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TOWN OF WESTFIELD

PLANNING BOARD

IN RE :
PUBLIC HEARING :
: :
: :

TRANSCRIPT OF PROCEEDINGS
ADOPTED AS MEETING MINUTES

Monday, August 7, 2023

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

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B E F O R E:

- MICHAEL ASH, CHAIRMAN
- MICHAEL LAPLACE, VICE-CHAIRMAN
- MAYOR SHELLEY BRINDLE, MAYOR DESIGNEE
- COUNCILMAN MICHAEL DARDIA, COUNCIL LIAISON
- ANASTASIA HARRISON, MEMBER
- ROSS GOLDSTEIN, MEMBER
- MICHAEL DUELKS, FIRE DEPARTMENT CHIEF
- ANN FREEDMAN, SECOND ALTERNATE
- DON SAMMET, TOWN PLANNER/BOARD SECRETARY
- DAVID BATTAGLIA, TOWN ENGINEER

A B S E N T:

- MATTHEW CEBERIO, MEMBER
- ASIMA JANSVELD, MEMBER
- ALEXANDRA CARRERAS, FIRST ALTERNATE

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

- ASHENFELTER, TREMBULAK, MCDONOUGH, GOLIA & TREVENEN, LLP
- BY: ALAN TREMBULAK, ESQ.
- Attorney for the BOARD

- PORZIO, BROMBERG & NEWMAN
- BY: JOSEPH PAPARO, ESQ.
- Attorney for the APPLICANT PASSAIC AFFORDABLE HOUSING

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ROLL CALL	5
APPROVAL OF MINUTES: JUNE 5, 2023	7
ADOPTION OF RESOLUTIONS: PB 23-04	
WESTFIELD CROSSING SOUTH URBAN RENEWAL 418 SOUTH AVENUE EAST	
BLOCKS: 4004/4005, LOTS: 3/4	8

A P P L I C A T I O N S
- - -

PENDING

PB 23-06 (SCHEDULED FOR 9/10/2023)
 ELITE / MOHAMMED NASSER
 918 SOUTH AVENUE WEST

PB 23-010 (IN COMPLETENESS REVIEW)
 RAPUANO & RAPUANO, LLC
 500 NORTH AVENUE EAST

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N E W A P P E A L S

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PB 23-009
PASSAIC AFFORDABLE HOUSING
211 SOUTH AVENUE EAST
BLOCK: 3204, LOT: 2.02
REPRESENTED BY: JOSEPH PAPARO, ESQ. 9

<u>WITNESS</u>	<u>PAGE</u>
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PAULO DANTAS	33
JOHN MCDONOUGH	58

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P R O C E E D I N G S
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CHAIRMAN ASH: Welcome to the regular meeting of the Westfield Planning Board, August 7, 2023. Notice of this meeting has been published in accordance with the Open Public Meetings Act, published in the Leader and newspapers of record, and posted on the town's website, and posted in town hall. Let's have a flag salute.

(Whereupon, the Pledge of Allegiance was recited.)

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

CHAIRMAN ASH: Here.

MR. SAMMET: Vice-chair La Place.

VICE-CHAIR LA PLACE: Here.

MR. SAMMET: Mayor Brindle.

MAYOR BRINDLE: Here.

MR. SAMMET: Chief Duelks.

CHIEF DUELKS: Here.

MR. SAMMET: Ms. Harrison.

MS. HARRISON: Here.

MR. SAMMET: Mr. Ceberio is absent.

1 Ms. Jansveld is absent this evening.

2 Mr. Goldstein.

3 MR. GOLDSTEIN: Here.

4 MR. SAMMET: Ms. Carreras is absent
5 this evening. And Ms. Freedman.

6 MS. FREEDMAN: Here.

7 CHAIRMAN ASH: Thank you. Before we
8 move on to the business of the Board, our Board
9 Member, Ann Freedman, is the liaison to the
10 Historic Preservation Commission mentioned that --
11 and we've seen this on social media -- that a
12 member of the Historic Preservation Commission,
13 Katie Spikes, unfortunately passed away. And we
14 wanted to recognize her dedication to the Town and
15 to the Historic Preservation, a moment of silence.
16 Is there anything you'd like to say?

17 MS. FREEDMAN: Well, Katie was very
18 devoted to historic preservation. And what I
19 didn't realize was that she was a successful TV
20 producer and at her memorial service, half of CBS
21 News came to her church here in Westfield. It was
22 really a gratifying honor to see that.

23 MAYOR BRINDLE: I think it's worth
24 noting too that one of the last things she did as
25 a resident was designate her house in Stoneleigh

1 Park as historic. Which was just really weeks
2 before she passed away. It was really quite a
3 shock to all of us.

4 CHAIRMAN ASH: If everyone would
5 join us in a moment of silence for the memory of
6 Katie Spikes.

7 (Moment of silence.)

8 CHAIRMAN ASH: Thank you, everyone.
9 We have minutes from our June 5, 2023 meeting.

10 MR. SAMMET: I think they're not
11 quite ready yet. It was a very lengthy meeting.

12 VICE-CHAIR LA PLACE: We have June.
13 Chair, I have one correct.

14 CHAIRMAN ASH: Sure.

15 VICE-CHAIR LA PLACE: On Page 90,
16 Line 8, where the word is "easement" it should
17 read "street." So it's street instead of
18 easement.

19 CHAIRMAN ASH: Anyone else? A
20 motion to approve with that revision at Page 90,
21 Line 8.

22 VICE-CHAIR LA PLACE: I'll move.

23 CHIEF DUELKS: Second.

24 CHAIRMAN ASH: All those in favor?

25 BOARD MEMBERS: Aye.

1 CHAIRMAN ASH: Any opposed? Any
2 abstentions if you were not here? Thank you. We
3 have one resolution that's PB 23-04, WC South
4 Urban Renewal, 418 South Avenue East, Block:
5 4004/4005, Lots 3 and 4. I'll entertain a motion
6 to approve.

7 VICE-CHAIR LA PLACE: I'll make that
8 motion.

9 CHAIRMAN ASH: Thank you. Second?

10 MS. FREEDMAN: I'll second it.

11 CHAIRMAN ASH: Thank you. Roll
12 call, please.

13 MR. SAMMET: Chairman Ash.

14 CHAIRMAN ASH: Yes.

15 MR. SAMMET: Vice-chair La Place:

16 VICE-CHAIR LA PLACE: Yes.

17 MR. SAMMET: Councilman Dardia.

18 COUNCILMAN DARDIA: Yes.

19 MR. SAMMET: Chief Duelks.

20 CHIEF DUELKS: Yes.

21 MR. SAMMET: Ms. Harrison.

22 MS. HARRISON: Yes.

23 MR. SAMMET: Mr. Goldstein.

24 MR. GOLDSTEIN: Yes.

25 MR. SAMMET: Ms. Carreras is absent.

1 And Ms. Freedman.

2 MS. FREEDMAN: Yes.

3 MR. SAMMET: Mayor Brindle, I
4 believe you were absent for this meeting. You
5 will abstain.

6 CHAIRMAN ASH: That brings us to our
7 new application tonight, PB 23-009, Passaic
8 Affordable Housing, 211 South Avenue East,
9 Block: 3204, Lot: 2.02.

10 MR. PAPARO: Good evening, Chairman
11 and Board Members. My name is Joe Paparo of
12 Porzio, Bromberg, and Newman on behalf of the
13 Applicant, Passaic Affordable Housing Coalition.
14 The application before you this evening is a
15 request for preliminary and final site plan
16 approval. There are some variances noted in the
17 application and the review letters that were
18 issued by the Board's professionals. The project
19 involves the property located at 211 South Avenue
20 East that's identified as Block: 3204, Lot: 2.02
21 on the Town's tax map.

22 This site is located in the Town's
23 GB-3/HO, your affordable housing overlay district.
24 The proposal before you this evening is to
25 construct a three-unit multi-family building with

1 associated parking and related improvements. The
2 proposed is permitted in the zone. That's the
3 reason why we're before this board. Again, there
4 are some comparisons that were identified in the
5 application materials and highlighted by the
6 Board's professionals. I did want to start at the
7 outset and thank the professionals, Mr. Sammet,
8 and the other representatives from the town that
9 we've worked with throughout this process. We
10 appreciate the input and cooperation that we've
11 encountered. It was very helpful. So I just
12 wanted to acknowledge the role and the
13 involvement, the collaborative effort that we've
14 had with the town thus far. We did see the
15 reports. There was a planning report issued by D.
16 Sammet. And just for the record, that was dated
17 July 31, 2023. We also received an engineering
18 report dated August 7, 2023. And we are prepared
19 this evening to address the comments and
20 recommendations in those reports.

21 For witnesses this evening, I think
22 the most appropriate place to begin is with our
23 civil engineer who prepared the site plan that's
24 before you. After our civil engineer, we would
25 have our architect go through the building layout

1 and design. Then, finally, we'll conclude our
2 presentation with our planner. As I noted, the
3 use is permitted, however, there are some related
4 variances due to the orientation of the building
5 and the property as well as the parking
6 configuration. There is a representative of the
7 Passaic Affordable Housing Coalition here with me
8 if there're any specific questions that you all
9 would like to ask. If not, I'd like to proceed
10 with the technical testimony through our civil
11 engineer.

12 CHAIRMAN ASH: Please proceed.

13 MR. PAPARO: Thank you so much. Our
14 first witness this evening is Joseph Bachi of EKA
15 Associates.

16 CHAIRMAN ASH: Mr. Bachi, please
17 raise your right hand.

18 JOSEPH BACHI, having been duly
19 sworn, was examined and testified as follows:

20 BY MR. PAPARO:

21 Q. For the benefit of the Boards and
22 the public, can you provide your education, area
23 of expertise, and the licenses you hold?

24 A. Yes. 2012 graduate of Rutgers
25 University with a BS in Civil Engineering. I've

1 been licensed as a professional engineer in the
2 state since 2016. I've been practicing ever since
3 -- you know, 2012 as unlicensed, and licensed in
4 2016 as a civil engineer. I've appeared before
5 this Board before and boards throughout the state.

6 Q. Your license is still in good
7 standing?

8 A. Yes, sir.

9 MR. PAPARO: I would offer Mr. Bachi
10 as an expert in civil engineering.

11 CHAIRMAN ASH: Any questions? You
12 may proceed.

13 MR. PAPARO: Thank you so much.

14

15 MR. BACHI: I'm going to go through
16 our plan set addressing the comments.

17 BY MR. PAPARO:

18 Q. Before you provide any testimony,
19 what you're presenting is just a mounted version
20 of the plans that were submitted to the Board?

21 A. Correct.

22 Q. They haven't been doctored or
23 altered in any way?

24 A. No, sir.

25 MR. PAPARO: Counselor, do we need

1 to mark this separately?

