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

2 SCARinci HOLLENBECK, ESQ.S.
4 A p p e a r i n g  o n  b e h a l f  o f  t h e  B o a r d

5 L AW  O F F I C E S  O F  D A V I D  M . S H A F K O W I T Z, ESQ.
6 B Y  D A V I D  M . S H A F K O W I T Z, ESQ.
7 A p p e a r i n g  o n  b e h a l f  o f  t h e  A p p l i c a n t

3 E X H I B I T  D E S C R I P T I O N

4 A -1 E L E V A T I O N  - N E W A R K  A V E N U E

5 A -2 E L E V A T I O N  - P E N N S Y L V A N I A  A V E N U E

6 A -3 E L E V A T I O N  - S I D E  A N D  T E R R A C E

7 F I S H M A N  C O U R T  R E P O R T I N G  A G E N C Y
8 89 H E A D Q U A R T E R S  P L A Z A  N O R T H
9 4 S P E E D W E L L  A V E N U E ,  S U I T E  1 4 4 0
10 M O R R I S T O W N ,  N E W  J E R S E Y  0 7 9 6 0
11 (973) 2 8 5 - 5 3 3 1  -  F A X - (7 3 2) 6 0 5 - 9 3 9 1

8  M R .  M c N A M A R A :  M e m b e r s  o f  t h i s  b o a r d ,  t h i s
9  a p p l i c a t i o n  h a s  p r e v i o u s l y  b e e n  h e a r d  b e f o r e  t h e  b o a r d
10  s e v e r a l  m o n t h s  a g o .  A s  r e s u l t  o f  t h e  f e e d b a c k  g i v e n  t o
11  t h e  a p p l i c a n t  b y  t h e  b o a r d  t h e  a p p l i c a n t  h a s  c o m p l e t e l y
12  r e d e s i g n e d  t h e  b u i l d i n g  i n  q u e s t i o n .  A s  s u c h ,  f o r  a l l
13  i n t e n t s  a n d  p u r p o s e s ,  t h i s  a p p l i c a t i o n  s t a r t i n g  t o n i g h t
14  i s  b e i n g  t r e a t e d  a s  i f  w e ' r e  s t a r t i n g  f r e s h  t h i s
15  e v e n i n g .
16  C o u n s e l , y o u r  a p p e a r a n c e  p l e a s e .
17  M R .  S H A F K O W I T Z :  G o o d  e v e n i n g ,  M r. M c N a m a r a ,
18  m e m b e r s  o f  t h e  b o a r d .  M y  n a m e  i s  D a v i d  S h a f k o w i t z , I ' m
19  a p p e a r i n g  o n  b e h a l f  o f  t h e  a p p l i c a n t , T h e  G r a n d  a t  P e n n ,
20  L LC .
21  M R .  M c N A M A R A :  T h a n k  y o u .  A n d  y o u ' v e
22  p r e v i o u s l y  e f f e c t u a t e d  s e r v i c e  a n d  a d j o u r n e d  t h i s
23  m e e t i n g  w i t h  c o n s e n t  t o  t h e  b o a r d  t o  t o n i g h t ,  c o r r e c t ?
24  M R .  S H A F K O W I T Z :  T h a t  i s  c o r r e c t ,  a n d  w e
25  d u l y  a d v e r t i s e d  f o r  t o n i g h t ' s  m e e t i n g  a s  w e l l .
26  M R .  M c N A M A R A :  O k a y .  T h a n k  y o u .
27  A n d  y o u ' l l  b e  p r e s e n t i n g  t w o  w i t n e s s e s  t h i s
28  e v e n i n g ?
29  M R .  S H A F K O W I T Z :  Y e s ,  M r. M c N a m a r a .  W h a t
30  w e ' r e  p l a n n i n g  t o  d o  t o n i g h t  i s  t w o  o f  o u r  f o u r
31  w i t n e s s e s  p r o p o s e d  f o r  t h i s  a p p l i c a t i o n  i s  o u r  a r c h i t e c t
32  a n d  t r a f f i c  e n g i n e e r .  I f  i t ' s  o k a y  t o  s t a r t.
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 boards 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.

THE WITNESS: Thank you.

CHAIRMAN FERNANDEZ: Accepted.

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?

