CITY OF ELIZABETH
ZONING BOARD OF ADJUSTMENT
THURSDAY, OCTOBER 28, 2021
7:30 P.M.

RE:  Z-02-21, 705-713 NEWARK AVENUE & 694-702 PENNSYLVANIA AVENUE, THE GRAND AT PENN

BOARD MEMBERS:

FERNANDO FERNANDEZ, Chairman
FERNANDO HORTA
EDDIE FALCON
YOLANDA EADY PERKINS
ELIZABETH CANO

MONAE WHITEHEAD, Board Clerk
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BY PATRICK J. McNAMARA, ESQ.
Appearing on behalf of the Board

LAW OFFICES OF DAVID M. SHAFKOWITZ, ESQS.
BY DAVID M. SHAFKOWITZ, ESQ.
Appearing on behalf of the Applicant
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MR. McNAMARA: Members of this board, this application has previously been heard before the board several month ago. As a result of the feedback given to the applicant by the board the applicant has completely redesigned the building in question. As such, for all intents and purposes, this application starting tonight is being treated as if we're starting fresh this evening.

Counsel, your appearance please.

MR. SHAFKOWITZ: Good evening, Mr. McNamara, members of the board. My name is David Shafkowitz, I'm appearing on behalf of the applicant, The Grand at Penn, LLC.

MR. McNAMARA: Thank you. And you've previously effectuated service and adjourned this meeting with consent to the board to tonight, correct?

MR. SHAFKOWITZ: That is correct, and we duly advertised for tonight's meeting as well.

MR. McNAMARA: Okay. Thank you. And you'll be presenting two witnesses this evening?

MR. SHAFKOWITZ: Yes, Mr. McNamara. What we're planning to do tonight is two of our four witnesses proposed for this application is our architect and traffic engineer. If it's okay to start.
MR. McNAMARA: Yes.

MR. SHAFKOWITZ: We can get these guys started.

MR. McNAMARA: Yes. The witnesses will come up here and use one of the hand held microphones and use the easels here so the board members can see.

MR. SHAFKOWITZ: Yeah, we'll set that up.

Mr. Marulanda's going to be the first witness up.

Just by way of background, I want to refresh the board's recollection on our project. This one is located at 705-713 Newark Avenue and 694-702 Pennsylvania Avenue. This parcel of property that covers Newark and Pennsylvania Avenue is just about 1.29 acres and located in the C-5 zone district. The properties located in close proximity to the Elizabeth train station and located in the designated Transient Village area. The property is currently vacant and as the board may recall subject to a prior application and approval. The prior application was for a multifamily structure that ended in 105 units mixed one and two-bedroom units and in particular that prior approval also as one of the items of relief that we will discuss with the board tonight, did not propose commercial on the first floor. It was four story of parking -- four story of residential over parking.
Here tonight we are proposing a similar project. It's multifamily, it also will be five stories, it'll also be four stories over parking. We're not proposing any commercial on the first floor but instead we're proposing 86 units and it's a combination of 7 one-bedroom and 79 two-bedroom units. The applicant is proposing parking on the first floor as mentioned along with the lobby, refuse area, utility rooms and staircase. The parking areas will enter and exit Newark Avenue and Pennsylvania Avenue. The upper floors will contain units, amenities such as individual common terraces, fitness center and outdoor deck/recreation area.

The proposal will require the board to consider a use variance proposed for two variances. First one will be the height and other one will be for the use on the first floor.

As the board may recall those items were also considered in the prior approval and were granted with the municipal prior approval. The only reason I bring this up is as we go through the testimony tonight somebody might see it consistent with the prior application in that the same principals will hold true for that prior application as for this application.

There also will be a few front and side yard
variances that we're going to need and we'll talk about those with the board as well.

The last thing we'll ask the board to consider tonight will be the parking. The applicant is proposing a parking ratio in this project of 1.55. We will have testimony by the architect who will talk about the parking, as well as the traffic engineer tonight.

So as we, as Mr. McNamara noted, our game plan ultimately for this project is to present four witnesses to the board. We have two of those tonight, and after those two are done, I assume we'll move on to the next agenda, and we'll have our other two witnesses available. As well as if there are any other additional questions, happy to bring our witnesses back for the next meeting.

Having said that Mr. Solicitor, I'm happy to start with our first witness.

CHAIRMAN FERNANDEZ: Commissioners, any questions?

MR. McNAMARA: First witness.

CHAIRMAN FERNANDEZ: Okay. Sorry.

MR. McNAMARA: Counsel, the photos you're handing out, are they the same as the ones on the exhibit boards?

MR. SHAFKOWITZ: Yes.
MR. McNAMARA: Okay.

