



CITY OF NEW BRUNSWICK
PLANNING BOARD
NOVEMBER 9, 2020
MINUTES

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

I. ROLL CALL

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

II. PUBLIC ANNOUNCEMENT

Mr. Dan Dominguez (Director, Department of Planning, Community and Economic Development): Please be advised that the notice requirements of the Open Public Meetings Act have been complied with and satisfied, and that the annual notice which gave sufficient notice of the time, place and manner of all public meetings of the Planning Board of the city of New Brunswick has been filed with the City Clerk and placed on the appropriate bulletin board and posted in the back vestibule of City Hall, visible to the public through the windows in the lobby to City Hall, 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 and is also posted in the back vestibule of City Hall visible to the public through the windows in the lobby of City Hall, New Brunswick, New Jersey and has been transmitted to the official newspapers for the city of New Brunswick, namely the Home News Tribune and Star-Ledger. 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 systems. Public participation at public meetings has been revised, and the public may participate through a conference call or video system. The public is encouraged to call in to the conference call or video system through the phone numbers and access codes transmitted in the above 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 and video during this meeting as well. All parties in 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 callers 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, I will first read public comments issued to the Board. And then those on the conference call lines who have interest in addressing the Board will be organized by last name, and then called upon to speak. After all organized members of public speak, the process will happen again until all the public has had an opportunity to speak once or for no more than 5 minutes in any given public meeting portion. A timer will time the completion of each 5-minute period and I will notify you that your time has expired. Public needing assistance accessing the call number should call the Planning Board Department at (732)745-5050. And once again, if anyone is on a phone and needs to mute themselves or unmute themselves *6 on your phone to unmute or re-mute yourself as necessary.

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD’S OCTOBER 5, 2020 MEETING

Motion to Approve

I. Bob Cartica

II. John Petrolino

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

V. RESOLUTIONS OF MEMORIALIZATION

None

VI. PUBLIC HEARINGS

A. CANCER PAVILION REDEVELOPMENT ASSOCIATES LLC / 165 SOMERSET STREET / BLOCK 51, LOT 2.01 (PB-2020-II)

Preliminary and final major site plan application to construct an 11-story, 519,500 gross square foot building (“Rutgers Cancer Institute of New Jersey Cancer Pavilion”) to house outpatient and inpatient care, research facilities and administrative space associated with RWJBarnabas Health and Rutgers. No variances are requested. The site is located in the Healthcare Research Pavilion Redevelopment Plan area. *(Charles B. Liebling, Esq)*

Ms. Suzanne Sicora Ludwig (Acting Board Chairperson): Before I introduce the application for the public hearing, I just want to - I have a couple of things I want to say, that tonight we're going to hear from the third and final witness of the applicant, after which the Board professionals and members of the public will have an opportunity for cross-examination relative to the aforementioned testimony only. Today we will hear closing remarks followed by an additional opportunity for comment on this application only by professional Board members and the public prior to any action. Now we take all comments and the right to make them as a very important part of this process. It is evident in the willingness of the Board to extend the time of our last meeting to ensure a fair process for everyone with reasonable opportunity for comments. We will continue to be fair and generous with our time if it is needed so that each one of you has the same opportunity again this evening. Please be mindful and respectful of everyone involved professional, voluntary Board members and public alike. Disrespectful language and personal attack will not be tolerated. The application on the agenda tonight is the Cancer Pavilion Redevelopment Associates LLC, 165 Somerset Street/Block 51, Lot 2.01 (PB 2020-11). Preliminary and final site plan application to construct an 11-story, 519,500 gross square foot building, Rutgers Cancer Institute of New Jersey Cancer Pavilion, to house outpatient and inpatient care, research facilities and administrative space associated with RWJBarnabas Health and Rutgers. No variances are requested. The site is located in the Healthcare Research Pavilion Redevelopment Plan area. And Mr. Liebling, please go ahead with your witness.

Mr. Aravind Aithal (Board Attorney): Madam Chair, before Mr. Liebling starts. This is Arvind Aithal, the Board Attorney. If I may inquire from our Board Secretary, if Mr. Petrolino has had an opportunity to review the transcript and to sign the certification or will sign a certification to getting...

Ms. Ludwig: Dan, do you have that information?

Mr. Dominguez: All right. Sorry, I was muted. I have - I have in fact receive a certification for Mr. Petrolino that he has read the transcript. I will also defer to Mr. Petrolino. If he'd like to also verify that, that is correct on the record.

Ms. Ludwig: Okay. Hearing none, Mr. Liebling, can you please proceed?

Mr. Charles Kratovil: Madam Chair?

Ms. Ludwig: Yes.

Mr. Kratovil: Charlie Kratovil, I did want to raise a few objections and point them over. I want to understand who is sitting on the Board for this application. Is Mr. Berger no longer participating in this, Madam Chair?

Ms. Ludwig: He is here. But Mr. Kratovil, I have a - I also believe that you - correct me, if I'm wrong, Mr. Aithal. But does an objector pro se have any more special opportunity to speak in general public?

Mr. Aithal: Madam Chair, we have gone through roll calls, so all individuals that are present have been accounted for. In terms of whether this Board has jurisdiction to hear the application, we've already begun the application so now you've made a ruling that the application will continue. And Mr. Liebling, I believe has the privilege at this point.

Ms. Ludwig: Thank you. If you have any objections, you can make them in the comment portion of the meeting Mr. Kratovil.

Mr. Kratovil: Okay. Well, for the record Mr. Aithal should not be ruling on these matters. His law firm

is owned by Bob Smith, and Bob Smith is a supporter of this project. So, I think that there's a fatal conflict of interest at play here. And Mr. Berger...

Ms. Ludwig: Mr. Kratovil, you can make these comments, you can make these comments. You can address them in the public portion of the meeting. We're going to proceed with the application now. Thank you.

Mr. Kratovil: Why wasn't Mr. Berger called on to vote - the meeting. If he's here tonight, why didn't he - why wasn't he asked to vote on the meeting? How did he vote on the meeting minutes?

Mr. Dominguez: Mr. Kratovil, Ryan Berger was not in attendance for that meeting. So, he did not vote on those minutes, but he has - he is here for roll call.

Mr. Kratovil: Okay.

Ms. Ludwig: Mr. Liebling, now you may proceed.

Mr. Charles Liebling (Applicant's Attorney): Thank you, Madam Chair. At our hearing on October 19th, we presented our first two expert witnesses, our civil engineer, our architect. And their testimony regarding the project were cross-examined by all interested members of the public. Tonight, we have our final witness, Dan Disario of Langan, our Traffic Engineer. Dan?

Mr. Dan Disario (Applicant's Traffic Engineer): Good evening.

Mr. Dan Disario, sworn

Mr. Liebling: Dan, could you please advise the Board as to your role in this project?

Mr. Aithal: Mr. Liebling?

Mr. Liebling: Yes.

Mr. Aithal: - is an expert in the area of traffic engineering.

Mr. Liebling: Yes, I plan to do that. I wanted him to first state what he actually - how his involvement was and then qualifying him for that purpose.

Mr. Aithal: Okay. If I may, Mr. Disario, you've appeared before this Board in a number of occasions, have you not?

Mr. Disario: I have.

Mr. Aithal: And the last time you appeared before this Board, if I'm not mistaken, was earlier this year?

Mr. Disario: It was.

Mr. Aithal: And since the last time you were accepted as an expert in the area of traffic engineering by the court, have your credentials changed at any time?

Mr. Disario: They have not.

Mr. Aithal: And Mr. Liebling; I'm sorry to interrupt, but there won't be a need to have his CV put on the record if the chair recognizes him as an expert.

Ms. Ludwig: So, recognized.

Mr. Liebling: Thank you. Okay. Dan, so your role in this - for this project was also as a traffic engineer?

Mr. Disario: Correct.

Mr. Liebling: Okay. And as you stated, your qualifications have not changed. Could you please present your summary of your conclusions from your investigation?

Mr. Disario: Certainly. As part of the site plan application for this project we prepared a traffic impact study dated October 9, 2020, which is part of the submission package that hopefully every member has received. That study encapsulates our efforts with respect to identifying not only how much traffic will be generated by what's before the Board this evening, but associated impacts as well. And in the interest of time, I'm not going to go through every detail of that study. As Mr. Liebling has suggested, I will go over some of the highlights. But I would be happy to answer any questions the Board and/or the public has as it relates to that document. To establish existing conditions by way of traffic volumes in the area, we conducted traffic counts on Tuesday, April 30, 2019. And we conducted the counts at that time because we were informed that at some point there would be a Cancer Pavilion application somewhere in the general vicinity of what is now the specific site that we're discussing this evening. So, we thought it was prudent at that time to conduct traffic counts, because we wanted to capture when Rutgers was in session. As we all know, traffic is different in this city when Rutgers is in session versus not. So, we conducted traffic counts - I think someone may not be on mute, so we're going a little feedback.

Mr. Liebling: You sound okay, now.

