



CITY OF NEW BRUNSWICK
PLANNING BOARD
OCTOBER 5, 2020
MINUTES

Meeting Location
Remote Teleconferencing
City Hall, Third Floor
78 Bayard Street
7:00 PM

I. ROLL CALL

X	Jeff Crum (Chairperson)
	Manuel Castaneda (Vice Chairperson)
	George Chedid
X	John Petrolino
X	Robert Cartica
X	Diana Lopez
	Ryan Berger (Class I)
X	Chris Stelatella (Class II)
X	Suzanne Sicora-Ludwig (Class III)
X	Dale Vickers (Alternate #1)
X	Yelitssa Checo (Alternate #2)

II. PUBLIC ANNOUNCEMENT

Dan Dominguez (Director, Department of Planning, Community and Economic Development): Please be advised that the notice requirements of the Open Public Meetings Act has been complied with and satisfied, and that the annual notice which gave sufficient notice of the time, place and conduct of all public meetings of the Planning Board of the city of New Brunswick has been filed with the City Clerk and it has been placed on the appropriate bulletin board and posted in the back vestibule of City Hall, visible to the public and through the windows of the lobby to City Hall in New Brunswick, New Jersey and has been transmitted to the official newspaper for the city of New Brunswick, namely the Home News Tribune and Star Ledger. Additionally, a change of location notice of the time, place and manner of conducting this meeting has been made by the Board Secretary as required by law. New Jersey Governor Phil Murphy has issued executive orders limiting the size of public gatherings of individuals until further notice. Furthermore, the CDC has issued guidelines to limit gatherings of groups. The city's Planning Board intends to meet on a regular schedule, will meet using the guidelines of the Open Public Meetings Act by utilizing teleconferencing and video systems. Public participation at public meetings has been revised, and the public may participate through a conference call-in and video system. The public is encouraged to call in to the conference system through the phone numbers and access code transmitted in the change of location notice to the Home News Tribune and Star Ledger and posted in the back vestibule of City Hall visible to the public through the windows. Board professionals will also be available via conference call during the meeting. All parties on the conference call will have the opportunity to hear the Planning Board meeting. During the portions of the meeting that are not open for public comment, all calls from the public will be muted and

the Board will not be able to hear any public comments through the conference call system. During the public comment periods, those on the conference call-in lines who have an interest in addressing the Board will be organized by last name and then called upon to speak. After all organized members of the public speak, the process will happen again until all the public has had an opportunity to speak once and for no more than five minutes in any given public meeting portion. The timer will time at the completion of each five-minute period and I'll notify you that your time has expired. public needing assistance accessing the call number should call City Hall at 732-745-5007.

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD’S AUGUST 10, 2020 AND SEPTEMBER 14 2020 MEETING

MINUTES OF THE BOARD’S AUGUST 10, 2020 MEETING

Motion to approve

- I. Chris Stelatella
- II. Bob Cartica

	Yes	No
Jeff Crum (Chairperson)		
Manuel Castaneda (Vice Chairperson)		
George Chedid		
John Petrolino		
Robert Cartica	X	
Diana Lopez		
Ryan Berger (Class I)		
Chris Stelatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)	X	
Yelitssa Checo (Alternate #2)	X	

MINUTES OF THE BOARD’S SEPTEMBER 14, 2020 MEETING

Motion to approve

- I. Chris Stelatella
- II. John Petrolino

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)		
George Chedid		
John Petrolino	X	
Robert Cartica	X	
Diana Lopez		

Ryan Berger (Class I)		
Chris Stelatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	X	

V. RESOLUTIONS OF MEMORIALIZATION

A. FRANCES E. PARKER MEMORIAL HOME, INC. / 501 EASTON AVENUE / BLOCK 437, LOT 8.01 (PB-2020-08)

Motion to approve

- I. Bob Cartica
- II. Chris Stelatella

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)		
George Chedid		
John Petrolino	X	
Robert Cartica	X	
Diana Lopez		
Ryan Berger (Class I)		
Chris Stelatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	X	

B. GLORIA & SONS, LLC / 143 REMSEN AVENUE / BLOCK 198, LOTS 7 & 8 (PB-2020-02)

Motion to approve

- I. John Petrolino
- II. Chris Stelatella

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)		
George Chedid		
John Petrolino	X	
Robert Cartica		
Diana Lopez		
Ryan Berger (Class I)		

Chris Stellatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)		

C. 30 VAN DYKE URBAN RENEWAL, LLC / 30 & 40 VAN DYKE AVENUE / BLOCK 596.01, LOT 16.03 (PB-2020-04)

Motion to approve

- I. Chris Stellatella
- II. Yelitssa Checo

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)		
George Chedid		
John Petrolino	X	
Robert Cartica	X	
Diana Lopez		
Ryan Berger (Class I)		
Chris Stellatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	X	

VI. DISCUSSION ITEMS

A. CHANGES TO BOARD RULES REGARDING PUBLIC COMMENT AND INTERACTION

Aravind Aithal (Board Attorney): Mr. Chairman, this is Aravind Aithal the Board Attorney. May I suggest that we move that to after the amendment to Title 16 Land Development Code, which is item 7B?

Jeff Crum (Board Chairperson): No objection, that's fine. That will help facilitate good order for this meeting. We don't need a vote, do we?

Mr. Aithal: No.

Mr. Crum: Okay, great, we'll move that to the end of the agenda. We're now going to move into public hearings.

VII. PUBLIC HEARINGS

A. 760 NEW BRUNSWICK URBAN RENEWAL LIMITED LIABILITY COMPANY / 780 JERSEY AVENUE / BLOCK 598, LOTS 2 & 3.06 (PB-2020-05)

Preliminary and final site plan application with bulk variances to construct a new 39,500 square foot warehouse distribution facility. Zoning district I-2. (Thomas Kelso, Esq.)

Mr. Aithal: Mr. Chairman, we require of the Board members if anybody believes they may have a reason to recuse themselves, to require that.

Mr. Crum: Of course. Any Board members at this time have a conflict, they need to recuse themselves from the application. Hearing none, I think we're clear, Mr. Aithal. I will hand it over to Mr. Kelso.

Tom Kelso (Applicant's Attorney): Members of the Board, Thomas Kelso on behalf of the applicant, 760 New Brunswick Urban Renewal, LLC. As the Chairman just introduced, this application is for preliminary and final site plan approval, together with several bulk variances in order to permit my client to construct a 39,500 square foot warehouse that includes the parking and loading docks. There's also approximately a 900 square foot portion of the building to be used for office space.