Do you swear or affirm the testimony you're about to present concerning the application pending before the Zoning Board of Adjustment in the City of Elizabeth shall be the truth the whole truth and nothing but the truth.

THE WITNESS: I do.

MR. McNAMARA: For the record sir, state your name, spell your last name and provide your business affiliation.

THE WITNESS: My name is Ivano Marulanda, M-A-R-U-L-A-N-D-A. I work with James Guerra Architects located here at 55 Jefferson Avenue. I've been working there for 20 years. I'm a graduate of Universidad Del Valle. I have a current New Jersey license. I'm also NCARB certified and I have testified before this board before.

MR. McNAMARA: Mr. Chairman, I recommend the board accept him as an expert in the field of architecture.

CHAIRMAN FERNANDEZ: Accepted.

THE WITNESS: Thank you.

Q. Mr. Marulanda, before you get started, why don't we mark the boards in the packets I handed out prior to giving your testimony.
A. Sure. So here will be Exhibit 1.
Q. Call it A-1.
A. A-1. This is the Elevation at Newark Avenue.
Q. Second board we will call it A-2.
A. This is actually the same that they have.
Q. Okay. That's the site plan?
A. Yeah, the floor plan and elevations.
Then we have a second board here which would be --
Q. Call that A-2.
A. -- A-2. This is the Elevation at Pennsylvania Avenue.
Q. And the one behind is identified as?
A. The one behind it is, we have elevations on the side and the terrace. We call that Exhibit A-3.
Q. And the exhibits you just mentioned as A-1, A-2 and A-3 were in the packets that I just handed out to the board?
A. That's correct.
Q. And Ivano, are you are familiar with the project that's the subject of this application?
A. I am.
Q. And your firm was retained and involved in the prior application, is that correct?
A. We was.
Q. And your firm was hired by the applicant to design this particular project?
A. That's correct.
Q. Now, if you can just real briefly, I know the boards probably familiar with the site, just talk a little bit about the site location, the surrounding area, the zoning, the size of the property, that kind of stuff, and then we'll back into the proposed project?
A. Sure. So this is a big property. The size is 56,025 square feet. This is a very big area. There are other two family, multifamily and office uses. The train stations nearby. So there's a lot of uses in this area. I think next to us we have residential and the other side we have an office building.

So basically what we're proposing is a four story modern building which has parking on the first floor and four floors above which are residential.

Here on the G-101 we're showing the first floor of the building. On this side is Pennsylvania Avenue, that side is Newark Avenue. So towards Pennsylvania Avenue we're proposing the main lobby, which actually is this side because you're right in front of the train station, which is the Newark train station. So just like a residential building the train station will be where most of the residents will be walking to get their
commute to the train. So we have a lobby there with stairs and elevators. We also have the entrance for the cars for the parking on Pennsylvania Avenue. We have a large refuse area, around 17 feet by 40 feet, which is sufficient for all the garbage and recyclables for that area. And we have the mechanical and electric room. Behind that we have the parking, which we're proposing 127 on-site parking spaces all covered and screened from the street. There's a large difference in slope between Pennsylvania Avenue and Newark so the parking will actually be sloped with the terrain. So then we have also another entrance for the parking lot and then inside we have the amenities, which show here in larger scale. Which is a large gym, it is around 3,200 square feet. So that's one amenity for the tenants. We have a gym, we have a lounge area, steam room and sauna and all tenants will be able to, with a key card, be able to come into the gym and we have the facade towards Newark Avenue.

We also have an elevator and stair for that lobby which is accessed from Newark. There will be some tenants using the train station but there will be other tenants that use the buses that go through Newark. So we can quickly go to one of the bus stops, so they have access to that.
On Sheet 102 we are showing the second floor of the building where we have all the apartments. That's what we have a big open space for the terrace open to the sky. It's about 9,300 square feet. We'll have seating areas, it will be landscaped. It will have some barbecue areas there. It will be, all the spaces for the building will be ADA accessible. All the apartments will be ADA adaptable. So the whole parking storage allows us to have this large space here.

Towards the north side we have a five foot setback from the building, but it's only at the corners. Actually once you go into the terrace we have more. Right here we have 33 feet 10 setback, so we're much further for most of the building from the property line on that side.

On the south side we also have a five foot setback, but we do have apartments with balconies recessed out. So we have five foot setback -- actually the building in places we have 11 feet or more of setback to that side.

On Pennsylvania Avenue we have the building at 10 feet and the corners are set back as well as the balconies also. And the same thing happens on Newark. Five foot setback and in some locations we have -- here we have 14 foot 11. So it's not a whole wall, there are
a lot of areas that we set back so we have, you know, it will be set back on both sides.