Mr. Disario: Yeah. It seems to resolve itself. We conducted traffic counts at eight intersections. Essentially all the intersections that cordoned off and surround the subject site, they extended from the Easton Avenue quarter at the Hamilton Street and Summer Street intersections, west to the Hamilton Street and Division Street as well as Division Street and Somerset Street Intersections. And then, the intersections that are in between, which is Hamilton Street and Guilden Street. Excuse me, Hardenberg and Guilden Street, Hardenberg and Somerset Street, as well as Condict Street and Easton Avenue, and Condict Street and Hardenberg Street. So, effectively all the intersections that surround this subject property we did counts for. The counts were conducted specifically from 6:00 to 9:00 in the morning. And that's a little earlier than typical. Typically, you do counts between 7:00 and 9:00. But we want to account for and capture the traffic in the area that's to an extent influenced by the medical campus. And oftentimes - and the Medical Campus is no different. In this instance, the shift changes that occur in terms of nursing staff usually happens 6:30, 7:00 o'clock in the morning, so we wanted to be sure to capture that. And we did counts as well from 2:00 to 6:00 p.m. for similar reasons, the afternoon shift change usually occurs around 2:30 to 3:00 o'clock. Based on those counts, we identified that overall, the highest hourly volumes recorded during those periods occurred in the morning from 7:45 a.m. to 8:45 a.m. And in the evening from 4:45 p.m. to 5:45 a.m. Those volumes that we identified during those peak hours establish the basis for the study that we prepared. We've assumed that this project would be open and operational by 2024. And to account for increases in overall traffic in the area, we applied a 1% per year compounded annual growth rate. So, effectively from 2019 to 2024 we increase the existing peak our volumes by 5%. And what that means is that every single movement at every intersection that we did counts at, we've increased by 5%. Now there may be specific development projects that are under construction. Most notably, there is a residential project that my office did work on at the northwest corner of Easton and Hamilton Street. But we feel that accounting for specific projects is not warranted in this particular instance, because we've accounted for the background traffic growth, and we feel it's very conservative. As it relates to identifying how much traffic this Cancer Pavilion will generate, we've conducted estimates based on essentially two methods. The first is this Cancer Pavilion will have an inpatient component. So, there will be beds. And we used published trip rates by the Institute of Transportation Engineers, and their publication trip generation manual, which is in its 10th edition, to estimate how much traffic would be associated with that inpatient component. Using

round numbers for their proposed 96 beds during that a.m. peak hour, 150 trips would come in, 60 would leave for a total two way of 210 trips. Again, these are round numbers. They differ a little bit from the specific numbers in this study. The 96 beds in the evening peak hour would generate 50 trips coming in, 130 trips leaving, for a total two-way of 180 trips, again during that evening peak hour. To identify and estimate the amount of traffic, for what I'll call on the outpatient component of this Cancer Pavilion, we looked at research counts that we've done at the Memorial Sloan Kettering facility in Basking Ridge. Essentially, they're providing the same type of outpatient services that is proposed before the Board this evening with this Cancer Pavilion. Based on those research counts, we would estimate that the Cancer Pavilion outpatient component, again in round numbers, would generate 185 trips coming in, 15 leaving, for total two-way of 200 trips during that morning peak hour. 20 coming in, 135 exiting, for total two-way of 155 during the weekday evening peak hour. Now we've conservatively not accounted for in our analysis the fact that there are some existing buildings and a parking lot that would be removed as part of this project if the Board was inclined to grant approval. So, we did not take any credit for the existing traffic that's being generated currently because of those uses that will be removed. We've assumed that all the estimated trips would be by vehicle, by passenger cars. We've assumed no mass transit usage, even though the city is well-served by transit not only in terms of rail but also busing. And we've assumed that this Cancer Pavilion, for purposes of estimating trip generation, is a completely standalone facility. We've assumed no interaction with the existing cancer institute building nor any interaction with Robert Wood Johnson Hospital, even though we know that there will be interaction between those 3 different components which will create an overall reduction on how much traffic this specific proposed Cancer Pavilion would generate. So, in terms of the amount of traffic we've identified and its associated impacts, I would respectfully submit to Board that it is conservative in nature, and that we are over-estimating how much traffic will be generated. And the impacts that we've identified certainly would be also an overestimation. The benefit of this site location, and in particular the hub city in and of itself, is that you have many ways to get into and out of the city. The specific site benefits from the fact that it is nearby to Easton Avenue, Hamilton Street and Somerset Street. All of those streets are what I would characterize as primary pathways both into and out of the city, in and of itself, but also to the specific area where the proposed project is located. Because of that reason, you will see a distribution of the Cancer Pavilion traffic along many of those pathways, and in many different directions. That will serve to minimize the amount of impact the Cancer Pavilion has on any specific intersection or specific street corridor. Based on existing travel patterns that we've identified from the traffic counts, we would anticipate, again in round numbers, approximately 12% of the site traffic would be tuned from the west along Hamilton Street, 10% would be tuned from the north along Easton Avenue, 20% would be along Hamilton Street to and from the east, 22% would be along Somerset Street to and from the west, 5% would be to and from the east along Somerset Street, and 31% would be to and from the south along Easton Avenue. If you apply those distribution percentages to the trip generation estimates that I just previously testified to, what comes out in terms of the amount of site traffic along these different roadways and at specific intersections, is the fact that, again these estimates are conservative, that along most approaches to the eight intersections that we did traffic counts at, and that we identified traffic impacts for, you will see less than one new vehicle per minute during peak hours. So, again, let me repeat that, less than one new vehicle per minute along most of the approaches at the 8 study interactions that we evaluated would be the traffic impact associated with the proposed Cancer Pavilion. I would submit to you, and the detailed analysis in the report bears out that, that level of traffic increase is not going to translate into a significant change in Traffic Operations at almost every single movement at all the intersections that we analyzed. So, I would characterize the Cancer Pavilion's traffic impact as not significantly impacting existing traffic operations. If you were inclined to stand along Hamilton Street, or Somerset street or Easton Avenue, and you observe traffic operations today, and if the Board was inclined to grant approval in the future and the Cancer Pavilion is constructed, I would respectfully submit to you that along those road corridors you would not be able to notice a discernible difference in traffic operations because of the traffic that the cancer pavilion would generate. And again, those conclusions, in my opinion, and respectfully, are conservative, because I do believe that we've overestimated the amount of traffic that will be generated by the Cancer Pavilion for the reasons that I've stated as part of my direct testimony. In terms of the driveways that will accommodate the Cancer Pavilion traffic, both along Hardenberg Street as well as Division Street, our analysis is clear that those

driveways will operate efficiently and safely. And with that, I'd be happy to answer any questions that the Board has, or if Mr. Liebling would like to answer or ask me any follow-up questions.

Mr. Liebling: I don't have any follow-up questions. Madam Chair, as Mr. Disario stated, he's available for questions.

Mr. Charlie Carley (Board Engineer): Madam Chair, this is Charlie Carley. Just a couple of quick questions for Mr. Disario. Dan, when you did your percentages for trip distribution coming to the site, and all the math makes sense, but how did you determine what percentage of vehicles would use which driveway?

Mr. Disario: We assigned most of the entering vehicles using the driveway coming in off the Division Street because that driveway is oriented to the main pickup, drop off area of the Cancer Pavilion such that most people coming in, if they wanted to access the parking garage, it would be easy to do so off of Division Street. If they wanted to drop somebody off at the major drop off area, you could do that and then drive directly into the parking garage. The balance of the entering traffic is assigned to the driveway, which would be an in-only driveway directly into the parking garage off of Hardenberg Street.

Mr. Carley: Okay. Now, I'm looking at your Table 3, Intersection Capacity Analysis Summary. And out of - I don't know, Jesus, dozens and dozens of turns, you analyze all the turns at the respective intersections that's around the site. There's some isolated degradations in level of service from the 2024 no-build PM scenario to the 2024 build PM scenario. To my eyes, you know, you're adding delays on the order of 3 seconds to those intersections. How would you characterize the overall impact in terms of those isolated incidents where you do have a degradation of service?

Mr. Disario: I would characterize them as not significant. And again, if you were one of the motoring public that would be traversing those specific intersections, and you would incur an additional 3 seconds of delay, I do not think you would be able to make a discernible difference between what you would incur in terms of delay today versus what you would incur in the future if the pavilion were built.

Mr. Carley: Correct. Are there any instances in the existing road network where when you took a look at it that you could recommend any sort of tweak or improvements that might not arise from the construction of the Cancer Institute, but to your eye, you know, might be recommended to the city in any case?

Mr. Disario: We did not, and I would point out that a lot of the intersections that we did analyze are stop controlled intersections, so they're unsignalized, and by virtue of the urban nature of the street grid within the section of the city. And there's really nothing that you can do to improve operations at those stop-controlled intersections short of installing traffic signals. And none of those unsignalized intersections would - close to meeting warrants for any signals.

Mr. Carley: Okay. Thank you, Madam Chair.

