23 CHAIRMAN ASH: Mr. Sammet, can I ask
24 you a question? Did Lot 17 in the initial
25 concept, was it parking? Was it a surface parking

1 lot at one point?

2 MR. SAMMET: It was, yeah. The
3 properties we're talking about were part of the
4 Affordable Housing Settlement Agreement which we
5 settled as zoning through reflective of that
6 settlement agreement. And Lot 17 was to be a
7 surface parking lot.

8 CHAIRMAN ASH: So in the initial
9 phases and negotiation and planning of this
10 project, Lot 17 evolved from surface parking to a
11 park?

12 MR. SAMMET: That's correct.
13 Through the preparations and through the adoption
14 of the Redevelopment Plan, Lot 17 was called for
15 to be used as a parking lot.

16 CHAIRMAN ASH: Thank you.

17 MR. GOLDSTEIN: You know I think
18 that this project has gone through many iterations
19 and at all turns there seems to be a willingness
20 from the Town and the Developer to adjust the
21 project. And I think that's somehow we lost a
22 negative where because there have been changes to
23 the initial design, and as a negative to view that
24 is the exact way the process is meant to be
25 operated where public input is incorporated and

1 design elements are changed. What matters most is
2 that there's this constant line of improvement
3 from this initial phase. You know, going back to
4 the original design of Phase 1, the street level,
5 all you saw was parking in front of the building.
6 That would be the entry to Westfield was coming in
7 and just seeing cars in front of an apartment to
8 then redesigning everything so that parking is
9 buried in the back where it's facing the view of
10 the train as opposed to the view of the town.

11 I think a lot of the changes called
12 out are changes change that were requested by
13 people on the Design Committee, people on the
14 Planning Board, people from the Engineering
15 Department, people from the Fire Department. I
16 think that the changes overall have been positive
17 and that the idea that this project has gone
18 through iterations shouldn't be looked at as a
19 negative.

20 CHAIRMAN ASH: Thank you.

21 Mr. La Place.

22 VICE-CHAIRMAN LA PLACE: Thank you,
23 Chair. I agree with everything my colleagues have
24 said so far. I'm really happy to see this
25 development, which is so consistent with our

1 Master Plan and our Redevelopment planning so that
2 our court-mandated affirmative affordable housing
3 plan and all the other work the community has been
4 doing. South Avenue is evolving. I think it's
5 evolving in a really exciting way. This area of
6 South Avenue was very industrial and very
7 car-centric or automobile-oriented. Now, it's
8 become an extension of the adjoining neighborhoods
9 bringing more people in to live, and shop, and
10 enjoy themselves. I think that retail on the
11 first floor of the north site will be a real
12 attraction for the existing neighborhood.
13 There're a lot of people in Westfield that live
14 within walking distance of this project. I'm
15 puzzled when people say that people in Westfield
16 don't walk. I know in my neighborhood, everybody
17 walks downtown and other parts of town. I see
18 them with shopping bags going to Trader Joe's lot
19 and stuff. I think a lot of people walk and a lot
20 of people want to walk and take bicycles and
21 things in this town.

22 For those reasons and a lot of
23 others, I think it's a better design. It's
24 transit-oriented because this route is served very
25 well by the New Jersey Transit bus service. It's

1 also within distance, more or less, from two New
2 Jersey Transit rail stations. So there are at
3 least options for our communities to use transit.
4 So I'm very much in favor of this application.

5 CHAIRMAN ASH: Thank you. Anyone
6 else? Well, I was driving by the site yesterday
7 and I couldn't imagine any worse space than a
8 vacant, former auto body garage. And this project
9 is a significant improvement from what was there.
10 I want to thank Mr. Sammet and the administration
11 for embracing this redevelopment process to bring
12 a project like this forward that improves a truly
13 blighted area of town that is going to be an
14 attractive gateway to the rest of our town
15 including the dedication of a new public plaza. I
16 know that this is a fully-conforming as-of-right
17 site plan application for a redevelopment project.
18 There is one minor bulk variance requested. And
19 that is really to comply with a definition in a
20 separate Land Use Ordinance. And the application,
21 as presented, is actually below the permitted
22 height in the Redevelopment Plan. And it's only
23 that the number of stories and how the stories are
24 defined in the ordinance that requires the relief.
25 And I think it would be disingenuous to say

1 otherwise that this was somehow now a taller
2 project than what was originally present.