The apartments are pretty much the same in all apartments. You come into an open space, we have a kitchen, living, dining area to one side. There's a master bedroom with a walk-in closet, a master bathroom. On the opposite side we have a bedroom, closet, laundry, a second bathroom. And then in the back we have an area where we can fit two desks. That's what we call a den.

So one of the changes, we went from 105 units in the prior approval to 86 was approved pre COVID. With everybody now working from home, studying from home, spending more time at home, the market now needs for bigger apartments. So this is why we reduced the number of apartments. We're providing more two-bedrooms and more square footage and we're providing those dens where you can fit one or two desks, so people can work or study there and have a little more privacy than just have a computer in the bedroom or in the living room.

So we can give the space needed by what's happening now.

MR. McNAMARA: And Counsel, are these rental or for sale units?

MR. SHAFKOWITZ: These are rental units.

MR. McNAMARA: Okay. The -- there probably will be a condition, if the board acts favorably on the
application, that the den be designed in a way that it can not be converted into another bedroom. No closet, open access, you know, so that we make sure that the den is not being converted into something it shouldn't be.

MR. SHAFKOWITZ: No problem.

MR. McNAMARA: Thank you.

A. Okay. Yes, we don't have any doors, they're open. They're smaller than a room and they're in the back, you don't really have the front. So kind of gives you a little privacy if you're working from home.

G-103 is pretty much the same footprint. Again, the same apartments. 22 on the second, 22 on the third, 22 on the fourth. So pretty much the same layout as I explained before.

Sheet G-104 we have the fourth floor. Here we have two less apartments. So what we did is we removed one apartment on each end and now we're showing much larger apartments. This allows the facade to be a little different on top, which I will show on the renderings. So to finish the building, the top is a little different from the rest helping aesthetically and then we maintain less apartments. So the end apartments are actually very large and have a different setback at the corners that I'll show you later on in the renderings.
On sheet G-200 we're showing the elevations. Here we show the Newark side elevation, that's the side where we have the terrace. Here we show the Pennsylvania elevation, the Newark elevation and then the south side elevation. We will look at the renderings late on.

In terms of height, we have an average height of 67 feet. That's taken from each of the corners to the top of the ridge of the roof. Because we have such a different elevation between Newark and Pennsylvania, so it gives us a bigger height than actually the buildings going to look. Because Newark -- I'm sorry, Pennsylvania is going to be like a much shorter building. On Newark, because of the sloping, we have a much higher first floor so we look a little higher but again, it would be a much bigger street, Newark. This is the same thing that we had in the previous approval. We had the same situation of the same heights. Similar heights.

Mr. McNamara: Could you please describe the type of building materials that would be utilized as shown in these exhibits?

The Witness: Sure. Actually I will go to the rendering to show it better. So here we have the elevation on Newark. We are using brown brick and that
brick is also carried to some areas on the floors above. This is where the gym will be, so we'll have large panels of glass, so it will be a little more commercial look on Newark Avenue. We have the entrance here for Newark Avenue and on the area, this part of Pennsylvania we have slats that will screen the parking there. We do provide room on the bottom to park cars. As we go above, the materials now we enter into using the fiber cement panels and some ornamental features. On the top we have one of the apartments and we wanted to change it, give it little different look and provide deeper homes. So we have a base sort of volume on top to help aesthetically with the building. We provide a lot of lighting, so it'll make it very interesting at night to the building. Let me go to the other one. This is the one on Pennsylvania Avenue.

Similar materials. We have brick on the bottom, we have the brick with the fiber cement panels on the top floor. And again it's a little different as to give a finish to the end of the building. And then we have the parapets. Even though the building has a hip roof on both sides, we provided parapets towards Pennsylvania Avenue and Newark. You won't see the actual roof that's sloping and actually the building will seem like it's smaller, because the top of the
parapets around ten feet lower than the actual top of
the ridge of the roof structure.

Last presentation board. Here we see a
rendering from the right side and north side. Here we
see the terrace and then we have a terrace here on the
bottom and here on the south side of the building. As
you can see the same materials are used for the facade
are carried over all sides. So we're treating it the
same way as the front facade, the same way as the sides.
So you can see the balconies that we're putting in are
all recessed, so you don't see a straight wall all the
way through. Even on this side it's closer the
balconies and the setback there. And the balconies
here, the terrace as well, you will have different
scenarios with barbecues and terraces.

Q. Thank you for that description, Ivano.

With regard to the terracing, you had mentioned
there's a requirement in the ordinance we provide for
open space and recreation. Can you explain what's
required by the ordinance and how we meet that?