The property is located at 780 Jersey Avenue, designated as Block 598, Lots 2, 3.06 on the tax map and it is in the I-2 General Industrial Zoning District, wherein the use is permitted. We are seeking several bulk variances. I would point out that there is a third variance, a lot width variance of 175 feet whereas a minimum of 200 feet is required. But this particular bulk variance was approved previously on minor subdivision application and is an existing condition as a result. The Board already should know that that's an approved variance condition. However, we are also seeking variances related to side yards, first combined side yard setback 15.34 feet, whereas minimum of 50 is required. Lastly, side yard setback of 10.3 feet on the north side and five feet on the south side, whereas a minimum of 25 feet is required.

It is my intent to provide four witnesses for you this evening, first, Mr. Robert Paulus, who is the principal at Wick Properties who had previously testified a number of times before this Board, even at the last hearing. Wick Properties is the parent company for the applicant 760 New Brunswick Urban Renewal, LLC. I also will be calling Mr. Les Walker from Meridian Engineering for professional engineering testimony. Again, Les testified at the last hearing. Mr. Jim DeBarbieri, licensed professional architect of New Jersey and finally, Ms. Kate Keller, our principal planner who also provided testimony at the last hearing. That is the general overview of our application and our witnesses, and unless there's any questions from me, I'll call Mr. Robert Paulus for testimony as the first witness. I would point out that he would need to be on video. I know that he is prepared to do that. I remind Bob if you can put your video on, and unmute yourself.

Robert Paulus (Applicant): I believe I'm on video now and unmuted.

Mr. Dominguez: I'll swear you in. State your name and spell your last name for the record.

Mr. Paulus: Robert Paulus, P-a-u-l-u-s.

Robert Paulus is sworn

Mr. Dominguez: The floor is yours.

Mr. Paulus: Thank you. Good evening, Board members and the public. The subject property is located at Route 91, also known as 780 and 786 Jersey Avenue, of course, in New Brunswick. The applicant plans to construct a 39,500 square foot warehouse distribution facility and it will feature 36 foot clear ceiling heights, L.E.D. lighting, five trailer loading doors, one drive-in door, and 900 square foot of office area. The building will be leased for warehousing and distribution, manufacturing is not preferred or proposed. The applicant's engineer and architect will elaborate in detail on the site layout and the building design. The site plan design and the layout of the proposed 39,500 square foot warehouse are part of an overall development plan for the original mother lot, which consisted of 30.2 acres, which is now comprised of three lots, 750, 760 and the subject property tonight, 780 Jersey Avenue, being Lots 3.04, 3.05 and 3.06, all in Block 598. The adjoining properties at 750, 760 and 986 Jersey Avenue are under common ownership. 750 Jersey Avenue is a 51,500 square foot warehouse, which is presently under construction; 760 Jersey Avenue is Occidental East Coast Calcium Chloride, which is an ice melter distribution center with rail service on 20 acres, 100,000 square foot building, with 16 acres of outdoor storage or a million fifty pound packs of ice melter. And 986 Jersey Avenue is a 72,000 square foot transfer station also with rail service. All the properties were part of a minor subdivision plan that was approved August 11, 2015, and reapproved in December 18, 2019, creating the three different lots. The proposed 39,500 square foot warehouse building was factored in as part of the infrastructure that is already built along Jersey Avenue. Storm drainage, sanitary sewer, water, gas, electric, telephone all about the property. The site plan at 780 Jersey Avenue is in keeping with the applicant and our company's overall development plan in relationship to 750, 760, and recently completed 986 Jersey Avenue projects. Improvements to Route 91, consisting of drainage, our pole relocations, road widening, curbing, new paving, detention basins, all across the frontage of the project starting at the Brookside Deli, everybody knows that, all the way up to 986 Jersey Avenue, they were all completed and across the front of 780 Jersey Avenue, tonight's application.

There is a need for industrial warehouse buildings of this quality as indicated, quite frankly, by the low vacancy rates at our comparable buildings and other industrial centers we own in New Brunswick. We are presently at a hundred percent in those locations. In addition to the new construction jobs, which will be created when the site is developed, the facility will also bring in permanent jobs to New Brunswick. Along with the real estate tax revenues to be anticipated, the building will have a seven million dollar valuation upon completion. Tonight, we'll be providing testimony and an overview of the application for the warehouse, which will sit on 2.649 acres. We would like to bring to the attention of the Board the colored site rendering, the site picture and the aerial photograph all shown on exhibits A-1 through A-5 for reference point. The applicant is purchasing Lot 2, which is also known as 786 Jersey Avenue from Public Service. We have previously provided the Board authorizations from Public Service to prosecute this application. The demolition of the former Public Service Electric and Gas substation on Lot 2 is nearly completed already. You can see that in exhibit A-2, I'm sorry, A-3, A-4 and A-5. The substation is being replaced by a new substation outside of New Brunswick in North Brunswick. As part of the decommissioning of the Jersey Avenue substation, the electric pole line and 17 foot easement along our westerly property line, 780 Jersey Avenue is being extinguished and poles have been removed.

On March first of 2019, the L.S.R.P. for this site, overall site, all three parcels, Wahid Khan P.E., issued a response action outcome for Lots 3.04, 3.05 and 3.06 in Block 598, issuing the response action outcome for the remediation of soils and all the areas of concern as listed in that report. The response action outcome was previously provided to this Board as part of our application. Public Service is presently in the process of doing remediation of areas of concern on their Lot 2,

Block 598 and under our purchase agreement, Public Service is responsible for the completion of all remediation of all areas of concern.

This actually is the last parcel to be developed by the applicant and its related companies along this area of Jersey Avenue. You can see some of the parcels shown on the aerial exhibit A-2, which shows 986 Jersey Avenue, shows 780, the applicant tonight, and also a portion of the adjoining 760 Occidental ice melter site. That concludes what I have to say about the application as an overview. If the Board has any questions, I will be willing to answer them.

Mr. Kelso: Thank you, Mr. Paulus. Does the Board wish to direct any questions to Mr. Paulus, at this time?

Mr. Crum: There are no questions at this time. You can proceed, Mr. Kelso.

Mr. Kelso: Thank you. At this time, I call Mr. Les Walker for testimony.

Mr. Dominguez: Tom, give me one second. I believe Ms. Lopez has made her way back into the meeting. Ms. Lopez, are you there?

Diana Lopez (Board Member): Yes.

Mr. Dominguez: Note that she returned to the meeting?

Mr. Aithal: Were you able to hear all of Mr. Paulus' testimony, is that correct?

Ms. Lopez: Yes. I was on the phone, I'm sorry. I had technical issues trying to get online. But I was on the phone.

Mr. Aithal: You don't have any conflict with hearing this application, is that correct?

Ms. Lopez: That's correct.

Mr. Aithal: Thank you, Mr. Chairman.