3 Now, I think based on the planning
4 testimony, I think the variance relief is
5 warranted. It's an improved design based on what
6 was originally proposed in the Redevelopment Plan.
7 There's a benefit to having a garage indoors at
8 the rear of the building no longer facing Windsor
9 Avenue. There's a significant reduction in
10 building coverage that allows for the green space,
11 the landscaping, surrounding the project to the
12 rear. And again, the overall height in terms of
13 feet, measured in feet, is not increasing. So for
14 those reasons, based on the testimony of
15 Mr. Ricci, based on recommendation of our town
16 planner, I believe that the variance relief really
17 has met the standard.

18 With that, and taking into account
19 some of the other recommendations we discussed
20 knowing that a recommendation for a flashing
21 pedestrian beacon at the location of the crosswalk
22 on South Avenue; that's something that I think
23 should be taken to the County. And if a flashing
24 beacon is rejected, presumably, by the County,
25 then we'll want some high-visibility signage. We

1 appreciate the Applicant agreeing to Chief Duelks'
2 recommendations to move the electronic vehicles;
3 four outside, five shifting closer to the garage
4 doors. And for the greater level of sprinklers
5 throughout the building. This Board, on the
6 recommendation of Chief Duelks, takes life safety
7 very seriously. And again, you've got a pretty
8 good record in getting your sprinklers along with
9 other requirements. We're always appreciating
10 your input.

11 CHIEF DUELKS: That's correct,
12 Chairman. I just wanted to thank them for taking
13 into consideration upgrading the system to a
14 higher-level suppression system throughout the
15 building for the safety of the residents that are
16 going to be in that structure. So I appreciate
17 you doing that as well for a modification. As
18 well as moving more than half of the electric
19 vehicles outside so they're not all in. And
20 moving the location involving the EV charges
21 closer to egress; in and out.

22 Also, just to state on there as well
23 as with the on-site inspections, the fire official
24 will determine the actual FDC connections. We'll
25 put on one South and we'll put one on Windsor as

1 well to feed the standpipes in the structure as
2 well as the sprinkler system that's going to be
3 going out to the Windsor Avenue side. So that
4 would be all in there on site plan review with the
5 fire official.

6 (A member of the public interrupts
7 from the gallery.)

8 CHAIRMAN ASH: Thank you.

9 COUNCILMAN DARDIA: As I member of
10 this Board, and Town Council Member, Ward 2, which
11 is where the first part of this project is
12 located, I'm extremely proud of what's there.
13 It's taking the place of a blighted industrial
14 location. And then this new project that's going
15 across the street serves as a handshake to what we
16 have now. So I think it complements what's
17 currently there. So that is why I would support
18 it.

19 (A member of the public interrupts
20 from the gallery.)

21 CHAIRMAN ASH: One more thing to
22 add. I appreciate the discussion and debate over
23 the best view of location of the public plaza. I
24 do think we should stick to the consistent concept
25 plan that was presented. Although, I think having

1 the input to add more trees and vegetation --

2 MS. HARRISON: More "permeability"
3 is probably a better word. Not necessarily --

4 (A member of the public interrupts
5 from the gallery.)

6 CHAIRMAN ASH: You are out of order.

7 (A member of the public interrupts
8 from the gallery.)

9 CHAIRMAN ASH: Permeability.

10 MS. HARRISON: I think permeability.
11 I would really like to make sure that we don't
12 incur an additional flooding going to downstream
13 leaders. I really want to make sure that's
14 reviewed with the materials used. Again, I don't
15 know all the conversations that went into making
16 that plaza what it is. And I think we need to
17 call it a "plaza" and not a park. So that may --

18 VICE-CHAIRMAN LA PLACE: I mean
19 maybe that would soften it with a few more trees.
20 I mean shade is a pretty important quality these
21 days.

22 CHAIRMAN ASH: I think we can make
23 that recommendation. Were there any other
24 conditions that you noted?

25 MR. TREMBULAK: I have a list,

1 Mr. Chairman, that I'll read. Most of the
2 conditions that I've written down throughout the
3 course of the hearing.

4 Number 1; the Applicant will comply
5 with the memorandum from Donald Sammet,
6 specifically, Planning Comments Number 2, 3, 4, 5,
7 and 9, regarding the fence to be removed from the
8 South Avenue front yard.

9 Applicant will comply with all of
10 the comments and recommendations in the memorandum
11 from the town engineer.

12 Three; the Applicant will provide
13 nine make-ready parking spaces in accordance with
14 the State Statute and the Town Land Use Ordinance.
15 Four spaces will be located in the surface parking
16 lot, and five spaces will be located inside of the
17 building and located closer to the garage doors.