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...
1 a lot of areas that we set back so we have, you know, it
2 will be set back on both sides.
3 The apartments are pretty much the same in all
4 apartments. You come into an open space, we have a
5 kitchen, living, dining area to one side. There's a
6 master bedroom with a walk-in closet, a master bathroom.
7 On the opposite side we have a bedroom, closet, laundry,
8 a second bathroom. And then in the back we have an area
9 where we can fit two desks. That's what we call a den.
10 So one of the changes, we went from 105 units in
11 the prior approval to 86 was approved pre COVID. With
12 everybody now working from home, studying from home,
13 spending more time at home, the market now needs for
14 bigger apartments. So this is why we reduced the number
15 of apartments. We're providing more two-bedrooms and
16 more square footage and we're providing those dens where
17 you can fit one or two desks, so people can work or
18 study there and have a little more privacy than just
19 have a computer in the bedroom or in the living room.
20 So we can give the space needed by what's happening now.
21 MR. McNAMARA: And Counsel, are these rental
22 or for sale units?
23 MR. SHAFKOWITZ: These are rental units.
24 MR. McNAMARA: Okay. The -- there probably
25 will be a condition, if the board acts favorably on the
application, that the den be designed in a way that it
2 can not be converted into another bedroom. No closet,
3 open access, you know, so that we make sure that the den
4 is not being converted into something it shouldn't be.
5 MR. SHAFKOWITZ: No problem.
6 MR. McNAMARA: Thank you.
7 A. Okay. Yes, we don't have any doors, they're
8 open. They're smaller than a room and they're in the
9 back, you don't really have the front. So kind of gives
10 you a little privacy if you're working from home.
11 G-103 is pretty much the same footprint. Again,
12 the same apartments. 22 on the second, 22 on the third,
13 22 on the fourth. So pretty much the same layout as I
14 explained before.
15 Sheet G-104 we have the fourth floor. Here we
16 have two less apartments. So what we did is we removed
17 one apartment on each end and now we're showing much
18 larger apartments. This allows the facade to be a
19 little different on top, which I will show on the
20 renderings. So to finish the building, the top is a
21 little different from the rest helping aesthetically and
22 then we maintain less apartments. So the end apartments
23 are actually very large and have a different setback at
24 the corners that I'll show you later on in the
25 renderings.

