

**MINUTES OF REGULAR PLANNING BOARD
MEETING HELD ON TUESDAY, NOVEMBER 27, 2018**

Chairman Blewett called to order the regular meeting of the Board and announced the meeting was duly advertised in accordance with the Open Public Meetings Act by notice dated November 18, 2018 sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

PRESENT: BLEWETT, KAUFMAN, *KOLDYK, MARINO, MORREALE, TERRERO AND BRIGHTMAN (ALT. #2)

ALSO PRESENT: BOORADY, ENGINEER, NEISS, COUNSEL AND RICCI, PLANNER

ABSENT: RUNFELDT, TAORMINA, WILD AND REHFUSS (ALT. #1)

Chairman Blewett announced the first item on the agenda is approval of minutes for the October 18th, 2018 meeting.

Ms. Ward mentioned the members that can vote on the minutes would be Blewett, Kaufman, Marino, Terrero and Brightman.

Mr. Terrero moved to approve.

Ms. Brightman seconds.

Roll call:

Yes: Terrero, Brightman, Blewett, Kaufman and Marino

No: None

Abstain: None

Chairman Blewett stated the next item on the agenda and has been carried a number of times, is a memo from the Governing Body dated June 19, 2018 to conduct a preliminary investigation to examine whether certain properties should be in a condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq. We are going to carry that again as I don't think we have an update from the mayor on these two properties so it will be carried until the next meeting.

So the third item on the agenda is Preliminary & Final Major Site Plan #366 and Flood Plain Encroachment and Variance Application #FPE 18-02 by Meridia Transit Village, Lincoln Park, LLC, on property known as Block 139, Lots 19, 20 and 21 on the municipal tax map also known as 239, 243-245 and 247 Main Street (complete September 20th, 2018 with a decision by July 18, 2019.) This will also be a public hearing.

Ms. Ward: January.

Chairman Blewett: January sorry, January 18th, 2019.

*Mr. Koldyk: Mr. Chairman, I have to recuse myself from this application.

Chairman Blewett: Okay.

Ms. Ward: Paul, do you want to come up?

Mr. Prime: Hi, ready when you are.

Chairman Blewett: We are ready, can you announce yourself?

Mr. Prime: Sure. Good evening Mr. Chairman, members of the Board, my name is Tyler Prime, from the firm of Prime Law, I represent the applicant, Meridia Transit Village, Lincoln Park, LLC. The location as noted is 239, 243-245 and 247 Main Street, Block 139, Lots 19, 20 and 21 on the tax map zoned Downtown Redevelopment.

We are here tonight seeking preliminary and final major site plan to construct a three-story building on the site. The first floor will be commercial space, the second and third floor will be residential apartments. We have a number of experts here to testify on behalf of the application. I think we are going to start with architecture first, give the Board a little bit of a background on the building what it will look like, what materials will be used, kind of how you will see it and how the space will be used, then we can move into engineering and so on, after that depending on how far we get with the time we have.

Chairman Blewett: Okay I'd like to just ask, have you been given a copy of the Darmofalski Engineering Associates report dated November 12th, 2018?

Mr. Prime: Yes we have a copy of that report. Actually that report was the subject of an informal meeting on November 12th between our side and township professional staff, the purpose of which was to make some revisions to the plans, resubmit to try and clean up some of the outstanding issues. Some of these hopefully your engineer will go through, but hopefully some of these have been addressed and anything ongoing with the site plan will be addressed as we go. We anticipate this will take more than one meeting so we should probably make some changes and resubmit prior to the next.

Chairman Blewett: Thank you. I just want to make sure you have it.

Mr. Prime: Sure.

Chairman Blewett: All right do you want to call your first witness?

Mr. Prime: Yes please, starting with Avelino Martinez, Blackbird Group Architects. Swear him in.

Mr. Martinez: I'm sorry.

Mr. Prime: Swear him in.

Chairman Blewett: Could you introduce yourself?

Mr. Martinez: Sure. My name is Avelino Martinez, principal of Blackbird Group Architects, Newark, New Jersey.

Mr. Neiss: Would you raise your right hand please? Sir, do you solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

Mr. Martinez: Yes I do.

Mr. Neiss: And can you give the business location of your company for the record?

Mr. Martinez: Sure it is 190 Avenue L, in Newark, New Jersey.

Mr. Prime: If you could provide the Board with a bit of your professional background experience.

Mr. Martinez: Sure. I hold a degree in architecture, I am a licensed architect in the State of New Jersey, as well as a number of other states. My firm encompasses a broad spectrum of architectural services, but primarily focuses on multi-family and mixed use projects similar to this one.

Chairman Blewett: Okay does the Board have any concerns about the qualifications? Thank you.

Mr. Martinez: Okay. So in terms of exhibits I guess I'd like to introduce at the onset. The architectural drawings we have on the left here are identical to those submitted with the application. Should I introduce those as an exhibit or are we comfortable with a --

Mr. Neiss: I just want to note that my last set of plans was received in the Planning Department on October 9, 2018 and it is a little out of date because the last revision is 10, I'm sorry I'm reading it backwards. So the point is the last revision was 6/2/18 are there later plans?

Mr. Martinez: Those are the latest architectural yes.

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Mr. Neiss: Architectural.

Mr. Martinez: Yeah I think there is a discrepancy, the cover sheet is dated June 2nd but the remaining sheets are June 4th.

Mr. Neiss: Yes that's correct.

Mr. Martinez: Those are the latest yes.

Mr. Neiss: But those are in fact the latest plans submitted.

Mr. Martinez: Correct.

Mr. Neiss: Okay.

Mr. Prime: So we will mark this as an exhibit that's okay?

Mr. Martinez: Exhibit yes okay.

Mr. Neiss: So you're plans will become a part of the evidentiary record that I'll create in the resolution.

Mr. Martinez: Okay so we will call that A-1.

Mr. Neiss: You can mark it certainly. Mr. Martinez how did you mark them?

Mr. Martinez: That was A-1.

Mr. Neiss: A-1.

Mr. Martinez: Yes. That is a total of 7 sheets, T1 through A2.4, and Exhibit A-2 would be a colored rendering of the exterior building and that is undated but I will mark that as A-2.

Okay so in general the project consists of a three-story building on the corner of Station Road and Main Street. It encompasses a total of 45 dwelling units of which 20 of them are affordable and 25 are market rate. In addition to that there is also two retail spaces which would consist of one 3,790 square foot restaurant, and one retail space which is intended to be a coffee shop or something similar in nature and that is 854 square feet.

So if I can walk you through the general layout of the building. So Drawing A2.1 on Exhibit A-1 would be the typical first floor of the building. The entrance into the building would be, the residential entrance I should say would be along Station Road and that would be a modest lobby on the easterly side of the building. In addition to that we have 9 dwellings units on the first floor and then the restaurant and coffee shop at the front.

So it is also important to note that due to the flood elevations the first floor of the residential units is located 3 feet higher than the remaining balance of the building and that would be the base flood elevation and 1 foot above that.

Chairman Blewett: Can you give us those elevations?

Mr. Martinez: I'm sorry.

Chairman Blewett: Can you give us what those elevations are?

Mr. Martinez: I can. So the restaurant will be located at elevation 179 and the residential floor would be at 182.

Chairman Blewett: Can I just ask you one question?

Mr. Martinez: Of course.

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Chairman Blewett: And how is the 182 dry?

Mr. Martinez: That is 1 foot above the base flood elevation of 181.

Chairman Blewett: What are you referencing currently for the base flood elevation? Did you get it off of a paper map, DEP approval or what?

Mr. Martinez: This came from the civil engineer and he can probably testify a little bit further as to the details of that, but the number was 182 to work with.

Chairman Blewett: Thank you.

Mr. Martinez: So because the first floor of the residential and all parts of the building are handicap assessable, the method of getting from that lower lobby level up to the residential would be through a two sided elevator. So the building does have one elevator in addition to a stair directly adjacent to that.

In general there are 9 dwelling units on this floor and a management residence in addition to that. The 4 interior units face on a courtyard, that courtyard is not planned to have any common amenity space it is really just sort of for lighting and ventilation for those units on this floor and the upper levels.

Mr. Neiss: Is there access to it?

Mr. Martinez: There is access for maintenance purposes but not as an active use.

Mr. Neiss: That is the corridor that goes down?

Mr. Martinez: Exactly. So this corridor here would have a door into it.

Mr. Neiss: So the residents won't have access, they won't have keys to the doors or anything like that.

Mr. Martinez: That's correct. That's correct and we'll address that in one of the report comments, but there was a question as to whether there is a planned amenity for that. The reason for it is due to the size of the space, it would be just a little tight to have anybody actively using that space while maintaining privacy of the residents because effectively they would be up to their bedroom windows for example.

So the restaurant itself has not been designed entirely at this time that would happen once a tenant is selected and the operation is fully incorporated. So at this point we are making an assumption as to the number of seats that would be in the restaurant but the size of the kitchen, the size of storage areas, bathrooms, things like that would impact the operation, the remaining balance of seating and things of that nature.

So just moving up to the upper levels, the upper levels have a similar layout with the exception of there is no other public uses in the sense of restaurant or retail area or anything like that. There is typically 18 units per floor so the second and third floor would be effectively identical in terms of layout.

All parts of the building are handicap assessable in accordance with the applicable requirements which would be the New Jersey Barrier Free Subcode and the Fair Housing Act for the residential, as well as the ADA for the restaurant and public areas of the building.

In terms of trash collection there would be a trash room which is located adjacent to the stair, typically that room would house a trash shoot that then feeds a compactor down at the lower level. Those compactors typically compact the trash at a ratio of 5 to 1 and then that would be removed and hauled.

Um so in terms of the exterior --

Chairman Blewett: Before you go away from the trash --

Mr. Martinez: Sure.

Chairman Blewett: Then how would that, where would that be accessed to remove the trash?

Mr. Martinez: So trash from here adjacent to the stair, the compactor would be directly below the shoot. So a resident upstairs would insert their trash in the shoot and it would come down and gets compacted that typically feeds a small 2 yard container. It is a wheeled dumpster enclosed. Once that trash is ready for pickup that would be removed through the double doors out to the sidewalk coinciding with the time of collection and that would be disposed of by the private hauler.

Chairman Blewett: Okay so it is something a person can easily move right?

Mr. Martinez: Yes exactly.

Chairman Blewett: Okay and that goes out onto what street?

Mr. Martinez: That's on Station Road.

Chairman Blewett: Thank you.

Mr. Neiss: But that gets timed to garbage pickup? Isn't there a trash area in the rear of the property?

Mr. Martinez: There is separate trash enclosure which is located right on the northern corner and that is intended for the retail and restaurant trash, so that is held in an outdoor enclosure as opposed to the residential garbage which is enclosed within the building.

Mr. Neiss: So the onsite manager presumably will be wheeling the compacted garbage out to the curb on garbage collection days?

Mr. Martinez: That's correct.

Mr. Kaufman: And the retail will be wheeling it all the way down Station to the corner past the residential entrance?

Mr. Martinez: That's correct yes.

Mr. Neiss: And that comes out through their front door?

Mr. Martinez: Um they do have access from the rear which connects into this portion of the stair and back out the side so presumably either through the rear or through the front. I should note these rooms are typically held under negative pressure so that odors and things like that don't come back into the building.

Ms. Brightman: And what about the recycling?

Mr. Martinez: Recycling would also be through a shoot. The recycling typically doesn't get compacted just by nature of what it is; but that would go into a container as well, another dumpster which is then closed.

Ms. Brightman: Through a shoot?

Mr. Martinez: Yes um hum.

Chairman Blewett: So for the residential waste and recycle it won't be stored outside at all other than on collection day.

Mr. Martinez: It will not and the dimensions of that are sufficient to house some additional dumpsters, so; for example, while one of them is filled another one could be inserted in the compactor but the intent is to coincide pickup with generation.

Mr. Kaufman: Twice a week pickup in that area?

Mr. Martinez: I don't know if those details have been resolved, usually that sort of gets adjusted to their generation, so; for example, if their trash generation exceeded the twice a week you may be three days a week or as much as would be needed.

Mr. Neiss: And everyone here should forgive my ignorance, but does Lincoln Park have its own trash pickup or is this going to be through a private company?

Unidentified person: I can answer that, we currently have our own pick.

Mr. Neiss: So is this going to be part of the pickup by the town?

Mr. Martinez: It will be private trash collection yes.

Unidentified person: Private.

Mr. Marino: How is the trash picked up in an outside dumpster area?

Mr. Martinez: So similar fashion, that dumper area has a gate on it. The trash then gets wheeled out to the street to be picked up by the collection company.

Mr. Marino: So that is picked up by hand and dumped in?

Mr. Martinez: Um I don't have the details of that because it really is going to have a lot to do with the type of restaurant and how much trash they generate, but I would assume that it is going to be a two yard container as well which is covered and wheeled.

Chairman Blewett: The construction of those doors is it a physical enclosure or is it gated and screened type of enclosure?

Mr. Martinez: The outdoor component?

Chairman Blewett: Yes.

Mr. Martinez: The civil engineer actually has details of that component on his drawing so if you don't mind, I'm just going to defer that to them. I understand it is a pre-finished aluminum system I'm just not familiar with the doors of the outdoors so.

Chairman Blewett: It is not physically part of the building your architectural?

Mr. Martinez: It will be attached to the building but it is not physically part of it that's correct.

Chairman Blewett: Okay.

Mr. Martinez: So unless someone has any questions I'll go on to the exterior?

Mr. Terrero: In terms of light, air and ventilation for the courtyard assuming this building is going to be mechanically ventilated?

Mr. Martinez: That's correct.

Mr. Terrero: Okay. So it is going to be a central system that will mechanically ventilate the entire or is this window units?

Mr. Martinez: The mechanical units are a PTAC unit so they are packaged terminal air conditioning units so they will provide the mechanical ventilation for the apartment dwellings as well. The corridor portions would be handled through a small roof top unit.

Mr. Neiss: I didn't see anything on your roof top plan about HVAC equipment or anything like that, do you have a location for it?

Mr. Martinez: Sure. So Drawing A2.4 the roof plan, we've located a few areas representative examples of where the mechanical equipment would be. Now it is important to recognize that because they are PTAC units the only roof top equipment is for conditioning corridors and conditioning the restaurant because of their hood and the cooking line that would require an exhaust unit as well as a make-up air unit. They are not enormous contraptions but they are pieces of equipment that go on the roof. So the

intent is to locate them further back and closer to that interior courtyard so that they wouldn't be visible from any portion at grade.