2 MR. TREMBULAK: No, you don't.

3 MR. PAPARO: Thank you very much.

4 Please proceed.

5 MR. BACHI: You guys all have a copy
6 of this, but I'll just run through it and
7 highlight some of the areas, the variances, the
8 setbacks, and such, and address some of the
9 comments from the professionals. This is our
10 standard cover sheet. You'll see the schedule of
11 requirements, the key map, and the zoning map. As
12 Mr. Paparo mentioned, this is a GB-3 zone. You
13 can see our site here; Lot 2.02. (Indicating.)
14 It's bound on all sides except for the south by
15 commercial properties. To the south, you have
16 South Avenue, and across the street, residential
17 properties. Just to set the scene.

18 I'll go to the last sheet of the set
19 which is the existing conditions; topography
20 survey. This is a slightly irregularly shaped
21 lot. You can see it's narrow. The site has a
22 width of 44.38 where 60 is required. And again,
23 that's an existing condition. The total lot area
24 is 6,675 square feet whereas 10,000 is required.
25 It's a relatively flat site with some pavement in

1 this area and mostly gravel covered with a little
2 bit of grass and concrete. A relatively flat
3 elevation of 118 in the northwest corner then it
4 grades down towards South Avenue towards the
5 neighbor's down to an elevation of about 114.
6 It's relatively flat, but stormwater currently on
7 the site flows in this direction towards South
8 Avenue to the neighbor's property a little bit.
9 No structures on-site. As I mentioned, it's
10 gravel and all pavement and a little bit of grass.
11 The lot coverage existing is 72.74% where 70 is
12 required. Our plan does reduce that and puts that
13 into a conforming condition.

14 Going now to Sheet 2 of the plan
15 set; this is our proposed site plan. You will see
16 here in the rear of the property the proposed
17 three-story building. We are under the
18 requirement of building coverage for this
19 application. At 17.7% whereas 30 is required. We
20 have ancillary ADA access in front of the
21 building, as shown here, with an ancillary parking
22 lot with four parking spaces; 3.4 is required. We
23 have ADA spaces as well. Access to the site is on
24 South Avenue both egress and ingress shown here
25 conforming to the requirements of width for the

1 drive aisle. We'll have a curb around the parking
2 lot. We have some extended curb on the east side
3 here just to promote stormwater movement to keep
4 the driveway a little bit higher for the
5 stormwater runoff not all going to the neighbor as
6 it currently is.

7 One of the comments from the
8 planner's report was to clarify whether -- you
9 know -- these areas in the rear and side. Just to
10 confirm, they are grass, or they are proposed to
11 be grass areas. That's the sides here, the rear,
12 and the pavement will just be where the parking
13 lot and driveway is. We do have a parking buffer.
14 We're seeking relief there; only 1 foot. Again,
15 the site is pretty narrow to keep with the Land
16 Use Ordinance; the 18-foot required. Left of the
17 parking spaces is a 24' wide drive aisle. It
18 didn't leave us that much room to work with, so we
19 are requesting relief for a parking buffer.

20 On this side of the property,
21 there's an existing retaining wall that's on the
22 neighboring property; it's vegetation that screens
23 it. We're all proposing a rain garden in the
24 front here and also screened parking so it will be
25 aesthetically pleasing. So the parking is not

1 right on South Avenue in front.

2 BY MR. PAPARO:

3 Q. Mr. Bachi, I apologize if you've
4 already stated this, the total number of parking
5 spaces proposed?

6 A. 4.16.

7 Q. And that complies with the --

8 A. That complies. It's 3.4 requirement
9 parking calculations. There is one item that's
10 also on the planner's report and the engineer's
11 report was to provide testimony on trash
12 collection. We did not include a spot, so we
13 would work with the professionals and update it.
14 If this is approved, we'll revise the drawings to
15 show trash collection on the side yard here in
16 this area, and we would include a concrete walk
17 there and then recycling and trash bins to be
18 placed there on the concrete pad. We would still
19 be under in impervious coverage. And the
20 collection, again, would be by private hauler for
21 trash. The Applicant has reached out to a couple
22 of private haulers, but he hasn't identified one
23 quite yet. And then for recycling, residents
24 would probably just bring their recycling to the
25 curb for Westfield's recycling curbside pickup.

1 Q. And Mr. Bachi, for only three units,
2 the area that you've identified, you feel that's
3 appropriately sized that it can accommodate the
4 containers?

5 A. Yeah. There will be plenty of room.
6 You could have two containers per unit. I don't
7 know if it needs to be that much, but it's sized
8 that there is plenty of room.

9 Q. And you're not speaking for a
10 dumpster? You wouldn't need something like that
11 of that size for a three-unit building; correct?

12 A. No. Just the typical bin you would
13 have outside.

14 Q. And it will be picked up by a
15 private hauler?

16 A. Correct.

17 Q. My understanding from discussing
18 this issue with the Applicant is that we've
19 arranged for twice weekly; is that your
20 understanding?

21 A. That's my understanding. That's
22 typical of the private haulers in the area.

23 I'm going to go to the grading and
24 drainage and talk about that. Just on the
25 setbacks; we're requiring relief on the side yard

1 setback. We have a side yard setback of 5.87,
2 whereas, 12.6 is required based on the building
3 height. And again, it's a narrow lot, so we're
4 trying to make efficient use of the space and fit
5 a reasonable building in there. The rear yard
6 setback is 10 feet, whereas, 9 feet is required
7 based on the building height. And again, that's
8 just to kind of fit a reasonably-sized building in
9 this uniquely shaped lot.

10 Moving onto Sheet 3, Grading and
11 Drainage. The proposed condition, currently the
12 existing condition, generally grades down this
13 way. (Indicating.) We're proposing to basically
14 take the asphalt pavement in the front and that
15 will drain to South Ave. The whole building would
16 be collected with roof leaders running to the
17 proposed rain guard. So we then increase the
18 runoff in terms of quantity. And then, from the
19 rear, we have a high point in the corner here and
20 some gentle spills that will take the water in
21 that area offsite.

22 The engineer's report did request
23 that we look at -- we have this little strip here
24 that's spilled out to the adjacent property.
25 We're willing to work with the board engineer to

1 resolve these concerns regarding runoff to the
2 adjacent property to the east here.

3 Q. Mr. Bachi, this proposal reduces the
4 proposed impervious coverage from the current
5 conditions; is that correct?

6 A. That's correct, yes.

7 Q. And it will be compliant with the
8 town code?

9 A. Yes, sir.

10 I'm going to Sheet 4, Lighting and
11 Landscaping. We do have two pole-mounted lights
12 proposed for the parking lot shown here and here.
13 (Indicating.) Fifteen-foot high downward to just
14 illuminate the entranceway way and the parking lot
15 itself. The land levels will comply with the
16 township's ordinance in terms of what's on the
17 property and off the property. In terms of
18 landscaping, I mentioned the rain garden here in
19 the front. Also, street trees are proposed right
20 off of South Ave over here. Typical foundation
21 plantings. As I've discussed, we're talking about
22 putting a trash collection area on the side here,
23 so we have to revise the plantings a little bit
24 over here. That would be a minor revision. And
25 then, we have some arborvitae to the northeast

1 here to provide a buffer to the existing car wash
2 next door. That really concludes the site plans
3 and site details. Just our standard details.

4 Q. Before we move on, you mentioned the
5 reports throughout your testimony. In the
6 engineering report, there was a recommendation. I
7 just want to make sure we confirm on the record I
8 believe it's Item 5.4 talking about -- again, what
9 would be, per the board's engineer, of the rain
10 garden; correct?

11 A. Yes. He mentioned he would like to
12 see some of the runoff from the parking lot be
13 directed into the rain garden here. We could have
14 kind of a flush curb at some location here. We
15 could work that out with him, working with him,
16 and just kind of direct a little more runoff to
17 the rain garden. And I'll work on the grading on
18 the side so it's not just going to be just
19 property. We're happy to work with the board
20 engineer on that as well to resolve that issue.

21 Q. Then you would envision a typical
22 operations and maintenance manual, or something to
23 that effect, to be put in place to make sure that
24 these systems would be maintained on an ongoing
25 basis.

1 A. Yeah. We put those manuals together
2 quite often, follow DEP regulations, and come up
3 with a maintenance plan for the rain garden.

4 Q. Okay. The town planner's report;
5 I'm not sure if there's anything remaining from an
6 engineering perspective. Let me just double-check
7 before we move on. There was -- the architect
8 will take care of the building comments. We spoke
9 about the lighting and the trash recycling.

10 MR. PAPARO: Chairman, I have
11 nothing further for this witness at this time.

12 CHAIRMAN ASH: All right. Thank
13 you. Members of the board, any questions for
14 Mr. Bachi?

15 MS. FREEDMAN: Yes, Mr. Chairman,
16 thanks. Will someone else be covering the
17 architecture?

18 MR. PAPARO: Yes. We do have
19 another witness.

20 MS. FREEDMAN: And will you be
21 talking about traffic at all? Exiting?

22 MR. PAPARO: Vehicle movements -- I
23 mean from access -- Mr. Bachi, would you like to
24 speak on movements in and out of the site?

25 MR. BACHI: We didn't do a traffic

1 study or anything like that. But there's egress
2 and ingress from South Ave. I'm not sure
3 specifically what area.

4 MS. FREEDMAN: Well, I know that
5 area pretty well, and it's almost impossible to
6 make a left-hand turn out of there during certain
7 hours. I mean you could be there for quite a long
8 time. Have you thought maybe about just a right
9 turn only?

10 MR. BACHI: We haven't considered
11 that, but we're willing to work with your board
12 engineer.

13 MR. PAPARO: Just to jump in; since
14 this is on South Avenue, there is a county
15 application that needs to be finalized. And the
16 county, I'm sure, would weigh in on those issues
17 as well. So we can take that into consideration.
18 I have not heard back from the county on this
19 application yet. We expect Union County to review
20 this in detail. They may have some requirements
21 of their own.

22 MS. FREEDMAN: I would recommend
23 going out there during times of the day to see it
24 in person.

25 MR. BACHI: Sure. I get lunch at

1 Bagel Chateau pretty often, so I know what it's
2 like over there.

3 MR. PAPARO: One of the benefits is
4 that with the three units -- and we haven't
5 testified with a traffic engineer -- but with
6 three apartments...

7 MR. BACHI: Yeah. There will likely
8 be a minimal impact with only three units there
9 and four parking spaces.

10 MS. FREEDMAN: I wasn't thinking
11 about the impact but just the inconvenience for
12 the residents.

13 MR. BACHI: For the residents; sure.

14 MS. FREEDMAN: Because they could be
15 there literally for 15 minutes to try to get out
16 of there to make a left-hand turn. Unless a kind
17 person lets them out.

18 MR. PAPARO: Thank you very much.

19 MS. HARRISON: Can you talk a little
20 bit about what appears to be a very extensive
21 handicap ramp and landing system in front of the
22 building and about heights? Because the rendering
23 doesn't show this ramp system; at least I don't
24 think it does. Because it's very hard to see as
25 the drawings are black and white. Can you talk to

1 again, we kept the building at 119 because you get
2 118 back here on the building for the ramp.