1 On sheet G-200 we're showing the elevations.
2 Here we show the Newark side elevation, that's the side
3 where we have the terrace. Here we show the
4 Pennsylvania elevation, the Newark elevation and then
5 the south side elevation. We will look at the
6 renderings late on.
7 In terms of height, we have an average height of
8 67 feet. That's taken from each of the corners to the
9 top of the ridge of the roof. Because we have such a
10 different elevation between Newark and Pennsylvania, so
11 it gives us a bigger height than actually the buildings
12 going to look. Because Newark -- I'm sorry,
13 Pennsylvania is going to be like a much shorter
14 building. On Newark, because of the sloping, we have a
15 much higher first floor so we look a little higher but
16 again, it would be a much bigger street, Newark. This
17 is the same thing that we had in the previous approval.
18 We had the same situation of the same heights. Similar
19 heights.
20 MR. McNAMARA: Could you please describe the
21 type of building materials that would be utilized as
22 shown in these exhibits?
23 THE WITNESS: Sure. Actually I will go to
24 the rendering to show it better. So here we have the
25 elevation on Newark. We are using brown brick and that
2 brick is also carried to some areas on the floors above.
3 This is where the gym will be, so we'll have large
4 panels of glass, so it will be a little more commercial
5 look on Newark Avenue. We have the entrance here for
6 Newark Avenue and on the area, this part of Pennsylvania
7 we have slats that will screen the parking there. We do
8 provide room on the bottom to park cars. As we go
9 above, the materials now we enter into using the fiber
10 cement panels and some ornamental features. On the top
11 we have one of the apartments and we wanted to change
12 it, give it little different look and provide deeper
13 homes. So we have a base sort of volume on top to help
14 aesthetically with the building. We provide a lot of
15 lighting, so it'll make it very interesting at night to
16 the building. Let me go to the other one. This is the
17 one on Pennsylvania Avenue.
18 Similar materials. We have brick on the
19 bottom, we have the brick with the fiber cement panels
20 on the top floor. And again it's a little different as
21 to give a finish to the end of the building. And then
22 we have the parapets. Even though the building has a
23 hip roof on both sides, we provided parapets towards
24 Pennsylvania Avenue and Newark. You won't see the
25 actual roof that's sloping and actually the building
26 will seem like it's smaller, because the top of the
1. 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 closet 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,
1. recessed balconies there, which I think enhances the project.
2. 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?
3. A. Right, the last floor we actually have the balconies set back.
4. MR. McNAMARA: Do all of the units have individual balcony access?
5. THE WITNESS: That's correct.
6. MR. SHAFKOWITZ: That was a great question.
7. Q. My next question is that, we are providing each of the individual units with balconies?
8. A. That's correct. Every balconies open to the street inside through the terrace.
9. Q. Again, how does that particular setback compare to the prior approval?
10. A. We are a little bit closer, but I think it gives us a good -- a good play for having those recessed balconies toward Pennsylvania Avenue.
11. Q. And is that, even though it's a little bit more intrusive, it's similar to the prior approval?
12. A. It is.
13. Q. And again the approval rational would be, for lack of a better word, no detrimental impact or any positive impact on both the development and the area?
15. Q. Like providing that base, so to speak?
16. 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.
17. 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?
18. A. That's correct.
19. Q. So the future residents have access to the outside whenever they want?
20. A. That's correct.
21. Q. And again, do you believe the side yard setbacks are a detriment in any way to the surrounding neighborhood?
22. A. I don’t believe so.
23. Q. Detrimental to the public at large?
24. A. I don’t believe so.
25. Q. And any impact on the highway?
26. A. I don’t think so.
27. Q. And for the reasons we discussed there's a positive impact on both the development and the area?
28. 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.
1 witness for the next meeting, he will touch on all the
2 landscape questions.
3
4 MS. CANO: Okay. Thank you.
5
6 CHAIRMAN FERNANDEZ: Commissioners, any
7 other questions?
8
9 MR. McNAMARA: Are there any members of the
10 public wishing to ask questions of the witness?
11
12 Seeing none, Mr. Chairman.
13
14 MR. SHAFFKOWITZ: Thank you, Mr. Solicitor.
15
16 At this time we'd like to bring in Justin Taylor, our
17 next witness.
18
19 MR. McNAMARA: Do you swear or affirm the
20 testimony you are about to present concerning the
21 application now pending before the Zoning Board of
22 Adjustment in the City of Elizabeth shall be the truth
23 the whole truth nothing but the truth.
24
26
27 J U S T I N  T A Y L O R, having been duly
28 sworn testifies as follows:
29
30 MR. McNAMARA: For the record, state your
31 name, spell you last name, provide your business
32 affiliation, your credentials, licenses, etc.
33
34 THE WITNESS: Sure. My name is Justin
35 Taylor, T-A-Y-L-O-R. Business address is, 1904 Main
36 Street, Lake Como, New Jersey. I'm a principal in the
37 firm of Dynamic Traffic. I'm a licensed engineer in the
38 state of New Jersey as well as Pennsylvania, Delaware
39 and Texas. I'm also a certified National Traffic
40 Operations Engineer from the Institute of Transportation
41 Engineering. I've been practicing traffic planning for
42 approximately the last 20 years and have testified
43 before this board in the past.
44
45 MR. McNAMARA: Mr. Chairman, I recommend you
46 accept the witness as an expert in his field.
47
48 CHAIRMAN FERNANDEZ: Yes.
49
50 THE WITNESS: Thank know.
51
52 MR. McNAMARA: Counsel, your witness.
53
54 MR. SHAFFKOWITZ: Thank you, Mr. Chairman.
55
56 Q. Mr. Taylor, you're familiar with the application
57 pending before the board tonight?
58
59 A. Yes, I am.
60
61 Q. Can you explain your role to the board as it
62 relates to this application?
63
64 A. Sure. My responsibility as part of this
65 application was to review the project from a traffic and
66 parking standpoint. To ensure at least that the
67 capacity and traffic as proposed and to ensure that the
68 circulation and the parking will allow for safe and
69 adequate access to and from the site and the parking
70 demand that would be generated by the project.
71
72 Now, my job got a little easier, we were involved
73 in the prior application as well with the traffic study
74 as part of the prior application and from a traffic
75 standpoint the reduction of units from 105 down to 86
76 translates into a reduction in traffic that's going out
77 on the roadways. With the approval of the last project
78 all of the intersections in the surrounding area and
79 driveways operated at levels of service C or better,
80 with the 105 units. The reduction in traffic translates
81 into approximately six or eight cars less during peak
82 hours, so those conclusions took us to levels of service
83 of C or better will be maintained with the project as
84 currently proposed today. So from a traffic capacity
85 standpoint there's capacity to handle the additional
86 traffic of the job.
87
88 The other thing we looked at was the parking
89 requirement for the project. Now, we are proposing 127
90 parking spaces on the site with six on street parking
91 spaces for 100 -- for a total of 132 spaces. When we
92 look at the requirement we looked at the Residential
93 Site Improvement Standards that's set forth by the
94 Department of Community Affairs. A requirement of 1.8
95 spaces per one-bedroom and two spaces per two-bedroom
96 unit. For the project, 7 one-bedroom units and 79
97 two-bedroom units, this equates to a maximum parking
98 requirement of 171 spaces. We are providing 133, and so
99 as such a variance is required. I think it's important
100 to note though that that number as set forth, it's
101 actually the maximum number that is allowed to be
102 required and they make allowances for reductions in
103 that, given the characteristics of the specific site,
104 including the buildings near mass transit, the
105 characteristics of the municipality where you are, and
106 the type of units that are being proposed. So what we
107 looked at was instead of trying to apply a global
108 apartment complex across the country, what we kind of
109 looked at was what the parking requirement of Elizabeth
110 really should be. Now, if you go to the census data,
111 the most recent census data that has been collected, it
112 shows that vehicle ownership in Elizabeth is about one
113 per rental unit. It's point 99. And so you are seeing
114 about one vehicle overall for the municipality. But a
115 little further than that we had the ability to take a
116 look at several other developments that are operating
117 and currently existing in the municipality that are
118 operated by the applicant. We studied them in early or
119 late September of this year counting them during the
120 overnight hours to kind of figure out in Elizabeth what
121 kind of parking demand would we see out in residential
122 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 detrimental impact on the
service of the intersections 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. 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: 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