Mr. Bob Cartica (Board Member): This is Bob Cartica. Is your traffic analysis based on the presumption that there will be a parking deck adjacent to the Cancer Pavilion, which as you know is not part of this application, or is that not relevant to your traffic analysis?

Mr. Disario: It is not relevant to the traffic analysis. We've identified the traffic that would be generated by the Cancer Pavilion itself. So, all the traffic associated with the Cancer Pavilion, we've identified and assigned to the surrounding network.

Mr. Cartica: Okay. So, if there were no parking deck. If that wasn't to come to be, that would make no difference in your traffic analysis.

Mr. Disario: In terms of the amount of traffic that the Cancer Pavilion would generate, absolutely no difference. Where that where that traffic may go to, in terms of available parking supply, that would make a difference.

Mr. Cartica: So, if, for example, that deck, doesn't materialize and the persons working at the Cancer Pavilion had to park in other locations, that would kind of render your analysis not relevant, correct? It might be very different.

Mr. Disario: It would be different, but I would submit to you, if there were other locations where Cancer Pavilion patients, visitors, staff would park, the likelihood that the traffic impacts associated with the Cancer Pavilion would be lower than what we've identified in our study, it's quite possible, because we've focused all the traffic for the Cancer Pavilion to the Hardenberg Street and Division Street...

Mr. Cartica: Yeah.

Mr. Disario: You start to have multiple parking lots, let's say, as does much of Robert Wood Johnson in terms of multiple parking lot supporting the overall medical campus, you're going to distribute the Cancer Pavilion traffic to a greater extent than we've accounted for in our study, and those associated impacts would be less than what we've identified.

Mr. Cartica: Okay. And just one other thing. You had - I don't know specifically the various directions that the traffic is going to go and the percentages associated with that, but I would kind of make the assumption that the vast majority of persons working in this facility would be heading on all Albany Street and possibly other streets, towards Route 18 and the Turnpike and the other major thoroughfares, is that not a valid assumption?

Mr. Disario: Yes. And our study reflects about, call it 35% doing exactly that. Just to give you some overall directions, the study assumes about 35% to and from the west. So, towards North Brunswick and Franklin Park, if you will, with the balance being split to the north, heading up to the 287 corridor and down to the 18 corridors, so you're right, it's about 1/3rd to the west and 2/3rd in the other directions, most of which would end up to the 287 corridor or the Route 18 corridor, as you stated.

Mr. Cartica: Okay, thank you.

Mr. Disario: You're welcome.

Ms. Ludwig: Do any other Board members have any questions?

Mr. Vickers: Yes, Dan. This is Dale.

Ms. Ludwig: Yes, Dale. Go ahead.

Mr. Vickers: I just had a question. I was just wondering why was, excuse me, Somerset, Lewis Street, Suydam Street intersection not included in this?

Mr. Disario: We identified all the intersections that surround the site between Hardenberg and Division. So, we thought and feel that in terms of identifying traffic impacts, the study that we've embarked on and prepared and submitted for your consideration is extensive and tells the traffic impact story quite adequately for the Cancer Pavilion that's before you.

Ms. Ludwig: Do you have any other questions Dale?

Mr. Vickers: No, that's it. I was just wondering about that.

Ms. Ludwig: Okay, thank you. Do any other Board members have any questions for the traffic engineer?

Mr. John Petrolino (Board Member): Yes, Madam Chairwoman. John Petrolino here.

Ms. Ludwig: Yes, John. Go ahead.

Mr. Petrolino: Thank you. Excuse me. Thank you for your testimony, Mr. Disario, appreciate it. I do have some questions with regards, you know, the specifics and some of the underlying assumptions that are used to build on to your analysis. So, what is the - on the data measurement, what's the current or then current ingress egress rates at the existing RWJ facility that's adjacent to the proposed site?

Mr. Disario: Are you talking about the existing surface parking lot?

Mr. Petrolino: The utilization at the hospital. You know, I know that you stated that part of your assumption is that there would be a reduction of traffic if you assessed both the Cancer Pavilion and the hospital separately, but obviously, you know, in my mind, the way I look at it, it's analyzing the current traffic utilization with a school there versus utilization with an 11-story Cancer Pavilion. So, in my mind, I think we're going to see an increase, but what I'm trying to understand is, what is the current utilization rates by the hospital where you observed that, I assume that, that was part of your assessment, given its proximity to the proposed location?

Mr. Disario: We identified all the traffic traversing the eight intersections that comprise the study area for this report, which is inclusive of hospital traffic as well as other city traffic. So, I don't have a specific answer in terms of how much of that is attributed to the hospital, per se, but the hospital volumes are reflected in the existing volumes. And you raise a good point, there is an active school that would be replaced. And the traffic associated with that school, we have not taken credit for that either in terms of the existing volumes attributed to the school.

Mr. Petrolino: Sure, sure. No, I appreciate that, but I live in this area and I can tell you that most of the traffic there is foot traffic. But your point is noted, and I appreciate that. So, I see that in some of your supporting documentation, the traffic timing and the operating charts have date stamp of May 1, 2003, is that still the timing and operating patterns that are in effect there?

Mr. Disario: That were provided by the city, yes, in terms of the signal timing and/or the county, that is correct.

Mr. Petrolino: So, did you determine whether or not those charts are accurate, or is it just assume that they are, and your observations kind of take into account what is done through the charts versus what I'll call direct observational data at those intersections?

Mr. Disario: You raise an interesting question and it's one that I've been confronted with on past projects. The official traffic signal timing directive for signalized intersection is what has to be used for analysis. Whether that reflects existing operations or not is something that you could debate, but legally that official document represents the way that signal should be operating. I can tell you that aren't - let me back up. Our traffic volumes, when we say they were accounted, they were accounted, but technology as it is these days, they were accounted by video means. So, all the intersections and all the volumes identified from the intersection or the traffic counts were done by video. So, we always look at the videos to see how traffic is flowing to see if the existing analysis, in terms of the numbers and crunching the numbers, reflect what are being observed from the videos that represented operations during the counts. And I can tell you that the observations from the videos marry up well with the existing analysis in terms of how traffic operations occurred doing those counts.

Mr. Petrolino: Okay. But in general, in general terms, would you agree that traffic patterns and timing can have an impact on volumes and throughput of traffic in areas where traffic signals are located?

Mr. Disario: Yes.

Mr. Petrolino: Okay. And I'll get - well, actually I'll ask the question now. So, at Easton and Somerset, the 2024 no-build AM shows an intersection capacity utilization rate at 92.9%. Can you talk a little bit about what the ICUs represent?

Mr. Disario: That is essentially a percentage of the intersection's capacity, based on the volumes that are traversing that intersection. So, you have an intersection capacity and then you have a demand, which is the volumes themselves.

Mr. Petrolino: Yeah. No, I appreciate that. I think that that's kind of what I thought I meant, but I appreciate confirmation. So, when that says that it has an associated level of service denoted as an F, what does that mean to you?

Mr. Disario: That is failing operation.

Mr. Petrolino: So, that's what the 2023 no-build AM, it's failing operations?

Mr. Disario: Correct.

Mr. Petrolino: Okay. And then, obviously, the 2024 PM Build has a G-level service, which obviously is going, ordinarily is worse. And I think that that's backed up by the fact that the ICUs there are 104.5%. And then when you factor in the AM Build, the ICU is actually almost 125%. So, to me that seems like a significant outstripping of available capacity if no other changes are made. Is that reflective of your understanding?

Mr. Disario: Yes.

Mr. Petrolino: Thank you. And there are a few other areas where there's, you know, similar capacity constraints and I think are worth stressing. What - but we don't even get into that. So, what does, "Q shown is max after 2 cycles reflect," what does that represent?

Mr. Disario: That is the calculated Qs for individual movements.

Mr. Petrolino: So, you're saying that an individual vehicle would go through, you start counting?

Mr. Disario: No, so the Qs are calculated to identify how many cars would be waiting, if you will, in line for that particular movement.

Mr. Petrolino: Okay, I guess the disconnect in my mind is where we talk about the two cycles, which it's max after two cycles. So, I don't know if that means that the capacity at that intersection is maxed out capacity at that intersection is maxed out or just the count?

Mr. Disario: Well, the traffic counts are based on 15-minute intervals. So, they account for every car that goes through that intersection and every car that makes a particular movement at an intersection. We analyze, and as a matter of practice, the highest 15-minute interval within the peak hour. So, we are analyzing the peak of the peak, if you will, in terms of that peak 15-minute volume. Once you get past that peak 15-minute volume, or even leading up to that peak 15-minute volume, operations are better than what we've depicted in the study.

Mr. Petrolino: Okay, thank you for clarifying that. I appreciate that.

Mr. Disario: You're welcome.

Mr. Petrolino: And then, can you clarify for me what a dilemma vehicle is?

Mr. Disario: Dilemma vehicle usually is accounted with a left-turn movement. So, they will make a left turn, say while the traffic light is turning from green to red.