3 MS. HARRISON: You need that much
4 distance in ramp?

5 MR. BACHI: Yeah. ADA ramps are
6 federally regulated.

7 MS. HARRISON: No, I know. I
8 just...

9 MR. BACHI: That is how much we need
10 to get up those few feet.

11 MS. HARRISON: The reason I'm just
12 bringing this up is because one of the things
13 you're seeking is rear yard setback. And I think
14 if that ramp was done in such a way that it was a
15 little more efficient and the grades were a little
16 different that the building could come forward a
17 little and then you could seek less relief on that
18 rear yard setback. That's where my mind was going
19 with that question.

20 MR. BACHI: Understood. If you look
21 at the grades -- and I'll point out some other --
22 is being extended concrete curb -- or the curb on
23 this side here, so that's -- this curb is almost a
24 foot high. So we're trying to maintain -- it's a
25 narrow site -- so it grades from one side to the

1 other, and we still have to make that work to keep
2 a lot of that flat. We're already propping the
3 parking lot up a little bit in this area. You
4 know, I didn't normally make ramps like that. But
5 we're just kind of working within the restraints
6 we have. Normally, we don't want to
7 (indiscernible) ramp. We're just working with
8 some of the site restraints.

9 MS. HARRISON: You can't drop the
10 building at all further into the ground so that
11 you have maybe 12 inches less so that ramp could
12 be a little smaller ramp? Have you ever pushed
13 someone in a wheelchair going around a ramp like
14 that? I have and it's never fun.

15 MR. BACHI: The building is, at the
16 elevation it's at, we're getting further -- the
17 rear yard which is higher than the rest of the
18 area. You know, having already...

19 MS. HARRISON: You're 118 back and
20 then you're 117.35 in the front, so it's not
21 terrible.

22 MR. BACHI: Yeah, but with that 118,
23 we're already using the 1-foot wall to get it
24 there.

25 MS. HARRISON: Okay.

1 MR. BACHI: Trust me, it was not
2 ideal, but we've gone back and forth on this a
3 number of times and we felt that was the best
4 option.

5 MS. HARRISON: Will the architect be
6 presenting what the ramps are going to look like
7 with the front elevation?

8 MR. PAPARO: We have a rendering.

9 MAYOR BRINDLE: Does the building
10 have an elevator?

11 MR. PAPARO: No, no elevator.

12 MAYOR BRINDLE: So the accessibility
13 is only for the one bedroom.

14 MR. PAPARO: The ground. Right.

15 MAYOR BRINDLE: The one bedroom on
16 the first floor.

17 MR. PAPARO: The ground level.

18 That's correct.

19 MAYOR BRINDLE: That's unfortunate.

20 VICE-CHAIR LA PLACE: Thank you,
21 Chair. I have a few questions. Full disclosure;
22 if this was a regular normal application even on
23 front yard parking, as far as I'm concerned, it
24 would be dead on arrival, and we don't like to see
25 that. You know that, and I think you've worked

1 hard to try to make this as attractive as
2 possible, and we can even tweak it some more this
3 evening. A couple of things I wanted to touch
4 base on. The rain garden; you mentioned something
5 about the rain garden being lower than the parking
6 a little bit so that it drains into the rain
7 garden. But you also mentioned the rain garden is
8 supposed to be visually screened with parking from
9 South Avenue. So how does it do both? Are there
10 going to be tall plantings in the rain garden?

11 MR. BACHI: They're not very tall,
12 but there are plantings in there. The elevation,
13 the bottom of it is lower. There are a number of
14 plantings there. It's a whole assortment of
15 plantings that are shown here.

16 VICE-CHAIR LA PLACE: So there will
17 be a number of --

18 MR. BACHI: Yeah. Yeah.

19 (Crosstalk.)

20 VICE-CHAIR LA PLACE: -- a presence
21 to visually screen.

22 MR. BACHI: Yeah. A few feet high.

23 VICE-CHAIR LA PLACE: Okay. That's
24 important. Also, as you know, rain gardens are
25 great if maintained. If they're not maintained,

1 they're worthless. I think the Board would like
2 to hear how this rain garden is going to be
3 maintained, otherwise, it's not going to perform.
4 We've all had that experience.

5 MR. BACHI: The New Jersey DEP kind
6 of has a good guide of how to be maintained. We
7 will put together a maintenance plan in accordance
8 to the DEP.

9 VICE-CHAIR LA PLACE: Who in a
10 three-unit building would be taking care of it?

11 MR. BACHI: That might fall on the
12 Applicant, the owner of the property I would
13 imagine.

14 VICE-CHAIR LA PLACE: Okay. That
15 sounds fair. Otherwise, I also wanted to ask; we
16 got photographs in our packet showing the front of
17 the property and there's a very large -- looks
18 like a very healthy tree -- immediately to the
19 west. I couldn't tell whether it was on the
20 property in question or the adjoining property.
21 Do you know which tree I'm talking about? Because
22 it doesn't show up on your plans. I just want to
23 make sure this tree can survive.

24 MR. BACHI: It wasn't shown on the
25 survey?

1 VICE-CHAIR LA PLACE: No. There's
2 no indication of it on the survey. It might be
3 right on the property line, over on the property
4 line.

5 MR. BACHI: To tell you the truth,
6 I'm not sure.

7 VICE-CHAIR LA PLACE: Did you guys
8 have any intent on touching it or leaving it
9 alone?

10 MR. BACHI: We do not intend to
11 touch it.

12 VICE-CHAIR LA PLACE: Okay. That's
13 a tree worthy of preservation.

14 MR. BACHI: It doesn't conflict with
15 any of our -- well, I guess it depends on -- I'm
16 surprised it's not on the survey.

17 VICE-CHAIR LA PLACE: I'm surprised
18 too.

19 MR. PAPARO: It's not on the survey,
20 Mr. Bachi. If it's not on the survey, it's not on
21 the property; correct?

22 VICE-CHAIR LA PLACE: Is it over the
23 property line?

24 MR. BACHI: I believe it is, yes.

25 VICE-CHAIR LA PLACE: Well, either

1 way, it doesn't look like it's in the way of
2 anything. So it exists; right? That's a good
3 thing. Two more things about the driveway itself
4 in the parking area; I think since it's a private
5 parking area, it should be as attractive as
6 possible. Was there any thought given to using
7 pavers or a more permeable surface as opposed to
8 asphalt?

9 MR. BACHI: That was not our plan.
10 I'd have to see if the Applicant would be willing
11 to look into that.

12 VICE-CHAIR LA PLACE: Okay. And
13 also, the 20-foot width, I know it's a
14 requirement, but for three units, could we give a
15 waiver or consider a waiver of like 18 feet or
16 something like that? It's not like there's
17 flowing traffic going two ways possibly on this
18 driveway; it's three units. It would just be nice
19 if they'd try to make that apron on the driveway a
20 little tighter. I don't know if our engineer has
21 --

22 MR. BATTAGLIA: I wouldn't see why
23 not. But this is a county road, so the county may
24 have to...

25 VICE-CHAIR LA PLACE: Okay. I'd

1 like that to be considered as well. Thank you.

2 MR. BACHI: Regarding the pavers; do
3 you mean for the whole parking area or just the
4 first couple feet of entrance?

5 VICE-CHAIR LA PLACE: Well, I think
6 particularly the entrance drive that's visible
7 from South Avenue. I think that would be really
8 nice.

9 MR. GOLDSTEIN: To the rain garden
10 at least.

11 VICE-CHAIR LA PLACE: Yeah. Right,
12 you almost need an extension of the landscaping.
13 It will also help with drainage if you use pavers
14 that allow some --

15 MR. BACHI: A paver that's
16 permeable.

17 VICE-CHAIR LA PLACE: Yeah. Thank
18 you.

19 CHAIRMAN ASH: Any other members of
20 the board? Are there members of the public that
21 have questions for Mr. Bachi? Seeing none. Thank
22 you.

23 MR. PAPARO: Thank you, very much,
24 Mr. Bachi. Our next witness is the project
25 architect, Paulo Dantas.

1 PAULO DANTAS, having been duly
2 sworn, was examined and testified as follows:

3 BY MR. PAPARO:

4 Q. Mr. Dantas, would you provide for
5 our education your areas of expertise and the firm
6 that you're associated with?

7 A. I graduated from the New Jersey
8 School of Technology in the year 2008 with a
9 bachelor's in architecture. I'm the owner and
10 partner of Dantas Carrete Architecture. I've been
11 licensed since 2007. My license is current, and
12 have been in various boards along with Westfield.

13 MR. PAPARO: I would offer the Board
14 Mr. Dantas as an expert in the field of
15 architecture.

16 CHAIRMAN ASH: Any questions? All
17 right. Please proceed.

18 BY MR. PAPARO:

19 Q. Mr. Dantas, I know you have an
20 exhibit, I just want to be clear. Are these the
21 plans that were submitted to the Board?

22 A. All the plans were submitted to the
23 Board with the exception of A-1 which will have
24 the updated renderings.

25 MR. PAPARO: So let's mark A-1 with

1 today's date.

2 (Whereupon, Applicant's Exhibit A-1,
3 PRELIMINARY SITE PLAN - UPDATED RENDERING A-1,
4 DATED 8/7/2023, was marked for identification.)

5 MR. TREMBULAK: And again, what is
6 that that you just marked?

7 MR. DANTAS: The updated rendering.

8 MR. TREMBULAK: Thank you.

9 BY MR. PAPARO:

10 Q. Mr. Dantas, if you could just give
11 your testimony walking the Board through the
12 proposed floor plan of the three-unit multi-family
13 building. There were some questions that we need
14 to circle back to from the various Board Members
15 regarding the architecture. But if you could just
16 please describe the floor plan briefly.

17 A. The scope of work we're looking to
18 do is a three-store building with three apartments
19 within. Sheet A-2 which is depicted as the
20 basement and the ground-floor plan; the basement
21 floor plan we're looking to propose has a partial
22 unfinished basement and then -- I'm sorry -- the
23 basement floor plan; we're looking to have
24 mechanical sprinkler equipment for the building.
25 We're going to have some utilities three and also

1 some storage as needed.

2 Q. Paulo, each of the units will have
3 their own storage; correct?

4 A. That's correct. We're also
5 proposing the foundation work; it would be the
6 foundation, concrete footings, and along with a
7 concrete slab on the roof. The proposed ground
8 floor plan; we're looking to provide a vestibule
9 where we can provide an area to house not only the
10 FedEx but also the mail for the residents. Within
11 that, we'll also have an access stair that will be
12 for all the apartments. And what we introduce to
13 the first, will be a first-floor -- a ground-floor
14 apartment. Within that ground-floor apartment,
15 we're looking at 860 square feet. It's a
16 one-bedroom apartment. Within that, we have a
17 living, dining, and kitchen open plan. We also
18 have a closet/pantry. A mechanical closet where
19 we'll have our heater and furnace. In addition to
20 that, we'll have the bathroom. The bathroom will
21 assist not only the guests but also the bedroom.
22 And by having access from the bedroom and from the
23 living area. And then along with that, we have a
24 walk-in closet within the bedroom as well.