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 an 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
1 civil engineer and planner and hopefully conclude their
2 testimony on this application.
3 With your consent Counsel, extend time for
4 the board to act to and including December 31.
5 MR. SHAFKOWITZ: Absolutely.
6 MR. McNAMARA: Okay.
7 MR. SHAFKOWITZ: Mr. Solicitor, one other
8 thing. I want to touch on one quick thing.
9 MR. McNAMARA: Sure.
10 MR. SHAFKOWITZ: Mr. Taylor, did you have an
11 opportunity to review the Harbor Consultants letter as
12 it relates to this -- your testimony relates to this
13 application?
14 A. I did.
15 Q. And besides what you touched on, the design
16 waivers related to parking, anything in the Harbor
17 Consultants letter that the applicant cannot comply
18 with?
19 A. From my standpoint, no.
20 Q. So it's your understanding the applicant can
21 comply with the traffic comments in the letter?
22 A. Yes, that's correct.
23 MR. SHAFKOWITZ: Sorry, Mr. Solicitor.
24 MR. McNAMARA: That's okay.
25 Tony, you have any comments on what you've
heard so far?
2 MR. GALLERANO: No, I have no additional
3 comments, other than what's in the report at this time.
4 MR. McNAMARA: Thank you.
5 Mr. Chairman, unless the board has other
6 questions concerning the witnesses at this point, a
7 motion to adjourn the hearing and carry to November 10
8 with no further notice being required from the applicant
9 would be in order.
10 CHAIRMAN FERNANDEZ: Can I hear a motion to
11 adjourn this application until November 10, I believe.
12 MR. McNAMARA: Yes.
13 COMMISSIONER FALCON: Motion to adjourn.
14 MR. McNAMARA: That is a Wednesday. Just so
15 people are aware, Veterans Day the City Hall is closed,
16 that's why we're not meeting on Thursday.
17 CHAIRMAN FERNANDEZ: I need a second.
18 COMMISSIONER HORTA: Second.
19 CHAIRMAN FERNANDEZ: Role call, please.
20 MS. WHITEHEAD: Commissioner Cano.
21 COMMISSIONER CANO: Aye.
22 MS. WHITEHEAD: Commissioner Edie-Perkins.
23 COMMISSIONER EDIE-PERKINS: Aye.
24 MS. WHITEHEAD: Commissioner Horta.
25 COMMISSIONER HORTA: Aye.

CERTIFICATE
I, ERIC S. FISHMAN, 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. FISHMAN, S.R.
Dated: 11/7/2021