A. So the requirement is 200 square feet per
apartment with a cap of 400. So we more than comply
with the open space. And it's open to the sky so it's
exterior space.

Also the gym that we have also counts to the open
space, that's interior. So we more than meet the requirement for open space.

Q. Okay.

And as we discussed in the opening portion of your testimony, we discussed the prior approval and the building that was presented back then. With regard to the massing of the building, the height of the building and some setbacks, we are similar to the building that was originally presented?

A. Right.

Q. The height?

A. Yes, we are very similar. We are still, and we have similar setbacks that we had on that building throughout both sides. We are also providing the same large terraces that we were showing in the prior project.

Q. Now, with regard to the setbacks, let's start with the variances necessary for the variance setbacks. Can you describe to the board where they are and how we are mitigating the setbacks as you discussed, the building setback, the terrace and what the various architectural features will be?

A. So for the Newark Avenue side we have a setback --

Q. Before you go any further. The five foot, is
that the closest point?
A. Five foot is the closest point. We have balconies where the setbacks, this one has 14 foot 11. So it's not all five foot from the property line. We have a lot of setbacks within the facade that is more than five feet. Also five feet is actually matching the buildings, our neighbor to the south side. They have the same setback line.

Q. So even though when you did the averaging what the setback was presumably the ordinance is larger, we are consistent with the buildings in the area?
A. Yes, we are.

Q. And specifically consistent with the building right next to us?
A. Right.

Q. I was going to say, do you believe the presence of that setback in that location will be detrimental to the public in any way?
A. No, no. I think that's a good setback for that side of the street.

Q. And essentially having that setback there allows for the design features that you discussed this evening?
A. Yes, correct. That helps with the design features.

Q. And would there be any negative impact to the
surrounding neighbors of this building?

A. I don't believe so.

Q. And do you believe that the same rational for granting this variance to the building still holds true to the setbacks in that instance?

A. That is correct.

Q. Okay.

What are the other setbacks?

A. So Pennsylvania side we require 271 feet. It's a weird measurement because it's providing the prevailing and most buildings aren't actually facing Pennsylvania Avenue, so we actually have to measure the rear yards, which is why it's so large, the prevailing. So we are providing ten feet setback here. And this corner setback here we have 18 feet, actually more. More like 25 feet from the property line on the corners. So we provide additional setback there.

Q. So again, this instance the setback, even though we have a particular instance in that particular location, it's not the entire facade?

A. That's correct.

Q. And do you believe also again that particular setback allows for the architectural features that you discussed?

A. Right. It allows us to have those balconies,
recessed balconies there, which I think enhances the
project.

Q. And I think you had mentioned the building rises
three stories, the balconies are actually set back a
little bit further, is that correct?
A. Right, the last floor we actually have the
balconies set back.

MR. McNAMARA: Do all of the units have
individual balcony access?

THE WITNESS: That’s correct.

MR. SHAFKOWITZ: That was a great question.

Q. My next question is that, we are providing each
of the individual units with balconies?

A. That’s correct. Every balconies open to the
street inside through the terrace.

Q. Again, how does that particular setback compare
to the prior approval?

A. We are a little bit closer, but I think it gives
us a good -- a good, it’s a good play for having those
recessed balconies toward Pennsylvania Avenue.

Q. And is that, even though it’s a little bit more
intrusive, it’s similar to the prior approval?

A. It is.

Q. And again the approval rational would be, for
lack of a better word, no detrimental impact or any
other impact on the neighborhood would still apply to this?

A. That's correct.

Q. How does that setback compare to the other buildings in the area, across the street as well?

A. Right. The thing is Pennsylvania Avenue most buildings in the same zone are actually facing the rear. So that's why prevailing is like 271 and that's a very strange zone. So we're showing the building here, this is the C-5 zone, but as you can see the colors, only a few lots actually have the same C-5 zone. So I'm only allowed to count the setback for those specific lots. And those lots have a large rear and across, so I'm counting the other lots actually closer to the property line because those are the R-3 zone. So they're actually much closer to the property line.

Q. So again, this particular application, the applicant by ordinance is being a little bit in the wrong place, so to speak, in the way the averaging is made?

A. That's correct. Because we're dealing with two zones. So we're not able to count the full properties.

Q. Yeah. So if we counted all the properties we'd probably be more consistent with really the prevailing in the neighborhood?
A. That's correct.

Q. For all intents and purposes it's the ordinance imposing a hardship on us rather than imposing it on ourself?

A. Yeah.

Q. That takes care of the two front yards on Pennsylvania and what about the side yards?

A. On the side yards we require 30 percent to building height, so the requirement is 19.8. We are asking for a five foot setback from the side. We had a similar requirement for the prior approval, and again, the building, since it's not five feet throughout the whole side, the north side only ends only actually have five feet. The corners are more of a large setback and in the terrace this dimensions 26 foot 11 from the property line -- actually from the terrace only. So the actual setbacks at 29 from that property line.