25 Q. And the first unit is the

1 ADA-accessible unit; correct?

2 A. We initially proposed as an ADA.
3 Speaking with the owner and client, we are now
4 restricted to that. I just want to be a little
5 bit clear on that. So when we present further, I
6 just want to mention that it does have to be ADA;
7 per the client.

8 The proposed second floor and third
9 floor, Sheet A-3. On these floors, we're
10 proposing two-bedroom apartments. Again, it's
11 approximately 1,034 square feet per apartment.
12 The layout is consistent on both apartments.
13 We're looking to have an open plan; living/dining
14 and the kitchen. Mechanical closets. In this
15 layout, we're proposing two bathrooms. One that
16 will have a private bathroom to bedroom number
17 one. And then bedroom number two, we'll have that
18 one be assisted. And along with that, bathroom
19 number two will be also for the guests.

20 The proposed third floor; we also
21 did provide an area where we'll have a hatch door
22 which will lead you to the attic which,
23 eventually, will also go to the roof.

24 Q. So the HVAC will be on the roof?

25 A. That's correct. And I think we show

1 that as "attic floor plan" as we call it.

2 Q. And that's sheet -- what number is
3 that?

4 A. Sheet A-5. And our proposed attic
5 floor; we're looking at three units. Currently,
6 we have a flat roof. Initially, the majority was
7 a hip roof, asphalt shingles. We're going to have
8 a flat portion just for the condensing units. At
9 this moment, it still looks a little bit large.
10 We're going to try to squeeze in once we get the
11 proper condensing unit sizes, so we'll enclose it
12 as much as possible. We're providing also a
13 screening device in the back so that these units
14 cannot get seen from adjacent properties.

15 In regards to the front elevations;
16 we are proposing a total of a 36-foot-inch
17 building from the ground all the way to the top of
18 the roof ridge. The architectural characteristics
19 and the material selections we believe it was for
20 the aesthetics of the neighborhood and also a
21 little bit of the trend, and also the owner's
22 design requests. Maybe I should put it on the
23 record.

24 Q. We'll move to Exhibit A-1, which is
25 the colored rendering.

1 A. So this rendering is of the front of
2 the building. As we approach the entrance to the
3 building; what we're proposing in the base -- what
4 we call the "base" or the "ground floor" -- we are
5 proposed brick veneer along the front elevation in
6 a brown color. The brick veneer, we believe, it
7 brings a little bit of rustic and also an emphasis
8 on it as well. We have white Azek columns along
9 that. And then also, we did try to depict, as
10 close as possible, the ramp or what's being
11 proposed from the engineer.

12 Q. So Exhibit A-1 depicts the ADA ramp
13 as we were discussing earlier?

14 A. Exactly. Also, we're proposing
15 Hardie Board siding; which you see as a light
16 gray. And fiber cement panels which is kind of a
17 Hardie Board and gives more vertical and
18 horizontal lines. And also the box bay as well.
19 We're looking to provide some metal roofing for
20 the box bay and also on the top of the shade roof.
21 Everything else additional to that will be asphalt
22 shingles. Within this, we've tried to provide
23 some decorative railings at this portion. That
24 will be also the main entrance in to the
25 apartments. It will also give a sensation of a

1 vestibule to the apartment itself. And also,
2 becomes the separation between the bedroom side
3 and also the living side.

4 At that point, the building itself
5 will be provided with an automatic sprinkler
6 system throughout the entire building. The
7 required egress stairs, fire protection, and life
8 safety systems will be incorporated. We have all
9 fire smoke protection devices along with
10 fire-rated systems, the mechanical systems
11 separating ours. In addition to that, all
12 compliance energy codes will be met.

13 Q. Just to clarify; you had mentioned
14 in the planning report there will be no vinyl
15 siding. As you testified this evening, it will be
16 cement board, and Hardie Board on all sides of the
17 building; correct?

18 A. That's correct.

19 MR. PAPARO: Your plans also
20 identify one of the two-bedroom units as the
21 affordable unit that's required by code; not the
22 two-bedroom. That one unit is provided. Again,
23 for purposes of the application and presentation,
24 we've selected the two-bedroom as the affordable
25 unit. We would defer to Mr. Sammet and the Town

1 and its affordable housing obligations if the
2 one-bedroom unit would still satisfy the Town's
3 obligation. We have no objection to making that
4 unit the affordable housing unit. Again, we've
5 identified the two-bedroom per Mr. Sammet. Before
6 the end of the evening, if there's flexibility to
7 either make a one-bedroom or the two-bedroom the
8 ADA-restricted unit for the Town's obligation.
9 We're open to both. We just wanted to advise the
10 Board on the plans, again, I have one of the two
11 bedrooms. But again, if Mr. Sammet feels that
12 providing a one-bedroom unit meets the Town's
13 obligations, we would prefer to do that one unit.
14 BY MR. PAPARO:

15 Q. Mr. Dantas, in addition to
16 clarifying the siding, and that was one of the
17 comments in the planning report, are there any
18 other issues or items that you feel require a
19 response in any of the reports? I believe you
20 have hit all of the recommendations from both the
21 engineer and the town planner.

22 A. I believe that was the only comment
23 to address.

24 MR. PAPARO: And I would just take a
25 moment since we're talking about it, just to

1 confirm on the record -- I know this was a comment
2 in Mr. Sammet's report -- all of these units are
3 rental units. I know that's in the requirements.
4 I just want to put on the record that these are
5 rental affordable units -- I'm sorry -- a rental
6 inclusionary project with one affordable unit.
7 And then, we'll go through the other plans after
8 Mr. Sammet has an opportunity to speak to the
9 engineer. I have nothing further for Mr. Dantas
10 at this time.

11 CHAIRMAN ASH: Thank you. Members
12 of the Board, questions for Mr. Dantas.

13 CHIEF DUELKS: Yeah. If I may, real
14 quick. Just to touch on the sprinkler system that
15 you're installing. Can you tell me which class of
16 system you're putting in there?

17 MR. DANTAS: I believe -- I know the
18 code changed a little bit -- it might be the R13.

19 CHIEF DUELKS: So you're going to do
20 the R13 throughout. Would you consider putting a
21 full 13 in here?

22 MR. DANTAS: I would; if it's
23 recommend and also required.

24 CHIEF DUELKS: By code, R13 is
25 required. I would recommend if you could talk to

1 the owners to see if they'd be willing to go to a
2 full 13 so you would have the upward heads in all
3 void spaces as well the attic, as well as the
4 closet spaces. If you could just make it a full
5 13 instead of an R13.

6 MR. PAPARO: I'll get that
7 information back to you.

8 CHIEF DUELKS: And just for the
9 record, during site plan review, when you put in
10 the sprinkler system for the sprinkler connection
11 for the FCC, if we could just have the fire
12 official meet on site on that day so that they can
13 give you recommendations of the proper location of
14 where they would like the connection to be on the
15 building.

16 MR. PAPARO: Will do.

17 CHIEF DUELKS: Thank you.

18 CHAIRMAN ASH: Thank you. Any other
19 members of the Board? Mr. La Place?

20 VICE-CHAIR LA PLACE: Ms. Freedman.

21 MS. FREEDMAN: Thank you. I have a
22 couple of questions. One to follow up on
23 Anastasia's question on the ADA ramp. Have you
24 looked at going on either side of the building or
25 will the grade not accommodate that? The change

1 in grade.

2 MR. DANTAS: So I think the initial
3 -- would you rather...

4 MR. BACHI: There's not a lot of
5 room on the side, to be honest. We have access in
6 the front currently. We kind of wanted to wrap to
7 the front. ADA is actually not required for this
8 side, but we wanted to provide it anyway. So we
9 could consider removing the ADA altogether if the
10 client were okay with that. The site is very
11 tight right now. We would have to change the
12 whole access to the site. Access would have to be
13 on the side.

14 MS. FREEDMAN: But could you move
15 the building to the east or west a little bit?
16 Would there be enough space to put the ramp? I
17 know you have to do a switchback; right?

18 MR. BACHI: That would be a
19 substantial change. That would change the whole
20 architectural and engineering plans that we have.

21 MR. PAPARO: Let me just jump in
22 because I just had an opportunity to speak with
23 the client. The ADA unit is not required by code.
24 And it seems like it's causing some issues. If
25 there's no ADA unit, there's no ADA ramp. The

1 Applicant obviously has no objection. To our
2 understanding, there's no code requirement in a
3 three-unit building to have one unit be
4 ADA-accessible. I don't know if that eliminates a
5 lot of the concern. Obviously, if there's no ADA
6 unit, there's no ADA ramp. So we're just throwing
7 it out there. And again, to provide it, the
8 Applicant -- it's not essential to what they're
9 proposing here. And to your knowledge, it's not
10 required by code.

11 MAYOR BRINDLE: I think our
12 preference is to have ADA.

13 MR. PAPARO: Okay. Understood.

14 MAYOR BRINDLE: I wish all three of
15 them could be accessible, but I understand. It's
16 not an obligation.

17 MS. HARRISON: And I only made the
18 comment because I was trying to reconsider how you
19 could push the building forward.

20 MR. PAPARO: Understood.

21 MS. HARRISON: It's very minor in
22 perspective and major in plans.

23 MR. DANTAS: I also just think that
24 we took an opportunity also when the ADA shift a
25 little bit of the first row of, you know, the

1 slope of the ramp versus the last. We took the
2 opportunity kind of be almost like a box for
3 flowers and, you know, a flower bed and stuff like
4 that which I thought that was nice. And once they
5 actually start growing, I believe they will start
6 shading more of the railing behind it.
7 Unfortunately, the front, it was close to the
8 asphalt, so we did bring the brick out to be
9 consistent with the facade.

10 MS. FREEDMAN: I have a second
11 question to do with the rear elevation. There are
12 very few windows, and what is the reason for that?

13 MR. DANTAS: The rear elevation with
14 the windows towards the back; correct?

15 MS. FREEDMAN: Yes.

16 MR. DANTAS: I have on the second
17 floor and third floor, I have bedroom number one
18 -- I have bedroom number one, and you see -- and
19 also I felt like we should put also windows in the
20 bathroom so it doesn't completely close everything
21 off. But these windows are going to be our egress
22 windows.

23 MS. FREEDMAN: But it looks like in
24 the drawing that there are very few windows in
25 total. I mean a small window and --

1 MR. GOLDSTEIN: On A-5.

2 MR. DANTAS: A-5. The small windows
3 are going to be consistent with the bathroom. The
4 larger windows are going to be consistent with the
5 bedrooms, and I believe this small window on the
6 first floor, the ground floor -- it's going to be
7 consistent also with the bathroom.