Mr. Neiss: The roof itself is um the parapet is higher than the flat roof by how much?

Mr. Martinez: That is correct. Um it is approximately three and a half feet higher, so the roof of the building is effectively a flat roof building. We've integrated a mansard roof around the perimeter to screen that top story but in addition to that there is a parapet portion that extends above the flat part of the roof, so that would also aid in shielding if it was visible from grade. But given its position it really should not be visible.

Mr. Neiss: Is there any chance that the HVAC equipment can be seen (inaudible – static hitting microphone) like at grade down below if you are looking up --

Mr. Martinez: Right.

Mr. Neiss: But from anywhere else in the buildings environ?

Mr. Martinez: I haven't done full sight line analysis from any particular point but my impression is that it wouldn't, especially in view of the fact that that three and a half foot parapet wall would presumably screen the direct line of sight even if you were at that level.

Mr. Neiss: And I understand that but it is something that you might just want to take a look at so that if it is -- if you can see the HVAC equipment from a location around the building anywhere it might require looking at it in order to determine whether it should be shielded in anyway. Is it going to generate any noise? Is that going to generate noise up on the roof?

Mr. Martinez: They generate a little bit of noise but nothing that I would personally consider a real nuisance, like often times you have a generator or things like that that do generate higher noise volumes.

Mr. Neiss: Is there anything to prevent the guy who is next to the project from hearing that noise because it is residential there and there is a house to your west?

Mr. Martinez: Understood. Given the height of it I don't expect, I can't tell you with certainty that you wouldn't hear it but I wouldn't expect any significant noise from it. In terms of anything that could be done to it it's something we can look at it, but I am not personally familiar with any modification to that.

Mr. Neiss: Depending on the size because it is going to be for the commercial unit?

Mr. Martinez: Correct for the restaurant.

Mr. Neiss: Depending on the size it might be prudent to know what the decibel level is for that kind of equipment so that the Board can be informed as to whether or not there is going to be any impact at all, noise impact on any neighbor.

Mr. Martinez: Understood I don't have that information at the time.

Mr. Neiss: I understand.

Mr. Marino: Can you show me on your roof plan where the access onto the roof is?

Mr. Martinez: It is not clearly denoted but one of the stair towers would extend up, and by that I don't mean a full stair going up it is really just a roof hatch, so from the top level landing you would have a --

Mr. Marino: A ladder?

Mr. Martinez: A ladder with the hatch to get up there.

Mr. Terrero: Structural wise are you guys considering timber for this or is it going to be --

Mr. Martinez: It will be a type 5 building so most likely wood trusses.

Chairman Blewett: Okay so let me just ask a question. You are now going to go to the exterior in your testimony?

Mr. Martinez: Yes.

Chairman Blewett: Tom did you have any concerns or any questions for them related to the layout to the buildings. I know in your report there was some question about at least one of the rooms being undersized based on our requirements. Is there anything else like that?

Mr. Kaufman: Can I just ask a quick question regarding the height? Sal what is the reach of the ladder, the ladder truck yeah?

Mr. Marino: Well we are hundred feet but it depends on the angle.

Mr. Kaufman: Right so from Main Street we would be able to get up there.

Mr. Marino: It should make it.

Mr. Boorady: So again my report is dated November 12th, 2018. On page 10 of that report I have some architectural comments, and correct one of the items was that the square footage of Unit 2F is shown to be 668 and depending on how you read the Redevelopment Plan, on page 7 of the Redevelopment Plan, um it is either 730 square feet minimum or 750 square feet minimum for the affordable housing. It says 750 but I believe those numbers are transposed, so it is undersized and is there any way to increase that to meet the minimum required by the Redevelopment Plan?

Mr. Martinez: So the -- understood in your part the minimum in the Redevelopment Plan is 750 for a two bedroom COAH unit and the current proposed is 668. Just to give a little history on how we got to that point, the original Redevelopment Plan was based on the previous building concept which was 92 units and 5 stories. In going to a lower building height of 3 stories and 45 units everything sort of got a little compressed, as such those units did turn out to the 668 square feet whereas they were 750 originally.

Chairman Blewett: You said units.

Mr. Martinez: Yes.

Chairman Blewett: So there is more than one unit.

Mr. Martinez: That's correct it's a type 2F unit which occurs 8 times.

Chairman Blewett: Say that again?

Mr. Martinez: It is a type 2F unit as I designated but there is 8 of them, so there are 4 on the first and 4 on the second floor.

Mr. Boorady: Everything else conforms so I'm just wondering if the second floor looks just like the third floor, they are mirrored is that correct? The third floor and the second floor is the same layout essentially?

Mr. Martinez: Yeah at the interior it is correct, just on the exterior they changes a little bit.

Mr. Boorady: Why would all of the other 2 bedrooms meet and this particular 2 bedroom is undersized?

Mr. Martinez: Well on the floor below it is actually a 1 bedroom unit and some mechanical spaces so it is just where they stack on the upper floors and I'll show you. So that's these units here facing the corridor, um the reason that geometry worked out the way it was is to get an efficient bedroom design with adequate windows and getting these walls to align resulted in that configuration which was 668 square feet. Um could they be made larger, presumably they could be increased a little bit but we'd be reducing the size of that courtyard a little bit.

Mr. Boorady: That's a deviation from the ordinance so I don't how the Board wants to handle that but --

Chairman Blewett: That corridor only serves to access the courtyard on the first floor correct?

Mr. Martinez: On the first floor that's correct yes.

Chairman Blewett: So is that coming up a variance?

Mr. Ricci: It is a deviation yes because it is redevelopment.

Chairman Blewett: What's the difference between a deviation and a variance?

Mr. Ricci: I'll defer to the attorney, but because we are operating on the redevelopment law now, we technically don't call it a variance we call it a deviation or an exception.

Chairman Blewett: Okay.

Mr. Ricci: But yes it's a variance in the overall scheme of the project yes.

Chairman Blewett: Okay.

Mr. Neiss: Well so the question I guess is what does the applicant want to do if anything?

Mr. Boorady: Just for perspective, I mean you have a one bedroom market unit that is 671 square feet, this is a two bedroom COAH unit that's 668 so there is a difference there in size that you should be aware of, and that building data is on the cover sheet of the architectural plans if you want to get an idea.

Mr. Ricci: May I speak for a moment?

Chairman Blewett: Sure.

Mr. Ricci: What largely transpired here and I think the Board has to evaluate this issue is that when we had the 5 story building you know I think it was generally understood that the plan right now allows for that 5 story building, but it was understood that and think most people recognized that that 5 story building was probably too big in its current location. So the project was reworked and downsized to the 3 stories which in my opinion at this scale is a lot more appropriate at this location in the Borough.

Um so I think one of the things that the Board has to evaluate and if the applicant is going to start to diminish that interior courtyard, that interior courtyard is also designed to provide light I believe and space for the remaining units. So um it was a plan requirement when the plan was written in this context, it was agreed upon under the Settlement Agreement how everything was going to be delivered and what we did we didn't create that 7, and just so you know the 730 and 750 aren't transposed that's how it was originally designed.

And what we did was um when that plan was agreed upon and the Settlement Agreement was in place, we codified that plan because for lack of a better word there wasn't a magic determination that 730 and all these various numbers, um we -- what we did at this point almost retroactively codified those numbers that were agreed upon in that Settlement Agreement so that there will be consistency and they had to adhere to that. However, when the project was downsized because they were building something smaller, it would take time to amend the plan and I guess there is additional cost associated with that, so it was decided just to leave it as it is and then to deal with some of these exceptions and the Board would have to address these exceptions as you move forward. Just so the Board understands the background of how this came about as part of your deliberation.

Mr. Terrero: I understand the idea behind the courtyard, in true form light and air, maybe air you are not really producing cross ventilation into that space. Maybe the second and third floor might get enough air.

Mr. Ricci: Okay.

Mr. Terrero: Any time outside of noon when you have high noon the sun is directly above. When you start getting sun angles, the first floor, second floor is not really going to get much light down there.

Mr. Ricci: Okay.

Mr. Terrero: The courtyard might be a cup up --

Mr. Ricci: Okay.

Mr. Terrero: My sense is this building is being mechanically ventilated you know, the numbers do change for the need for light and air. If it is an open building with all sides exposed, then those numbers really do come into account. Just maybe for your options if you really at least on the first floor because truly you might not really get, theoretically you might but not in true sense when it comes to form. I mean it has been done in architecture for a long time courtyards in tall buildings and not always works you know. Not because of the height of the building. and then you have on top of that you are going to have parapets above it, so it might comprise what the actual intent of the courtyard that is being presented just from a design point of view of the space. You might not get you know the light and air you really want in there, it is a 3 story building and each story I'm assuming about 10 feet?

Mr. Martinez: That's right 9 foot ceilings plus the --

Mr. Terrero: Yeah plus the structures so you are talking about.

Mr. Martinez: Right.

Chairman Blewett: So if I'm looking at this correctly, the only units that benefit from windows on the interior courtyard are the front 2 units rights? The two -- because I don't see windows in the side walls for the back is that right? Am I looking at the right form?

Mr. Martinez: I think that may just be a printing error there but all of the units do. On that first floor plan it appears that they didn't print, but if you refer to the other --

Chairman Blewett: This is the first floor plan and to me it doesn't look like it has windows in the back so.

Mr. Martinez: You are correct they did not actually show up but they will absolutely have windows. The upper floors do read correctly, on the copies there are windows in all of those rooms.

Mr. Neiss: I'm sorry I missed that. So you are saying that the units on that floor, on A2.1 there are no windows shown into the courtyard?

Mr. Martinez: In the copies correct. These 2 units, these 2 northern units do not have the windows depicted on the plan.

Mr. Neiss: All I'm trying to understand is there is not going to be a change to that drawing it depicts what it is supposed to depict?

Mr. Martinez: No it does not it has an error on it. What I'm trying to say is all the upper floors did print correctly, this first floor did not print correctly and there is 2 windows, one in each of the bedrooms that did not show up on the copy but there will be windows.

Mr. Neiss: Now that raises the question as to whether or not there are any other misprints that affect your plan.

Mr. Martinez: That is all I'm aware of, in fact I didn't realize that until this was just raised now.

Mr. Neiss: You'll update that plan.

Mr. Martinez: Of course.

Chairman Blewett: Tom any other questions on the interior or the architecture?

Mr. Boorady: The plan are presented as is so they are asking for the deviation right?

Mr. Martinez: Yes correct.

Mr. Boorady: You are not proposing to revise it to be conforming?

Mr. Martinez: No.

Mr. Prime: My understanding, the applicant's understanding is similar, Paul's synopsis was accurate. We compromised on size of the building with the understanding that there might be some you know issues and some deviations required when we actually got to the Board level and that's where we are now.

Mr. Kaufman: But that ordinance was written specifically for the original plan.

Mr. Prime: The 5 story yeah correct.

Mr. Kaufman: Okay.

Mr. Boorady: So just a couple of other items on my report and it was just mentioned about the level of deviation, so if it is something that the Board is going to want to consider, there may be other items on the plans such as a couple of missing windows here and there that these plans may deviate from what you are seeing today. So the Board is going to have to be comfortable at a certain point at the end of their testimony, or maybe there are going to be revised plans submitted and the Board is going to have to be comfortable with what level of leeway they are going to want to give the applicant subject to any approvals and that is Item 2 on my page 10.

I have comments on the exterior elevations and we can maybe wait until he goes over that.

Chairman Blewett: Okay.

Mr. Boorady: But I just -- the chairman had a question about the flood elevations and as long as he mentioned them I just thought I would clear it up so it is correct in everybody's minds moving forward, especially when we are talking about elevations.

Most of the Board maybe and members of the public are familiar with Lincoln Park's flood elevations even though it has always been 180 in NGVD29 datum and the DEP has always been 182 in that datum. The plans that are before you are on a different datum, they are NAVD88 so that is why some of the elevations may seem a little bit different, they are a foot lower when you do the data conversion.

So the FEMA hundred year flood plain is 179 in 88 datum, the DEP is 181. So the residential units are set one foot above that at 182 and the restaurant retail space is being set at 179 which is right at the hundred year flood plain, effective hundred year flood plain. So that hopefully, and if I'm wrong on any of those elevations please correct me, so the first floor residential is 182, the first floor of the retail is 179.

Mr. Martinez: That's correct.

Mr. Boorady: So the retail will be within the flood hazard area, the residential will be above it okay, and that kind of leads to a question that I have. Will the retail portion or restaurant portion of the building be flood proofed in any way?

Unidentified person: Can we have the engineer.

Mr. Prime: May be we can hold off on the flood until we have our engineer testify. I think we are going to cover a lot of this.

Mr. Boorady: The building flood proofing usually is architectural as well but you can have whoever you want answer it.

Mr. Prime: If he's comfortable that's fine.

Mr. Martinez: Yeah I can explain the building portion of it, the civil engineering and flood elevations I defer to the civil engineer. But yes that's correct. The first -- the lower level of the restaurant would be flood proofed in the sense that any construction within that flood elevation would not be built of water materials which would be subject to damage through a flood. In addition to that, the permanent openings would receive flood gates which would be manually installed.

In order to resist buoyancy and things of that nature from the slab coming up, we did have a structural engineer evaluate this and there are two different approaches to that one. There are cubicle piles or something to resist that in having the slab act as a beam. What we are doing is actually having a thicker concrete slab which would resist that buoyance through gravity so that is the intent.

Mr. Boorady: So is it wet flood proofed or dry flood proofed because I heard flood gates to keep it dry but then I heard that the materials are going to be such that you can allow it to get wet, so are you letting flood water come in or are you stopping it from coming?

Mr. Martinez: I am not allowing flood water I'm stopping it from coming in, but regardless of that we would take the perimeter wall; for example, instead of doing that out of a wood framed wall, we would do it out of masonry up to a level of 3 feet, up to that height of the flood elevation.

Mr. Boorady: Okay. So your proposal is to dry flood proof the building?

Mr. Martinez: That's right.

Mr. Boorady: Okay. Have any details been provided architecturally or through the civil engineer?

Mr. Martinez: No I don't have any of the construction details, we typically handle that later on but in general concept that is the intent yeah.

Mr. Boorady: That flood proofing would extend up to the DEP flood hazard area I would guess, maybe we could talk to the civil engineer about that.