On the other side we actually have the same setback that we had in the prior approval which is five feet. But because we have balconies you will see the building set back with some spaces which allows for almost like 12 feet from the property line.

Q. So almost seems because the first floor, the parking deck, is encroaching more it seems to allow for that architectural design of the balconies throughout
the rest of the building?

A. Right.

Q. Like providing that base, so to speak?

A. Right. Covering the whole parking and then playing with that in the setbacks given the terrace will cover that space that we are covering.

Q. So by providing, essentially this that would be a positive criteria for this particular project in that we provide the balconies for each of the units rather than just some of the units?

A. That's correct.

Q. So the future residents have access to the outside whenever they want?

A. That's correct.

Q. And again, do you believe the side yard setbacks are a detriment in any way to the surrounding neighborhood?

A. I don't believe so.

Q. Detrimental to the public at large?

A. I don't believe so.

Q. And any impact on the highway?

A. I don't think so.

Q. And for the reasons we discussed there's a positive impact on both the development and the area?

A. That's correct, because this areas underdeveloped
so this will bring more development to the area.

Especially being so close to the train station, you want to have bigger density closer to the train station. Plus not only do we have the train station have buses over here, so very transient friendly location for what we have.

Q. Thank you.

My next question for you was, did you get an opportunity to take a look at the Harbor review letter?

A. I did.

Q. I know in the Harbor review letter there were design waivers that were discussed for the first floor and the parking. Parking deck.

A. That's correct.

Q. Do you mind going through a little bit -- going through those with the board and explain why they're necessary?

A. Sure. We have some design waivers that we actually seek approval from the prior project. We have parking stall depth, the requirements at 19, we are providing 18. That's actually very consistent with most projects built in Elizabeth.

Parking stall width is required at 10, we are providing 9 feet. Again, 9 feet is a very standard size for parking in main part of Elizabeth.
There's a requirement for a safety island, we're providing none. Well, actually right here, but we do have 10 feet. But this is residential building so there's less traffic. I think the traffic engineer will testify more to that. It's not as much traffic as a commercial building going in and out. People are familiar with the building, most people live here, so very familiar with the parking.

We are also asking for a waiver on landscaping on the parking. We are providing 20 percent landscaping on the parking, but as we see we are basically parking most of the lot. We are enclosing it, we have a solid fence on the sides. We have a wall so headlights will not be shining to the neighbors. You will not see the cars because of those fences. But -- and we have landscaping on the terrace, so that's where we are putting some landscaping as well as in the front and on both facades.

MR. McNAMARA: Tony, in case somebody asks you questions. Let's swear you in.

Raise your right hand, please.

Do you swear or affirm the testimony you are about to present concerning the application now pending before the Zoning Board in the City of Elizabeth shall be the truth the whole truth nothing but the truth.

MR. GALLERANO: I do.
MR. McNAMARA: Thank you.

ANTHONY GALLERANO, having been duly sworn under oath according to law testifies as follows:

A. And the last one is the clearance around the columns. We are required to provide 18 inches around the columns, we're not providing any. That's also, again, very common of the buildings in Elizabeth. We do have the spaces for the columns to go so they won't be encroaching into the parking spaces, but it would be right next to it. Those columns are commonly a concern for the doors hitting them. We are making sure the columns are to the front or back, because it will not obstruct when the doors open.

So that's pretty much the waivers that we are asking for.

Q. And do you recall there was the same issue with the design waivers related to the prior approval?

A. That's correct.

Q. And those were also granted in the prior approval?

A. That's correct.

Q. So the two buildings had similar parking by design?

A. Yes.
Q. Is there anything else in the Harbor review letter that needs further discussion or the applicant can comply with all the items in there?

A. Yeah --

Q. As it relates to your testimony?

A. Right. We will comply.

Q. Thank you.

MR. SHAFKOWITZ: I have no further questions for Mr. Marulanda.

MR. McNAMARA: Are there any members of the board who wish to ask any questions of the witness at this time?

COMMISSIONER CANO: Hello. I just have one question.

The landscaping --

MR. McNAMARA: You can take the mask down when you're talking into the mic. The court stenographer needs to hear you clearly, so.

COMMISSIONER CANO: Can you hear me now.

My question is with regards to landscaping. This building design, I would just want to know all the landscape and hard scape to be provided --

THE WITNESS: Yeah, that's actually another witness for the landscaping.