Mr. Dominguez: I apologize for the inconvenience. Tom, you have the floor again.

Mr. Kelso: Thank you. At this time, again, I call Mr. Les Walker for testimony and to be sworn.

Mr. Dominguez: Mr. Walker, can you please state your name and spell your last name for the record?

Leslie Walker (Applicant's Engineer): Leslie Walker, W-a-l-k-e-r.

Mr. Les Walker, sworn

Mr. Dominguez: Mr. Walker, would you like me to share my screen with the pieces of the application in case you want to reference anything?

Mr. Walker: If you could put up the colorized site plan, which I believe is Exhibit A-1.

Mr. Dominguez: Exhibit A-1, Colorized Site Plan.

Mr. Kelso: You are a licensed professional engineer in the State of New Jersey, is that correct?

Mr. Walker: I am, Tom.

Mr. Kelso: Could you give the Board the benefit of your professional qualifications and experience?

Mr. Crum: We know Mr. Walker well. He was just sworn in at the last meeting. Unless something has changed, we accept your credentials.

Mr. Kelso: Thank you, Mr. Chairman. Mr. Walker, I would ask you to provide a general overview of the engineering aspects of the site plan and if you could identify the location of the setback variances as part of your testimony, I will just allow you to proceed with the presentation.

Mr. Walker: Good evening, everybody. This is basically a colorized version of the site plan with the landscaping shown, and some of the underlying utilities just for discussion purposes. The site is located, as described prior, along Jersey Avenue. The front portion of the site is a decommissioned and now abandoned and cleaned up PSE & G Substation. It's been returned to just a gravel lot. The remainder of the parcel is an open field, at this point. It was created as part of the subdivision and the reconstruction and renovation of 760 Jersey Avenue. We'll call the plan right would be on the east side is Conrail and Amtrak, New Jersey Transit train rail in the back.

The proposed building sits towards the back towards the rail and to the rear of the site. In the front of the building would be the five loading, tractor-trailer loading spaces and the drive-in ramp along with ten passenger vehicle, employee vehicle parking spaces, one of those being handicap accessible, six are required. The driveway to the site crosses out to the former PSE & G Substation parcel, which is identified as Lot 2 on the map. All utilities for the project are available within the site frontage and adequate to serve the proposed building. The 39,000 square foot building includes a 900 square foot office, which is located in the, from the street would be the front left corner of the building with accessible route design to that part of the building. Within, in front of the loading spaces, is a large open paved area which is necessary for the trucks entering the site to be able to turn around and back into the loading spaces and as well as a small refuse area at the bottom of the plan.

Landscaping screening, although the adjacent uses are also industrial and light industrial and commercial in nature, as requested by the Board planner, landscape screening is provided on both sides of the parking and loading areas to the adjacent properties. Stormwater management is handled by means of an underground detention basin. These are becoming more and more popular as the technology advances. They are basically pipes that are in rows underground that provide the necessary storage to hold back runoff that's generated from the site and released at a slower rate. There is a water quality unit on the upstream end of the underground basin, which provides 50 percent water quality enhancement that's required for all underground detention basins to basically protect them from getting clogged up with sand or debris, leaves, garbage. That 50 percent device is a filter that will screen most of that. The stormwater then outlets into the existing system on the mother lot, 760 next door which has a large open detention basin, and an ample capacity in the pipe system to accept the piped water from our underground detention basin. The total stormwater design overall will meet the reductions required for the smaller site and it will

help the 760 existing detention so it functions slightly better than it does now. Runoff to all points, including Jersey Avenue, have been reduced as required in the proposed condition.

As described by Mr. Paulus, the improvements along Jersey Avenue are already in place. They were constructed as part of the overall development of 750, 760 and 986 Jersey Avenue, which are on the north and south of this parcel and no further action from N.J.D.O.T. is required. The site was, the traffic generated by this small warehouse use, was anticipated in the traffic reports previously completed by Dolan and Dean and Frank Miskovich for the overall development of all these parcels together. There is no required application to the Delaware Raritan Canal Commission on this parcel, because it was part of the overall design and what was anticipated for all these properties together and all of the required stormwater and stream buffering and all those sorts of easements are already in place.

Lighting for the site will be a couple of fixtures on the front of the building and a few pole-mounted fixtures, all L.E.D. efficient lighting. The Freehold Soil Conservation approval plan certification is already in place. County approval, conditional County approval has also been granted. The proposed variances you can see on the plan at the top of the building plan view and bottom of the plan view is slender pieces of the property, so that's where the side yard variances are, five feet at the bottom of the plan and fifteen feet and change with the two side yards combined. I believe the lot width is 175 feet, and that's an existing condition. I believe I have covered everything there is, unless there any questions?

Mr. Dominguez: If any members of the Board have any questions?

Mr. Paulus: I think the city engineer testified regarding the existing 30 inch RCP, how we're going to reroute that around the building. What we are doing with the pipe that's going to be abandoned. Can you touch on that?

Mr. Walker: Yes. Certainly. There's an existing 30 inch pipe that runs from back of the rail behind the site and runs under what will be the footprint of the new building and then continues across 986 Jersey Avenue. Where the pipe crosses under our building, we are proposing to put a new pipe that will intercept the existing pipe and route that around the building so that the pipe itself, the flowing pipe, will not be under the building. The abandoned pipe will be removed where necessary toward the construction of the foundation, where necessary, and the rest of the pipe will be filled and abandoned in place, and we have discussed that with the architect. He can confirm. It's acceptable to leave it under the slab of the building.

Mr. Kelso: Thank you, Mr. Walker. I don't know if the Board has any questions for Mr. Walker.

John Petrolino (Board Member): One question. Mr. Walker, can you just clarify whether the proposed stormwater management system is going to comply with the recently approved green initiative that has modified some of those requirements? Just speak to that for a minute. I would appreciate it.

Mr. Walker: It will meet all requirements, all of New Jersey and Federal stormwater requirements.

Mr. Petrolino: Thank you.

Bob Cartica (Board Member): Bob Cartica. Can you hear me? I just had a question about the traffic impact reports. I know you that mentioned those. I saw those, all the different lots in the same block, one's 2014, one was relevant to Lot 6, and the other was relevant to Lot 3.06. I didn't read these as inclusive of this property. But that seemed to be what you had indicated in your

statement. Is that the case? Do these previous studies, are they inclusive of this lot or just considered to be relevant to this particular proposal?

Mr. Walker: They are inclusive of what is going on right now for this property. If you recall, before 760 Jersey Avenue was redeveloped that building was over 300,000 square feet. So that was a similar use. That 300,000 square foot building was reduced to 100,000 and change, 120,000. I'm not sure of the exact number. But it was reduced significantly. And the three buildings together, 750, 760, 780 Jersey Avenue all combined are less square foot than that original building was. You can see that this building is only 39,000 square feet. There's only five loading docks on the front of the building. It's a very minor generator for traffic. It's going to be one of the lighter uses along the stretch.