Mr. Petrolino: Okay, interesting. And so, the assumption of zero dilemma vehicles is essentially everybody is acting as a very good driver, let's say.

Mr. Disario: Correct.

Mr. Petrolino: Yeah. Okay. I know New Brunswick. We've got lots of very good drivers.

Mr. Disario: And it's, again it's conservative because the reality is, you'll get what's called sneakers, and people will sneak a particular movement, say, on the yellow or even on the red at times.

Mr. Petrolino: Yeah.

Mr. Disario: So, you can process more vehicles than the analysis would otherwise suggest.

Mr. Petrolino: I believe it's - I would be guilty of that on occasion myself.

Mr. Disario: I think everyone on the Board as well as the public probably can admit to that as well.

Mr. Petrolino: Yes, I'm sure.

Mr. Disario: Including myself. I'm not exempt from that.

Mr. Petrolino: Nobody is perfect. I appreciate that. So, I just want to get up here, so are there any additional traffic control measures that are being proposed or any that - and I know that gentlemen, the PE, prior asked the question, a similar question, but if you could clarify that from me, I appreciate it.

Mr. Disario: There are none. But that doesn't mean that if the city sees something by way of timing changes that might benefit everyone, we could certainly look into that, but our study as submitted, we have not identified any changes that are necessary to accommodate the pavilion traffic.

Mr. Petrolino: Got you. That's it from me. Thank you, Mr. Disario. I appreciate it.

Mr. Disario: My pleasure. Thank you.

Ms. Ludwig: Thank you. Are there any other Board members that have questions for the traffic engineer? Hearing none, Dan, do you want to go into the public portion?

Mr. Dominguez: At this time, we are preparing to open the meeting to cross-examination of this expert for five-minutes per person in order to assure that the Planning Board can hear from the interested public and the public can hear public comments. I will organize the speakers in order by last name. In a moment I will - but I can't unmute the public call-in for everyone. We'll need to unmute themselves if they wish to speak. If you are in a computer or other digital device, you can click on the microphone. If you are on a phone, you will use again *6, as I instructed earlier. At that time, I'll ask those with the last name starting with A, to provide me your last name, first name and home address. I will confirm that the information is

correct and I'll move on to the next person alphabetically from A to Z. Upon the completion of asking for all last names from A to Z I will ask one more time for anyone who would like to be placed initial with the speaker. We will then move through the list of speakers by calling the person by name and permitting them 5 minutes to speak. Once we complete the list, we will once again check to see if anyone else would like to comment, or I would like to cross-examine. After asking 3 times, we will then close the cross examination portion. Please be mindful that your voice is being telephonically transmitted and speak slowly and clearly for the benefit of all. I'll ask that you please remain silent while other people are responding so that we can all hear each other and begin the speaker registration process. I'll ask any member of the public on the phones or on digital devices who would like to comment - oh, sorry, who would like to cross-examine this specific witness with a last name starting with the letter A. Please state your full name and home address.

Mr. Dominguez reads through the alphabet. Jean Luc Borjay (Louis Street, New Brunswick, NJ), Lindsay Bushong (50 Robinson Street, New Brunswick, NJ), Ed Chapman (13 Hardenberg Street, New Brunswick, NJ), Daniel Cruz (Union, NJ), Mika Deitch (68 Townsend Street, New Brunswick, NJ), Nishad Datta (50 Robinson Street, New Brunswick, NJ), Dan Gilmartin (50 Richardson Street, New Brunswick, NJ), Juan Gonzalez (11 Cotter Drive, New Brunswick, NJ), David Hughes (330 South 3rd Avenue, Highland Park, NJ), Ming Jia (68 Townsend Street, New Brunswick, NJ), Charlie Kratovil (Suydam Street, New Brunswick, NJ), Jessica Kratovil (Piscataway, NJ), Brian Kulas (East Brunswick, NJ), Kate McGaffney (Hardenberg Street, New Brunswick, NJ), Matthew Meoni (Metuchen, NJ), Danielle Moore (Birchwood Terrace Apartments, Hamilton Street, New Brunswick, NJ), Arly Rubens (Louis Street, New Brunswick, NJ), Miguel Romero (Somerset Street, New Brunswick, NJ), Linda Stork (Park Boulevard, New Brunswick, NJ), Ruth Tucker (Freeman Street, New Brunswick, NJ) are placed on the list of speakers.

Mr. Dominguez: All right. Anyone else? Seeing none, we will now enter the cross-examination portion. And we just double check here. First, the first person we have up is Borjay from Lewis Street. Your 5 minutes begins now. Oh, sorry. I have to swear you in, I believe, or Arvind, question. Are these people sworn in from last meeting?

Mr. Aithal: No swearing in for cross-examination.

Mr. Dominguez: Okay, cool. All right. Even better. Borjay, your 5 minutes are on.

Jean Luc Borjay: So, did the traffic report take into consideration the pandemic and how that affected levels of traffic in the areas observed?

Mr. Disario: No, because our traffic counts were done in 2019, in April 30th specifically.

Mr. Borjay: I'm sorry.

Mr. Disario: That's okay.

Mr. Borjay: Sorry, but I have some things that I wrote down.

Mr. Disario: Take your time.

Mr. Borjay: Were any of the areas observed particularly prone to accidents?

Mr. Disario: I don't know.

Mr. Borjay: And would this concept have an impact on rates of accidents?

Mr. Disario: I don't know what the accident experiences at any of the study intersections.

Mr. Borjay: Okay. And you said that even though your estimations are very conservative, you ultimately do not believe that they will lead to any significant increase in traffic in the areas observed than the surrounding neighborhood?

Mr. Disario: I testified that in terms of changes to traffic operations there will not be significant changes at any of the studies intersections.

Mr. Borjay: Okay. But rates of traffic should not - should also not be significantly impacted, right?

Mr. Disario: The Cancer Pavilion will generate traffic as we've identified and estimated in our study, and as I've testified to.

Mr. Borjay: Right. Did the study also include vehicles of all sizes?

Mr. Disario: Yes, all vehicles that were counted at the eight studies intersections were classified as either cars or trucks.

Mr. Borjay: Okay. Were all of the intersections observed at the same time or were they separate studies?

Mr. Disario: They were observed all at the same time.

Mr. Borjay: Okay. And as you said before, the studies were conducted as assuming all incoming patients to the Pavilion will be arriving through vehicles and not public transportation?

Mr. Disario: Correct.

Mr. Borjay: Was that done just for the purposes of the study?

Mr. Disario: Could you repeat that, please?

Mr. Borjay: Was that assumption just not made for the purposes of the study because people coming in through public transit wouldn't really be relevant to the purposes of the study?

Mr. Disario: It was assumed no mass transit usage to be conservative such that that would lead to estimating more traffic than what would otherwise occur if we were to account for people taking mass transit. So, in other words, no mass transit credit was taken. And I would submit to you respectfully that amount of traffic we've identified during peak hours is likely higher than what will actually occur.

Mr. Borjay: All right. Thank you very much for sharing your expertise. I have no further questions.

Mr. Disario: My pleasure. Thank you.

Mr. Dominguez: The next speaker on our list is Bushong.

Lindsay Bushong: Okay. So, I'm sorry, my questions are kind of out of order, because I've just been sort of writing them down.

Mr. Disario: Not a problem at all, take your time.

Ms. Bushong: So, this is a clarification question. So, this would - all this planning was under the assumption that the Cancer Center would generate new jobs and these people are going to be commuting in from outside of New Brunswick or sort of a mixture of both?

Mr. Disario: For purposes of the study, we've assumed it's all new traffic to the city. So, it's all traffic emanating outside the city, but you raise a good point. There could be people that live in the immediate neighborhood that walk to work and wouldn't generate a vehicle, but we haven't accounted for that.

Ms. Bushong: Okay. So, before today's call, I was just like doing a little bit of research on like traffic patterns and just like general studies on traffic in metropolitan areas. And I id kept coming up, up like triple - triple convergence like that, like no matter how much you try to account for traffic, it's still going to end up being congested, which is sort of silly to give that even a name. But did you guys think at all about how to minimize traffic? Just sort of outside of the box, are you like kind of just like went like right at it? Sorry, I'm not being very eloquent here with my question, but you just sort of like, you didn't think of any other ways to like mitigate traffic or impact how many cars are going to be coming into the area?

Mr. Disario: We conservatively assumed an estimated traffic essentially for a Cancer Pavilion that exists somewhere, let's say in a suburban area, with zero mass transit availability and zero people living close enough to it to walk. And we did that specifically and intentionally because we wanted to put forth a conservative traffic analysis and identify traffic impacts and traffic generation. That would be more than what will actually occur. So, it was intentional. And you raise a good point. The reality is, if you look at this specific site. And look, I live in South Brunswick. I heard one of the residents say she lives in Birchwood Apartments, which is down Hamilton Street. My wife lived there when she was a Rutgers student. One of my son's best friends now lives in Birchwood Apartments. So, I've been in this area for quite a long time. And the reality is that, can you assume reasonably that some staff, some doctors, some patients will live within walking distance of the site and not drive a car, absolutely. Can you assume those same types of people, some of which will take train to get to and from here? Absolutely. So, I think inherently because of the urban nature of New Brunswick, you are going to see less of a reliance on a personal vehicle to get to and from this Pavilion than what we've estimated.