Mr. Martinez: Right.

Mr. Boorady: Those are all the questions I have right now. I will have others regarding the exterior.

Chairman Blewett: All right. Anything else from the Board before he moves on to the exterior?

Mr. Martinez: So referring to the architectural elevations on Exhibit A-1 and the color rendering on Exhibit A-2, as you can see the design of the building is designed to be consistent with the requirements and recommendations of the Redevelopment Plan. The architecture is one of a classical 3 part building or tri-part type building which would typically have a base, a middle and a top; and that top is typically the roof and in this case it is a combination of gable roofs as well as a mansard roof.

So with respect to the mansard roof the intent was really to tuck that top story of the building into the roof so that it doesn't appear as one large mass. However, in doing that we also introduced dormers, some of them larger and some of them smaller to introduce an architectural variety and a little visual interest.

So the predominant building materials are brick and there are two colors of brick, and I have a sample board that I will show you in a moment, and the intent of that is again to break up that building through not only a combination of horizontal and vertical demarcations and bump outs, but also changes in the material and the colors of those materials.

So the materials are as I mentioned are standard brick, so this is a true brick it is not like a brick veneer or anything like that. The siding portions would be a hardiplank or similar product so it is a fiber-cement pre-finished siding material in a traditional color. In addition to that we have decorative millwork which is generally constructed of Azek so it is a durable cellular PVC product that has the detailing of wood but it has no maintenance properties to it. Exterior windows on the residential portions of the building are double hung vinyl windows and those would be white so corresponding to the trim materials. Um there is a cornice at the interface between the vertical walls and the roof and that is intended to project 14 inches where the Redevelopment Plan required a minimum 12 inch projection.

So in general the intent was to (inaudible) the overall façade and modulate it, so rather than appearing as one large building it has smaller scale in response to human scale. The lower portions of the building that contain the restaurant and retail component at the end have a combination of store front windows, there are overhead doors into the restaurant so those open like a garage door type thing so in the summer that could be opened as an indoor/outdoor space.

In addition to that, we have tension wide supported canopies and those are shown in 4 locations; one at the residential entrance on Station Road at the corner and then 2 of them on Main Street. Those do project and they are encroachments into the right-of-way. The Redevelopment Plan permitted 3 feet. Given the angle of the building, placement the dimensions vary a little bit but in general, the furthest projection is 2 feet 8 inches so it sits below the maximum permitted.

At the corner we have a (inaudible) element and this was encourage by the Redevelopment Plan so that has a slightly larger tower with some dormers at each of the corners, decorative brackets and millwork and that also denotes the entrance to the restaurant at the corner.

In terms of building height, we are proposing 38 feet and that dimension is measured per the redevelopment definition of measuring from the base flood elevation so that would be measuring 38 feet from the elevation of 181.

Um I guess referring to the architectural elevations, as you can see all 4 sides of the building have generally the same finishes and type of architecture; so again we have the brick, the horizontal clapboard siding, and the same mansard roof with similar window treatment.

Chairman Blewett: What is the interior courtyard like, does it mimic the outside?

Mr. Martinez: The wall finishes?

Chairman Blewett: Yes.

Mr. Martinez: Yes they would be hardiplank materials as well.

Mr. Ricci: Right.

Chairman Blewett: While you were using I guess the artists rendition is that an exhibit I'm assuming that reflects what we are seeing on the plans?

Mr. Martinez: It is that would be Exhibit A-2 yes.

Chairman Blewett: Thank you.

Mr. Neiss: What -- can you just explain the difference between brick and brick veneer?

Mr. Martinez: Well in reality because it actually is a brick veneer I should clarify, but it is not a veneer in the sense that it's not a thin brick or something that is glued on. There are building products which are effectively just a thin brick that is glued onto the building. It is traditional true brick but it is actually installed in what would classify as a veneer fashion because it is not a load bearing brick, so it would be a standard 4 inch thick brick.

Mr. Neiss: In all locations?

Mr. Martinez: Yes. So just referring to the exterior sample materials board which I did not introduce as an exhibit but I imagine we will call that A-3? So as you can see we have two brick colors and the intent for that was even though we do have areas which have 2 stories of brick we chose to change the brick color within that to add a little more visual interest, and those are these 2 colors that are shown here on the sample board.

The exterior siding color would be a product similar to this so it is a hardiplank product, particular Navaho Beige is the color we selected. Exterior trim and millwork as I indicated would be cellular PVC product so an example profile of that. The roof shingles on the buildings are primarily, well only on the mansard roof would be a dimensional shingle so it is not a -- it is a shingle that has a slate appearance to it even though it is constructed of asphalt and fiberglass.

Um on the bottom left here I have example signage and I know there was some discussion about what the actual signage would be, off course, that's difficult to answer without knowing the exact tenant, what their name is and what the proportions of that lettering would be, but the intent is that it would be a channel lettering so it would be an acrylic lettering which is internally illuminated and freestanding. On

the rendering it denotes just the Text Restaurant but that would have the restaurant name and on the material board we have some examples of what that would typically look like.

Chairman Blewett: Can I just ask a question and maybe Mr. Ricci could help out here.

Mr. Martinez: Sure.

Chairman Blewett: Does the Redevelopment Plan define signage in maximum area?

Mr. Ricci: It places it subject to the Planning Board's approval.

Chairman Blewett: Okay.

Mr. Ricci: Um sometimes I think that is better because sometimes if we use percentages in the like, um we tend to maybe give up more signage than maybe the Board may want and when you see it in the perspective of the building as designed, I think the Board can recognize whether they like it or dislike it. So I think at a minimum they have to show the sign plate area with all that lettering and the question is in theory if you really want to, you can make them come back in with final signage or are you okay with the sign plate depicting the area where the signs would go that is the issue.

Chairman Blewett: I think we normally like to see the sign and that was leading to my question which is the rendering that you have here, have you taken into consideration the town's sign ordinance at all in representing where those are and the percentage coverage of the building and things like that?

Mr. Martinez: I didn't do a direct comparison specifically but I believe it exceeds the ordinance, the basic ordinance requirements because my understanding is the ordinance only permits one sign per tenant, so; for example, because we have two canopies at the restaurant we also have two signs at the restaurant along Main Street as well at the corner.

Mr. Ricci: Can I ask a question, what is the height of the signs as depicted there, the dimension? Sixteen inches?

Mr. Boorady: One foot 4 inches? All of them are at the same height it is just that the width varies right?

Mr. Martinez: That is correct 1 foot 4.

Mr. Boorady: One foot 4.

Mr. Ricci: So 16 inches by the width okay.

Mr. Martinez: That's right.

Chairman Blewett: So you really haven't looked at it in the context of the ordinance and those areas are just aesthetically looking nice not necessarily in conformance to what we would generally expect.

Mr. Martinez: Right. And I recognize that we don't know exactly the dimensions of that sign but the intent was what we've done is put forth the dimensions of what we have, the area of what we have and if the Board felt that was appropriate we can set that as the base line. If there was deviation from that, then I guess someone would have to --

Chairman Blewett: Have you looked at that in the context of the ordinance?

Mr. Boorady: Well the ordinance that I believe we are following is the Redevelopment Plan Ordinance. If you read Section 5 310 and we are lucky to have the author present tonight, it gives the Planning Board a lot of leeway.

Chairman Blewett: Okay.

Mr. Boorady: There is no real specific signage requirements. It just says it shall be in a central and permanent component of the building design and shall be compatible with the building materials and

colors. Only signs that identify uses with the building are permitted. The Lincoln Park Planning Board shall review and give final approval of proposed signage. So you can do that now or you can ask for it later.

Mr. Prime: We are going to resubmit and I'll save you the time because we don't know the name of the restaurant. There are a lot of factors outstanding so we are happy to resubmit for signage.

Chairman Blewett: That's fine.

Mr. Prime. This was a concept to kind of show you the style and what we'd like it to look like.

Mr. Neiss: Do you have the name of the building? I mean do you want to call it the residential building something? Do you have that?

Mr. Prime: We will have that right?

Unidentified person: Yeah. Probably Meridia.

(Side conversations.)

Mr. Kaufman: Is that going to be on the physical building somewhere?

Unidentified person: Generally.

Mr. Boorady: So it is going to be one of these signs or is it going to be different sign?

Chairman Blewett: So I think the applicant agreed to resubmit.

Mr. Prime: Yeah we are not sure so until we get it squared away.

Chairman Blewett: It sounds like there is a little --

Mr. Boorady: I just want to give you an important sentence in that whole paragraph and read the last sentence. The Lincoln Park Planning Board's review shall supersede the existing Borough Code so it is at your pleasure.

Chairman Blewett: Sure.

Mr. Boorady: The Redevelopment Plan gives you leeway and latitude.

Chairman Blewett: Right.

Mr. Neiss: But and I haven't looked at it, but does the Lincoln Park Ordinance define apart from the number of signs does it define the sign face in terms of length and height?

Mr. Boorady: In the various zones it does, whether you are in a B zone or other zones it has specific requirements but I believe this Redevelopment Plan supersedes.

Mr. Neiss: No I agree with that.

Mr. Ricci: I think you should kind of compare though to understand if this wasn't a redevelopment area what would be permitted here for the application.

Mr. Neiss: Essentially right and to use that as some sort of gauge just to get some idea.

Mr. Boorady: So I believe in a strip center; for example, Sal I think a sign is 32 square feet?

Mr. Marino: Thirty-two square feet.

Mr. Boorady: So let's say where Ace Hardware is or where Shop-Rite is all those individual stores are allowed up to 32 square feet each and these signs are 16 square foot each at the largest so those are

the restaurant signs, and the restaurant is asking for two on this plan so that is 32 right there for the one use.

Chairman Blewett: Yeah.

Mr. Boorady: So just to give you some perspective, I don't think the relationship of the sign area versus the mass of the building is not scaled at all, personally I don't feel that way.

Chairman Blewett: Right. I just want to understand how we would proceed and certainly I think what we are saying is you are going to come back to the Board and resubmit and we are going to have an opportunity to look at what the sign is.

Mr. Prime: That's correct.

Mr. Neiss: Is there going to be a billboard on top that says the Meridia? Just kidding.

Chairman Blewett: Maybe.

Mr. Terrero: In terms of the mansard roof, how are you guys going to be proposing the collection of water runoff?

Mr. Martinez: Yes great point, thank you I missed that. Well let me talk about in general. The main, the flat portion of the roof will have internal roof drains that will carry through the building. The permanent portions of the building will have gutters and that will be a decorative aluminum gutter which will coincide with the detailing of the remainder of the cornice. So even though it will be constructed of a slightly different material, the exact versus aluminum visually it will look as a continuation.

Mr. Terrero: Are you going to be bringing the gutter all the way down or are you saying the gutter inside to the --

Mr. Martinez: The gutter would be up at the roof level and then the leader would come down that is right.

Mr. Terrero: You would have multiple leaders running down.

Mr. Martinez: That is correct.

Mr. Terrero: From off the top which is not depicted on the rendering but will affect the overall because you are going to be having gutters coming down.

Mr. Martinez: Right.

Mr. Terrero: Are these gutters going to be leading into a tie-in or how are they going to be discharging?

Mr. Martinez: They will be tied in, if you don't mind I'll just defer that to the civil engineer as to how that connection actually work, but it will run down the building and then connect underground.

Mr. Terrero: Underground.

Chairman Blewett: So I think what I heard is the leaders down will be external to the building.

Mr. Martinez: Yes.

Chairman Blewett: And they are not depicted on the plan?

Mr. Martinez: They are not depicted on the color rendering.

Mr. Terrero: Or on the plans.

Mr. Martinez: Or on the elevation plan.

Mr. Ricci: Do you intend to paint them to match the color of the area of the building or --

Mr. Martinez: Exactly. So they will be on the exterior of the building but they would be painted to match the adjacent color. So where that -- I guess you don't see it on this side, but on the other side of the building where you may have siding in one section and brick on the other that leader will be painted to match the siding, at the siding level and brick at the brick level so as to minimize the visual.

Mr. Neiss: The leaders are on the engineer's plan I saw them there.

Mr. Terrero: Will you guys be providing ice guards and dams for the mansard roof or you are not?

Mr. Martinez: Um that is something we will evaluate most likely just for snow and ice right, especially given the fact that you do have an active sidewalk right in front of it.

Mr. Terrero: Again it is not being depicted in my opinion.

Mr. Martinez: Right.

Mr. Marino: Do you have a fire plumbing connection on the building?

Mr. Martinez: We do I don't have it depicted on the architectural drawings and that is something we are open to discussing where that ideal location would be. The sprinkler room is located on Station Road so we are amenable to whatever the Fire Department would be looking for.

Mr. Terrero: Will all (inaudible) be available on the perimeter besides the fire, the regular hose bibs for let's say the restaurant use, including the sidewalk will that be provided?

Mr. Martinez: Yes that is something we can provide yes.

Mr. Marino: Do you have standpipes within the floors.

Mr. Martinez: So that is something that would be worked out with the fire protection engineer but presumable yes that will be provided. We'll conform to the requirements of the code.

Mr. Terrero: So it will be a non-protective building so will you guys be providing sprinklers to protect --

Mr. Martinez: No, no the building will be fully sprinklered throughout yes.

Ms. Brightman: What about a generator, providing a generator?

Mr. Martinez: There is no generator planned at this time.

Mr. Neiss: Mr. Martinez what did you mark the materials board at?

Mr. Martinez: A-3.

Mr. Neiss: Thank you.

Chairman Blewett: Any comments from the Board, questions on the exterior? Do you have any other testimony?

Mr. Martinez: I do not I was just going to hit some of the points on the reports unless --

Mr. Ricci: There is if I may, regarding the PTAC did I miss, did you discuss how you were going to --

Mr. Martinez: I did not.

Mr. Ricci: Do your best to hide the visibility of that grill work did you discuss that?

Mr. Martinez: I did not I'm sorry. So the PTAC units they are difficult to see on the rendering but below pretty much every window there will be a PTAC unit, a package terminal air conditioning unit. The way those are screened is that the grill will be color matched to the adjacent material. So, for example, when you have the darker brick color that grill will be painted to match the brick next to it, same thing with the

siding and where we have bands. What we've tried to do is integrate them in a location where they align with something else. So where you have the cornice it lines up the cornice, where you don't have a cornice we have a band of trim at the brick area, we have a band of brick just so that it feels not out of place.