Mr. Cartica: Thank you. That helps. One other question, what's the fate of this electrical substation once it's vacated? Is that going to be subject to another proposed development?

Mr. Paulus: I'll address that. The substation is completely removed right now. They no longer need it. They're building a new one in North Brunswick. All the facilities have been taken out. We acquired the property mainly, primarily for the access point and because we surround the property. Right now, we achieved what we needed to have curb cut onto Jersey Avenue. The excess land we are going to value and look at how this property gets leased out, who needs it, if they need additional parking, trailer parking or, car parking, we have ample land at this point. Of course, anything that we further developed on that property, additional parking, we would have to return back to the Board.

Mr. Cartica: Right. Thank you.

Mr. Kelso: Any other questions for Mr. Walker? I assume hearing none, Dan, move on?

Charles Carley (Board Engineer): Mr. Chair, this is Charlie Carley. One note, Mr. Walker talked about a 30 inch pipe they anticipated will remain under the building. As long as we all recognize that's subject to the approval of the construction official.

Mr. Paulus: I'll address that. Of course, that's correct. We have reviewed this in detail with the City Engineer, Mr. Burke, and we have to obtain all of the approvals going forward and in accordance with your report to meet with city officials in the Building Department, etc., so we'll comply with that.

Mr. Aithal: This is Aravind Aithal. Who was that that just spoke?

Mr. Kelso: That was Bob Paulus.

Mr. Paulus: I'm on video.

Mr. Aithal: You're not on video prior to answering the question.

Mr. Paulus: Yes, this is Bob Paulus who just replied to Mr. Carley regarding the 30 inch pipe and the requirement to seek the approval of the Building Department Subcode Official.

Mr. Kelso: Is that it, Aravind?

Mr. Aithal: I wanted to make sure the record was clear.

Mr. Kelso: Thank you. If there are no other questions for Mr. Walker, I call Mr. James DeBarbieri for testimony.

Mr. Dominguez: Can you please state your name and spell your last name for the record.

James DeBarbieri (Applicant's Architect): James DeBarbieri, D-e-B-a-r-b-i-e-r-i.

James DeBarbieri, sworn

Mr. Kelso: Mr. DeBarbieri, you're a licensed professional architect in the State of New Jersey, is that correct?

Mr. DeBarbieri: Yes, I am.

Mr. Kelso: In that capacity you are familiar with the application before the Board this evening for the development of the 39,500 square foot warehouse?

Mr. DeBarbieri: Yes.

Mr. Kelso: If you could then please give the Board the benefit of your professional qualifications and experience?

Mr. DeBarbieri: Certainly. I received my Bachelor of Architecture degree at the University of Notre Dame. I have been licensed in New Jersey since 1979. I'm also licensed in ten other states including the surrounding states of New York, Connecticut, Pennsylvania, Delaware. I'm a member of the American Institute of Architects and the New Jersey Society of Architects. I have appeared before many planning boards and boards of adjustment. I appeared before this Board for the 750 Jersey Avenue and 760 Jersey Avenue.

Mr. Crum: Accepted.

Mr. Kelso: Mr. DeBarbieri, if you could then please, I'll just allow you to make a presentation with respect to the building development and the architectural details associated with the building and layout, so forth.

Mr. DeBarbieri: Certainly. Is it possible to bring up the exhibit that we submitted? Actually, it's my plan drawn A-1. It's a plan with my title block on it. It would have been with the original application. It was an overall building plan and exterior elevations, the drawing was A-1.

Mr. Kelso: I see one called architectural.

Mr. Dominguez: Building plan.

Mr. DeBarbieri: Thank you. This is the sheet we submitted for this application. I wanted to start at the bottom of the sheet, just with our key floor plan. The area of the building was explained and the size of the office, 900 square foot has been explained. I wanted to go through the reason the building is configured the way it is. The footprint dimensions are 250 feet deep, that's depth going from Jersey Avenue toward the railroad, it's 158 feet wide. The width of this building was developed to work with the structural base we found to be most efficient and the several buildings we have designed in this area. We found that 52 to 55 foot wide bay works most efficiently with the aisles and the racking. That's what we used to develop the width of this building. In this case, we are using a 52 foot bay. That plan, just to orient you, is the same as the previous exhibit. By that I mean Jersey Avenue is to the left and the railroad is to the right of that plan.

As it was mentioned, the office area, 900 square foot, is located directly at the end of the driveway that comes in and we wanted to locate it there so it's visible not only from Jersey Avenue but from customers or truckers that come into this building. We also envision that the sign for the building would be over this entrance and it would be easily identified. I just want to mention about refuse

and trash. There's usually questions regarding that. As Mr. Paulus explained, this will be a warehouse operation. Products come in in bulk and they are redistributed. So, the only trash that gets generated is cardboard, plastic and the cardboard is typically held inside the building and it's recycled. As far as the rest of the building, we have a small 900 square foot office that will generate very minimal trash.

The exterior elevations of the building are shown in the elevations that are shown on the sheet. The front elevation is in the middle of the sheet toward the left. It shows you there the five loading doors. It shows you the drive-in door, the location of the office entrance, which is toward the north side with two windows and glass entrance doors. We also have provisions, if needed, for the possibility of two more loading doors between the drive-in door and the glass loading door. The building is designed with precast concrete exterior walls. The building is totally non-combustible. It's got a steel frame and a metal roof deck and as far as safety is concerned, it's very safe, especially because of the upgraded early suppression fast response sprinkler system, which we are providing. In that sense, it's a very safe building. The other elevations up above the one I just spoke of is the north elevation, that's facing the Occidental building. The only difference there, we are using the same precast panels all the way around. We have added some clear story lighting to bring light into the building. The other two elevations face south and toward the railroad, and they are precast concrete panels and what we want to do with this building is tie it into both the Occidental building, plus 750 which is under construction. We plan to use similar design for all to provide this overall development with an architectural aesthetic to tie the three buildings in. I believe that's the extent of my testimony. If there's any questions, I would be happy to answer them.

Mr. Domínguez: All right. Make sure, anyone from the Board?

Mr. Kelso: I had another question. Jim, let me just ask a question, with regard to the placement of the building in relationship to the setbacks that were created, could you comment on that?

Mr. DeBarbieri: Yes. The width of the building we generated from our efficient bay that we have used in other buildings. As far as the setback from the property line, because of the precast building, we will be in complete compliance with the building code. These precast panels carry two to three hour rating and will be very safe in that regard.