18 The applicant will install NFPA 13
19 sprinkler system throughout the building.

20 All locations for fire department
21 connections and standpipes are to be approved by
22 the Fire Official.

23 The driveway easement in favor of
24 Lot 1 will be widened to add a few feet I think in
25 accordance with the determination of the town

1 engineer and board defer as to how much additional
2 width would be required.

3 Landscaping will be added between
4 the building and the end of Willow Avenue.

5 Again, the Applicant will install
6 flasher lights at the crosswalks at South Avenue
7 subject to approval by the County of Union. And,
8 if the County does not approve flashing lights,
9 then the Applicant is to install high-visibility
10 signage.

11 A private hauler will be engaged to
12 pick up trash inside the building, and no trash
13 should be placed at the curb.

14 And then, lastly, the Board
15 recommends that the Town Council consider, or
16 reconsider, the plans for the public park to
17 include more trees and more permeability.

18 CHAIRMAN ASH: Okay. With those
19 conditions, I will make a motion to approve.

20 MS. FREEDMAN: And I'll second it.

21 MR. SAMMET: There was a motion by
22 Chairman Ash; is that correct?

23 CHAIRMAN ASH: Yes.

24 MR. SAMMET: And Ms. Freedman,
25 second. Okay.

1 Vice-chair La Place.

2 VICE-CHAIRMAN LA PLACE: Yes.

3 MR. SAMMET: Councilman Dardia.

4 COUNCILMAN DARDIA: Yes.

5 MR. SAMMET: Chief Duelks.

6 CHIEF DUELKS: Yes.

7 MR. SAMMET: Ms. Harrison.

8 MS. HARRISON: Yes.

9 MR. SAMMET: Mr. Ceberio.

10 MR. CEBERIO: Yes.

11 MR. SAMMET: Mr. Goldstein.

12 MR. GOLDSTEIN: Yes.

13 MR. SAMMET: Ms. Carreras.

14 MS. CARRERAS: Yes.

15 MR. SAMMET: Ms. Freedman.

16 MS. FREEDMAN: Yes.

17 MR. SAMMET: And Chairman Ash.

18 CHAIRMAN ASH: Yes.

19 MR. SAMMET: Thank you. It's

20 approved with conditions.

21 MR. ORTH: Thank you, Mr. Chairman,

22 and Members of the Board.

23 CHAIRMAN ASH: Mr. Sammet.

24 MR. SAMMET: Yes, thank you,

25 Mr. Chairman. The Mayor and Council have referred

1 over to you a proposed amendment to a Land Use
2 Ordinance. And, ironically, this came up -- not
3 the ordinance but the concept came up at your last
4 meeting which was for the 184 Elm Street
5 application, which was, well, wouldn't it be great
6 if you could use your rooftop? Well, they
7 couldn't. This ordinance would allow for the
8 residential tenants to use the rooftops above the
9 third story in the CBD and GB-1 zones. The Master
10 Plan Re-examination talks about the desire for
11 rooftop gardens in the downtown. That rooftop
12 gardens can be used as a green infrastructure
13 technique. But when you're in the GB-1 or the CBD
14 zone districts, you can't have any kind of
15 residential use above the third floor. This
16 changes that as well as establishes regulations
17 for residential use of rooftops. We based the
18 standards on some conditions of approval that the
19 zoning board gave to the so-called "Flatiron
20 Building" downtown years ago. As well as the
21 recommendation or the regulations from the
22 Prospect Ferris Redevelopment Plan.

23 In a nutshell, the regulations allow
24 for residential rooftops to be used as areas for
25 quiet seating areas. You can't have cooking

1 equipment up there, audio/visual equipment, pools
2 or hot tubs -- which was part of an initial
3 thought and draft -- but you can't do any of those
4 things. This is certainly consistent with the
5 Master Plan. Our guiding principles in the Master
6 Plan include helping valuable open spaces and
7 parks as an integral part of our community's
8 hometown feel and will take advantage of
9 opportunities for its enhancement and expansion.

10 As we know, downtown areas in the
11 GB-1 district, which is sort of the periphery, if
12 you will, of the central business district,
13 there's some limited available space for passive
14 or active recreation for that matter. And, so
15 where can you put it? Well, if there's nowhere to
16 put it on the ground, you look to upper stores.
17 Your goals and objectives in your Master Plan
18 include minimizing environmental impact resulting
19 from development through proactive and sustainable
20 measures to mitigate the acceleration and impact
21 of climate change. So if you allow for a rooftop
22 use, you can obviously have the ability to
23 establish rooftop gardens, plantings on the
24 rooftop, as well as that would capture some
25 stormwater as well, reduce that so-called

1 "heat-island" effect, and, in my terms, provide an
2 oasis of green and built-up areas.