The projection of those is as far as we can get them in effectively and the reason is that the sleeve of the PTAC unit will be set so that it aligns flush with the wall finish. The only thing that would project beyond the building would be just the thickness of that metal grill, so let's call it an inch plus or minus. The reason we can't recess that further is because we would have flashing issues with water coming back into the unit, so but many times they are installed where they project further out from the building, in this case they will be aligned with the wall façade.

Mr. Neiss: So what is the actual --

Mr. Martinez: Width?

Mr. Neiss: Length depending on --

Mr. Martinez: So about 32 inches long and I believe some of it reaching 12/14 inches tall, so the ones that are shown on the elevations are generally the size that we would be installing.

Chairman Blewett: So the first story which is the restaurant/retail area will not have any of those it will be all from the roof.

Mr. Martinez: The restaurant portion of the first floor will not but the apartments located on the first floor will yes on the other --

Chairman Blewett: Which would be on the sides and rear.

Mr. Martinez: The side and rear correct.

Chairman Blewett: Okay.

Mr. Kaufman: As far as the water discharged from those units, what is -- are they aligned with the awnings so I see you have outside seating depicted there?

Mr. Martinez: There will be internal drains so that you don't have the dripping.

Mr. Kaufman: Okay.

Mr. Boorady: That's a code requirement correct?

Mr. Martinez: Which?

Mr. Boorady: (Inaudible) has to be internal and discharged to where?

Mr. Martinez: Yes. Um that is -- I'm not sure exactly but presumable that will be connected to the sanitary system.

Mr. Boorady: Okay.

Mr. Martinez: Yes that will be connected to the sanitary system correct.

Mr. Boorady: We won't see hoses dripping down onto Main Street right?

Mr. Martinez: No.

Mr. Boorady: And the elevation plan show the location of those grills correct?

Mr. Martinez: They do yes.

Mr. Boorady: Yeah so they are on the elevation plan they are hard to see on the color.

Mr. Martinez: Yeah I was referring to this because of --

Mr. Boorady: They are on the plan the perspective.

Mr. Martinez: Right.

Mr. Marino: What type of a heating system will you provide to the building?

Mr. Martinez: For the apartments themselves? It will be part of the same unit so that that unit provides heat and air conditioning.

Mr. Neiss: Do you anticipate each unit will have a washer and dryer?

Mr. Martinez: Yes we do.

Mr. Marino: Are they gas appliances inside or --

Mr. Martinez: Everything is electric. The building itself will be electric correct with the exception of the restaurant and that was a question that was raised in terms of meter placement. The only gas meters would be one for each of the retail tenants; one for the restaurant and one for the smaller retail and then one for the building which would run any building mechanical system that needs gas, but the apartments themselves are all electric.

Chairman Blewett: You said you wanted to go over some of the bullet points?

Mr. Martinez: Um yeah I just want to hit some of the points in the reports. So if I may just start with the planner's report and that is dated November 18th, 2018. I think some of these I have already addressed but just to clarify #6.a. was a request to clarify the building materials and I think we've done that through explanation and the material sample board.

Mr. Ricci: I don't mean to cut you off, but that color scheme that you are showing tonight is that what you are committed to? The color scheme that you are showing?

Mr. Martinez: Yes.

Mr. Ricci: Okay I just wanted to be clear.

Mr. Martinez: Yes.

Mr. Neiss: The color scheme shown on the materials board.

Mr. Martinez: That's right it is generally the same idea. The material board depicts the actual colored names yes.

Mr. Neiss: The actual is the materials board.

Mr. Martinez: That's correct.

So there is also a comment with regard to whether that courtyard was going to have common amenities and as discussed previously it is not planned to have any.

Projections into the right-of-way, yes we are projecting the exterior canopies as noted previously and they will not exceed 3 feet into the right-of-way.

There is also a comment about the PTAC grills and clarifying how those are installed, so we just discussed that.

Rain gutters will be provided as discussed.

I did just want to talk a little bit about -- there was a comment about the base course and the Redevelopment Plan requires under 5.3.3.1 Item 1, the building shall include a base course between 3 and 4 feet in height along all non-street facing facades. So if we just refer to the north and west elevations, we are proposing a base course it is a little higher than 3 feet, 3 or 4 feet just because we are aligning it with the base of the windows so the intent is there it just comes out a little bit higher than what the plan called for.

The signage which was comment 6.h. was what we just discussed so that will be internally illuminated channel letters as discussed, and I believe that covers all the points.

Mr. Ricci: It does and I think I'd like to compliment you on the corner treatment I think that came very nice so.

Mr. Martinez: Thank you.

Chairman Blewett: Just another quick question. With the exception of the doors on the first level, what is the elevation at the lowest level of the window?

Mr. Martinez: The elevation of the lowest level of the window would be 2 feet above the floor.

Chairman Blewett: So 24 inches.

Mr. Martinez: So 24 inches which would be elevation --

Mr. Terrero: 181.

Mr. Martinez: 181 depending on the data.

Chairman Blewett: Okay.

Mr. Terrero: But you are proposing to flood proof the entire façade or just the at the doors and at the store fronts, not the store front but the sliding window wall.

Mr. Martinez: The entirety of it.

Chairman Blewett: Okay so the widows will be included as part of the flood proofing right? So if the water -- the flood elevations well the calculation of the sill is at 181 and if water was to come above 181 would those windows resist the entrance of water?

Mr. Martinez: They most likely would not without a flood gate right. The intent was really just to provide those gates at the doors.

Chairman Blewett: And up to what elevation at the doors?

Mr. Martinez: Up to the level of that sill so up to the flood elevation.

Chairman Blewett: Which is?

Mr. Martinez: 181.

Chairman Blewett: 181 okay. Thank you.

Mr. Martinez: So there were also a few other comments just on the engineer's report dated November 12th and again I think we've addressed the majority of these. But comment a.i. was with respect to the size of the affordable dwelling unit at 668 square feet versus 750.

I did just want to touch on a.ii., and as Mr. Boorady noted there is a note on the cover sheet which implies that the details on the plans are subject to further project development. I just want to clarify that the intent is not to deviate from the size of the building or the look of the building or the colors.

Mr. Ricci: I don't mean to interject is it okay? The lighting on the building and the lighting with your

streetscape plan maybe out of scheme based upon what is being designed. So I think the Board may want to reserve the right to comment on the lighting that you are showing, sconces on the building if they may want to have that coordinated with the final streetscape design. I want to throw that out as a comment.

Mr. Neiss: What's the issue I don't think I understand?

Mr. Ricci: The issue is that you are going to have a certain type of street lighting and you may want it to compliment each other. The street lighting that was proposed recently they are both decorative patterns but you know you might not want to have a more modern or a colonial look right next to each other it is something you may want to have a final oversight on. The design on the building was done before the landscaped architect designed the streetscape so it is just something that is a minor detail that you may want to coordinate as part of the final product, if that is clear.

Mr. Terrero: On the north elevation what is driving the change of material? On some points you have the hardiplank up to the it is called the water table, sometimes you have brick going further up, is there anything specific driving those materials because it definitely doesn't follow the front?

Mr. Martinez: The intent of it was rather than have a continuous line to modulate that, so where we have the taller gables rather than have you know let's say 3 stories of continuous siding to break that up into 2 stories of siding separated by a band and brick below that. Where we have a roof we will only have 2 stories of exposed wall and then we went with the siding for 2 stories and lowered the brick just so as opposed of having a monotonous façade it has variation if you will.

Mr. Terrero: I just wanted to make sure I don't know if everybody is aware of that difference. The rendering is not what it is going to look like in the back of the building. The back of the building is completely different than what you are seeing on the rendering. I don't know if that is clear to everybody but it is not the same. The building is not the same all the way around, the materials are not the same up to a certain point but the aesthetics is different from the back and I just want to bring that point up.

Mr. Neiss: What is back there is that the bike building that is back there?

Mr. Terrero: Yes.

Mr. Martinez: Yes.

Mr. Boorady: Are you done with your testimony?

Mr. Martinez: I just wanted to finish out that one comment about the design intent that note is not intended to imply that we are going to deviate from the look of the building. The reason for that is because we haven't fully figured our appliance location, counter tops, mechanical equipment and things like that. So even though we tried to show our presentation of apartment layouts with the kitchen there may be variations where you know things within the units change and then things of that nature, so I just want to clarify that because it was noted in the engineer's report.

Chairman Blewett: Just one other question, with respect to the restaurants and the coffee shop, have you based on the square footage figured out what the capacity of the occupancy of those units would be, could be if they are full?

Mr. Martinez: Again it is a little difficult without knowing the type of operation and how large that kitchen needs to be and how much bar versus restaurant seating, but what we did initially was we applied what we typically see in a restaurant in terms of how big a kitchen would be, how big the bathrooms would be and then took the remaining balance of that and the building code gives us an estimation of how many occupants per square foot we can have. So working backwards we came up with the number of originally 160 occupants. Subsequently we did do some concept restaurant layouts and we feel it may slightly above that but in general that is the intent.

Chairman Blewett: Slightly above meaning?

Mr. Martinez: Above the 160 is possible but --

Chairman Blewett: Okay. Well what is the number? Is it 180/200?

Mr. Martinez: I think it is like 180 yes I think that could be the maximum, but again if that kitchen enlarges, the dining room gets smaller and things of that nature.

Chairman Blewett: Okay thank you.

Mr. Martinez: And that yes.

Mr. Marino: The entry doors is this a secured building or are those doors open to anybody coming by?

Mr. Martinez: The residential portion particularly.

Mr. Marino: The main entrance the lobby.

Mr. Martinez: It would be a secured building.

Mr. Marino: It is secured?

Mr. Martinez: Yes.

Mr. Marino: You have to get buzzed in I assume?

Mr. Martinez: That's correct.

Chairman Blewett: Okay I'm assuming your testimony is done and complete.

Mr. Martinez: That's all yes.

Chairman Blewett: Any other questions from the Board? This is a public -- do you have anything else Tom?

Mr. Boorady: Oh yeah, I was just waiting for him to finish though.

Chairman Blewett: Okay go ahead.

Mr. Boorady: I don't have a lot though.

Chairman Blewett: Before I open up the public hearing.

Mr. Boorady: You indicated that there is laundry in each apartment is that correct?

Mr. Martinez: That's correct.

Mr. Boorady: Okay. The floor plans that you provided I can see where laundry might be able to fit. There is a square next to a circle I don't know how that is labeled or not?

Mr. Martinez: It's probably not.

Mr. Boorady: Yeah okay. But some of these units don't appear to have enough closet area to have laundry so will the plans be updated to show that laundry is available? For example, maybe one of the 2F's it just seems like there is no room at all for laundry, and if laundry is going in the closet, then there is nowhere to hang your coat. So I just --

Mr. Martinez: So again those apartment little tweaks will be done. I guess to answer your question, when would that happen is that something required for resolution compliance or at the time of building permit application? I mean we can discuss that, but in terms of location the closet next to the bathroom presumably is the one that will receive the washer and dryer and I can see how we can modify the closet next to it for that bedroom to get a coat closet access from the kitchen side of that.

Mr. Boorady: But every unit, including COAH units will have laundry is that your testimony?

Mr. Martinez: Yes that's correct.

Mr. Boorady: So all units will have laundry.

Mr. Neiss: But if that's the case, then why can't it be shown on the plans?

Mr. Boorady: I think he is going to have to have revised plans for that and for several other reasons, I think there are going to be revised plans.

Mr. Martinez: We can resubmit plans showing the laundry equipment.

Mr. Boorady: You have to show those windows that were missing. You have to show the laundry. So the heat, how am I getting heat from the exterior wall room to the interior second bedroom that faces um I'm not so sure that it has an exterior wall? For example, one of the 2F's the bedroom is a corner bedroom but a corner on the interior corridor so it doesn't face the courtyard and it doesn't face the exterior so how do I get heat into that room?

Mr. Martinez: Right. So there are a couple of ways of doing that and –

Mr. Boorady: Air conditioning for that matter.

Mr. Martinez: Agree and just ventilation in general.

Mr. Boorady: Yeah.

Mr. Martinez: And there are a couple way of doing that once we get our mechanical engineer to form part of the team we will work out the method of it, but the one we typically see is there is a ducted system that would move air from let's call it the living room portion into that bedroom, so it is effectively a grill with a fan that takes the air and moves it and circulates it through the apartments.

Mr. Boorady: Okay. So we are not going to see remotely located split units that might have a condenser outside hanging off the wall let's say to make up heat or air conditioning to a unit interior? Everything is going to be on the inside all the duct work.

Mr. Martinez: That's correct, absolutely.

Chairman Blewett: Do the windows allow the hanging of a unit out the window for the courtyard area?

Mr. Martinez: Traditionally through the wall.

Chairman Blewett: If you put an air condition in, would the windows allow that?

Mr. Martinez: I would imagine the windows could but I'm pretty certain the applicant would not permit that.

Chairman Blewett: That was my next question and I don't know if you can answer it, but could you through the lease prohibit those types of air conditioning units.

Mr. Prime: That would be okay.

Chairman Blewett: Okay. All right so all of those units, the interior units will have that ducted circulation.

Mr. Martinez: The interior bedrooms that don't have a direct access to the exterior through that unit right.

Chairman Blewett: Okay all right.

Mr. Boorady: The material board that you showed Navaho White and I don't remember the color of the brick or the shade of charcoal, is that what is proposed, or am I; for example, on the north side face am I going to see Navaho White hardiplank that full northern face I'm just asking?

Mr. Martinez: The question being are we going to change to a different color or is there one color of

siding?

Mr. Boorady: Well I guess both of those questions.

Mr. Martinez: The intent is the colors on the sample board are what is being installed and below labeled the brick has the brick name and the manufacturer, the siding and things like that. The only thing I would say is if that particular brick is not available at the time of construction, then it would have to be one equivalent to it. I just can't guarantee availability but the intent is absolutely to use those products.

Mr. Boorady: And only one color of fiber-cement board.

Mr. Martinez: That's correct one color.

Mr. Boorady: Navaho White.

Mr. Martinez: A beige.

Mr. Boorady: A shade close to Navaho White if that is not available?

Mr. Martinez: Yes that's correct and just to clarify Navaho Beige.

Mr. Boorady: Okay. So we are looking at the colors that we are going to see I just want to make sure.

Mr. Neiss: Tom is there any issue such as with cleaning? Does dirt congeal to the outside of the hardiplank?