Mr. Kelso: Just looking at the site plan, do you have a sense of how far away the ends of the building are to the adjacent property buildings?

Mr. DeBarbieri: Well, the Occidental building is a good distance away. I don't have an idea how many feet. It's hundreds of feet. Probably Les Walker may be able to explain better. Also, the 986 building, the recycling building is also a good distance away from this building. I don't see any issue with any buildings right on top of each other.

Mr. Kelso: Thank you. That's all I have.

Mr. DeBarbieri: Tom, I'm sorry, I wanted to mention one other thing. The building clear height is going to be 36 foot clear. This conforms with the latest and most up-to-date warehouse height that are being done in New Jersey. They are doing this to maximize the cube of the building and the Amazons and those companies in the world are requiring building the state-of-the-art building like this.

Mr. Kelso: Does the Board have any questions for Mr. DeBarbieri? If not, I would like to proceed with my last witness. At this time, I will call Kate Keller for testimony.

Mr. Dominguez: Please state your name and spell your last name for the record.

Ms. Kate Keller, sworn

Mr. Kelso: You're a licensed professional planner of the state of New Jersey, is that correct?

Katie Keller (Applicant's Planner): Yes, I am.

Mr. Kelso: In that capacity you had an opportunity to review the variances that are being requested by the Board this evening in relationship to the application?

Ms. Keller: Yes, I have.

Mr. Kelso: Could you give the Board the benefit of your professional qualifications and experience? I know you were accepted at the last meeting.

Ms. Keller: I was. Just very briefly, I'm an associate principal at Phillips Preiss Grygiel Leheny Hughes, based in Hoboken, New Jersey. I have been a licensed professional planner in the state of New Jersey since 2014 and prior to that I have worked as a professional planner for about 10 years.

Mr. Crum: Ms. Keller, your credentials are accepted.

Mr. Kelso: I'm going to ask you to do your zoning and planning analysis leading up to your opinion with respect to the land use support for the variances that are being requested and I'll allow you to proceed without me asking you specific questions.

Ms. Keller: Okay. Great. Thank you, Mr. Kelso. As you heard from our previous witnesses, we are requesting technically three variances, all which are related to side yard setback, to permit the construction of a new warehouse distribution facility on the subject property. As you also noted, there is an existing variance condition on the property that was previously approved as part of the subdivision application with regards to the lot width, where 200 feet is required and 175.67 feet is existing and proposed. As part of the development of the new 39,500 square foot warehouse facility, we are seeking three variances, again, all which are related to side yard setback, which is we are seeking relief to allow a five foot side yard setback on the south side of the building, a 10.34 side yard setback on the north side of the building, where 25 foot is required for each. Then a total side yard setback of 15.34 foot where 50 feet is required. As our other witnesses have covered the design of the site and the proposed architectural features of the building and its functional use, I'll just go to the variance relief testimony, which I believe this is a clear example of a situation where the benefits of granting the variance outweigh the benefits for the flexible C2 criteria.

This property is adjacent to similar developments of similar uses. Many of the buildings in the vicinity have all been designed and arranged to ensure the compatibility. As you heard, there's architectural compatibility, all the uses are very similar, and so this is created as part of an overall site plan and subdivision. There is the existing variance condition related to the lot line, which creates one bit of a challenge for compliance site design. However, we believe that the benefits of greater compatibility with the adjacent lot lines, including Lot 2 in the front, will outweigh that detriment. Further, as you just heard from Mr. DeBarbieri, the width of the building, which really creates the variance condition is necessitated by the ability to function safely and efficiently as its intended use, which, once again, is a permitted use in the zone. The structural column bays, the efficiency of warehousing and racking, the 52 feet, so in order to allow a sufficient number of aisles, the base of the building is going to extend a little further, which will create the variance condition.

With regards to site suitability of the property, the proposed building meets all the other bulk requirements beside the setbacks, which indicates that the building is designed appropriately for the site. In order to mitigate the potential negative attributes of the side yard setback, which could include visual impact, but again, this is a property in an industrial zone, but in accordance with the letter from your planner, Mr. Bignell, we have added additional landscaping throughout the property, including street trees along Jersey Avenue, decorative stone around the perimeter and evergreen and shade tree buffering.

So, given the existing conditions in the site and the surrounding area, I believe that this proposal promotes Purpose A of zoning, which is to guide municipal action in a manner that will promote the general welfare. As you have heard, the site is designed to for the safe operation of industrial. The second Purpose G, to provide sufficient space in appropriate locations for a variety of uses, including industrial uses, and this is a development of the industrial property in an industrial area. Briefly, to touch on the negative criteria, I do not, in my opinion, there's no substantial detriment to the public good. Given the surrounding uses in the site design for the Occidental nearest building, just brought up, about seven hundred feet away from the lot line, otherwise, the area somewhat functions in a planned industrial development, mitigates the impact, from a planner's perspective. This is a relatively industrial area that's been designed in this fashion, I think that the variances required are unique to this property and will not interfere with the goals of the I-2 zone or any impairment of the zone plan or zoning ordinance. In conclusion, I believe the application satisfies both the positive and negative criteria under the MLUL for the granting of the "c" variance.

Mr. Kelso: Thank you. I have no further questions for Ms. Keller. Mr. Chairman, that does complete our presentation. I would like to put on the record, I'm just pointing out something that may create some confusion. The applicant that originally submitted the application is identified as 680 Jersey Avenue LLC. The applicant is actually now known as 760 New Brunswick Urban Renewal, LLC. It's the same entity, the same principals, just the name change that was accomplished subsequent to the submission of the 780 Jersey Avenue application. As with many developers, they like to confuse you with using addresses and then use the same entities for different addresses. That's what creates the confusion. The applicant is now known as 760 New Brunswick Urban Renewal, LLC, it is the successor to 780 LLC. That's all I have, Members of the Board and Mr. Chairman.

Mr. Crum: Thank you. I do believe it's reflected correctly on the agenda, at least the version I'm working off of. I appreciate that note for everyone involved in the application and the public. Are there any final questions from the Board, Board members, before we turn this over to public comment? Very good. Mr. Dominguez, do you want to open up the public comment portion?

Mr. Dominguez: Certainly. Give me one second. Make sure all the Board members are adequately muted before I go into it. At this time, we are preparing to open the meeting to public comment on this application for five minutes per person in order to assure the Planning Board can hear from the interested public and the public can hear public comments. By last name, in a moment, I will unmute the public and ask those with the last name, I'll do it in chunks this time, I'll go from A through K, L through P, and Q through Z. Upon the completion of asking for last names, I will ask one more time for anyone who wants to be placed on the list of speakers. I'll call the person by name, by permitting them five minutes to speak. Once we complete the list, we'll once again check if anyone else would like to comment. After asking three times I will close the public portion. Your voice is being telephonically transmitted. Speak slowly for the benefit of all. Please remain silent when I initially unmute the phones so we can all hear each other and begin the speaker registration process. Phones are now unmuted. I will ask any member of the public with the last names from A through K who would like to add their names to initial speakers to state their last name.