MR. SHAFKOWITZ: We will be bringing a
witness for the next meeting, he will touch on all the
landscape questions.

MS. CANO: Okay. Thank you.

CHAIRMAN FERNANDEZ: Commissioners, any
other questions?

MR. McNAMARA: Are there any members of the
public wishing to ask questions of the witness?

Seeing none, Mr. Chairman.

MR. SHAFKOWITZ: Thank you, Mr. Solicitor.

At this time we'd like to bring in Justin Taylor, our
next witness.

MR. McNAMARA: Do you swear or affirm the
testimony you are about to present concerning the
application now pending before the Zoning Board of
Adjustment in the City of Elizabeth shall be the truth
the whole truth nothing but the truth.

THE WITNESS: I do.

JUSTIN TAYLOR, having been duly
sworn testifies as follows:

MR. McNAMARA: For the record, state your
name, spell you last name, provide your business
affiliation, your credentials, licenses, etc.

THE WITNESS: Sure. My name is Justin
Taylor, T-A-Y-L-O-R. Business address is, 1904 Main
Street, Lake Como, New Jersey. I'm a principal in the
firm of Dynamic Traffic. I'm a licensed engineer in the state of New Jersey as well as Pennsylvania, Delaware and Texas. I'm also a certified National Traffic Operations Engineer from the Institute of Transportation Engineering. I've been practicing traffic planning for approximately the last 20 years and have testified before this board in the past.

MR. McNAMARA: Mr. Chairman, I recommend you accept the witness as an expert in his field.

CHAIRMAN FERNANDEZ: Yes.

THE WITNESS: Thank you.

MR. McNAMARA: Counsel, your witness.

MR. SHAFKOWITZ: Thank you, Mr. Chairman.

Q. Mr. Taylor, you're familiar with the application pending before the board tonight?

A. Yes, I am.

Q. Can you explain your role to the board as it relates to this application?

A. Sure. My responsibility as part of this application was to review the project from a traffic and parking standpoint. To ensure at least that the capacity and traffic as proposed and to ensure that the circulation and the parking will allow for safe and adequate access to and from the site and the parking demand that would be generated by the project.
Now, my job got a little easier, we were involved in the prior application as well with the traffic study as part of the prior application and from a traffic standpoint the reduction of units from 105 down to 86 translates into a reduction in traffic that's going out on the roadways. With the approval of the last project all of the intersections in the surrounding area and driveways operated at levels of service C or better, with the 105 units. The reduction in traffic translates into approximately six or eight cars less during peak hours, so those conclusions took us to levels of service of C or better will be maintained with the project as currently proposed today. So from a traffic capacity standpoint there's capacity to handle the additional traffic of the job.

The other thing we looked at was the parking requirement for the project. Now, we are proposing 127 parking spaces on the site with six on street parking spaces for 100 -- for a total of 132 spaces. When we look at the requirement we looked at the Residential Site Improvement Standards that's set forth by the Department of Community Affairs. A requirement of 1.8 spaces per one-bedroom and two spaces per two-bedroom unit. For the project, 7 one-bedroom units and 79 two-bedroom units, this equates to a maximum parking
requirement of 171 spaces. We are providing 133, and so as such a variance is required. I think it's important to note though that that number as set forth, it's actually the maximum number that is allowed to be required and they make allowances for reductions in that, given the characteristics of the specific site, including the buildings near mass transit, the characteristics of the municipality where you are, and the type of units that are being proposed. So what we looked at was instead of trying to apply a global apartment complex across the country, what we kind of looked at was what the parking requirement of Elizabeth really should be. Now, if you go to the census data, the most recent census data that has been collected, it shows that vehicle ownership in Elizabeth is about one per rental unit. It's point 99. And so you are seeing about one vehicle overall for the municipality. But a little further than that we had the ability to take a look at several other developments that are operating and currently existing in the municipality that are operated by the applicant. We studied them in early or late September of this year counting them during the overnight hours to kind of figure out in Elizabeth what kind of parking demand would we see out in residential zoning and what we found is we're finding demands of
about 1.17 vehicles per unit in the overnight, when most residents are home, the residents might be there, not the 1.82 the RSIS says for a more suburban environment. Further more my firm was involved with the residential development Station -- Station Commons, the site directly across Pennsylvania Avenue and adjacent to the train station. We counted the demand at that facility and what we found was 0.88 spaces per unit. Again, because of the proximity to the train station, the availability of mass transit. Our project with the 133 spaces and 86 proposed units translates into a parking supply of 1.55 spaces per unit. So given all those pieces I think that within the RSIS we have a reduction given the characteristics of this location and the board can feel comfortable that 1.55 spaces per unit that's being proposed will be sufficient to support any demand generated by the project. And I would note as a similar further clarification, but I think we had the ability since then to collect some additional data, just to make both us and you more comfortable with the parking supplies in Elizabeth. So from that traffic perspective there are two prongs that we looked at. Will there be sufficient parking to accommodate the project and there's sufficient passages on adjacent roadways to accommodate the traffic that will be generated.
The final piece that we looked at was the design of the garage and the architect touched on it briefly. We're looking for design waivers for the parking stall dimensions, but those are, the 9 by 18 are really the common industry standard for residential development. We're not talking commercial where you have cars coming in and out. They're what we term in the industry, low turnover spaces. So again, that 9 by 18 will be sufficient to accommodate those vehicles. So based on all that I don't see any detriment or impact to granting the parking variance or to approving the design as proposed.