Mr. Boorady: It congeals to everything sure it does. Yeah they are going to have to power wash just like any building or homeowner does. I mean the Board could certainly ask the applicant to consider other colors or maybe you are happy with Navaho White. It is really in the eye of the beholder I would say as far as color.

Mr. Ricci: You expect the material of the color or the color of material.

Mr. Neiss: No just the material itself. I mean if it is going to get dirty; for example, --

Mr. Boorady: I mean look I think all of us know a darker color would show less dirt. I think white would show more dirt, I have a white car and it gets dirty the minute I get it washed, so you know it is up to the Board though.

Mr. Neiss: I don't raise this for any reason other than you know if should it be necessary to clean the building, I'm sure the applicant is going to do that. I don't recall is this ultimately going to be a rental building?

Mr. Martinez: That's right.

Mr. Prime: They will all be rentals yes.

Mr. Neiss: All rental.

Mr. Prime: Correct.

Mr. Neiss: And the applicant will stay on as the manager of the building?

Unidentified person: The owner.

Mr. Neiss: The owner. So you are going to keep it so it will be up to you guys to handle the maintenance, the exterior maintenance of the building.

Unidentified person: Just like every other building in town.

Mr. Neiss: You've got to be sworn in Craig if you want to speak.

Unidentified person: Oh! You were looking at me that's why.

Mr. Ricci: Just to be clear, the Board should be clear, I think some Board members know this and the architect could embellish better than me, but the intent of the fiber-cement board, the hardiplank is to be an upgrade over traditional vinyl type siding and that hardiplank is a material that has been approved in an historic district to replace clapboard siding. So it is an upgraded material but the question is the color, I mean that is the beauty -- the eye of the beholder, but the material is sound it is just to be clear.

Chairman Blewett: I don't think I questioned the material, the obligation to clean the facility is the landlord so that doesn't concern me. I don't mind the color as it is represented that's me. Anything else Tom?

Mr. Boorady: There was some and this goes back to the first submission when it was still a 5 story building, but there were several items I think we touched most them, that is Item d. at the bottom of page 11 of my report. I believe we touched on all of that and I think the Board wanted to hear a little bit about trash, but I don't know if the civil engineer is going to talk more about trash pickup, or are you done talking about trash pickup?

Mr. Prime: No. We'll cover it later.

Mr. Boorady: You are going to cover it later? Okay. And there is no storage for individual units proposed?

Mr. Martinez: There is no dedicated tenant storage if you will no.

Mr. Boorady: Okay is there a communal storage area like to put bikes and I don't know what else bicycles?

Mr. Martinez: There is not no.

Mr. Boorady: No communal storage area okay.

Mr. Martinez: Nope.

Mr. Boorady: Okay. I guess those were my only questions and comments.

Chairman Blewett: Concerns yet?

Mr. Neiss: No.

Ms. Brightman: And no community room?

Chairman Blewett: As this is a public hearing, motion to open the public hearing.

Mr. Kaufman: I'll motion it.

Chairman Blewett: Second?

Mr. Terrero: Seconds.

Chairman Blewett: All in favor?

Board: Aye.

Chairman Blewett: All right if there is anyone from the public that would like to come and question the architect based on his testimony, please step forward.

Mr. Kaufman: Can we turn the renderings around so the public might be able to see them?

Mr. Boorady: You'll have to come up and state your name and the attorney will give you instructions.

Mr. Leeds: Is this the appropriate time to ask about parking or that's going to be dealt with later?

Mr. Boorady: It is only architectural questions for the architect.

Mr. Leeds: So that is what I'm asking.

Mr. Boorady: Not parking.

Chairman Blewett: So it is not parking.

Mr. Leeds: How about the mix of COAH and market rate units which he brought up?

Chairman Blewett: Why don't you sit down and introduce yourself?

Mr. Leeds: Okay sure. Stephen Leeds, 69 Mountain Heights Avenue. COAH is not subsidized by the state am I correct? The market rate units are supposed to subsidize the COAH units?

Mr. Martinez: I'm not sure I can answer that.

Mr. Prime: The COAH units will be subsidized by the property owner. There is no state or outside funding or tax credits.

Mr. Leeds: Right okay. So how many COAH units were -- the original project was going to be how many 90 or 95 units?

Mr. Martinez: Ninety two units.

Mr. Leeds: Ninety two I had it bracketed and how many COAH units were going to be in the original project? Do you remember?

Mr. Martinez: I unfortunately don't have that information under my finger tip. I don't know if the --

Mr. Leeds: Well my recollection is like 30.

Mr. Ricci: The first thing sir, my name is Paul Ricci.

Mr. Leeds: Hi!

Mr. Ricci: I've been a part and I've worked with the affordable housing expert and I was the one that drafted the Redevelopment Plan.

Mr. Leeds: Okay.

Mr. Ricci: What's occurring here essentially is that this project has a sister project that's upper Main.

Mr. Leeds: I understand right.

Mr. Ricci: So what is occurring is that the number of units are shifting as a result of some plan changes.

Mr. Leeds: Right.

Mr. Ricci: But the total number of units and the total number of affordable housing units are remaining the same.

Mr. Leeds: I understand that.

Mr. Ricci: Okay so --

Mr. Leeds: And the total number is like 38 or something like that. Since you drafted it you can tell me right away I know.

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Mr. Ricci: I'm getting a little older.

Mr. Boorady: There are 20 COAH units here and 25 market units.

Mr. Leeds: Right.

Mr. Martinez: That's correct yes.

Mr. Leeds: Yes but it use to be more when there was 92 units proposed.

Mr. Ricci: At this location.

Mr. Leeds: Yes.

Mr. Ricci: No, no there is more here now. There are 220 total residential units between both projects.

Mr. Leeds: Yeah.

Mr. Ricci: Which includes 34 affordable housing units.

Mr. Leeds: Thirty four.

Mr. Ricci: This project anticipates 45 housing units of which 20 are affordable.

Mr. Leeds: Okay. So you don't -- I'll go at this a different way. You are going to -- 20 of the 25 units are going to be COAH units correct?

Mr. Ricci: Twenty --

Mr. Leeds: Twenty of the 45 units are going to be COAH units that is 45% are going to be COAH, are you familiar with any other project by this developer or anyone else where the percentage of COAH units is that high?

Mr. Prime: There are 100% projects over the state. There are 60 of them or something that have been built and another 40 planned that I'm aware of.

Mr. Leeds: Okay and they are all supported by the developer?

Mr. Prime: No not all projects. A hundred percent COAH projects are based on 9% tax credit funding and some of 5% tax credit funding and that is neither the case here.

Mr. Leeds: Has anyone done an economic analysis of --

Mr. Boorady: Architectural only right?

Mr. Leeds: Well I'll come back and ask it later. My question is, first of all my question is how is this financially sustainable when you have 45% of the units are going to be COAH? That is the questions that I have.

Mr. Neiss: So I will jump in I'm the attorney.

Mr. Leeds: Okay thank you.

Mr. Neiss: That question is not suitable for this witness.

Mr. Leeds: Okay.

Mr. Neiss: He didn't testify to that at all.

Mr. Leeds: That's fine I'll come back later with the questions then.

Mr. Neiss: Please do.

Mr. Leeds: Okay. So one observation before I go, when the original ordinance was passed about this you had I think it was drafted by the applicant's attorney actually and then approved by the Council, you had very specific percentages about how many -- what was going to be the COAH ratio in this project and what was going to be the COAH ratio in the other project down to the third decimal point which was ridiculous, and so part of what you guys have to consider it should have been the one number as this gentleman suggested before for an applicant with multi projects and he can decide how to allocate them between the projects.

Now what is going to happen is you are going to have to rewrite that ordinance and I don't know how that affects your agreement with the state, the written agreement you have a; and b, if you are pushing a bunch of units over to the other one which is supposed to be the luxury development, are you going to have a luxury development with the 15 or 20 COAH units in it as opposed to what I think 8 which was originally proposed?

Mr. Neiss: Good question wrong --

Mr. Leeds: Thank you I'm going. You see me I started moving out already but I'll come back with that.

Chairman Blewett: Yeah just a quick questions for Mr. Ricci. Um the original proposal with the 92 units was that as in Tom's report 78 were market and 14 were affordable is that correct?

Mr. Ricci: That is accurate yes and I have the table right here in front of me.

Chairman Blewett: Okay. So there are slightly more, there are 6 more affordable units in this facility than what was originally proposed?

Mr. Ricci: That is accurate.

Chairman Blewett: Okay is there anybody else from the public that would like to question the architect?

Mr. Ricci: Give me a second, I'm talking a side bar here.

Chairman Blewett: Okay.

Mr. Ricci: All I was saying to our attorney is the numbers here I also showed with the Borough's affordable housing expert and she has signed off to me that what's being proposed is consistent with what she anticipated or anticipates so.

Chairman Blewett: All right thank you. So what I would like to do is a motion to close this portion of the public hearing until the next --

Mr. Terrero: I'll move.

Ms. Brightman: Second.

Chairman Blewett: All in favor?

Board: Aye.

Mr. Neiss: Before you go on I just have a question for you Mr. Martinez. On you're A-2.2 there is a room with storage next to the elevator and the stairwell, what is the purpose of that storage?

Mr. Martinez: That is building storage that is not necessarily a tenant storage but it is basically for let's call it janitorial items and things like that.

Mr. Neiss: So the tenants won't have access to that storage?

Mr. Martinez: They will not no.

Mr. Boorady: I don't know if it is appropriate now but here are several items that will need revised plans and I just wanted to maybe make sure we have them itemized.

Chairman Blewett: Sure.

Mr. Boorady: Do you want to do that now or later?

Chairman Blewett: Let's do it now while we are on architecture.

Mr. Boorady: Okay. I think we are going to see revised plans at least that would be my recommendation. Some of the items that I pick up on, if I missed anything please speak up, um the restaurant and retail portions will be flood proofed so we will need some flood proofing details. The plans should be revised on the cover sheet to reflect that the fact that one unit will need a waiver from meeting the minimum required floor area, so there is a design waiver and I think the plan should identify there is only 1 unit.

Mr. Ricci: Can you just repeat that one, I'm sorry.

Mr. Boorady: The 1 unit is undersized.

Mr. Ricci: Yes.

Mr. Boorady: So I think the cover sheet should reflect that. Should just note that a design waiver is requested for that unit.

Mr. Ricci: Okay so just to be clear procedurally, the plan wasn't written with like a design section so everything is technically a deviation on the plan, there is no distinction in the plan how it was organized, so um whether we would consider more substantially that would traditionally would be a variance compared to a design waiver in this context all -- anything that doesn't meet the Redevelopment Plan is considered an exception or a deviation so they should be listed consistently throughout not separately as design and variance per se because they are all the same.

Mr. Boorady: All I'm saying is the floor areas meet the current redevelopment ordinance except for one unit.

Mr. Ricci: Okay.

Mr. Boorady: So I --

Mr. Ricci: So all I'm saying is that it is an exception from the plan that should be noted, but I'm saying it wouldn't be noted as a design waiver it would be an exception from the plan.

Mr. Boorady: An exception sure, however you want to phrase that.

Mr. Neiss: But from my perspective I think you Tyler should update a report to the Board as to which waivers, cause now we agreed on it or exception --

Chairman Blewett: Deviation.

Mr. Ricci: Deviation.

Mr. Neiss: Deviation waiver, however you want to call it, because right now there has been an advertisement for certain deviations, waivers or variance and I think that needs to be updated, or will be updated, and I understand it includes any and/all variances, etc.

Mr. Prime: Yes.

Mr. Neiss: But I think it would be smart for all of us to be on the same page with the actual waivers, variances or deviations that the applicant is requesting, including but not limited to this one.

Mr. Prime: Okay.

Mr. Boorady: The applicant will reappear at some later time subject to any approval to receive sign approval from the Planning Board.

Revised plans, I'll slowdown if you are still writing, revised plans will be needed to show Fire Department connections after consulting with the mechanical engineer and perhaps the Fire Department to determine where those will go. The fire department connections on the outside of the building and also standpipes on each floor if required.

I didn't know if we wanted to see a detail on the grills for the PTAC units? I don't know if you have a material proposed if they will be aluminum, if they will be color matched with Navaho White or matched with the brick? I don't know if you want to see details for those grills? It is up to the Board I guess.

Mr. Martinez: They will be matched to whatever color they are next to so they won't be matched to one particular color. They'll be matched in the one brick it will match that brick, and the siding it will match another side.

Mr. Boorady: So if I'm on the third floor, the grills are going to be Aztec white and if I'm on the second floor, the grills going to match the brick?

Mr. Martinez: That's correct.

Mr. Boorady: Okay. I'm just trying to envision how that would look different color grills on the outside? I'm not an architect so I'm just asking.

Mr. Martinez: Well I think it is the right thing to do to reduce the visual impact you want to match around the colors.

Mr. Boorady: I just want to make sure I didn't know if the Board wanted to see anything on that, so if the Board is happy with it.

Chairman Blewett: I'm comfortable with the color matching.

Ms. Brightman: I think it is great too.

Mr. Boorady: Okay. You are going to revise the plans to show laundry in each unit. I don't know if you want a note on the plans that the colors we discussed on the color board, I don't know if you want to note those color on the plans anywhere? The color boards kind of disappear at a certain point.

Mr. Martinez: It is here it will remain as an Exhibit but I can put it on the plan if you prefer?

Mr. Boorady: Okay.

I don't know if you want to update the occupancy of the restaurant because there was some discussion about whether it was 160 or 180, I don't know if that is important to anybody as far as capacity of the restaurant?

Mr. Prime: We just can't be sure yet until we determine final layout so that is why the numbers kind of flux.

Mr. Boorady: Sure. I don't know if the Board wanted to limit the seating based upon the available parking areas, but we are not even talking about parking yet but that is just something to consider.

Chairman Blewett: So generally and let me just ask a question, you know we would if the use was going to be restaurant, for example, we would see a plan and layout and have an opportunity to comment on that.

Mr. Boorady: That's correct.

Chairman Blewett: So how would that be handled in the Redevelopment Ordinance as part of this submission?

Mr. Ricci: Well in terms of the submission requirements, I mean the Redevelopment Plan didn't deviate from the submission requirements that you normally would typically see, so if you don't feel that the information provided or you feel that's inadequate that's the Board's purview to require the additional information to satisfy you.