Charlies Kratovil: Kratovil.

Mr. Dominguez: Mr. Kratovil, noted. L through P, anyone with the last name between letters L and P? Anyone with the last name between Q and Z? Once again, if there's anyone on the call who did not make it onto the initial list of speakers who would like to add their names to the list, state your name, I'll add your name to the list. Anyone? Seeing none, we have one speaker, Mr. Charles Kratovil. I'll get the timer machine going. I'll let you know. All right. Mr. Kratovil, please state your name, spell your last name for the record.

Mr. Kratovil: Charles Kratovil, K-r-a-t-o-v-i-l.

Mr. Charles Kratovil, sworn

Mr. Dominguez: Mr. Kratovil, your time starts now. We're going to implement, just before I start the clock, in fairness here, a one minute warning so we're not just sort of cutting you off at the end of your five minutes. I will let you know after your four minutes have elapsed; you have a minute remaining to wind down. Your time begins now, Mr. Kratovil.

Mr. Kratovil: Okay. Well, on the topic of time limits, I must insist on cross-examining some of the witnesses and depending how that goes, it may or may not exceed five minutes. I will go as quickly as possible. I would like to question Mr. Paulus about his testimony.

Mr. Paulus: Yes, I'm here. Can you hear me?

Mr. Kratovil: Hello, sir. Yes, I can. You mentioned in your remarks something to the effect of real estate taxes that would be reaped by the city. But isn't it true, sir, that this property has already been approved for long-term tax exemption and therefore, there would be no real estate taxes paid on the improvements to the property?

Mr. Paulus: No, that's incorrect.

Mr. Kratovil: There's no tax exemption for this property?

Mr. Paulus: That's correct, for this lot there is none and for the adjoining lot there is none.

Mr. Kratovil: Okay. I guess that's part of the confusion from the 760, 780 situation.

Mr. Paulus: There's no confusion. 760 New Brunswick Urban Renewal owns all three lots. So, 750 is one, 760 is one, and this is the next lot. Then the other property next door is 986 Jersey Avenue. None of those have pilot programs.

Mr. Kratovil: Not 750, not 760, not 780, and not 986?

Ms. Paulus: 750 is approved for a pilot; 760, which is the largest building and the mother lot is not approved for a pilot. 780 has no pilot at this time. 986, which is built and occupied, there is no pilot.

Mr. Kratovil: Thank you for clarifying, I truly appreciate it. So, the particular property that we're dealing with today, you have no intention of applying for a long-term tax exemption for that? You intend to pay traditional property taxes on that?

Mr. Paulus: I didn't say that. At this time, we have not planned to make an application, we have not made an application for a pilot.

Mr. Aithal: Mr. Chairman, I'm not sure how this would be relevant to the application itself. This Board will not, whether there is or there is not a tax in place, can only consider the merits of the application.

Mr. Kelso: Aravind, I didn't have an objection to him answering it, he was prepared to answer the question. Whether or not he's applying for a pilot in the future on this property is not relevant. He has answered the question he has not made that decision.

Mr. Kratovil: Thank you for answering. I do appreciate it. The only reason I asked, because it was part of the testimony. The other thing I wanted to ask about the testimony is the RAO. Who was the L.S.R.P. that was responsible for the site?

Mr. Paulus: It's Wahid Khan who also works with a group environmental firm. He's been the L.S.R.P. for the overall site from the inception of the remediation program for all three lots.

Mr. Kratovil: Gottcha. And Mr. Khan is involved only in this project or does he do other work with your businesses, sir?

Mr. Paulus: He's involved in this project. We inherited him when we purchased the property, we determined he would be the best for continuity, so we kept him on.

Mr. Kratovil: Gottcha. So as of that date, of the RAO, it's your understanding that the entire site has been cleaned up from the original lots?

Mr. Paulus: The entire site for soils remediation and a multitude of AOC have been complied with, cleaned up, as you say. That report is on file, and that's what Mr. Khan sets forth in his report and issued it to the NJDEP by way of copy.

Mr. Kratovil: Okay. Well, thank you, sir, for answering my questions. I wish you all the best. That's all I have.

Mr. Paulus: Thank you, Charles.

Mr. Dominguez: All right. If there are any other members of the public who did not get a chance to speak and do their public comments and would like to be added to the list, please state your name and we'll get you on the list for any comments. Anyone? Seeing none, on this application, public comment hearing on this application is closed.

Mr. Kelso: Mr. Dominguez, this is Mr. Kelso, Mr. Chairman, we will submit to the pleasure of the Board.

Mr. Aithal: Mr. Dominguez, Mr. Chairman, if I may, this is Aravind Aithal, the Board attorney, it may be appropriate for the possible conditions of the professional staff put together prior to any Board discussion on the application.

Chairman Crum: Fine with me.

Katie Thielman-Puniello, Principal Planner, Department of Planning Community and Economic Development, reads the conditions of approval into the record

Mr. Dominguez: I'm unmuting to make sure if they want to comment, that they may, everyone is unmuted now.

Mr. Crum: Any Board further comments or discussion? Hearing none, can I have a motion?

Motion to Approve

I. John Petrolino

II. Chris Stellatella

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)		
George Chedid		
John Petrolino	X	
Robert Cartica	X	
Diana Lopez	X	
Ryan Berger (Class I)		
Chris Stellatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)	X	
Yelitssa Checo (Alternate #2)	X	

B. AMENDMENTS TO TITLE 16 LAND DEVELOPMENT CODE

Planning Board review of proposed amendments to the city's Land Development Code relating to site plan fees.

Mr. Crum: Dan, do you want to lead us through this discussion?

Mr. Dominguez: Sure, if Mr. Aithal wouldn't mind swearing me in.