Ms. Bushong: Right. And did you guys think about like the idea of different shift times? I know like nurses and things like that look like a wild variety of shifts and like how that might be, like drive up traffic at times that were not normally a lot of traffic?

Mr. Disario: We did not, no.

Ms. Bushong: So, we talked about how the public transit was not included. And sorry, this is another clarification question. So, this is based on like, employee, patient visitor, all kinds of people going in and out of the Cancer Pavilion, right?

Mr. Disario: Correct.

Ms. Bushong: We talked about the parking garage, okay. And this is sort of, John, you kind of alluded to this, but, so if you're calculating an increase in traffic, are you also able to calculate like an increase in accidents or specifically like pedestrian accidents? I know someone else mentioned that there's a ton of foot traffic and how that would be impacted at all?

Mr. Disario: We did not do an accident evaluation.

Ms. Bushong: And another thing is like if the Cancer Pavilion goes in, then that means the school wouldn't be there. So, then there would be more probably buses in the area as - need to be bused out to the Jersey Ave location. Did you account for the fact that like there were changes in traffic patterns without a school there?

Mr. Disario: No, we did not account for the existing traffic associated with the school or changes attributed to the school being relocated. No.

Ms. Bushong: Okay. All right. Cool. I think that is all my questions. Thank you very much.

Mr. Disario: You're welcome. Thank you.

Mr. Dominguez: Thank you. The next cross examiner is Ed Chapman. Are you there?

Ed Chapman: Yeah, I'm here. My wife and I own a house right across from where the proposed cancer center is going to be. We've lived in the neighborhood for 30 years. My first question is, I'd like you to verify that people will be able to enter the parking garage directly from the drop off lane without going onto Hardenberg Street and making two left turns across traffic.

Mr. Disario: That is correct.

Mr. Chapman: Okay. There's also quite a bit of non-vehicular traffic on Hardenberg. It's a city-designated bicycle route, it's also a primary route for the electric scooters Rutgers has been supplying its students, along with a tremendous amount of foot traffic. Was that taken into account at all?

Mr. Disario: It doesn't go into a vehicular study as we put forth, but I don't disagree with you that there's other activity along Hardenberg. I haven't seen the scooters personally, but I take your word that they do occur. And it seems like the scooters are inherent now to urban environments. And I can tell you I've been out to Seattle. I do a lot of traveling in my business. And New Jersey is probably Johnny-come-lately in terms of the scooter option for travel for people.

Mr. Chapman: Yeah, it is a big street for scooter traffic, Hardenberg. Also, there's no information in the traffic study about the impact on residential permit street parking. That's also not part of a traffic study?

Mr. Disario: It is not part of our traffic study. But I can tell you in having, and quite frequently, we'll go to Stuff Yer Face and Thomas Sweet. I am abundantly aware there isn't a parking that exists in this immediate area. So, I don't believe that Pavilion will have any specific impact one way or the other on the resident permit parking. Unless one of the people that work at the Pavilion is actually a resident in the neighborhood and has a resident permit parking.

Mr. Chapman: Well, it looks like the entire project will lose about a dozen residential permit street parking spaces. Not even counting the 10 or so alongside the school which are available when the school is not in session. So, I just like the Board to consider that because the parking deck is not going to mitigate that unless you allow residents of division in Hardenberg to have free parking in the new deck which would at least be a nice bone to toss to the residents considering all we're going to have to put up with. Also, alternate side of the street parking rules will need to be eliminated as parking spaces are eliminated on half of the street on division in Hardenberg. But - okay. That is all I would like to say now. And this will come up again as the Board reviews the plans for the parking deck. Thank you, Mr. Disario.

Mr. Dominguez: Thank you. The - just making sure I'm not muted. All right. The next speaker is Daniel Cruz. Are you there?

Daniel Cruz: Yes, yes, I'm here. Hi, Mr. Disario.

Mr. Disario: Hi. How are you?

Mr. Cruz: I'm doing well. How are you doing?

Mr. Disario: I'm a little hot. So, you're going to see me taking water every now and then. But I'm doing well. Thank you.

Mr. Cruz: All right, good to hear that. So, I was wondering, would there be - it's added to these intersections or any type of things to mitigate that traffic in these areas at all? Was that something that - I haven't actually looked into the plans exactly. I was just wondering -

Mr. Disario: No. No, sir.

Mr. Cruz: - that would be something that?

Mr. Disario: No, no, sir.

Mr. Cruz: Okay.

Mr. Disario: No additional traffic signals are proposed as part of this project.

Mr. Cruz: Okay. And - so how many parking spaces will be added in the parking garage that's been proposed approximate? How many - like how many floors?

Mr. Liebling: This is Charles Liebling. The parking garage is a separate application. This project generates a specific traffic - specific parking requirement which we've testified, you know, will be met in the garage.

Mr. Cruz: Okay. I'm sorry. I guess I came a little bit late. I just wanted to know how big the - but I guess that is it - will I have another time, another chance to ask these questions at another time or is that maybe...

Mr. Liebling: This garage generates 624 spaces - requirement of 624 spaces. When there's an application before this Board for the parking garage, all that will be dealt with in detail.

Mr. Cruz: Okay. Well, then forgive me. All my questions have been answered then.

Mr. Dominguez: Okay. Next on is - if I recall correctly, Deitch, if I'm pronouncing it correctly. Are you there?

Mika Deitch: Yes. Can you hear me?

Mr. Dominguez: Yes, I can. Can you hear me?

Ms. Deitch: Yes, I can.

Mr. Dominguez: You're on.

Ms. Deitch: Hi. Thank you for your wonderful expert statements. I was wondering, what have you done in the last 12 months to improve your knowledge on traffic control? Just as because they skipped over your - I know the court - I know officials know what your expertise is, but they kind of skipped over that for us.

Mr. Disario: Oh, I can certainly give you my qualifications. So, I have a Bachelor of Science in Civil Engineering from Temple University. I have a Master of Science in Transportation Engineering from New Jersey Institute of Technology. I've been a licensed professional engineer in the State of New Jersey with a particular focus in the practice of traffic engineering since '96. And I've prepared well over a thousand traffic studies for almost every conceivable land use that you could think of. I also hold a separate certification that's separate and apart from state professional engineering licenses, and that's a national certification. And that's Professional Traffic Operations Engineer, so a PTOE, if you ever see those initials after someone's name. And that is a certification that is provided through examinations. So, not only did I

take the New Jersey professional engineering examination and successfully pass it, thankfully, but I also took another exam to get the PTOE certification, and that PTOE certification is recognized nationally. So, it applies to all 50 states.

Ms. Deitch: Okay. Thank you so much. That's a very impressive resume. I was wondering how exactly your firm, business was - got involved with this process. Were - how were the contracts originally made?

Mr. Liebling: Mr. Aithal I - and, Madam, I would object to that line of questioning, it's just not being relevant to...

Mr. Aithal: Thank you, madam chair. This is Aravind Aithal. That would be - that relevant testimony we provided earlier and certainly beyond the scope of the testimony provided as a traffic expert.

Ms. Deitch: All right.

Ms. Ludwig: Okay. Do you have any other additional question?

Ms. Deitch: Yes, I do. You mentioned summarizing of - sorry, I'm getting some feedback. You mentioned basing some of your estimations of other cancer Pavilion's similar outpatient type buildings. I was wondering if those areas also experience similar incredible slowdowns of traffic generally, because I know you mentioned that the - some of the traffic will be fed to 18, and I know if you're in the area, you'll be aware of that, especially during Rutgers season 18 turns to bumper-to-bumper no movement traffic from like 4:00 to 5:00 p.m., at least every day. I was wondering if this was at all factor into that.

Mr. Disario: So, just so the record is clear, we looked at the Memorial Sloan Kettering Cancer Facility in Basking Ridge. And that's a location that doesn't have any mass transit, nobody lives next to it that would walk to it. So, it's truly a suburban location. And using that information, we estimated what the outpatient component of the proposed cancer Pavilion would generate. So, I think it represents an over-estimation of how much traffic would be generated during peak hours. But I completely understand what you're saying about Route 18. And unfortunately, when you're leaving the city, that backup leaving the city heading towards the turnpike is largely created by that last traffic signal before you get to Route 1. And I know when DOT was redoing 18 quite a few years ago, there was a battle to remove that signal. And the DOT lost that battle. So, all of us collectively have to endure that traffic created by that last traffic signal because of that.

Ms. Deitch: Okay. One other question I had is, I know these, obviously, the counting of all the traffic and stuff happened in 2019, before the pandemic and stuff, and hopefully once ground breaks, it won't be as much of an issue. But do you see any - foresee any potential issues or complications. And that large portion of George Street is currently shut down for public seating for outdoor dining for COVID regulations?