8 MS. FREEDMAN: Was it a closet on
9 the second and third floors?

10 MR. DANTAS: Second and third floors
11 are bathrooms.

12 MS. FREEDMAN: No. You have two
13 windows on the second and third floors. But on
14 the space that's the right of the bathroom, what
15 does that coincide with on the inside of the
16 apartment?

17 MR. DANTAS: This over here?

18 MS. FREEDMAN: Yeah.

19 MR. DANTAS: That's a bedroom.

20 MS. FREEDMAN: So you will have a
21 bedroom without a window even though --

22 MR. DANTAS: No. I have bedrooms
23 with windows towards the rear. That's the one
24 you're asking; right? The double windows?

25 MS. HARRISON: Ann, it's the kitchen

1 and --

2 MS. FREEDMAN: Oh, it's the kitchen.

3 MR. DANTAS: The kitchen has a
4 window on the side.

5 MS. FREEDMAN: Okay. But not in the
6 back?

7 MR. DANTAS: No.

8 MS. FREEDMAN: And that's because?

9 MR. DANTAS: I felt like we didn't
10 want to put everything in the back. I felt this
11 three-by-three on the side was just enough for
12 somebody at a sink.

13 MS. FREEDMAN: Okay. Thank you.

14 MS. HARRISON: I think the left
15 elevation is a little more difficult than the rear
16 elevation because the left elevation will only
17 have three windows on it. I don't think it's in
18 our set, right, the left elevation? It's only a
19 rear and the front; right? Oh, there it is.

20 MR. DANTAS: If I'm looking at the
21 building, the right side will have bedroom
22 windows. I think, I believe, these also are
23 bedroom windows. On the left side, we'll have
24 more of the kitchen and -- I have to see the floor
25 plan. Yeah. And then we have the kitchen and the

1 dining room window on the ground floor.

2 MS. HARRISON: You didn't want to
3 add any more in the living room area?

4 MR. DANTAS: In the front, I have so
5 many. I was hoping -- I have actually a row of
6 three of them even with transoms. So we're
7 looking at 9-foot ceilings. I think we're putting
8 those windows up to 8 feet. So they don't have
9 that transom, but we're putting these up 7 feet or
10 so.

11 CHAIRMAN ASH: Any other members of
12 the Board with questions for Mr. Dantas? Go
13 ahead, Mr. La Place.

14 VICE-CHAIR LA PLACE: Thank you,
15 Chair. I understand that this is a very tight
16 site, it's irregular. But I'm a little concerned
17 about the almost complete lack of usable open
18 space. For instance, I see that there are these
19 little attached or decorative balcony
20 treatments. Was a fully-usable balcony considered
21 for the upper levels and maybe a little patio
22 area?

23 MR. DANTAS: I did not fully -- I
24 tried to avoid a lot of these protruding out
25 really quite a bit. What we did provide was many

1 of these are going to be operable. And we were
2 looking to do almost, like, a sliding door, but I
3 felt a single door (indiscernible.) And then, in
4 addition to that, our vestibule --

5 VICE-CHAIR LA PLACE: Is there any
6 usable open space on the site?

7 MR. DANTAS: I think there is.

8 MR. BACHI: Around the perimeter.

9 VICE-CHAIR LA PLACE: Around the
10 perimeter?

11 MR. BACHI: That's the open space.

12 VICE-CHAIR LA PLACE: So one lane
13 for Bocci ball, I guess. Let me ask you a
14 question related to this because I think it's an
15 important issue. I mean there are three units and
16 people have nowhere to go outside. There are no
17 porches. No balcony. Does the rain garden have
18 to be a rain garden? Is that critical to your
19 drainage or could that be a landscaped green area
20 with some benches?

21 MR. BACHI: There are all sorts of
22 arguments we could use for stormwater management.

23 VICE-CHAIR LA PLACE: I just feel
24 like maybe we should try to provide the residents
25 some place to go outside. I mean they don't want

1 to sit in their car. Most of the front yard is
2 pavement.

3 MS. HARRISON: Well, they have a
4 proper porch I think, right, on the ground floor?

5 VICE-CHAIR LA PLACE: Do they?

6 MS. HARRISON: There's a cover porch
7 behind the ramp.

8 VICE-CHAIR LA PLACE: Is that an
9 open porch area that's available to everyone?

10 MR. DANTAS: Yeah, it is. And I
11 just don't know how many people it will
12 accommodate.

13 VICE-CHAIR LA PLACE: Getting back
14 to my question about the balcony; you feel that
15 that's not practical?

16 MR. DANTAS: I'm sorry. Say that
17 again.

18 VICE-CHAIR LA PLACE: The usable
19 balconies, you don't think that's practical?

20 MR. DANTAS: I think it would be
21 practical depending on how it's being used. I
22 have at times seen people putting barbecue sets
23 out there and things like that. And then, it just
24 becomes a little bit overwhelming for the area
25 that we're trying to propose for maybe a sitting

1 area.

2 VICE-CHAIR LA PLACE: If you live in
3 this complex, where do you go if you want to sit
4 outside?

5 MR. DANTAS: Well, that's the
6 question; right? So if you felt that the garden
7 area -- we could kind of eliminate a portion of it
8 and then create an outside area. That would be
9 more feasible. I would rather do that than
10 balconies; personally.

11 CHAIRMAN ASH: This is a car wash
12 next door.

13 VICE-CHAIR LA PLACE: On this side?

14 CHAIRMAN ASH: Yeah.

15 VICE-CHAIR LA PLACE: But I don't
16 think that means everyone wants to sit on the side
17 all the time. I mean everybody in this town
18 almost has a choice to go somewhere outside.
19 Usable open space is usually a pretty regular
20 component of a site plan. I just don't think
21 there's been any consideration for a reasonable
22 open space.

23 MR. PAPARO: There is a -- the
24 backyard is -- the side entrance is 10 feet?

25 MR. BACHI: Yeah. It's a 10-foot

1 rear yard.

2 VICE-CHAIR LA PLACE: Is there
3 access to it? Do you have to walk around to it?

4 MR. BACHI: You walk around. This
5 is 10-feet wide in the rear, and you could walk
6 basically from the parking area there.

7 MR. GOLDSTEIN: How high is the
8 retaining wall?

9 MR. BACHI: It's not ADA accessible,
10 but accessible for walking I guess. The retaining
11 wall is a foot high.

12 MS. HARRISON: Can I ask; the site
13 is really tight and the square footage of these
14 units seems to be at the minimum of habitable; in
15 my opinion. Is there a reason why this building
16 is this small? Is it mandated by code that you
17 don't have one more square footage -- not one more
18 square footage to build?

19 MR. DANTAS: I think it was given
20 that --

21 MS. HARRISON: Aren't we under?

22 MAYOR BRINDLE: No.

23 MS. HARRISON: We're not?

24 MR. PAPARO: There's a floor area
25 ratio issue.

1 MS. HARRISON: We're at the maximum.

2 MAYOR BRINDLE: Yes. And there are
3 a lot of variances on this application.

4 MS. HARRISON: There are.

5 VICE-CHAIR LA PLACE: And to
6 conclude my question; I think at a minimum that
7 front -- what you're calling a porch area -- near
8 the front entrance should be accessible to all
9 three units, and it also should have some kind of
10 pedestrian accessibility to the side and the rear
11 yards as narrow as they are. If somebody wanted
12 to go out and read a book out on a chair, at least
13 they can get outside.

14 MR. DANTAS: So this front porch,
15 that's initially what you've described, that is
16 accessible to everyone. We also did put the
17 windows on this bedroom on the side so that this
18 could be occupied by someone and not have
19 somebody's window in the front. The
20 accessibility, I think, to the rear would be
21 towards the left.

22 VICE-CHAIR LA PLACE: Could you walk
23 around the building? Is there a problem walking
24 around the building?

25 MR. BACHI: You could walk around no

1 problem. But in terms of ADA accessibility, I'm
2 not sure that would work. We might be able to put
3 a concrete walk or something around there, but we
4 might exceed our impervious --

5 VICE-CHAIR LA PLACE: Well, the
6 front is ADA-accessible.

7 MR. BACHI: Right, right, yeah.
8 Other residents could easily walk around the back.

9 VICE-CHAIR LA PLACE: All right.

10 MR. SAMMET: There was a question
11 earlier about the affordable housing.

12 MR. PAPARO: Oh, yes.

13 MR. SAMMET: My understanding with a
14 project of this size and only one affordable unit
15 required, with one moderate-income housing unit
16 required, I believe it can be a one-bedroom. But
17 if the Board was apt to approve this application,
18 I would suggest a condition that that be confirmed
19 by the Town's administrative agent. I don't think
20 it's going to be a problem, but I would like that
21 safety net.

22 MR. PAPARO: Thank you.

23 MS. HARRISON: Just with regards to
24 the architecture; I think that the Juliette
25 balcony is, in my opinion, it is something that is

1 not necessary for the elevation. I think the
2 scale of the windows articulates the front facade
3 well. And the Juliette balcony doesn't even give
4 you three inches. It's screwed to the side of the
5 building. It makes no sense.

6 MR. DANTAS: I was just going more
7 for the purpose that I would like to have --
8 instead of having fixed windows or a fixed floor,
9 they're arching out, they're open, and there's
10 some type of protection.

11 MS. HARRISON: So then put the
12 transom on the bottom and a roof on the top.

13 MR. DANTAS: If we do that, then we
14 eliminate the French balcony as well.

15 MS. HARRISON: It just doesn't make
16 any sense unless you're actually going to put a
17 balcony on that building to screw to the railing
18 into the side of the building.

19 MR. DANTAS: That's fine. I mean
20 that was the intent. That's fine.

21 MS. HARRISON: That's just my
22 opinion.

23 MR. DANTAS: Okay. No issue.

24 CHAIRMAN ASH: Anyone else?

25 COUNCILMAN DARDIA: I have a

1 question, Chair. I'd like to know; the rear of
2 the building is going to face this loading dock;
3 is that it? Is that the expectation?

4 CHAIRMAN ASH: If you recall, this
5 property was all one property.

6 MS. HARRISON: Ferraro's subdivided.

7 CHAIRMAN ASH: We approved that
8 subdivision maybe a year ago.

9 VICE-CHAIR LA PLACE: It was recent.

10 COUNCILMAN DARDIA: Does that render
11 that loading dock in operable once you start
12 building so close to it?

13 MR. BACHI: They would not have
14 access -- if they currently were using this for
15 access, they wouldn't have access to that anymore.
16 (Indicating.) Yeah, but I'm talking about further
17 up, once they subdivided this. I understand, so I
18 imagine they don't have a problem with that.

19 COUNCILMAN DARDIA: Okay. Thank
20 you.

21 CHAIRMAN ASH: Do any members of the
22 Board have questions? Do any members of the
23 public have questions for Mr. Dantas regarding his
24 testimony about the architecture of the building?

25 MS. HARRISON: One more thing. Why

1 can't we get the 9 feet in the rear yard? Why do
2 you need that as a variance? Why can't this whole
3 kitten caboodle come forward 9 feet?