3 I see this as an additional amenity
4 for our downtown residents. We should also note
5 that currently downtown you can have a commercial
6 use of rooftop as well. So the use of rooftops
7 downtown is not an unusual or new concept for us.
8 This again, allows for it above the third story.
9 As well as if you had a second or first-story
10 rooftop as well you could do it. But it
11 establishes regulations for the use as well which
12 didn't exist before. And thanks to the Code
13 Review and Town Property Committee for working
14 with me on this ordinance and some revisions to it
15 as well.

16 CHIEF DUELKS: Just a quick question
17 to the memo. I know you were saying no cooking
18 appliances.

19 MR. SAMMET: Yes.

20 CHIEF DUELKS: You know, we've
21 talked about this. That also goes for, like,
22 piped gas fire pits as well; correct?

23 MR. SAMMET: Yes.

24 CHIEF DUELKS: So there're no fire
25 pits allowed out even if they have emergency

1 shutoffs with gas appliances; right?

2 MR. SAMMET: Yes. I'll double-check
3 the language on that, Chief. Well, it says "no
4 cooking equipment" is how it's drafted. So it
5 doesn't specifically mention fire pits.

6 CHIEF DUELKS: If somebody came to
7 you and would like to put a gas fire pit up on the
8 roof --

9 (Crosstalk.)

10 MR. SAMMET: I would say no because
11 that's not the intent of it. But it's a good
12 point that it's not 100% clear.

13 CHIEF DUELKS: I've seen in person
14 myself at locations and I just to make sure if it
15 is approved or not approved just to get better
16 clarification.

17 MR. SAMMET: Right.

18 VICE-CHAIRMAN LA PLACE: Chief,
19 would it make sense to maybe add any
20 heat-producing as well as cooking?

21 CHIEF DUELKS: If we could reword it
22 a little bit and integrate at the end "heat
23 producing." Because I know another thing that
24 could be put up there next is free-standing
25 propane heaters. That could be the next thing

1 that could be put up there. And what's that?
2 It's an open flame. Once again, you have a
3 propane tank here. If that's not bolted down, you
4 and I both know, we all know, if there's a storm
5 coming in, that's flying off the top. So if
6 anything which would produce heat -- I do like
7 that terminology -- anything heat-producing or any
8 flame-producing equipment because that would be
9 the next. Now that it's the fall or I don't know
10 maybe a timeline on the rooftop, but you know they
11 can put the heat appliances up there next.

12 MR. SAMMET: So what I can do is --
13 if that's the Board's recommendation, which I
14 believe it will be -- I can suggest that the
15 language read "no cooking equipment or flame
16 producing equipment shall be permitted on roof
17 decks."

18 MS. FREEDMAN: I would go with
19 "heat" rather than "flame" because you can produce
20 heat without a flame.

21 CHIEF DUELKS: Sure, absolutely.
22 They even have electric plug-ins with space
23 heaters. And if you're way up there as well next
24 to a flammable object --

25 VICE-CHAIRMAN LA PLACE: Or if

1 someone forgot to turn it off.

2 MR. SAMMET: And my interpretation
3 of the language "heat-producing equipment" would
4 include fire.

5 CHIEF DUELKS: Yes, absolutely.

6 MR. SAMMET: So I could suggest --
7 if that's the Board's recommendation, I could --
8 I'll just ask the Town's attorney if that's an
9 insubstantial enough change that Council wouldn't
10 need to reintroduce that then to go with a public
11 hearing.

12 CHAIRMAN ASH: Okay. Is there a
13 consensus on that recommendation? All right.
14 Then I would make a motion to send this back to
15 the council finding that General Ordinance 2023-27
16 is not inconsistent with the Master Plan, and make
17 a recommendation for a change for any heat
18 producing --

19 CHIEF DUELKS: Appliance or
20 equipment.

21 CHAIRMAN ASH: -- appliance or
22 equipment.

23 MR. CEBERIO: I'll second it.

24 CHAIRMAN ASH: Thank you.

25 MR. SAMMET: Can we do an "all in

1 favor?"

2 CHAIRMAN ASH: All in favor.

3 BOARD MEMBERS: Aye.

4 CHAIRMAN ASH: Any opposed? Any
5 abstentions? Motion to adjourn.

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8 (The meeting was adjourned at
9 11:05 p.m.)

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