Q. Mr. Taylor, did you also happen to prepare a report to give to the board?

A. I did. Absolutely.

Q. I understand the report wasn't a part of the documents provided to the city?

A. Yes, I apologize. I found out it's not included in the package, but I will submit it prior to the next hearing.

Q. And should there be more questions on that report you will make yourself available at the next meeting of this board?

A. Yes, sir.

Q. And all the opinions you offered today were
offered within a reasonable degree of your professional 
services?

A. Yes.

Q. And it's your opinion that you believe that the 
traffic generated by this site will have no detriment on 
the neighborhood?

A. It will not.

Q. And won't have a detriment on the levels of 
service of the intersections in the area?

A. It will not.

Q. And it won't have a detrimental impact on the 
traffic flow in the area?

A. It will not.

Q. Just for curiosity sake, what kind of trips at 
peak will a project like this generate?

A. What you're looking at is between 30 and 45, 
depending on which peak hour you're kind of looking at. 
So you're talking about say 20 coming out in the morning 
during that one busy peak hour all the way to Saturday 
20 in to 20 out. So all that falls well below the 
threshold of 100 peak hour trips which both the NJ DOT 
and the Institute of Transportation Engineers have set 
as the threshold of a significant impact.

Q. So in your opinion this project does not 
demonstrate a significant impact?
A. That's correct.

Q. With regard to the parking rate we discussed, I know we touched on the presence of the train station in the area and I believe Mr. Marulanda mentioned there's bus routes in front of our property as well or really close proximity.

A. Yes, that's correct. There are actually seven bus lines and nine bus stops within about a mile.

Q. In your profession how do you look at the presence of public transportation as it relates to parking?

A. So it reduces the demand on parking. You provide easy connection to the mass transit in close proximity to the project.

Q. And has been the experience you've seen on projects you worked on, like the ones across the street, as the proximity to the public transportation reduced the parking demand?

A. Yes, sir.

Q. And does that case hold true for this particular application as well?

A. Yes, it does.

Q. And is it your opinion you believe 1.55 spaces per unit is more than sufficient for this particular project?
A. Yes, that's correct.

Q. And in fact it is my understanding the RSIS established provides those numbers to accommodate public transportation?

A. Yup, that's correct.

Q. And that's been taken into consideration in your opinions?

A. Yes, that's kind of where we start, correct.

They would like you to apply and take a look at specific characteristics of the project and the location of where you are.

Q. And because we've been talking a lot about prior approvals to a prior project, is there any rational provided in and of the variances there for the parking, are they applicable to this project as well?

A. Yes, it's the same rational I think that was utilized to determine that the parking variance was efficient, safe for the prior development can be applied to this application as well.

Q. Thank you.

MS. SHAFKOWITZ: I have no further, Mr. Solicitor.

MR. MCNAMARA: Members of the board, do you have any questions regarding the testimony of the witness or questions you wish to put to him.
COMMISSIONER FALCON: Mr. Chairman, I have a few questions for this gentleman.

So we have exits, entrances on both sides of Newark Avenue and Pennsylvania Avenue. Based upon the positioning of your apartments now and the increase in more two-bedroom apartments, do we perceive what ratio would be exiting and entering on either side of the building?

THE WITNESS: So I think you're going to have similar distribution as we worked out the last time. I think, depending on the needs of Newark Avenue, if you want to go north, you're going to come out Newark Avenue. If you want to go south, you may not, you may go to Pennsylvania and then go in either direction with the traffic lights, so you can get on Newark Avenue. So I think again, as you're entering, say coming from the south, you're most likely going to use the Newark Avenue driveway. Coming from the north you're going to utilize Pennsylvania.

COMMISSIONER FALCON: My slight concern, and not a deal breaker by any means, my slight concern is anyone exiting onto Newark you will be forced to make a right only towards the school, is that, in your mind an impact you perceived on that?