4 MR. BACHI: We would lose a parking
5 space at that point.

6 MS. HARRISON: If your rain garden
7 was a little smaller, and everything the way it is
8 came forward, you would really lose a full parking
9 space?

10 MR. BACHI: I mean 9 feet on the
11 rain garden is a significant amount. We have it
12 sized appropriately for a building of that size.

13 MS. HARRISON: Okay.

14 VICE-CHAIR LA PLACE: And that would
15 make the parking area more visible from South
16 Avenue, and I think that's a negative.

17 MS. HARRISON: Okay.

18 CHAIRMAN ASH: And then we get into
19 the reduced width of the frontage.

20 MS. HARRISON: I was just trying to
21 reduce the number of variances. That's all.

22 CHAIRMAN ASH: Okay. Thank you.

23 MR. PAPARO: Our final witness this
24 evening is our professional planner, John
25 McDonough.

1 JOHN MCDONOUGH, having been duly
2 sworn, was examined and testified as follows:

3 BY MR. PAPARO:

4 Q. Mr. McDonough, your education, area
5 of expertise, and the licenses you hold.

6 A. Sure. For the record, John
7 McDonough, M-c, capital D, o-n-o-u-g-h. I'm a
8 licensed professional planner here in the State of
9 New Jersey. That license is current and in good
10 standing. I've been here in your town many times
11 before. I'm also a member of the American
12 Institute of Certified Planners. That's a
13 national certification. That's current and in
14 good standing. And I'm a landscape architect too,
15 but I'm not really talking plants.

16 MR. PAPARO: Thank you,
17 Mr. McDonough. I would offer Mr. McDonough as an
18 expert in planning.

19 CHAIRMAN ASH: Thank you. Any
20 questions? Any objections? Seeing none, please
21 proceed.

22 BY MR. PAPARO:

23 Q. Thank you. Mike, take it away.

24 A. Okay, yes. Again, you've heard
25 we're in an affordable housing overlay district.

1 This project substantially stacks up very well
2 with your zoning requirements in that affordable
3 housing overlay. Most importantly, it's going to
4 deliver an affordable housing unit, which is
5 really what the overlay district wants to be.

6 MR. PAPARO: We'll mark this A-2.

7 MR. MCDONOUGH: Yes. And we're
8 going to pass out some exhibits just to you how
9 well this plan here marries up with the site and
10 marries up with the surrounding neighborhood as
11 well.

12 (Whereupon, Applicant's Exhibit A-2,
13 COLOR IMAGES - AERIAL DRONE VIEW, DATED 8/7/2023,
14 was marked for identification.)

15 MR. MCDONOUGH: It's a tricky site,
16 no doubt about it. We think Joe and Paulo have
17 done a really good job with making it work working
18 with your professionals as well. Planning is all
19 about balance. We think we've constructed a good
20 balance here with a plan that works. I think the
21 Board has gone through some good vetting here
22 taking a good plan and making it better. With
23 that said, the way the application stacks up with
24 the zoning requirements is insubstantial in
25 conformance. And by the time you get to the

1 pictures, I'll run through the zoning aspect here.

2 But in terms of the zoning
3 conformance; again, it's a permitted use which
4 allows stand-alone multi-family residential
5 development. If this were not an inclusionary
6 development, it wouldn't have to have a mixed-use
7 component based on your underlying GB3 Zoning.
8 But again, that overlay incentivizing affordable
9 housing drops the need for a non-residential
10 component here.

11 Along with the use conformance, the
12 project is going to be substantially complied from
13 a bulk standpoint. Some of the big things that
14 jumped out at me; the density of well below the
15 ordinance allowance. You're allowed to have 25
16 dwelling units per acre. The Applicant has had
17 19.57 dwelling units per acre. The allowable
18 building coverage here is well below the ordinance
19 allowance as well; 30% is what would be allowed,
20 17.67 is what the Applicant is proposing. Not to
21 mention, that the application is also conforming
22 in the building height. In front of the overall
23 floor area, in terms of the overall lot coverage,
24 and in terms of the front setback, and the parking
25 requirement as well. So substantial conformance

1 with all of those higher tiers of zoning. There
2 is some lower-level relief here. And again, I
3 think they're relatively unavoidable here given
4 what we're trying to achieve. And we're going to
5 reconcile under the flexible C balancing test as a
6 better zoning alternative for this piece of
7 property.

8 Just to take it back to A-2 for the
9 record here, we have four photographs taken today
10 of the subject property. So they're fresh images
11 between raindrops when we took them. We've got
12 the subject site on the first page looking to the
13 north. Again, it is, basically, a 100% cleared
14 site. I think there was a good line of questions
15 about that tree in the front. Any efforts to
16 minimize that driveway in the front, we'll do
17 better at saving that tree. It is a good tree.
18 It looks to be like an oak. It's recessed back
19 from the road, so you don't have an issue with the
20 wires that you get with some of those other trees.
21 It has had some lopping done, but there's a good
22 amount of canopy still there. Saving that tree is
23 a good thing to the extent practical.

24 Otherwise, we're dealing with,
25 essentially, a blank sheet of paper here in terms

1 of the coverage of the property. We're flanked by
2 a car wash on one side. We've got that blank
3 wall. And then, we've got the catering facility
4 that wraps around to the other side and to the
5 back as well. So we think recessing the building
6 back is a good alternative as opposed to pulling
7 the building closer to the street where it would
8 be closer to that active unenclosed land use with,
9 of course, exit the car wash where generally is
10 when the noise comes into play. So its recessing
11 provides some sort of armoring or fortifying the
12 site from the impacts of those adjacent land uses.

13 I think the Applicant is striking a
14 good balance here in terms of providing some open
15 space in the back where you can get a sitting area
16 to get some privacy. Maybe we can put a tree back
17 there to give some shade as well. But again, in
18 terms of this particular site, given its shape,
19 given that unusual configuration. There would be
20 challenges for any land use on this particular
21 piece of property. And I think our Applicant has
22 struck that good balance.

23 Page Number 2, spinning you around,
24 it's sort of a view from the back from the
25 catering facility. This is now looking south.

1 You've got the car wash on the left. You do have
2 some residential across the street including -- I
3 think it's that third building to the right there
4 right across the street is actually a four-unit
5 building. The Applicant is proposing a three-unit
6 building. And then, you do have this nice
7 co-mingling mix of uses in the area. You've got
8 some retail. You've got the excellent
9 pedestrian-friendly environment here with walkable
10 nature where one can access those retail amenities
11 without having to get in their car. So, again,
12 that's one of the key things that makes your
13 community desirable. And that's why this is an
14 excellent site for this particular development,
15 which is really a boutique-scale residential
16 development.

17 The third page is -- that's looking
18 towards the northwest -- it's sort of a view from
19 the front. You get a sense of how the active
20 portion of the car wash is blocked off by the
21 building mass itself. So buildings can become
22 buffers, and we think in this instance, that
23 building does buffer the site from the active land
24 use and the open parking lot associated with the
25 car wash. You've got a good fortified building in

1 the back as well; that solid mass. So the impacts
2 of that catering facility are also well screened
3 and well separated from what the Applicant is
4 proposing here.

5 And then, finally, the last frame
6 just to give you the sense of that odd shape of
7 the property, which again, would affect any
8 development here. Better to keep the building
9 mass in the back and parking in the front where
10 it's an easier retrofit to an unusual space.
11 Keeping that driveway relatively narrow would be a
12 good thing, and save that tree that you see in the
13 canopy. That yellow line is just my hand, it's
14 not a survey line, but I think it's a good
15 approximation, and it shows that tree at or just
16 off the property line. So we're looking to avoid
17 any impact. And the driveway that goes into the
18 site now is very similar to what the Applicant is
19 proposing as well in terms of proximity.

20 With that, we'll just run you
21 through the balancing test here. We always start
22 with looking at the application as a whole in
23 terms of the positives. We look at those
24 positives in abundance applying to the application
25 as a whole. The public benefits here are I think

1 numerous and bear some good weight. First and
2 foremost, the project is going to deliver a
3 permitted use that provides affordable housing.
4 The project provides an affordable set aside that
5 is well above the ordinance allowance or
6 requirement. Where 33% percent is the set aside,
7 15% is the requirement. So from a mass
8 standpoint, it's double. The project provides
9 good housing stock and a variety and diversity in
10 housing choices. The project promotes a desirable
11 visual environment with an attractive building.
12 The project promotes revitalization by taking
13 unproductive land and putting it back for
14 functional use. And then, lastly, advancing our
15 planning goal for the efficient use of land,
16 taking a developed piece of property, repurposing
17 it, and reusing it in a positive way is another
18 positive from a planning standpoint.

19 This all takes us back to the Land
20 Use Law, especially Purposes A, E, G, I, and M.
21 Again, that goes towards the promotion of the
22 general welfare, appropriate population densities,
23 variety, aesthetics, and efficiency. On the flip
24 side of that, I think we have good expert
25 testimony here that relief can be granted without

1 any substantially adverse impacts on the site, on
2 the public at large, and on the neighborhood.
3 Again, this site has been designed to flow,
4 function, and operate safely and efficiently.
5 Meeting that part of the requirement on this site,
6 it was important to me when we're considering the
7 relief here that the Applicant is not hitting any
8 of those requirements that may trip overcrowding
9 or overdevelopment. The unit sizes conform here.
10 The overall mass of the building compiles as well.
11 It certainly relates to the positioning of the
12 building which we think is a better zoning
13 alternative, but the mass, scale, and controls are
14 all substantially met here.

15 So just to run down the individual
16 relief; the lot area is at 6,675, where the
17 ordinance would want 10,000 square feet. I think
18 you have good solid testimony here that this
19 building mass boutique development can nicely fit
20 on this site. It will provide for a comfortable
21 living environment, and will not constitute
22 overcrowding understanding the undersized nature
23 of the lot. Likewise, the lot width is at
24 44.38 feet. And you saw from that last page of
25 the exhibit how it pitches down. That's where you

1 run into the problem as well. The overall width
2 of the lot is 50 feet. So it would be challenging
3 regardless of any development of this property.
4 We think the Applicant has done a good job in
5 terms of fitting the building on the site here.
6 The building setbacks on the two sides are at
7 5.87 feet, where 12.66 would be the minimum
8 required based on the building height. Your
9 setbacks relate to building height here in town.
10 That would be a challenge for any conforming
11 building. Again, a conforming building could only
12 be 25 feet wide or 50 feet high given the nature
13 of the width of this property as it exists.