Mr. Disario: I don't see an issue with that. And look, hopefully, we all get back to some level of normalcy in our lives, after this pandemic is over. But I will submit to you, again respectfully to everyone. I think this COVID crisis, pandemic, however you want to label it, has and is going to change in wholesale terms, the mindset of how people live and work and commute. And I truly believe that the traffic volumes not only in New Brunswick, but across the state and frankly across the nation are going to change and they're going to change by being less than what they were pre-COVID. Because I think a lot of companies, including my own, have a newfound perspective that people working from home, and if you're lucky to have a job that allows you to work from home, they have found that productivity, efficiency hasn't changed. And actually, it's gone up. Because people aren't sitting in their cars for an hour or 2 hours each way doing these long commutes. So, they've essentially captured two, sometimes four hours each day, some of which they can dedicate to doing additional work, and some of which they can dedicate to their own personal lives. So, I think the amount of telecommuting that we're going to see, post-COVID is going to reduce traffic volumes in a big way compared to what they were pre-COVID.

Ms. Deitch: That's a very interesting thing I hadn't looked at before. Thank you very much. I don't have any other further questions.

Mr. Dominguez: All right. Next up is Datta. Are you there?

Nishad Datta: How are we doing, Mr. Disario?

Mr. Disario: Doing well. How about yourself, sir?

Mr. Datta: I'm doing okay. So, one of my questions, one of the first questions that I had that came to mind, and you mentioned earlier, you didn't take a look at the Louis, Suydam and Sawyer and French Street intersection. Is there any reason for that? Because as far as I'm aware, you - in order to get from the Somerset Street area to Route 1, if you're coming from like the Princeton area or the South Brunswick area, you have - by the intersection.

Mr. Disario: We extended the study area to encompass all of the intersections that surround the site. And the East Avenue, or Eastern - excuse me, Eastern Avenue corridor as well to the east. So, those eight intersections pretty much give you a representation, an accurate representation of what the traffic impacts would be for this particular Cancer Pavilion and this site. You could chase traffic for miles and miles and miles and study every intersection in that kind of ring emanating from the site. But the greatest traffic impacts are going to be those intersections that are closest to the site. So, I think we've put forth a comprehensive traffic impact study that can give any reasonably minded reader of that study, a good idea of what the impacts would be. And again, it's conservative because I truly believe we've overestimated how much traffic the Cancer Pavilion is going to generate for the previous reasons that I stated.

Mr. Datta: Yeah. You mentioned that you used suburban numbers from Memorial Sloan Kettering project in Basking Ridge, but don't you think that there are some unique conditions that you'd be overlooking by doing so in an urban area?

Mr. Disario: Yes. I think because you have mass transit availability, because there's a likelihood that some staff and visitors and doctors will live in the city and walk to the Cancer Pavilion, I think we've overestimated how much traffic the outpatient portion of the Cancer Pavilion would actually generate.

Mr. Datta: Are you aware of the fact that this project is displacing 750 school kids?

Mr. Disario: I am aware that there's a school that comprises some of the property that the Cancer Pavilion is proposed on. Yes.

Mr. Datta: How much time do I have left?

Mr. Dominguez: You are at 3:15.

Mr. Datta: Okay. Apart from the Memorial Sloan Kettering project in Basking Ridge, do you draw any inspiration from any other similar projects?

Mr. Disario: We did not, no.

Mr. Datta: Okay. You said that you accounted for both cars and trucks. Where do buses fall under?

Mr. Disario: They would be considered trucks for purposes of capacity analysis, and we have accounted for them in the traffic volumes that were collected.

Mr. Datta: Did your traffic - did your particular traffic study account for any of the foot traffic or was it mainly just automobiles?

Mr. Disario: Automobiles.

Mr. Datta: Okay. I think that about answers all the questions that I have right now. Thanks very much.

Mr. Disario: Let me just clarify one thing. I'm looking at the traffic counts now. We did do pedestrian counts as well. So, we did account for pedestrian volumes too.

Mr. Datta: Could you share some of those figures with this real quick?

Mr. Disario: Pedestrian volumes as it relates to the existing pedestrians at particular intersections, not pedestrian volumes that the Pavilion may generate.

Mr. Datta: I see. Okay. I think that about does it for me.

Mr. Dominguez: All right. Next up is Juan Gonzalez. Your 5 minutes start now.

Juan Gonzalez: Okay. Well, Mr. Disario, I have several questions for you related a lot of them to the, clearly to the traffic - well, all of them to the - your traffic analysis. Just to be clear on this, I'm trying to get your - here, hold on one second. Your numbers say that you're expecting about 400, 407 trips at the peak hours, about 207 of them as a result of the 96-bed hospital and about 200 of them as a result of the cancer center. That's correct?

Mr. Disario: Yes. For the morning peak hour.

Mr. Gonzalez: For the morning, right.

Mr. Disario: Yeah, yeah.

Mr. Gonzalez: For the morning period, right. For the morning peak hour period.

Mr. Disario: Yes, sir.

Mr. Gonzalez: And you also mentioned that you used for the hospital portion of your analysis the trip generator, I think you said 10th edition. Now I'm looking at that, that 10th edition. And they have two ways of measuring hospital trip generation, it's Code 610. And it says if you're measuring by beds, it's 22.32 daily rate; and if you're measuring by thousands of square feet, it's 10.72. So, you used this 22.32 daily rate for that 96-bed hospital or some other formulation?

Mr. Disario: Yes. We used - no. We used the trip rates per bed.

Mr. Gonzalez: Trip rates per bed.

Mr. Disario: Yes.

Mr. Gonzalez: And so, the daily rate that I'm seeing here, unless I'm reading this wrong, is 22.32 daily. Is that correct?

Mr. Disario: I don't have it in front - I don't know, I don't have it in front of me.

Mr. Gonzalez: Okay. Now, this project really has three component parts. It has the component part that's a 96-bed hospital. It's got the component part that is the clinics that will be taking care of outpatient clinics, and it also has a research and development part that will be doing clinical trials. So, I can understand why you might have had a problem trying to figure out your - how you would - how you would gauge the clinic's part. But now, I'm trying to figure out which did you use because in the institutional - generator for their estimates for institutional use. For clinics, they say that it's 38 daily trips per thousand square feet. And for research and development it's 11 trips, 11.26 per thousand square feet. So, there's obviously much more patient - much more traffic generated by people who are coming in as outpatient clinics and by researchers, but either one of them are much more than the trip generation by - in terms of beds. Now, I have problems with your numbers. I'll tell you why. And tell me where I'm wrong. You know, I'm - you know, I'm not an expert in this, you are. But I do read English and I do read numbers. Okay? We've been told by RWJ and Mr. Paladino that there will be 20,000 new clinic visits per year capacity. I did the numbers on -

Mr. Dominguez: Excuse me. One minute warning, Mr. Gonzalez.

Mr. Gonzalez: Okay. That's about 76 trips per day. There's supposed to be 600 people working here, 600 people, that's what we've been told over and over again. 600 new jobs. There's going to be trucks coming in here and then there's going to be outpatients. My estimate is that there's got to be at least 7, 800 people per day coming in and out of this place, but you're telling us that in the more - in the morning there's only going to be 200 coming in - no, I'm sorry. 184 coming in, and - I'm sorry, 333 coming in and 74 going out. So, I don't understand how all these other people are going to be getting in and out of this place based on the metrics that you've used to come up with your 407 peak hours. Can you tell me where I might be off on my numbers?

Mr. Dominguez: Time.

Mr. Disario: I will. Yeah, I will answer the question. Our numbers are based on a single hour. So, in the single peak hour in the morning there's 335 vehicles coming to the Cancer Pavilion in one hour. In the evening it's another 70 coming in during one hour. So, that's 400 vehicles coming in 2 hours out of 24 hours in a day. So, using your numbers, you were throwing around things that I think add up to about 800, but don't quote me on that. So, there will be other times of the day outside the normal commute hours that we have identified in the study where people will be coming to and leaving from the Cancer Pavilion, and that's how you get up to the daily numbers that I think you're trying to get to.

Mr. Gonzalez: Okay. Well, thank you.

Mr. Dominguez: Next up is Gilmartin. Are you there?

Mr. Disario: I will tell you, Mr. Gilmartin, I've been looking at your video the whole time and it's like psychedelic here. Your background is like very psychedelic right now. Every time you move, it's distracting.

Dan Gilmartin: Well, what can I say? I could definitely try. I guess my question was traffic gets crazy around there even when school is not in session. If there's going to be a cancer center there, do you have any plans for changes with streetlights or signs, anything like that?

Mr. Disario: We do not know.

Mr. Gilmartin: Okay. Yeah, I guess that's a concern for me a little bit. I guess another question that I have, I'm sorry, if you spoke to this earlier, I might have - it. What I'm really wondering is, what are some of the impacts that might happen on the Jersey Ave area and Route 27 in terms of traffic if there's going to be a school moved there where there wasn't anything going on before?