Mr. Dan Dominguez, sworn

Mr. Dominguez: Thank you, members of the Board. Tonight, we have before you for review is an amendment to our Title 16 Land Development Code, specifically regarding site plan fees, the three pieces of the amendment are as follows, you all have gotten my memo dated September 25, 2020, I hope, and have had an opportunity to look it over. In summation, for minor site plans and major site plans there would be a system of crediting people who have submitted their zoning permits, for whatever reason we have rejected, many times because it's a project or application that cannot be approved administratively and requires Board approval, even if it has no variances or anything of that nature, but still requires site plan approval, that it's not site plan exempt, so in these cases, I'd like to, if they were to produce the application within a timely manner, in this case 60 days for minor site plan or 120 days for major site plans, that we credit the fee for the zoning permit against their application fees. For minor site plan, it's a bigger deal, you're talking fees of \$100 to \$150 that would be credited against the minor site plan fee of \$500. Major site plans can balloon deep into the five figures, so it's less of a benefit, but I think still a fair thing to do, and I think particularly in the minor site plans, it would encourage people to feel as if the city's trying to nickel and dime them. So, that people are encouraged to actually apply for their by-right applications rather than not do them, or worse, do them without getting the appropriate approvals. So, that's where those amendments would go.

Currently, as a city, we don't charge when we do a site plan fee calculation, the land area is not a factor in the fee, just the building, but as you know, the size of the lot significantly impacts the amount of work associated with the review of a project, and so I've put together what I believe is a reasonable fee schedule for land that would, even if you had a one million square foot parcel, that you would only be looking at an additional \$10,400 in additional site plan fees. So, I think that given the scale of one million square feet, which off the top of my head is 23 acres, so a pretty massive site, I think ultimately, it's probably fair fee to charge for something we're not charging for now. And that's the general gist of these amendments. If anyone has any questions, feel free to ask.

Mr. Cartica: I think you've got a couple of typos. On the major site plan, you indicate that credit the zoning permit fee if submitted for minor site plan within 120 days –

Mr. Dominguez: That would be major, yep.

Mr. Cartica: And underneath the fee schedule, you have million square foot loot.

Mr. Dominguez: Thank you, Bob.

Mr. Crum: Dan, this is Jeff. One, these fees and changes seem both appropriate and fair, and thank you, one, for doing this work, and two, for considering fairness for smaller applicants who could find fees to be overwhelming or too onerous. My only question is, has there been any discussion with the business administrator in terms of how this impacts the overall city budget, is there any negative or positive repercussions for the change in the middle of a fiscal year like this?

Mr. Dominguez: One, when we do the amendment, I would have it slotted to start January 1 and our year runs on a calendar year budget, so that's hopefully moot. Additionally, I honestly think that it would hopefully net out more revenue by encouraging people to actually go forth and do their minor site plans, where we probably do two or three a year, we probably kick back 10 to 20 applications a year that need to do minor site plan and they just don't ever apply. So, if we catch a couple of them, it pays for itself, and encourages well reviewed projects.

Mr. Crum: Great, very helpful.

Mr. Petrolino: So, is it your opinion that these rejected site plans that are never resubmitted, do you have any anecdotal evidence that it is the fee that is preventing folks from resubmitting these?

Mr. Dominguez: John, I have over the course of the last year and a half, I have had a few conversations where people feel like the city might be trying to double dip on them and feel dejected and choose not to pursue the minor site plan opportunity, with major site plan, it's a lot less likely because they're significant projects, so the credit is negligible, but probably not credible to credit the minor site plan and not the majors. There was a restaurant in town that wanted to set up a pergola last year, which would be technically a structure, it was over the size that would be required for minor site plan, and then they just never did it. They just got upset and the process and just never did it. It's a loss for them, but also a loss for the city that they chose not to make those improvements to their site.

Mr. Petrolino: So, from what I'm hearing, when people do not refile that they're essentially abandoning the project, versus moving forward without obtaining the approval?

Mr. Dominguez: Yeah, I would say abandoning the project would probably be the best case scenario. A lot of them, and I've seen a few places that have done it, they just go ahead and build it and we have to tell them, now you have to tear down this whole thing because you didn't go through the process. That's even worse. I would like people to go through the process appropriately, approve it with any necessary corrections or revisions.

Mr. Petrolino: Fair enough. If somebody submits, it shows they understand the process and if they build, they certainly do so at risk.

Mr. Dominguez: Anyone else from the Board? If there's any member of the public who would like to speak on this, please announce yourself and you'll have five minutes to comment on these amendments. Anyone at all? Last call, seeing none.

Motion to Approve

I. John Petrolino

II. Bob Cartica

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)		
George Chedid		
John Petrolino	X	
Robert Cartica	X	
Diana Lopez	X	
Ryan Berger (Class I)		
Chris Stellatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)	X	
Yelitssa Checo (Alternate #2)	X	

Mr. Crum: Thank you. Now were going to move back to an item in the agenda which we deferred. This was a discussion of board rules governing public comment and interaction. Mr. Aithal, would this be you or should I hand that back to Dan?

Mr. Aithal: Mr. Chair, I can start that out. As the Board members have had some opportunity to review the proposed rules for the conduct of the planning board meetings, some changes are taken from the suggested model rules for planning boards, so there are some minor modifications that have been made only because there were positions, for instance, that some boards in the model rules, propose for positions that don't exist for our specific board, so there have been some modifications in that regard. But in terms of the model rules for the conduct of the meeting, there are very few changes from those suggested. If the Board members would like to make any changes or have any questions, I'm available for both. Noting those changes, this is a collaborative effort of the Board in terms of how it wants to see the conduct of the meeting going forward.

Mr. Cartica: Bob Cartica, just a few questions. I looked at this some time ago, and the revisions were not highlighted in the document that I saw. I'm assuming that these changes, in terms of

conduct of the meetings, are associated with discouraging use of obscenities and vulgar language and that sort of thing during meetings, is that correct?

Mr. Aithal: That is correct. There is a section which addresses the use of coarse or abusive language, that would be Section 2:2-3c.

Mr. Cartica: Right, I remember seeing that. And in addition to that, there are some other changes to eliminate some positions that don't exist?

Mr. Aithal: That's correct.

Mr. Cartica: All right. Thank you.

Mr. Crum: Any other Board members have questions? From my perspective, these changes are warranted and needed. They are in keeping with what we hope to encourage, so thank you for whoever drafted them, I appreciate it. Do we need to take formal action on this?

Mr. Aithal: We do. So, if the Board members are satisfied with the verbiage of the model rules, there would be a motion to adopt those and a second and a roll call vote. This is not written in stone, so if there are modifications the Board members wish to make based on the ongoing needs of the Board, they can make those modifications as needed.

Mr. Dominguez: I think we have to do public comment. So once again, I'm going to open the meeting to public comment on these Board rules that are going to be adopted? Any one from the public who wishes to be placed on an initial list of speakers?

Mr. Kratovil is placed on the initial list of speakers

Mr. Kratovil: Once again, good evening members of the Board. Want to thank you for adopting some rules here that don't include a limit on the length of time that people can speak on an application. That's important that folks not be limited in their time for especially questioning witnesses. While I do see the right to object and to call witnesses is in here, I don't see how any reasonable person could think that could be accomplished in five minutes. I do want to clarify that going forward there's not going to be a time limit, as has been the case historically for many years or decades, until March of this year.