Chairman Blewett: Well I think that's where we are going because I think we should have an opportunity to look at the layout of the restaurant.

Mr. Neiss: The problem, the flipside of the problem is they have no idea who their tenant is going to be.

Chairman Blewett: Right now.

Mr. Neiss: And it is going to create an issue how do they predict that?

Chairman Blewett: Well any change of use, you know somebody comes before the Board if it is one restaurant or a different restaurant you still get an opportunity. So I don't know procedurally if we can do that, but I think it would be a good opportunity to sit and have that discussion with them once they know what the tenant looks like.

Mr. Boorady: I think the chairman is correct, if this was just a restaurant looking to build on Main Street you would expect to see seating capacity.

Mr. Neiss: No question.

Mr. Boorady: Yeah. So whether it is a steakhouse or seafood place, or I don't know an Italian restaurant they may want to present to you with a capacity so that the Board could feel comfortable about parking and layout.

Chairman Blewett: Mr. Prime?

Mr. Prime: We are okay coming back when we know who it is. We are just showing this conceptually as a restaurant generally, we don't expect to give you all the details for something we don't know at this point.

Chairman Blewett: That's fine.

Mr. Martinez: Just one more thing, I do have a layout, a seating layout which is not final but it is an example of what that would look like. Would that be beneficial to review that if we deviate from that?

Chairman Blewett: Well if you put that on the plan and then you go and change that, then I think we get into that discussion of what was approved and what wasn't. So I think once you know it would be best for the organization to come in and have a discussion with us.

Mr. Boorady: So you know typically if this restaurant was there already and it was going from a steakhouse to an Italian restaurant, the administration can sign off on a site plan exemption and it would never even come before the Board right?

Chairman Blewett: Right.

Mr. Boorady: So I think I'm hearing that the applicant is willing to come back for I guess it would be a site plan approval to have the occupancy of a restaurant and they would come in with their signs and a site plan approval. Is the applicant agreeing to coming back for site plan approval?

Mr. Prime: We can amplify, we have I guess we can testify that our parking works for 185 so we would I guess seek approval for --

Chairman Blewett: Well that's not my concern, my concern right now is the interior layout of the interior restaurant. Parking I'm not sure we want to discuss.

Mr. Neiss: The question is would the applicant, is the applicant intending to return to the Board once you've identified the tenant so that the Board can review how the layout is going to be?

Mr. Prime: Initially I thought that was the case but I don't think that would be necessary if we can justify the amount of people, I'm not sure why the use would matter if it is a restaurant generally, I mean I'm not following.

Mr. Ricci: Well I think the issue is they probably require a floor plan of the general submission requirement that is part of site plan approvals, and you are not committed to the floor plan that is depicted as part of this sheet so the Board is raising that as an issue, that's the issue.

Mr. Boorady: Hang on, hang on because now we are reopening the architect's testimony and introducing new exhibits I just want to make sure we know where we are going.

Mr. Neiss: That's fine, I mean you are presenting Mr. Martinez you are presenting a new drawing here?

Unidentified person: Let's do it now.

Mr. Martinez: I am yeah.

(Side conversations – inaudible.)

Mr. Boorady: Before we continue with the restaurant presentation I just have a couple more housekeeping items before we continue with the restaurant.

Mr. Prime: We are going with this plan and if it changes we will come back. If it doesn't and we can find somebody who will use this plan, we will use it.

Mr. Neiss: You mean this unmarked exhibit here is that what you are referring to?

Mr. Prime: Correct.

Mr. Neiss: All right why don't you finish Tom and then we will return to that question.

Mr. Boorady: Okay. I'm just again if I can itemize some of the things that need to be potentially revised. So we have a condition that the lease be written to include language to prohibit widow units, window air conditioning units from being installed in the double hung windows. I don't know if you want add prohibiting other things to like laundry or whatever? Perhaps nothing hanging out of the windows would be ideal.

Unidentified person: Satellite dishes.

Mr. Boorady: Satellite dishes the ordinance already prohibits that.

Mr. Ricci: Real quick on that issue, sometimes in buildings like this I've seen them on the roof and in like a centralized type system it is not independent units so they can't offer like direct TV per se, but it is done and you might want to speak to that. I've seen it done where it is not individual units so if you do absolute prohibition it may not allow for another service provided to service the building that could be done in an aesthetically pleasing manner that's all I'm saying.

Mr. Boorady: Okay. I think those were the items that I heard and if somebody else heard something else that should either be a condition of approval or should be on a revised plan, please feel free to add it.

Ms. Brightman: The gutters and the leaders.

Chairman Blewett: That is to the architectural.

Mr. Terrero: Add the details.

Mr. Boorady: Add it to the architecturals right.

Mr. Martinez: A detail of the leader?

Ms. Brightman: Where it is going to drain.

Mr. Terrero: Gutter condition of the corner.

Mr. Boorady: As long as we are on that topic just really quick. A majority of the water hitting the roof will hit the flat roof. The mansard roof that you are looking at, I'm not testifying here, but it is my interpretation that there is a very limited area, a very limit amount of water that is going to be collected by those gutters is that correct?

Mr. Martinez: That's correct yes.

Mr. Boorady: So most of the water will be internal.

Chairman Blewett: Okay.

Mr. Neiss: I have a couple of additions. The applicant has agreed to private garbage collection. I thought you were going to look at the decibel levels of the HVAC units proposed for the roof. Those are my additions.

Mr. Boorady: Garbage and recycling correct?

Mr. Neiss: Yeah garbage and recycling.

Chairman Blewett: Okay so I think we are going to open it again for your testimony.

Mr. Neiss: Do you want to present this further testimony concerning this additional plan?

Mr. Prime: Correct. Yeah I think if we can make that floor plan work and if not, we will come back for an amended site plan.

Chairman Blewett: Do we have a copy of that in the submission?

Mr. Martinez: You do not no.

Mr. Neiss: So you are going to mark this as A-4 is that correct?

Mr. Martinez: That's correct. So for Exhibit A-4 is drawing A-3 dated November 26th, 2018 entitled Preliminary Restaurant Floor Plan, and what we've done here is taken the space which is shown on the architectural floor plans and done a representative layout of what the kitchen, I'm sorry of what the restaurant could look like. So in general the entrance is from the corner element, denoted on the corner on the rendering, there is a bar area in the northern side of the restaurant with bar seating around it and then dining room extending pretty much the entirety of the Main Street façade. The kitchen and storage and dishwashing areas would be on the northern side of the restaurant with direct access to that exit in the back of the restaurant, and then the men's and women's toilet facilities.

At the front of the façade we have the overhead doors we spoke about earlier so the intent is that these could be opened up in the summer and permit indoor and outdoor feeling. The number of seats shown here is roughly 180 which is a number we discussed earlier, so this number could be reduced but in general this layout shows 180 seats and seems to be adequate.

In addition we do have outdoor seating shown and it is shown in a number of locations to offer a variety in terms of where tables and chairs would actually be placed, so in general that is the restaurant layout as we know it.

Mr. Terrero: How many feet is the proposed exterior seating will protrude into the right-of-way?

Mr. Martinez: Into the right-of-way?

Mr. Terrero: Um hum.

Mr. Martinez: Um depending upon the arrangement of the tables somewhere in the neighborhood of 3 feet.

Chairman Blewett: Are there any other questions?

Mr. Boorady: I have a few questions.

Chairman Blewett: Okay.

Mr. Boorady: So the landscaped architect's plan don't contemplate outdoor seating I don't think, so could you just coordinate with the landscape architect and with your plan just to confirm how much room for outdoor seating there would be?

Mr. Martinez: Absolutely yeah.

Mr. Boorady: Which is within the Borough's right-of-way the outdoor seating, so I don't know if there is any licensing requirements from mayor and Council to permit outdoor seating. So are you definitely proposing outdoor seating or is it something that you are going to leave as an option?

Mr. Martinez: That was the applicant's intent but I can imagine we have flexibility.

Mr. Boorady: I don't know if it is permitted by ordinance to have outdoor seating in the right-of-way.

Mr. Martinez: Unless Mr. Ricci can comment but I believe there was language in the Redevelopment Plan with respect to --

Mr. Ricci: Outdoor seating areas are anticipated as an accessory use in the Redevelopment Plan.

Mr. Boorady: Within the right-of-way?

Mr. Ricci: Um it is my interpretation of that would be yes. As the author, I think we want to encourage that type of environment in the downtown. It does allow, he said 3 feet today but we are allowing the plan by itself allows encroachments into the right-of-way. I interpreted that outdoor seating would be permitted as an accessory use. Some of my questions had to do them demonstrating adequate clearances in the like and actually showing because the plan even talked about the look of that outdoor seating and that to be fully designed to have the appropriate type of look out there. Um it is not just slapping a couple of tables down haphazardly in the right-of-way, but that it would be you know often ones that are done nicely are enclosed in certain fashions and I think would be an upgrade to the restaurant itself as a look and as actual experience perspective for individuals, people like to eat outside.

Mr. Boorady: So here is what I would say, the minimum sidewalk requirement on Main Street per the Redevelopment Ordinance is 10 feet.

Mr. Ricci: Yes.

Mr. Boorady: Okay and then they are proposing street lamps/lights over X, trees, planters and now seating so how much is left over for people to walk by? I don't know that we have the answer to that tonight, so all that I would ask is that the architect get together with the landscape architect and show us what you propose. If you want to have outdoor seating and that way the Planning Board can be comfortable that there is enough room for people to walk by.

Mr. Martinez: That makes sense we can do that.

Mr. Boorady: Yeah.

Mr. Neiss: What about the encroachment, the canopy encroachments, is Governing Body approval required for that?

Mr. Ricci: No because the plan allows for the encroachment up to 3 feet into that for the right-of-way for that so that is clear.

Mr. Neiss: Okay.

Mr. Boorady: Okay so we are going to see some plans on that. You know I would ask I don't know that

we are getting done tonight, but perhaps the applicant can submit architectural plans along with the landscape architectural plans so that we can have time to review them before the next meeting? I don't know if you want to be able to see the exhibits that were presented, even reduced copies or something to look at so we can take a look at it.

Mr. Martinez: Yes we can do that.

Chairman Blewett: Okay.

Mr. Boorady: I don't know if maybe the secretary could just pass along the plan to the Health Department typically the various departments do review the plans and normally for a restaurant the Health Department would have comments. So I would just ask the secretary to pass along to the Health Department a copy of the restaurant plan for their review and comment if anything.

Chairman Blewett: All right seeing how there was additional testimony we will open the public hearing.

Mr. Kaufman: I'll move.

Mr. Terrero: Seconds.

Chairman Blewett: All in favor?

Board: Aye.

Chairman Blewett: Anyone from the public wishing to talk about or ask questions to the architect about the restaurant? Could you come up and state your name and ask your questions.

Mr. Vita: Anthony Vita, Managing Member of Lincoln Park Plaza. I'd like to ask the architect um you have a calculation of 180 seats for patrons for the restaurant, does that include the bar stools or is that on top of it?

Mr. Martinez: No this layout assumes the bar stools as well.

Mr. Vita: And now you are talking about outdoor seating is that in the 180 or would that be additional?

Mr. Martinez: Those seats would be additional to the seats within the restaurant.

Mr. Vita: May I ask how many it is?

Mr. Martinez: It is something we are going to coordinate a little bit further with the landscape architect. Right now the plan shows approximately 25 seats outside but it sounds like we may be reducing that based on the obstruction.

Mr. Vita: For a restaurant of that size what do you estimate in terms of workers?

Mr. Martinez: I'd have to defer that to the restaurant operator to be frank and depending on the type of restaurant.

Mr. Vita: I'll have a parking question regarding this when we get to that part of the application but thank you.

Chairman Blewett: Thank you. Any other individuals from the public?

Ms. Marshall: I have a few.

Ms. Ward: May I have your name for the record please?

Ms. Syek-Marshall: Oh I'm sorry, Tami Syrek-Marshall, 35 Beaver Brook Road. I just had a few questions that I should have asked earlier but I'll skip those. Just in terms of the restaurant I have a simple question. Considering what I've noticed in terms of businesses in town over the years that I have lived here and now what happens if you either (a) cannot find a tenant, or (b) find a tenant and the tenant

leaves and the restaurant is vacant and you can't find anyone to come in and take up that space, so now you have this big apartment building with this big empty vacant space for a restaurant which is going to be kind of a visual eyesore in a manner of speaking.

Mr. Prime: Sure.

Ms. Syek-Marshall: This is something to consider.

Mr. Prime: I think from the owner's perspective obviously it is in our best interest to keep the restaurant operating and succeeding doing the best they can. If it comes to a point where for whatever reason you know the operation ceases to exist, we'd be required to come back before the Board to change the use and put something different in there so it would be subject to Board approval.

Chairman Blewett: Okay. So this is your opportunity to ask a question of the architect.

Ms. Syek-Marshall: I can ask any questions?

Chairman Blewett: No it has to be pertinent to his testimony.

Ms. Syek-Marshall: Right.

Chairman Blewett: But if you have a question for the architect, why don't you ask him?

Ms. Syek-Marshall: One of my questions was, I apologize, I thought that was related to the restaurant but if it wasn't I apologize, but yeah that was just basically you know my question regarding the restaurant.

Chairman Blewett: All right. Thank you. Anyone else? Okay motion to close the public hearing?

Mr. Terrero: Move.

Chairman Blewett: Second?

Mr. Kaufman: Second.

Chairman Blewett: All in favor?

Board: Aye.

Chairman Blewett: Okay another witness?

Mr. Prime: Anything else okay.

Chairman Blewett: No I think we're good.

Mr. Prime: All set. For our next witness we are going to move to engineering, David Beesley.

Mr. Neiss: Sir, do you solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

Mr. Beesley: I do.

Mr. Neiss: Would you please stated your full name and business affiliation for the record?

Mr. Beesley: David L. Beesley, the company is D.L. Beesley Engineering. Beesley is spelled (B-e-e-s-l-e-y). I have a Bachelor's of Science in Civil Engineering, I have been in the land development industry since the late 1970's and I'm licensed in New York and New Jersey. I use to be licensed in a bunch of other states. I have appeared before 50 some odd Boards and I have been qualified in federal court and I've actually appeared before this Board many years ago on the Buckingham application.

Chairman Blewett: Any concerns about the professional's expertise? No, please proceed.

Mr. Neiss: And Mr. Beesley you are testifying as an expert in the field of --

Mr. Beesley: Civil engineer.