Mr. Disario: We didn't look that far west, but what I can tell you is about a third of the Cancer Pavilion traffic would go to - in from the west split between Hamilton Street and Somerset Street. So, when - by the time you get to those areas that you're referring to, the Cancer Pavilion traffic is largely just going to consist of through movements.

Mr. Gilmartin: Okay. I'm not sure I'm understanding completely. Where would the two other thirds be going?

Mr. Disario: So, to from Hamilton Street to the west, so to and from the west, about 10 percent - or excuse me, 12 percent of the Pavilion traffic would use Hamilton Street. And about 22 percent would use Somerset Street to go to and from the west. So, if you want to get to Franklin Park, South Brunswick, North Brunswick along the 27 corridor, you would use those two streets eventually. If you want to get to Somerset, you're probably just going to stay on Hamilton Street and it will bring you right into the back end to Somerset. The same thing with Amwell and all those points west.

Mr. Gilmartin: From one Dan to another. I think I understand you. What's my time? How much time do I have left?

Mr. Dominguez: 3:08.

Mr. Gilmartin: Okay. I think that's all for now. Thank you.

Mr. Dominguez: All right. Next up is Hughes. You there?

David Hughes: Yes, I'm here. Thank you. So, I have a question, Mr. Disario. One basic question and some follow ups on what other people said. It sounds like your methods just involves setting up a video camera capturing tape for a few hours and analyzing it later at eight intersections, is that correct?

Mr. Disario: Yes.

Mr. Hughes: Okay. So, you didn't walk through, or drive through, or bicycle through any of these spaces. You actually have no direct experience in these areas. Is that right?

Mr. Disario: To the contrary, as I stated earlier, my wife's a Rutgers grad. She used to live in the Birchwood Apartments. My son's best friend lives in the Birchwood Apartments. And I frequent this area quite often, because I do a lot of business with Robert Wood Johnson Hospital. And admittedly, I like Stuff Yer Face and I like Thomas Sweets.

Mr. Hughes: What I mean, if you don't have -

Mr. Disario: And particularly during the summer, I'm in this area all the time.

Mr. Hughes: All right. So, I'll tell you what I mean by experience. And these are questions that I'm just really asking for confirmation on what you've told other people. And I'm coming from this as a commute cyclist. I live in Highland Park, but I worked on the college campus of Rutgers and on the Douglass campus. So, I walk and bicycle through these places all the time.

Mr. Disario: So, you must love what College Avenue is right now with the bike lanes?

Mr. Hughes: Bike lanes are mis-designed. There's one that goes counter-flow and it's very unsafe. I guess you haven't used it. So, tell me, how would you characterize the safety for bicyclists and pedestrians of the intersection between - at the intersection between Easton and Somerset Avenue? How would you characterize safety?

Mr. Disario: I wouldn't characterize safety for bicycles. I haven't looked at it.

Mr. Hughes: Okay. There's an intersection, which I think your study doesn't consider an intersection, which is the driveway, two driveways of Robert Wood Johnson on Somerset Avenue, where the driveways intersect the side box and they intersect with a bicycle path marked by sharrows. I gather you did no study of those two intersections, is that correct?

Mr. Disario: Correct.

Mr. Hughes: Okay. So, you wouldn't be aware then of the way in which cars in those driveways double park, they back up, they park across the sidewalk. Pedestrians trying to navigate there on Somerset have to walk out into the street. Many of those pedestrians are trying to get to the hospital. They may be elderly people. They may be people with disabilities. You haven't analyzed any of that, correct?

Mr. Disario: Correct.

Mr. Hughes: Okay. Is it fair to say that your study looked at traffic congestion, but not at traffic safety?

Mr. Disario: Correct.

Mr. Hughes: Okay. Did you look at accidents and citation reports, any information from the police on injuries, fatalities, near misses and so on at any of the eight intersections?

Mr. Disario: No, not required as part of a site plan application.

Mr. Hughes: Right. Did you look at driver behavior, including distracted driving, speeding, cell phone usage, double-parking, illegal usage of horns. Did you examine any of that?

Mr. Disario: None of what you identify goes into a traffic impact study.

Mr. Hughes: Right. Did you look at bicycles? It sounds like you didn't look at scooters. You have no numbers on pedestrians and bicyclists. Is that correct?

Mr. Disario: Pedestrians, we have numbers for. Bicyclists, no.

Mr. Hughes: Okay. So, given that this study focused on congestion and not on safety, and this is the area with a lot of pedestrian traffic, including pedestrian, traffic of people with disabilities and children and people like myself. Do you think that New Brunswick needs to do a safety study, a traffic safety study?

Mr. Disario: I have no opinion on that.

Mr. Hughes: Do you think that your study focused on congestion, adequately answers the question of the burden of risk that this facility will impose on New Brunswick?

Mr. Disario: As it relates to increase in traffic volumes and associated changes to operations, yes.

Mr. Hughes: Well, how can you answer that question when you haven't studied bicycles?

Mr. Disario: Because we studied vehicles and vehicles impact operations at intersections.

Mr. Hughes: So, you're a professional here and you're speaking under oath and you are trained in traffic safety from NJIT and you're telling me you have no data on bicyclists. How can you maintain at the same time that your study adequately examines the safety impact of added vehicular traffic?

Mr. Disario: That question was asked by you and I answered it.

Mr. Hughes: Why don't you just repeat yourself?

Mr. Dominguez: Mr. Hughes, 1 minute warning. Just letting you know.

Mr. Hughes: I understand.

Mr. Disario: We identified and we were charged with identifying traffic impacts as they relate to the amount of traffic the Cancer Pavilion will...

Mr. Hughes: I'm cutting you off, because I'm running out of time. You did what your firm was paid to do.

Mr. Disario: Excuse me.

Mr. Hughes: I'm saying that your firm - you were not asked to do something very important.

Mr. Liebling: I object. Mr. Aithal, I object. He followed the guidelines that are in the New Brunswick zoning ordinance as to what constitutes the required report.

Mr. Hughes: I know that.

Mr. Hughes: He did the job you asked him to do.

Mr. Disario: And with all due respect, sir. When you ask a question, I get to answer it before you ask me another question or interject.

Mr. Hughes: Then I need more time. I'll take more time then, please answer the question.

Mr. Disario: You get no - you're not going to get more time, because you're being discourteous right now.

Mr. Aithal: Mr. Disario, if I may. This is Aravind Aithal, Board Attorney. Madam Chair, may I inquire how much time remains?

Mr. Dominguez: He is at 38 seconds.

Mr. Aithal: Mr. Disario, if you want to answer that question, otherwise, Mr. Hughes, I would ask that you not interrupt.

Mr. Disario: We were charged with identifying how much traffic the Cancer Pavilion would generate and the associated traffic impacts, consistent with the requirements for a site plan application for this project. And that's what we did.

Mr. Hughes: Yeah. I'm not contesting that. I think you did exactly what the Board asked you to do. The Board did not ask you to do a safety study. I would submit that the Board should not move forward with this project until it has done a safety study of the burden and risk on bicycles and pedestrians and scooters, by the way, that a Cancer Pavilion will impose. And I say that as somebody who will be endangered by this project as a commute bicyclist in New Brunswick. And I believe my time is over. Thank you.

Mr. Dominguez: Next up is Ming Jia.

Ming Jia: Right. So, it's still Ming Jia. So, I guess most of the comments that I wanted to make had already been addressed by the gentleman who just spoke. Mostly just the idea that - really reiterating at this point, pedestrians and bicyclists aren't at all acknowledged then. But if we're operating to - you point that this was only going to be a study that - excuse me, let me just take a second to look through my questions.

Mr. Disario: Take your time. Okay. And just while you're composing your thoughts and your questions, our study did account for pedestrian volumes in our analysis, both through the counts as well as the analysis of all the eight studied intersectional. Just so the record is clear.

Ming Jia: Right. I think I might come back for the second round. Something was on my mind and it's completely gone for now. Thank you.

Mr. Dominguez: All right. Next up is Charlie Kratovil. Mr. Kratovil, are you there?

Mr. Kratovil: Yes, sir. Can you hear me?

Mr. Dominguez: You're on.

Mr. Kratovil: Okay. So, I guess I want to get started with the capacity analysis. So, on page 11, we've already alluded to earlier our ratings for different turning movements at the intersection. And just for the record they're A through F, and F is the worst one, right?

Mr. Disario: Yes.

Mr. Kratovil: Okay. And so, I see here Hardenburgh/Gill (inaudible), as was alluded to earlier in looking at 87.8 and F. And, if you - first thing (inaudible) even work a 124.5. So, tell me, that 124.5, that means, it would take more than 2 minutes to make that move, to make a left turn?

Mr. Disario: Per the analysis. Yes.

Mr. Kratovil: Okay. And is that acceptable in a densely populated area like this to have intersections extreme F rating?