14 The building setback in the rear is
15 10 feet versus 19 feet. I think it was a good
16 comment to try to pull it up. You've heard about
17 the difficulties of fitting all the mechanics of
18 the site including drainage and making that work.
19 And I think 10 feet is adequate. We've seen many
20 decks that are that deep to provide some outdoor
21 amenities as well. The parking location in the
22 front yard; I agree, here in town, you want to try
23 to keep these buildings to the front, and that's a
24 fine trait of the town. But you also have a very
25 unique piece of property here with a pinch-point

1 in the front that creates a difficulty in that
2 regard. The parking setback of 1 foot versus
3 5 feet relates to a little pinch-point where the
4 property bends over by the car wash. That's not
5 going to have any effect on light and air; in my
6 view. It would be virtually the same for any use
7 of this site. We have to get a parking lot in,
8 and again, it relates to a pinch-point that's not
9 going to infringe upon the car wash or impede with
10 the functionality of that car wash.

11 For all of those reasons, I think
12 again, this boutique development works well here.
13 I don't think our Applicant is overreaching. I
14 think some of the design flaws are nonconformities
15 here are certainly outweighed on the positive side
16 by all of the benefits the project has as a whole.
17 As I said at the outset; planning is about balance
18 and I think this application squarely lands on the
19 net positive here, the benefits substantially
20 outweigh the detriments. With that, I would
21 offer, based on the testimony, all the statutory
22 criteria are met for approval under C(2), and in
23 that regard, approval is warranted.

24 MR. PAPARO: Thank you,
25 Mr. McDonough. Chairman, I have no further direct

1 for this witness.

2 CHAIRMAN ASH: Thank you.

3 Mr. Sammet, were the comments in your report dated
4 July 1, 2023, addressed?

5 MR. SAMMET: Yes, sir. One thing I
6 just want to confirm. I think I heard that the
7 units proposed are rental units.

8 MR. PAPARO: Correct.

9 MR. SAMMET: Then they have been,
10 Mr. Chairman. Thank you.

11 CHAIRMAN ASH: Any questions from
12 members of the Board?

13 VICE-CHAIR LA PLACE: You mentioned
14 that one of the variances was lot size. The
15 requirement was 10,000. This lot is less than 7
16 or 6.6 or whatever. Doesn't that diminished lot
17 size or smaller lot size create some of the design
18 constraints that we're facing tonight such as
19 having to push the building back, having to put
20 the parking in front, and almost no usable open
21 space on the site? And I'd like to hear some of
22 your concerns or your comments from a planning
23 perspective on that.

24 MR. MCDONOUGH: Sure. Again, this
25 is the result of a subdivided piece of property.

1 But that piece of property, from an affective
2 standpoint, had really two pieces to it; the
3 subject site, and the portion that was associated
4 with the catering facility. We were talking about
5 the loading zone before and this site not being
6 necessary for that loading that's there. So it's
7 really a separate, independent piece. Regardless
8 of any use or the subdivision, that pinch-point
9 would be there which would create challenges in
10 terms of positioning a building in the front. So
11 I think we can say regardless of the subdivision
12 or not, the lot size and the lot shape do present
13 challenges. The lot width was there from the
14 get-go; 50 foot nipping down to 44 feet. And
15 then, again, the overall size of this stem of this
16 particular lot creates challenges as well. So
17 there is certainly an element of hardship as well.
18 I realize it was a subdivision. I don't know if
19 it's necessarily a self-created hardship because
20 if the subdivision were intact, the development of
21 this piece of property would be challenging and
22 see similar relief; in my view.

23 VICE-CHAIR LA PLACE: Well, the
24 building could have been one less unit or it could
25 have been raised one level to allow for vehicles

1 to pass under it to a rear parking; right? It was
2 your choice to design it this way.

3 MR. MCDONOUGH: Yes, I understand.
4 You're talking about a build for a tunnel through
5 the building.

6 VICE-CHAIR LA PLACE: Or archway.

7 MR. MCDONOUGH: Yes, absolutely.
8 Again, I think the Applicant has struck that
9 balance.

10 VICE-CHAIR LA PLACE: One thing that
11 you mentioned; something about it being
12 appropriate for the site or something like that.
13 I'm just a little concerned and that we're all
14 clear that locally we all know that -- at least
15 locally -- that South Avenue is a really exciting
16 place to be right now because we have a lot of
17 redevelopment activity going on. And all our
18 redevelopment is buildings up to the sidewalk;
19 very pedestrian-orientated. You know, creating a
20 dynamic streetscape. I understand the
21 characteristics of this particular site; I would
22 not want it to be setting a precedent. That would
23 be my concern, in terms of how Westfield is
24 evolving. So I guess that's just hanging out
25 there as a little scary item for me. But I

1 understand we're talking about this site and
2 restrictions for this site.

3 MR. MCDONOUGH: And if you think it
4 helps the Board, in terms of a resolution, some of
5 those reasons not only is it that weird shape of
6 the property, but the angle of the property too.
7 I think you can draw certain distinctions around
8 this piece of property compared to others in the
9 zone.

10 VICE-CHAIR LA PLACE: I want to very
11 much applaud you for mentioning that tree because
12 I think we should take every opportunity to not
13 only preserve it, but again, perhaps have that
14 driveway narrowed to give it more of a chance to
15 survive. Thanks for mentioning that.

16 MR. MCDONOUGH: You're welcome.

17 CHAIRMAN ASH: Anyone else? Are
18 there any members of the public with questions?

19 MR. GOLDSTEIN: Sorry, Chair. Just
20 following up on that piece around the tree. Would
21 it be possible to include a tree protection plan
22 to be considered as well? Because I think without
23 that, we're sort of going to self-defeat
24 ourselves. Regardless of better intention, to
25 have the tree protection plan before anything

1 takes place.

2 MS. FREEDMAN: I think that tree is
3 on the neighbor's property.

4 CHAIRMAN ASH: I think the testimony
5 was that the tree was not on the site.

6 MR. GOLDSTEIN: Understood. But
7 even though it's not on the site, in order for the
8 construction to go forward a tree protection plan
9 would still be needed and coordinated with the
10 neighbor in order to facilitate the building to go
11 up.

12 VICE-CHAIR LA PLACE: I think
13 Mr. Goldstein makes an excellent point. We can
14 have something perhaps in the resolution that
15 talks about all construction activity happening on
16 behalf of the proposed driveway. Even mark out
17 the tree line like we do a lot of times on a
18 construction site. I think that's a very
19 practical consideration.

20 CHAIRMAN ASH: Any members of the
21 public with questions for Mr. McDonough? Okay.
22 Thank you.

23 MR. PAPARO: Thank you,
24 Mr. McDonough. Thank you. Mr. McDonough was our
25 final witness. I did want to, just again,

1 appreciate the Board. There was a number of
2 excellent number of recommendations throughout the
3 presentation this evening. I just want to make
4 sure we take into consideration all of those
5 recommendations. If there's something else that
6 the Board feels we need to take under advisement,
7 I'm happy to hear from the Board if there's
8 something that we haven't discussed yet that is
9 weighing on someone's mind. I think as
10 Mr. McDonough stated, we've gone through the
11 proofs for the various variances we are
12 requesting. This project will take a piece of
13 underutilized piece of property that is presented
14 with a number of challenges no matter how it's
15 developed. And as you've heard through the
16 testimony, the Applicant has done an excellent job
17 striking that balance to find a building with the
18 appropriate number of parking spaces as well as
19 adequately sized units.

20 One of the units will be going
21 towards the Town's affordable housing obligations
22 as an inclusionary project which advances your
23 Master Plan goals and objectives. So for the
24 reasons that you've heard this evening, we feel
25 that we've met our burden of proof. We do have no

1 objection to the comments of your professionals in
2 the reports. Mr. Sammet had a number of comments
3 that he has set forth on Page 6. We've confirmed
4 that these units will be rentals as required in
5 the ordinance. We've clarified the fact of the
6 building materials. There are a few other items
7 regarding the affordable housing obligations we
8 have no objection to. I would like the
9 opportunity to do, as Mr. Sammet suggested, and
10 speak to the Town Administrator to see if the
11 one-bedroom unit could be set aside as opposed to
12 the two-bedroom unit and not jeopardize any
13 obligations that the Town has. So I would like
14 that opportunity to speak to the Administrator of
15 the Town as Mr. Sammet recommended.

16 The only other item I wanted to
17 respond to was whether or not the Town would
18 consider, and Mr. Sammet, whether you would
19 consider, regarding the marketing expense for the
20 one unit. If there's some arrangement that we can
21 reach with the Town to share that cost, or the
22 Town can help in that marketing of the one
23 affordable unit; the Applicant is a 501(3)c
24 non-profit. Any opportunity to relieve the budget
25 here would be greatly appreciated on a three-unit

1 building. I'm happy to work with Mr. Sammet and
2 the Administrator on that one. I know about the
3 marketing aspects of the cost associated with that
4 for this project. But other than those two
5 stipulations, again, we have no objections to the
6 comments. I know the fire comment made will be
7 taken into consideration. The balcony suggestion
8 and re-looking at that design. We're happy to
9 accommodate those requests.

10 With that, I would respectfully
11 request that the Board approve this application
12 with those conditions. Again, I'm happy to
13 entertain anything that we may have not circled
14 back through the presentations.

15 CHAIRMAN ASH: Thank you. And just
16 to clarify, did you have a chance to discuss the
17 Chief's suggestion to make the fire-rated
18 sprinkler system a 13-rated and not the R13?

19 MR. PAPARO: The Client is
20 absolutely open to doing that. We would
21 definitely like to speak to the fire chief in more
22 detail to see what those cost differences are. We
23 are three units on a budget here, but if the Chief
24 can give us that information, and it fits into the
25 budget, then we would absolutely accommodate that.

1 I know that's sort of a roundabout way, but, yes,
2 we will work with the fire --

3 MR. TREMBULAK: I'm not sure how I'm
4 supposed to word that in a resolution.

5 MR. PAPARO: So why don't we say
6 yes, we will. And then, if there're some issues,
7 then they'll have to revisit.

8 MR. TREMBULAK: You mean talk him
9 out of it.

10 (Laughter.)

11 MR. PAPARO: Thank you. So, yes, we
12 will agree to that condition.

13 CHAIRMAN ASH: Thank you. At this
14 time, are there any members of the public with a
15 comment about this application? Okay. Thank you.
16 Members of the Board, our time to deliberate.

17 VICE-CHAIR LA PLACE: Mr. Chairman,
18 I first want to say that I always love to see
19 good, well-designed infill development in
20 Westfield. So I'm happy to see that this falls
21 into that category. It's within walking distance
22 of our downtown -- or will be the downtown --
23 revitalizing downtown, as well as transportation
24 facilities and services that everyone needs. So
25 it's the right kind of development in the right

1 place. I've voiced some of my urban design
2 concerns about setting the building back with the
3 parking. But the Applicant has been gracious in
4 considering some of the design tweaks that we've
5 talked about. I really would like to see a nice
6 paver treatment for the driveway aisles as opposed
7 to asphalt in the forward section. Maybe from the
8 sidewalk to the edge of the rain garden. Just
9 that area that's visible from the South Avenue to
10 where the parking area is.