Mr. Neiss: Thank you.

Mr. Beesley: I am also a professional planner but I will be testifying as an engineer this evening.

Mr. Neiss: Okay.

Mr. Beesley: By background you now know where the property is and I won't go into that. The property is approximately 150 feet by 122 feet and it is not quite rectangular. It is in the Lincoln Park Station Redevelopment Plan Area. Existing we have 3 structures on it right now; it is the Wexford Inn, the cat hospital and a residence those will all be demolished/removed.

The surface elevations, the grades at the ground range from elevation approximately 178. There is some variations in the surface grades. The amount of property that is covered by building today is approximately 84% that is what the existing buildings are and the parking facilities. We will be increasing that slightly to 89%.

We will be introducing some landscaping primarily around the back two sides of it. The proposed building will front on both of the streets; Station and Main, and the other two sides of the building are setback 5 feet from the property line. There is a courtyard in the middle as the architect testified too.

We have worked with the architect in looking at the storm drainage that will fall on this building, most of it falls on the flat roof. All of the drainage will be contained, directed piped. We have piping even for the leaders that were talked about earlier that is underground piping around the perimeter of the building all 4 sides directing that to a detention system.

The detention system is designed to minimize the stormwater runoff and meet the requirements. We have had some discussions with your engineer about increasing the amount of detention, making a larger system, providing an improvement to the downstream system, the system out to the street and we've agreed to do that. The detention system consists of oversized pipe with a smaller discharge pipe going out and a control panel, fairly standard stuff and I'm sure you've heard it on many applications. So we've agreed to substantially increase the detention for the benefit to the sewer system.

I'll get to the landscape and lighting and curb and sidewalk in a moment.

Parking, typically we described the site with the parking in the garage and what have you that is not the case here. The municipality, Mr. Ricci can talk to that as well, as part of the Redevelopment Agreement that the parking will be provided through the New Jersey Transit parking facility and then perhaps some on-street parking. We do have a traffic expert that will speak to the parking demands and the satisfying of those parking demands.

Pretty standard utility connections. We have an 8 inch sanitary going into Station Road. The storm also goes into Station and goes into a 60 inch pipe in Station Road.

We have water and fire lines also connected in Station Road. We recently did a flow test on it and we will engage a fire protection company to evaluate the pressure and see whether there is any need for an additional pump for that in order to provide for the fire protection.

We did have some discussion on the trash enclosures. We have two trash, one is inside the building and one is outside. The outside one is a separate structure, it is open to the air above it is not a covered structure. It is an encased, it has these aluminum louvered walls and two gates in the front that would open to Station adequate for the anticipated um dumpster sizes.

The pickup for this typically for a number of units like this would be twice a week. As stated earlier, this company owns/operates very similar buildings and they are accustomed to this and they know how to generate and they know what is going to be generated in terms of the residents. If it exceeds that, they step it up and add an additional pickup time for the dumpsters, both for the restaurant and for the residents. Same with recycle.

Um let me talk to the landscape. Now we have a landscape plan that was prepared by Bosenberg Landscape Architects, I will just address their design which is pretty standard in civil engineering presentations. We are proposing street trees, we are proposing a new streetscape that will now become the standard for Lincoln Park. It consists of scored concrete which is this lighter gray, I'm referring to a colorized version of Drawing L100. It would be a scored concrete sidewalk.

Mr. Neiss: Sorry Mr. Beesley to interrupt, that sketch is the same exact same except for the coloration that the Board has?

Mr. Beesley: I haven't prepared it but it is my understanding.

Mr. Ricci: I don't think that is the case. I think because you are showing that is showing the cutback on the corner and I don't think these plans show the cutback.

Mr. Neiss: What are you referring to?

Mr. Ricci: This here. This shows the old alignment of the roadway so I think the alignment of the roadway at the intersection of Main Street and Station I'm not sure.

Mr. Neiss: The plan that I have is dated November 16th, 2018 what is that one?

Mr. Beesley: This says November 26th.

Mr. Neiss: Okay so clearly that is a different plan so do you want to mark that as an exhibit please?

Mr. Beesley: A-5 and today's date is 11/27/18. Thank you, I didn't prepare it so I wasn't certain.

Mr. Boorady: What is the date of that plan?

Mr. Neiss: The 26th.

Mr. Beesley: November 26th.

Mr. Boorady: That is the date of the -- yesterday?

Mr. Beesley: Yeah.

Mr. Ricci: I think the issue is that when we had the TRC meeting Tom there were changes made to the actual dimension of the intersection so I think the landscaped architect was employed based upon the TRC meeting. He was working under that scenario so we will probably, what I think you are going to see my expectation is that at the intersection they had to cut it back with the new roadway and stuff. So otherwise I'll verify that but that is the inconsistency I believe, and that was something that was brought up recently in my letter. You follow that or no? You are looking at me like --

Mr. Boorady: Yeah. But I guess we are going to have to have another presentation with the right plan or --

Unidentified person: That is the plan.

Mr. Boorady: That is the plan.

Chairman Blewett: That is the only plan in the building though right? We don't have a copy of it.

Mr. Neiss: We do not.

Mr. Beesley: No.

Mr. Boorady: We have a pretty elaborate 4 or 5 page landscaping plan so is that okay?

Mr. Ricci: I haven't seen it I don't know.

Mr. Neiss: Well there is no way to verify right here right now that the distinction between the plan set we have and the plan that Mr. Beesley is using, Mr. Ricci has indicated that it is just that corner that was cut back.

Mr. Ricci: I'm speculating.

Mr. Neiss: Right, so we don't have any way to confirm that. So he can testify to it but I presume that the Board will be supplied with a plan that the applicant wants the Board to review in final form.

Mr. Boorady: They will need it anyway to show seating and make some other comments anyway so.

Mr. Neiss: Absolutely.

Mr. Boorady: Okay.

Mr. Beesley: All right then I will talk then about the general concept of this streetscape. The lighter tan color is a scored concrete sidewalk. The band around right up to the curbing approximately 4 feet, 3 or 4 -- 48 inches, 4 feet is a brick band and you see these in a lot of new streetscape urban areas and suburban areas. Within that brick area is proposed some light fixtures, seating, trash receptacles and bike racks. Around the -- and that score concrete is continued around the side of the building which provides a hard surface for the exit on the side of the building. Around the rest of the perimeter of the building is some plantings, there is ground cover which is a let me just make sure I get this, Periwinkle, there are some shrubs which includes Hydrangea and Azealia. So he has done a nice mix of color and ground cover around the back perimeter of the building.

There is not a lot of opportunity in the street frontages to do anything additional there. He has a couple of planters but primarily it is done with 3 street trees. The street trees are column type trees they are sorry European Hornbeam. I'm not exactly familiar with what that tree is? I do have resource in the room here tonight if I need to find out exactly what that tree looks like but it is an appropriate street tree that it doesn't reach out into the street and become a nuisance for trucks or cars or anything. There are details that are provided.

The lighting that which we talked about earlier in terms of the possible conflict with the sconces on the building, the proposed lighting is a 12 foot high pole, 12 foot high mounted light, Acorn style light and again this would now become the new standard for the redevelopment along Main Street. So it is an attractive Acorn style and it is an LED fixture and it is an energy efficient fixture and it provides light levels in the range of high level of approximately 8 foot candle and a low level in the back. We tried to control the spill of light off the property onto adjacent properties and there is some minor spillage of .1.3., but across the front of it it's all in the order of 3 to 5 foot candles.

For comparison a half a foot candle of lighting is sufficient light for those of us that still have cars that we have to put in the key in the door. It is sufficient light to see where that lock mechanism is and put a key in and turn it. It is not sufficient enough to read, so we have a few areas right on the edges where we drop that light level down .9 maybe .5. The majority of the light level is in the 3 to 7 very appropriate for this scale this setting.

Mr. Neiss: Mr. Beesley sorry to interrupt again, but you are showing the Board another diagram or plan, can I inquire as to the date of that you are showing us it's L101?

Mr. Beesley: Stated correct sir, it is L101 and it is also dated November 26th.

Mr. Boorady: All right I have a different light fixture on mine.

Mr. Neiss: And I have a different plan date on my.

Mr. Boorady: The light fixture is not Acorn on my plan. It says Acorn but it looks like a different shape.

Mr. Ricci: Yeah it's got an Acorn bulb but technical it is considered an Acorn but it is not a traditional Acorn. The bulb is an Acorn and that is what is referenced yeah.

Mr. Boorady: Yeah. The fixture head is completely different.

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Mr. Ricci: From your plan?

Mr. Boorady: Yes mine has a flat bottom and that has a bulb.

Mr. Ricci: I can't see the top of it.

Mr. Boorady: My plan doesn't have a proposed bulb in it. I have Model BE212.

Mr. Neiss: That's what I show on mine. Yours is dated November 16th?

Mr. Boorady: You don't see an exposed bulb right?

Mr. Ricci: Okay.

Mr. Boorady: You see a flat.

Mr. Neiss: So --

Mr. Ricci: Can I just speak to a second on this?

Mr. Boorady: Sure.

Mr. Ricci: The plan required there to be a landscape architect as part of the project so when we sat down with the TRC the applicant agreed to hire a landscaped architect. The reason we were trying to encourage that is because I mean Mr. Beesley is an excellent engineer, I don't want to take anything away from him, but landscape architects tend to care about not only the visual appearance of the trees, they pick appropriate trees and they are better at dealing with the substrate for the trees to actually live and they have a very good design sense. The goal was, I mean the Borough Council will ultimately have to agree, was for them to have a design professional to coordinate a streetscape design that if the Borough so chose, and I think it is a combination of the Planning Board and again the Council working together collectively as a team here, and if this was something that ultimately the Borough liked that you would codify these exact specifications, place it into an ordinance in the town so it has to be replicated so there is consistency throughout your downtown as other projects move forward.

Mr. Neiss: A streetscape ordinance.

Mr. Ricci: Yes.

Mr. Boorady: But we are looking at two different fixtures.

Mr. Ricci: Okay.

Mr. Boorady: So when do we know what that specification is?

Mr. Ricci: So I mean I don't think, um I mean I had comments on the streetscape and the like, I mean I think this is -- I don't think they are there is a final stage I think we all agree upon that. So they are going to come back clearly right.

Mr. Boorady: Okay.

Mr. Ricci: And so the point of the matter is I don't think this Board is even going to be the final say, I think it is going to be collectively with the Council in terms of implementing a final streetscape in my opinion.

Mr. Morreale: Just to comment on that light. It was mislabeled Acorn because on Drawing L501 it shows that it is -- it's highlighted actually as a BE212 which is a Bell light. It is mislabeled that's all.

Mr. Boorady: Just one thing Paul, in the plan that you wrote it does say the Lincoln Park Planning Board shall give final approval with all aspects of lighting. So I think the mayor and Council I think they are leaving it up to the Planning Board if I read the Redevelopment Ordinance?

Mr. Ricci: And those are my words so --

Mr. Boorady: Those are your words.

Mr. Ricci: They could haunt me.

Mr. Boorady: I support your word.

Mr. Ricci: But the point of the matter is and I agree with you, but I think the overall goal here is to have a consistent pattern that both the Planning Board and if the Council was just going to agree and sign off, I think there needs to be that dual level here occurring because we are dealing with now the right-of-way and the streetscape.

Chairman Blewett: To me that's fine, but at the end of the day we need to see a plan that is going to represent what is going to be there.

Mr. Kaufman: It seems like a little premature to go over the landscape aspect of it at this point.

Mr. Prime: We can agree to revise and resubmit there and move on if that's okay.

Mr. Neiss: My suggestion would be Mr. Beesley is testifying as a civil engineer, if you would grace us with your engineering expertise rather than this plan I think we can move forward.

Mr. Beesley: Let's go to the elephant that's in the room the flood plain. You raise your head, we are technically in the flood plain. I say technically in the flood plain we are in the flood plain. The flood maps the flood area has been restudied. We've had a meeting down in Trenton with DEP back in the spring. Representatives of the municipality were there, the development team and others. There is a new study which actually lowers the projected flood elevation right here and when implemented, and they said it will be implemented, when implemented will remove this property from the flood. It is going to drop the flood elevation down to let me make sure to get this correct. Tom do you have that?

Mr. Boorady: It is going to be out.

Mr. Beesley: It is going to be out all right. We are at surface elevation of 178 and I want to say the new flood elevation is going to be 176.

Mr. Boorady: I think it is going to be 176.

Mr. Beesley: So all of this if we waited 2 or possibly 3 years until the new flood study becomes official, we'd have no discussion about flood, no discussion at all. I wouldn't have a permit sitting down in DEP being reviewed for flood hazard area and waivers associated with it that's if we waited probably 3 years. DEP and FEMA had anticipated approving that already the new mapping they are bogged down. FEMA is bogged down with all of the catastrophes they've had to deal with Puerto Rico, Texas, North and South Carolina so that has been pushed off.

So what have we done we have designed the building to meet the flood regulations, the flood elevations as they exist today. We are required under the sitting regulations to elevate the residential floor 1 foot above the flood elevation, the adjusted flood elevation so we have moved that to elevation 181. The architect testified to that.

Chairman Blewett: 181 or 182?

Mr. Boorady: 182.

Mr. Beesley: 182 sorry, two main numbers jumping around. Thank you for that clarification that we moved it up to 182 all right. We are allowed under DEP regulations to have commercial space; retail and restaurants at lower elevations. We have two options in those lower elevations as was alluded to before; wet proofing and dry flood proofing. Wet flood proofing and dry flood proofing. What is the difference?

Wet you allow water to rush in and you have some vents and it comes back out. The other one is, and in addition to that anything within that zone has to be constructed in masonry type of materials so you hose it off and do something else to it, clean it up and you are back in business. It is not like you have to rip down sheetrock and rotted wood or anything else that's the requirement on the one side.

The alternative to that is doing dry flood proofing where you prevent the water from coming in by holding it back. We are actually in discussion with DEP as to how to resolve that. We are open to either solution on that.

The most economical solution for us at this point is wet that would allow water to come in and out knowing that this is going to be removed from the flood and nobody expects this area to flood.

Chairman Blewett: So I heard testimony from the architect that it would be dry flood proofed in the retail area.

Mr. Beesley: And that is the application before you this evening.

Chairman Blewett: Okay.