Mr. Aithal: Mr. Chairman, if I may. The rules themselves generally go over the conduct of the...the prerogative of the chair is to run an orderly meeting, which includes a limitation to public comment periods, so this is something that is within the discretion of the Board going forward, it the chair wanted to limit to five minutes that would be appropriate.

Mr. Kratovil: We'll have to agree to disagree on that one. I know that you and many others were involved in the Mine Street hearings and maybe they went on longer than some people would like, but I think there was a lot of value in people getting to say their piece, ask questions and raise enough concerns that the project was defeated. I'm glad the rules don't include time limits, that's my main comment on this. The only mention of time limitations here is Section 1:3-7, which is the no new matters after 10 PM and no new testimony after 10:30. And I think that's how it should be. The least you can do is let people say their piece. I hope at your next meeting you will entertain comments.

Motion to Adopt Board Rules

I. Dale Vickers

II. Chris Stellatella

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)		
George Chedid		
John Petrolino	X	
Robert Cartica	X	
Diana Lopez	X	
Ryan Berger (Class I)		
Chris Stellatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)	X	
Yelitssa Checo (Alternate #2)	X	

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Mr. Dominguez: At this time, we are preparing to open the meeting to general public comment for five minutes per person. In order to ensure that the Planning Board can hear from the public and so that the public can hear public comment, I will organize the speakers by order of last name. In a moment, I will unmute the public call-in, at that time I will ask for anyone from the public who wishes to speak to provide me with your last name, first name, and home address. I will confirm that the information is correct and then move on to the next person ordered alphabetically from A to Z. Upon completion of asking for all last names from A to Z, I will ask one more time for anyone that may want to be placed on the initial list of speakers. We will then move through the list of speakers by calling the person by name and permitting them five minutes to speak. Once we complete the list, we will check once again if anyone else would like to submit public comment. After asking three times, I will then close the public comment portion. Please be mindful that your voice is being telephonically transmitted, and to speak slowly and clearly for the benefit of all. I would ask that you please remain silent when I initially unmute the phone, so that we can all hear each other and then begin the speaking registration process. The phone is now unmuted. I will now ask that members of the public that would like to comment on general public comment please state your name and I will put you on the general list of speakers.

Mr. Kratovil is placed on the initial list of speakers

Mr. Kratovil: I have some questions about the next meeting. I understand you have a special meeting, it's to have a hearing on the project at 165 Somerset Street, the one that's so controversial, and I wanted to ask, first of all, who is going to be chairing that meeting?

Mr. Aithal: This is the portion of the meeting that is for comments by the public.

Mr. Kratovil: In the interest of trying to be efficient in my objections to the project, I was just going to try and get some basic questions out of the way, if counsel would allow. I believe the Chairman is going to be conflicted out for the hearing and I just wanted to ask who the chairperson is since the rules that you just passed put so much importance on the chairperson and their authority.

Mr. Crum: Mr. Kratovil, we'll make sure that prior to the meeting, there's a clear order for who chairs the meeting, there's a chair and a vice chair, so if I am conflicted out, of course I will run all my conflicts by Mr. Aithal like every Board member does before every meeting and I will recuse myself and then the vice chair would step in and so forth, we'll follow the order.

Mr. Kratovil: Okay. Is Mr. Aithal conflicted out? Is he going to be representing the Board in that matter?

Mr. Crum: We will have proper counsel at the meeting. We'll make sure that every member that has a conflict recuses themselves, just like we do at every meeting. We'll continue to do that for the next application.

Mr. Kratovil: As far as my objections to the application, I'll be putting something in writing to Mr. Dominguez and I'll try to enumerate them, but I do have concerns if there's conflicts of interest, if there's going to be time limits, I don't know if I was able to persuade you with my remarks earlier, I do think the hearing should proceed without time limits and my question as far as cross examining witnesses, that can't really be accomplished in five minutes, especially if there are four or more witnesses, so what do I have to do to be able to fully exercise my right and not be time limited. If I get an attorney to represent myself, then am I going to be able to, is that attorney going to be able to ask all the questions that need to be asked without a five minute time limit? Or is that something that, as a citizen, I can do that?

Mr. Crum: We'll be happy to take your comments under advisement. I think the Board has worked very hard to give people more than adequate time to communicate their concerns, to receive answers and reply again, that practice will continue. I don't think we have ever stopped anyone from talking, this is a very different period of time, we're trying to conduct a meeting under unique circumstances, and there needs to be a little more order and structure during these challenging times. We appreciate your patience, but I don't think it's disrupted any communication or comment.

Mr. Kratovil: Okay, thank you for that. Obviously, I'm strongly opposed to the development, so I'm going to be exercising as much of my rights as possible. I presume the hearing will be conducted like the meetings have been conducted for the past few months, and I want to thank the Board and Mr. Dominguez was probably responsible for getting the video going to people, if they allow their camera to be on, can be seen as they're being conducted. I've seen some applicants get the ability to come to City Hall and speak directly to at least some of the Board members and professionals, they're on camera in City Hall, is that going to be done next time and if the applicant is going to be in City Hall I would like to be there as an official objector.

Mr. Dominguez: We're not doing that anymore, at all, for anyone. As long as we're remote, everyone is remote and that's how we're going to go.

Mr. Kratovil: What is the deadline to submit documents? Opposition, objector...

Mr. Dominguez: Are these documents you're going to reference at the meeting that you want on the website?

Mr. Kratovil: Yeah, absolutely.

Mr. Dominguez: I would recommend that you provide them to us no later than the Friday before the hearing, the 16th.

Mr. Kratovil: Just email them to you?

Mr. Dominguez: Yes.

Mr. Kratovil: I did want to lodge a complaint about the fact that the application is being allowed to move forward without the other half, the parking garage, and I think they're required to have some 600 parking spaces and they're going to tell you that you should approve this project even though the parking component is not yet approved. They say it's been submitted in a separate application, has that been received by the planning department...

Mr. Dominguez: Yes.

Mr. Aithal: I think we're sort of evolving into an area that, it's an application that is not currently before the Board, that is going to be before the Board at the next special meeting, and so the Board ought not to consider any comments made by an objector prior to the application being heard. If someone appeared in favor of the application, we would certainly advise the Board....

Mr. Dominguez: Thank you, Mr. Aithal, Mr. Kratovil, you have a minute.

Mr. Kratovil: I want to conclude by requesting that the other application, the application for the parking deck, if it is indeed on file, that that be posted to the city website post haste so folks can see it.

Mr. Dominguez: I think we'll have it up sometime this week. I don't see an issue with that.

IX. ADJOURNMENT