THE WITNESS: So absolutely. When we do talk
about impact and about the threshold from the DOT and of
the 100 new trips, like 100 new vehicles through an
intersection would be constituting a significant impact
on the intersection in need of a study to see what the
impact is. The entire project as proposed generates
between 30 and 45 trips during that peak hour. Now,
that's both driveways, so that means 15 and 15, if even
it's not 100 percent will come down Newark Avenue.
Still well below that threshold of significant impact.
So I don't see a minute and a half to two minutes being
significant to the volume on Newark Avenue.

COMMISSIONER FALCON: Also my concern is, my
concern was what impact are we going to put on that peak
during the peak school hour. And I appreciate your
laymen's explanation of it, you're not overly
complicating it. On the Pennsylvania Avenue side you
will be kind of battling with the current big structure
back there. Can you elaborate a little bit on that type
of impact, if any?

THE WITNESS: So again, given the level of
traffic that we're talking about, I don't see any
detrimental impact to the operation of Pennsylvania
Avenue. I would say that based on the prior application
we were projecting levels of service B, as in boy, or
better towards those driveways. So talking about peak
level of service we're talking about there is a capacity in that roadway to accommodate this additional traffic.

COMMISSIONER FALCON: So overall you're saying level B, we're giving it a letter grade?

THE WITNESS: Uh-huh.

COMMISSIONER FALCON: Thank you.

CHAIRMAN FERNANDEZ: Commissioners, any other questions?

COMMISSIONER PERKINS: Yes.

On the garage door, as you turn in it opens or do you have a control that makes it open?

THE WITNESS: It's my understanding, and that would be better answered from the architect, but it is my understanding as you pull up, you have a sensor and it will role up for you.

CHAIRMAN FERNANDEZ: Any other questions, Commissioners?

Anybody from the public want to testify. Seeing none.

MR. McNAMARA: Mr. Chairman, at this point in the proceeding the applicant presented the witnesses that they have available this evening and as requested that the application be carried to be placed third on the agenda the November 10 meeting of the board, at which time it's the applicants intent to present their
civil engineer and planner and hopefully conclude their testimony on this application.

With your consent Counsel, extend time for the board to act to and including December 31.

MR. SHAFKOWITZ: Absolutely.

MR. McNAMARA: Okay.

MR. SHAFKOWITZ: Mr. Solicitor, one other thing. I want to touch on one quick thing.

MR. McNAMARA: Sure.

MR. SHAFKOWITZ: Mr. Taylor, did you have an opportunity to review the Harbor Consultants letter as it relates to this -- your testimony relates to this application?

A. I did.

Q. And besides what you touched on, the design waivers related to parking, anything in the Harbor Consultants letter that the applicant cannot comply with?

A. From my standpoint, no.

Q. So it's your understanding the applicant can comply with the traffic comments in the letter?

A. Yes, that's correct.

MR. SHAFKOWITZ: Sorry, Mr. Solicitor.

MR. McNAMARA: That's okay.

Tony, you have any comments on what you've
heard so far?

MR. GALLERANO: No, I have no additional comments, other than what's in the report at this time.

MR. McNAMARA: Thank you.

Mr. Chairman, unless the board has other questions concerning the witnesses at this point, a motion to adjourn the hearing and carry to November 10 with no further notice being required from the applicant would be in order.

CHAIRMAN FERNANDEZ: Can I hear a motion to adjourn this application until November 10, I believe.

MR. McNAMARA: Yes.

COMMISSIONER FALCON: Motion to adjourn.

MR. McNAMARA: That is a Wednesday. Just so people are aware, Veterans Day the City Hall is closed, that's why we're not meeting on Thursday.

CHAIRMAN FERNANDEZ: I need a second.

COMMISSIONER HORTA: Second.

CHAIRMAN FERNANDEZ: Role call, please.

MS. WHITEHEAD: Commissioner Cano.

COMMISSIONER CANO: Aye.

MS. WHITEHEAD: Commissioner Edie-Perkins.

COMMISSIONER EDIE-PERKINS: Aye.

MS. WHITEHEAD: Commissioner Horta.

COMMISSIONER HORTA: Aye.
MS. WHITEHEAD: Commissioner Falcon.

COMMISSIONER FALCON: Aye.

MS. WHITEHEAD: Chairman Fernandez.

CHAIRMAN FERNANDEZ: Aye.

(Hearing includes at 8:35 PM.)
CERTIFICATE

I, ERIC S. FISHERMAN, a Shorthand Reporter and Notary Public of the State of New Jersey do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

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

__________________________
ERIC S. FISHERMAN, S.R.

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