Mr. Beesley: It is the discussions I'm having down at DEP as to where they are going to stand on this. The application for DEP is called a flood hazard area permit and within that I am requesting a hardship waiver. A hardship waiver and documentation has been submitted with this application to this Board. The hardship waiver is based on multiple things, it is based on the fact that we have addressed the requirements of DEP by raising the residential floor. We have addressed the lower floor of retail by providing dry flood proofing.

The other hardship is a displacement of flood storage and what that means is should that area have flooded to the elevation, the flood elevation sir of 181.

Chairman Blewett: Right.

Mr. Beesley: Not the protected of 182 but the flood elevation of 181, should it have ever flooded to that elevation there would be approximately we've reached out to and I'm just going to round it up to 1,000 cubic feet of displacement. I would need to um -- cubic yards, I'm sorry, I would need to offset that in some fashion.

On some sites if you have a large site you can offset filling by digging a hole. We cannot do that on this site. So how do we do that? We are going to purchase fill credits and that is what a fill credit is for. A fill credit is to offset filling within a flood zone. Now we are willing to do that. Again, if I move the clock 3 years down the road I don't need fill credits, but today we do so we are willing to do that.

Chairman Blewett: Okay I just want to at least make one point or try to get something very clear. The testimony today was for dry flood proofing and you just told us you have a permit and you are waiting for DEP to get back to you and that leads me down the road that you are going to come back to us and say, you know DEP leans towards wet flood proofing and you are going to change your mind. So you know in order for this to expeditiously move along I think we need to know what you are going to do.

Mr. Beesley: Let me answer that.

Chairman Blewett: Okay.

Mr. Beesley: Just maybe 4 weeks ago I received a flood hazard area permit on a project in a different community. Similar circumstances, DEP pressed me to do dry so we will do dry. We will take the rest of the conversation off the table.

Chairman Blewett: Okay thank you.

Mr. Beesley: All right. And it is not a permit it is an application pending before we have been deemed complete and I received an email just yesterday saying they would make their determination by the end of January.

Unidentified person: 29th.

Mr. Beesley: 29th.

Mr. Boorady: Mr. Beesley so did you make a request for wet to DEP is that still on their table even

though it is not on our table tonight?

Mr. Beesley: I believe I addressed it as both wet and/or dry.

Mr. Boorady: So you left it at the DEP and you said we will either wet or dry flood proofing?

Mr. Beesley: Yes.

Mr. Boorady: Then they are going to make their decision.

Mr. Beesley: Yes, I have to double check that.

Mr. Boorady: We are going with both. But what if they say okay, hey we are going to give you the wet flood proofing you are going to come back here?

Mr. Beesley: We'll come back.

Mr. Boorady: We'd do site plan approval then all over again.

Mr. Beesley: I think at that point we would petition you for a modification or perhaps even an administrative, but I'll defer that to counsel.

Mr. Boorady: Well I don't know that that could be administratively, you are approving for dry flood proofing and it really gets a little bit more complicated than that so.

Mr. Prime: We would seek an amended site plan if that is the case.

Mr. Boorady: Okay so we are moving forward with the dry flood proofing okay.

Mr. Beesley: So once again we have really sort of two masters we are trying to deal with here; what would be in the future and what is it now and we are addressing what it is now. What it is now is 181 and we are building to 182. We are providing the structural calculations, the uplift and the walls to withstand that so we are going to meet, we are proposing to meet all of the requirements for the flood hazard area. The fill which we will displace with flood waters we are going to make up in the form of fill credits we will purchase those. We are actually purchasing those from Lincoln Park.

The third point that we need a hardship waiver from is the roadway exiting from this property. Under strict DEP regulations the roadways would have to be raised up also to 182 and it is impractical, I'll say it is impractical. I don't control the properties they are municipal roads and I just simply couldn't raise it, it's inconceivable that we could raise these roads for only a few hundred feet until we get down to about the next intersection, the 202 restaurant I forget the name of it.

Unidentified person: The Bistro.

Mr. Beesley: The Bistro 202 right around there where there is a higher elevation and that would be the escape route. So even under the worst case scenario of 181 we'd have 2 feet of water to trudge through to get to get to dry land. So that is the hardship application that is down at DEP okay.

Chairman Blewett: Just one clarification from me again around dry flood proofing. You are dry flood proofing to 181 in the retail area?

Mr. Beesley: Yes, yes.

Chairman Blewett: Okay.

Mr. Boorady: That's the DEP elevation.

Chairman Blewett: Right correct but just wanted to make sure because you know we have the difference between the 182 in the residential area, the retail area just to be clear is going to be at 181 which is the DEP flood elevation.

Mr. Beesley: Okay. Um we talked about the stormwater management that we are proposing, it is an oversized pipe and it is underground and it is underneath the dumpster area, it will be regulated and we will expand that. I'm not sure if you were back in the room when I spoke about our conversation maybe two weeks ago about us expanding that.

Mr. Neiss: What are the numbers Mr. Beesley? What are you expanding it from and to just so that I have some idea about how much it is being increased?

Mr. Beesley: Right now I'm required to store 40 cubic feet, 40 cubic feet of storage. I would probably double or triple that storage just in some former pipe, maybe parallel pipe, maybe a larger pipe just to that would be a significant decrease in the stormwater coming off this property that comes off it today already.

Mr. Boorady: I just want to clarify there is no details. They are showing an oversized pipe but I don't have a backup calculation. Revised plans were submitted as requested but I can't agree or disagree with what he just said, so I am going to have to come back to you when I have the information.

Mr. Neiss: You are going to present a revision to the plans to show these details sir?

Mr. Beesley: I will and I will revise the calculations.

Mr. Neiss: Please thank you.

Mr. Beesley: Along with our submittal we've requested a variance from the Lincoln Park Stormwater Control Ordinance. My reading of the Stormwater Control Ordinance it is directed to the impacts of development in flood areas. Once again this area is going to be removed from flood and so my application, my defense of the request for variance from that ordinance is tied directly into both the type of development we are doing and the current floods and the proposed modification to the flood elevation.

Chairman Blewett: Can I ask a question? Do you really want to tie your testimony to the proposed, you know the proposed new flood elevation map because that could easily be, I mean your application becomes contingent on the approval of a new flood elevation map

Mr. Beesley: Well I --

Chairman Blewett: Go ahead. No, no because I thought you were presenting based on the current design criteria that is necessary with the currently approved maps.

Mr. Beesley: Well I'll go through it and again it was part of the submission package okay. We are not considered a major because we are less than half an acre, we are not considered a major we are .437 acres. The objectives, scope and purpose of the ordinance protection of human life, prevent the installation of structures which increase flood heights, prevent excessive property damage, and to protect public and private property, wildlife, and minimize the need for rescue and relief, reduce and minimize, I'm not going to read the whole thing but I think it is reasonable to look at this and say it is not going to be in the flood. DEP and FEMA are removing this, they have presented a new study that says it is not going to be in the flood zone.

We are providing detention, we are reducing the runoff and the impact of this development into the sewer system and we are offsetting the fill through the purchase of fill credits, so that means there is a hole somewhere for this stormwater to go to. So putting this building there and so that ties into the old flood elevations that this new structure there, the new fill is not going to raise it because we offset it with these fill credits. All right so we are still looking at the elevation 176 by putting the building up to this, I'm sorry elevation 181, by putting the building in there that's addressing the flood ordinance is offset through the fill credits.

Um the ordinance allows displacement of -- allows you to fill up to 10%. Again, we are providing for a 100% fill but we are offsetting that by 100% in a hole in the ground somewhere else in the same basin, same flood basin. The DEP regulations have a zero net fill so you allow 10%, we are going back to the DEP with zero so we are offsetting that through these fill credits.

Your ordinance talks about issuance of a variance with provisions of the ordinance for flood plain

management and is subject to applicable state and federal law and regulations, that is why we are down at the DEP so we are going to comply with the state regulations on this.

Um you have a lot of other sections in here, variances maybe issued if the structure is listed in the national historic register and that's not the case here.

I just want to go to the summary that I have here. The Planning Board has already zoned this site for the proposed use; including the affordable housing component and determined that there is no feasible improvement alternative to the proposed project and therefore the variance maybe issued, or maybe granted by this Board.

Chairman Blewett: This is a variance or a deviation?

Mr. Ricci: I believe this is a variance from your existing code per se.

Chairman Blewett: Thank you.

Mr. Beesley: Um should I go through the letters?

Mr. Prime: Yeah I think that will probably be wise to start with Tom.

Chairman Blewett: So let me just comment because with our new Planning Board hours we will conclude at 10 so you have about 20 minutes for this witness.

Mr. Prime: Okay.

Chairman Blewett: I don't know what your plans are but I just want to give you a heads up.

Mr. Prime: Maybe touch on the professional report so at least if we are making revisions, we kind of know where we need to be.

Mr. Boorady: Yeah I mean I see the traffic report but that is a separate expert right?

Mr. Prime: We are not even going to get to that tonight.

Mr. Boorady: Yeah that's not Mr. Beesley. You know there is a lot going on with just stormwater, flood, site plan issues, garbage, um you know it is almost like water and sewer is a separate part of your testimony. I don't know if you want to open up for some questions to cover the simple site portion of his testimony and then open it up again for any water and sewer comments, and then have traffic come later obviously with the other expert. So I don't know how you want to cut this up because there is a lot going on with just civil site, water and sewer.

Mr. Prime: We are flexible if you want to take Board questions first and then --

Mr. Boorady: I mean it is your presentation, it is your presentation.

Mr. Prime: There is no way we can --

Mr. Neiss: So my suggestion at this point, given the fact that you are going to need to revise the plans, especially for the detention system, as an example, I don't know that it would be prudent to close out Mr. Beesley's testimony on these issues right here right now because he is going to have to come back and testify to the revisions. Um I imagine there are other aspects of the plan with regard to the variance request from the stormwater ordinance and perhaps other issues related to the applications that have been submitted to NJDEP. I'm not telling you how to run your application any more than Tom is, but I think it would be in my view at least, in my humble opinion it might be better to make the revisions to the plans and revisit them in a more coherent way.

Mr. Prime: I agree with that. My thought in taking some comments from your professionals if there was time, was just to see what else might need to be cleaned up so you get a further revised set instead of just making the minor revisions we are aware of, we get a more complete picture of what else has to be changed.

Mr. Neiss: And I appreciate that. Tom, I think what is being asked of you is to go through some of the engineering issues in your report, there has been no testimony about any of that or all of those items so.

Mr. Boorady: Right.

Mr. Neiss: So I don't know if that is what you want Mr. Prime?

Mr. Ricci: We also didn't hear is there anything that you can't adhere to from his report either? We didn't hear I didn't hear anything about that either.

Mr. Neiss: Correct right so we are still up in the air.

Mr. Boorady: I wouldn't introduce the water and sewer report. I think there are so many outstanding items in his report that we need to get together with him and figure that part out. I think water and sewer is way too detailed to have at a public hearing unless we are further along, at least that would be my recommendation to you.

Mr. Prime: That's fine.

Mr. Boorady: And that professional isn't even here tonight because again there are so many outstanding items, I don't think you want to talk about water and sewer. I wouldn't introduce those reports that would be my recommendation. There is too much to talk about in the water and sewer report from the Borough's water and sewer engineer. There are two pages of items that haven't been addressed yet.

I would stick with civil site work and flood and then maybe on another night but --

(Side conversation being conducted by applicant and his professionals.)

Mr. Prime: Since we only have 10 minutes left we can stop here and resubmit for next time, leave the witness and carry through to the next meeting and kind of pickup where we left off.

Mr. Neiss: Do you want this application to be carried until the Board's next meeting which is the 3rd Thursday of December. Are you going to be in a position to be able to provide the Board within its time frames?

Mr. Prime: It would be --

Ms. Ward: It would be the 20th.

(Side conversations by applicant's professionals.)

Ms. Ward: The agenda packet would go out on December 11th.

Mr. Boorady: We stop at 10?

Chairman Blewett: That's the plan.

Mr. Neiss: But then we take the stormwater testimony after 10.

(Laughter)

Mr. Boorady: I have stormwater you guys don't you know. I dream about this I'm only kidding.

Mr. Prime: I think our preference would be to take the 20th if it is available. We are not ready on civil issues we can move on and cover traffic/planning, we have a lot more to cover here so we would prefer not to lose that date.

Mr. Neiss: So if that is the case, then the applicant is agreeable to extending any deadlines that would apply to the Board.

Mr. Prime: Absolutely.

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Chairman Blewett: Any objections? I think that's fine.

Ms. Ward: Arthur, the deadline for a decision is January 18th, 2019.

Mr. Neiss: The applicant is extending that.

Ms. Ward: Until what date?

Mr. Prime: What are you asking for?

Mr. Neiss: What we are asking it is not what we are asking.

Ms. Ward: We just want to cover with inclement weather you never know.

Mr. Prime: Okay.

Chairman Blewett: So how much beyond the 19th.

Ms. Ward: It would be January 18th, 2019. Do you want it until the end of March maybe or end of February, what are we looking for?

Mr. Prime: You have to extend it at least 30 days right practically.

Mr. Neiss: Yes but –

Mr. Prime: If you have another meeting so we are going to need a number of meetings so –

Unidentified person: Let's go to the end of February.

Mr. Prime: End of February.

Chairman Blewett: End of February very good.

Ms. Ward: Okay.

Mr. Prime: There will be no re-notice required it is continued.

Mr. Neiss: No because we are doing this here in an open public meeting and the members of the public should be aware that this application is being adjourned/carried until the Board's December 20th, 2018 meeting that is what this has all been about. So there will be no formal publication, no other notice other than what is posted here in the municipal building but this application will be continued.

Mr. Boorady: I have a quick question. I just want to remember for the next meeting where we actually left of, is Mr. Beesley done with his testimony on civil site items, flood items, stormwater items?

Mr. Prime: No I don't think he is finished.

Mr. Boorady: Okay. So we are not moving onto water, sewer and traffic we still have more testimony from Mr. Beesley.

Mr. Prime: Correct.

Mr. Boorady: Right.

Chairman Blewett: Okay thank you.

Mr. Boorady: Thank you.

Chairman Blewett: Okay so the next item on the agenda was ordinance. So we can meet next meeting on this. Is there any new business? No new business. Motion to adjourn the meeting?

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Mr. Terrero moved to adjourn.

Mr. Kaufman seconds.

Meeting adjourned at 9:52 P.M.

Respectfully submitted:

Joan Ward, Secretary

Charles Blewett, Jr., Chairman