11 I think it would be nice to see a
12 maintenance agreement or some kind of plan,
13 maintenance plan, for the rain garden. And then
14 again, consider, maybe subject to Union County
15 approval, you can narrow the two-way drive from
16 20 feet to 18 feet in width. If Union County says
17 no, then I guess we're back to 20, but it would be
18 nice to sort of build that in as a preference.
19 Because then the rain garden gets a little bigger,
20 and where you're going to plant a new tree, that
21 area gets a little bigger; and that's good stuff.

22 All those things considered, I feel
23 it's a good application. I think the Applicant
24 did their best to make it as good as it could be
25 on a difficult site. And I'll be voting in favor

1 of the application.

2 CHAIRMAN ASH: Thank you. Anyone
3 else?

4 MAYOR BRINDLE: I'll just say thank
5 you to the Applicant, and echo Michael's comments.
6 We're all grateful to see the opportunity to see
7 more affordable housing in Westfield. I don't
8 love the site, but I love the addition. So I'm
9 happy to see that you've made the best of what is
10 a very challenging site.

11 MR. PAPARO: Thank you very much.

12 CHAIRMAN ASH: Any other members of
13 the Board? All right. I agree with
14 Mr. La Place's comments. I think we've had an
15 opportunity to make some tweaks and site
16 improvements to the plan that's going to develop a
17 site that right now is a bit overgrown and cars
18 are just kind of parked in a mess on the site.
19 And I think the project, both the purpose and
20 providing affordable housing, and as designed, is
21 going to be a benefit to the South Avenue
22 corridor. I would move to approve the application
23 granting the relief requested for the reasons
24 stated on the record along with the conditions
25 discussed and requested by the Board including the

1 upgraded sprinkler design. I would also be in
2 favor of a tree protection plan to make sure that
3 the offsite tree is not damaged in any way during
4 construction. And addressing all the comments of
5 our professionals' memorandums. And with that
6 motion, I'll entertain a second.

7 MS. FREEDMAN: I'll second it.

8 CHAIRMAN ASH: Thank you. Roll
9 call, please.

10 MR. SAMMET: Was that a motion by
11 Chairman Ash?

12 CHAIRMAN ASH: Yes.

13 MR. SAMMET: Seconded by
14 Ms. Freedman. Okay.

15 Ms. Harrison.

16 MS. HARRISON: Yes.

17 MR. SAMMET: Councilman Dardia.

18 COUNCILMAN DARDIA: Yes.

19 MR. SAMMET: Mayor Brindle.

20 MAYOR BRINDLE: Yes.

21 MR. SAMMET: Vice-chair La Place.

22 VICE-CHAIR LA PLACE: Yes.

23 MR. SAMMET: Chair Ash.

24 CHAIRMAN ASH: Yes.

25 MR. SAMMET: Mr. Goldstein.

1 MR. GOLDSTEIN: Yes.

2 MR. SAMMET: Ms. Freedman.

3 MS. FREEDMAN: Yes.

4 MR. SAMMET: And Chief Duelks.

5 CHIEF DUELKS: Yes.

6 MR. SAMMET: You're approved.

7 Congratulations.

8 MR. PAPARO: Thank you very much.

9 Thank you again for your time and consideration
10 and input this evening. We really appreciate it.

11 CHAIRMAN ASH: Thank you for your
12 excellent presentation.

13 MR. PAPARO: Thank you.

14 CHAIRMAN ASH: No other business.

15 There was a request for an update on this pending
16 litigation. I think that because there really is
17 no change in status, there are really no details
18 to discuss. I don't think we need a closed
19 discussion. I did review the documents for both
20 pending litigations. The litigation filed by the
21 Westfield Advocates on the Sophia project; the
22 initial briefing is due next week. And the second
23 complaint that was filed challenging the One
24 Westfield Place Redevelopment Plan; there's been
25 no briefing scheduled yet. There was a motion by

1 the Redeveloper to intervene; which was consented
2 to. So now all parties are involved. It will be
3 on its way. That's it.

4 MR. TREMBULAK: Just add to that.
5 The Ferris Prospect development litigation is
6 scheduled for a hearing on October 26.

7 (Indiscernible) before that regarding hopefully a
8 fairly quick decision from the judge.

9 MS. FREEDMAN: Thank you.

10 CHAIRMAN ASH: Any more business?

11 VICE-CHAIR LA PLACE: Thank you,
12 Mr. Chairman. I just wanted to quickly revisit a
13 situation we had at the last meeting where we had
14 a courtesy review by the Board of Education for
15 Roosevelt School. And it was mostly about facade
16 restoration and work on the cornices. What I was
17 really disappointed and upset about, quite
18 frankly, was that demolition of the cornice was
19 already underway prior to us even having the
20 presentation. And what is the purpose of this
21 kind of presentation? I mean what were we even
22 talking about? The facade was already
23 compromised. Somebody had made the decision that
24 the finials that were up there for over 100 years
25 were no longer worthy of preservation or

1 replacement. I mean it was really a frustrating
2 experience to be able to sit through the whole
3 explanation. So I was wondering; I know that the
4 Historic Preservation Commission is grieving, it's
5 a terrible time losing a member, but perhaps when
6 it's appropriate, to ask Ms. Freedman to
7 communicate back to the HPC that the Planning
8 Board really takes its role seriously,
9 particularly, with landmark buildings such as
10 Roosevelt School. That's a major landmark
11 building. It's a big building. It's a beautiful
12 building. It means a lot to a lot of people in
13 this town. And what happened last time was a
14 charade. It was ridiculous. And somehow, we need
15 to make the process work better. I'm just kind of
16 venting here, but I was very frustrated by that.

17 CHAIRMAN ASH: Part of, I think, the
18 frustration and why it was presented in sort of a
19 reverse order than it was because I don't think
20 the school was identified on any historic plan; is
21 that right?

22 MR. SAMMET: Yeah. The school is
23 not identified in the Master Plan as historic or
24 designated, so the HPC wouldn't have any official
25 involvement. But is your point,

1 Mr. Vice-chairman, that why isn't it?

2 CHAIRMAN ASH: My suggestion would
3 be that perhaps we should identify other
4 facilities that should benefit --

5 VICE-CHAIR LA PLACE: At a minimum.
6 I think public facilities overall should rise to
7 the very top. I think another concern of mine is
8 we have an ordinance that protects buildings prior
9 -- residential buildings in zoning, Don, prior to
10 1930?

11 (Crosstalk.)

12 MR. SAMMET: I'd say any building.

13 VICE-CHAIR LA PLACE: Then why
14 wasn't this?

15 MR. SAMMET: It was. Wait -- when
16 we. Well, it didn't rise to the level of needing
17 that review by the Historic Preservation Officer
18 to the extent of demolition.

19 VICE-CHAIR LA PLACE: So that
20 ordinance isn't limited to residential buildings?

21 MAYOR BRINDLE: It's demolition
22 only.

23 VICE-CHAIR LA PLACE: But demolition
24 of the facade or it has to be demolition of the
25 entire structure?

1 MR. SAMMET: It has to be. Yeah,
2 there's actually a definition of --

3 VICE-CHAIR LA PLACE: Because there
4 is demolition underway there of the facade.

5 MAYOR BRINDLE: Yeah, but I think it
6 would not meet the criteria. It says a majority
7 or portion of the building.

8 VICE-CHAIR LA PLACE: Well, we have
9 to do better.

10 MR. GOLDSTEIN: There's a bigger
11 point beyond the Board of Education. The point of
12 the Board of Education coming to this Board,
13 obviously, they didn't have a traditional
14 approval, but they do need the opportunity for us
15 to provide guidance. And that guidance, in the
16 past, used for the generators at Edison and
17 Washington School, we had the opportunity to opine
18 prior and actually make some recommendations to
19 have them remove the fencing before they began
20 when this time they came after. I understand that
21 --

22 MAYOR BRINDLE: I think it was -- I
23 don't know if it was a process issue. But you
24 know what, I meet with the superintendent and
25 board at least quarterly, so I'll bring this up

1 just to make sure that they know. And they do
2 have a fairly new business administrator, I don't
3 know the date they were hired, so it might have
4 been, you know, caught up in that as well. But
5 I'll definitely raise the issue.

6 MS. HARRISON: Is there any
7 opportunity to get them to put the finials and the
8 -- I forgot the word -- the "coining" put it back?

9 VICE-CHAIR LA PLACE: Well, I think
10 the problem is -- which I raised last time -- is
11 that that material was literally going down shoots
12 into a dumpster. I mean it's destroyed.

13 MS. HARRISON: Yeah, but I think it
14 was damaged. I think they had to take it down and
15 replace it, but they flattened it. They just
16 flattened. So they have to replace it and put it
17 back the way it was.

18 VICE-CHAIR LA PLACE: I think the
19 bigger issue is -- although, I'm very upset with
20 what happened to this important building -- I
21 think Mr. Goldstein hit the nail on the head is
22 that the process didn't work this time. I mean we
23 were sitting there discussing stuff and it was too
24 late to discuss all of it. You know?

25 MAYOR BRINDLE: I do think this was

1 -- I would believe it was probably an oversight,
2 like, oops, we're supposed to that. But I'll make
3 sure and bring it up.

4 VICE-CHAIR LA PLACE: Thank you,
5 Mayor.

6 MAYOR BRINDLE: Of course.

7 VICE-CHAIR LA PLACE: And thank you
8 all for indulging me. I'll stop driving on Clark
9 Street; it's too upsetting. The problem is I live
10 off of Clark Street.

11 MR. SAMMET: The Historic
12 Preservation -- Ms. Freedman, do you want to...
13 the Historic Preservation Commission receives a
14 grant which covers a number of things including
15 work and updates on the Historic Preservation
16 Element in our Master Plan.

17 MS. FREEDMAN: Right. It's like a
18 compendium. But the rules haven't been
19 established, so we can say that it should be
20 broader than just residential properties.

21 VICE-CHAIR LA PLACE: I think public
22 buildings typically -- I mean we have beautiful
23 school buildings in this town.

24 MR. SAMMET: I think moving forward
25 too, this grant that the commission has received,

1 is if they're working on the Historic Preservation
2 Element update, it obviously is going to involve
3 the Planning Board.

4 VICE-CHAIR LA PLACE: That would be
5 great.

6 MR. SAMMET: Exactly, how it would
7 play out yet, I'm not sure. But, certainly, it
8 would come before this Board at the very least.
9 But I would suggest that some members of the
10 Planning Board -- Ms. Freedman, the liaison, for
11 example -- be involved in the process.

12 MS. FREEDMAN: And I did bring it up
13 to them. We got the information at the eleventh
14 hour, like, two days before. But they were able
15 to provide some input on those finials. And I
16 thank you for your support, Michael.

17 CHAIRMAN ASH: Any other business?
18 Motion to adjourn.

19 MS. HARRISON: Motion.

20 CHAIRMAN ASH: All in favor?

21 BOARD MEMBERS: Aye.

22

23 (The meeting was adjourned at

24 9:14 p.m.)

25

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