Mr. Disario: Yes.

Mr. Kratovil: Okay. You still think that there is a need for a signal at that intersect even accounting for the fact there is now a nine-story building at that corner as well?

Mr. Disario: That is correct.

Mr. Kratovil: As intersection people should just have to wait to make that turn?

Mr. Disario: Yes. But I would point out to you that the right turn volume, we're adding to that specific approach. We assigned it to that approach to be conservative. The reality is somebody could come out to Division Street from this project and make a right turn from Division Street on to Hamilton Street. And if indeed they did that, the impacts as identified in our report, specifically to the intersection that you've raised, would be a lot less.

Mr. Kratovil: Sure. And that's only intersect with a degradation service level, the entire intersection overall movements for Easton and Somerset, it goes from a D, is that correct?

Mr. Disario: In the PM peak hour, that is correct.

Mr. Kratovil: Right. Are there any intersections that improve?

Mr. Disario: No.

Mr. Kratovil: Okay. I'm just curious why you haven't proposed any improvements to address the lower level of service, maybe not signals, but any plans for any type of improvements to ease the flow of traffic here?

Mr. Disario: As it relates to the Hardenberg intersection that you raised with Hamilton Street, look it's a four-leg stop-controlled intersection. That's very close to the signal at the Easton Avenue intersection. So, practically speaking, proposing a traffic signal at this stop-controlled intersection so close to the signal at Easton Avenue does not make sense whatsoever. You don't meet warrants for a traffic signal at that intersection. And if you don't meet warrants for a signal, and it's not practical to put one in that close to Easton Avenue, it would just create more issues operationally than it would solve. Yes, in my opinion, there's no appropriate improvement for that intersection. But again, I would point out, the traffic we're adding to that we did so conservatively to put forth that worst-case scenario. And the fact of the matter is that people will have two options to get to Hamilton Street. They can use either Hardenberg or they could use Division. If we were to assign more to Division, the Division and Hamilton street intersection operates fairly well.

Mr. Kratovil: I'll move on. You said your firm does a lot of - with Robert Wood Johnson, it's also fair to say you do a lot of business with DEVCO?

Mr. Disario: Yes. And Charlie, you and I've seen each other at many, many public hearings and many, many late nights, so yes.

Mr. Kratovil: Yes. And it's good to see you tonight virtually.

Mr. Disario: You as well in these crazy times.

Mr. Kratovil: So, can you tell us who asked you, or who asked your firm to start doing the work on this, was it Robert Wood Johnson or was it DEVCO?

Mr. Kratovil: I'll object to that question. It's not relevant to the report...

Mr. Aithal: That's just an objection that should be sustained. Mr. Kratovil, do you have another question?

Mr. Kratovil: I'm sorry. You believe it's not relevant, Mr. Aithal?

Mr. Aithal: Correct.

Ms. Ludwig: Do you have another question, Charlie?

Mr. Kratovil: Sure, sure. I am curious, at least when were you - when was your firm first engaged on this?

Mr. Liebling: Equally not relevant, same objections.

Mr. Aithal: Sustained.

Mr. Kratovil: Previously, Mr. Roche testified that the firm was retained in April of 2019 and began the work. And then at some point we're told that a specific site had been selected. Mr. Disario you established probably a similar timeline. Can you tell me, when did you learn that there had been a site selected?

Mr. Liebling: It's also not relevant.

Mr. Aithal: Sustained.

Mr. Kratovil: Okay. You've been to the site, sir?

Ms. Ludwig: You have any more questions, Mr. Kratovil?

Mr. Kratovil: Yes. I was just asking, you've been to the site, Mr. Disario.

Mr. Disario: Yes.

Mr. Dominguez: Mr. Kratovil, you have 1 minute, just letting you know.

Mr. Kratovil: And when you - you've been to the site, were you there when the school was in session, when it was open?

Mr. Disario: I've been to not the specific site when the school has been in session, but I've been past the school when it's been in session plenty of times.

Mr. Kratovil: Okay. Well, yeah, I'm glad you got to see that site. I hope we get to see it again. This is a neighborhood asset. And for the record, there's only a couple of buses that are needed for that school, because most of the students walk. It was said earlier you did not account for any added traffic. How do the peak times compare that you've identified for this area compared to, say, the hours that school buses would be on the roads if the school was closed and every student would have to be bused because the location of the new school would be in the area of town where no one lived. Did you - you said you didn't account for any buses. Is there a reason that you didn't account? Don't you think that would be a major change going from just a couple of buses to the whole neighborhood needing to be bused, 750 kids?

Ms. Ludwig: Time.

Mr. Disario: So, we did account for any school traffic that occurred between 6:00 to 9:00 in the morning and 2:00 to 6:00 in the evening by virtue of when we conducted our traffic counts. So, all - if the school was generating traffic on that particular day, which I believe it was, we accounted for it.

Mr. Kratovil: All right. Thank you.

Mr. Dominguez: Right. Next up, Jessica Kratovil?

Jessica Kratovil: Hi. Yes. Thank you for your time everyone here. I did want to pick up where Charlie had left off, and that you said, Mr. Disario, that your study included the traffic that was being generated by this rule at the time of the study in April 2019. But as Charlie mentioned, most of the students walk to the school at this time. There are going to be people that need to be bused bust now. What kind of provision would you make for that increased bus traffic?

Mr. Disario: We've applied a background traffic growth rate to the existing volumes which results in a 5% increase of every volume for every movement at all eight intersections.

Ms. Ludwig: Do you have any more questions, Ms. Kratovil?

Mr. Disario: Did we lose you? Are you there? I was going to say I think you were on mute.

Ms. Kratovil: Yes. Can you hear us?

Mr. Disario: Yes.

Ms. Ludwig: Yes now.

Ms. Kratovil: I'm sorry. I had a technical difficulty here. So, you do not think that all of the children in the neighborhood school needing to leave that immediate area might exceed your 5% increase of potential traffic at peak times?

Mr. Disario: No.

Ms. Kratovil: Okay. I have a question about the pedestrian impact. I know there was a great deal of concern about the children getting hit by ambulances at the current location of the school. Is there not a concern of the cancer patients getting hit by an ambulance?

Mr. Disario: None that I'm aware of, no.

Ms. Kratovil: Okay. Have you done, as Mr. Hughes brought up, were there pedestrian safety impact studies done in the area?

Mr. Disario: No.

Ms. Kratovil: Okay. So, I mean, I'm really concerned about pedestrian safety. That's really important as somebody who does walk around a lot. I kind of don't want to get hit by a car. And I'm pretty sure the cancer patients don't want to either. Was there a provision made for the patient drop-off area for specific safety concerns about people being dropped off and that interference that has made to the traffic pattern by people pulling over and letting out and picking up patients?

Mr. Disario: All of the pick-up drop-off for the Cancer Pavilion will be made interior to the site. So, there won't be any pick-up or drop-off activity occurring along the surrounding roads.

Ms. Kratovil: Okay. That kind of - I think that that might not be accurate because when pickup and drop off area is congested, people will make other provisions or they say, Oh, I don't want to get caught up in that traffic near that area, and they will do spontaneous pickup and drop off, which may not be permitted by the traffic laws, but it was going to happen and that people really need to consider. So, I think that a safety study of that type of activity in an urban area really needs to be considered. I know you've talked about the Memorial Sloan Kettering in Basking Ridge, but without the type of urban traffic that you have in New Brunswick, I don't think it's fair to say that that's an equal comparison because other - people in that area may not feel...

Mr. Liebling: Ms. Aithal, this is veering into comment. We need to work some questions into this.

Ms. Kratovil: I'm sorry; I have more questions. So, I wanted to talk about, you mentioned briefly if the parking deck was not approved what type of provisions would be made. And I was confused because I thought that was provisional.

Mr. Dominguez: One-minute warning.

Mr. Disario: There was a hypothetical, I believe, raised by one of the Board members that if the parking garage would not come to fruition and Cancer Pavilion people such as staff, patients, doctors would have to park elsewhere, how would that change the traffic study? And what I answered was, if you were to move where people would park for the Cancer Pavilion from a future garage to somewhere else, it would change our traffic study. But if you move to multiple locations where people would park for their cancer pavilion itself, I would respectfully submit to you that the traffic impacts would be less than what we've put forth in our study, because we've assumed that all the Cancer Pavilion traffic, and again it's conservatively estimated in my opinion, would come to this site. So, it's focusing all the traffic associated with the Cancer Pavilion to this specific site. And that would translate into greater traffic impacts than if people parked in multiple lots spread around the city.

Ms. Kratovil: Okay. What - I did want to ask if there was any - if you had thought about how public transit may be used by employees or patients of the cancer center and that that might cause an increase in bus traffic in the area.

Mr. Disario: We did not look at that, no.

Ms. Kratovil: Okay. Well, I've reached the end of my questions. I appreciate the time of Mr. Disario and the Board. Thank you. And everyone have a great night.

Mr. Dominguez: Thank you. Next up is Kulas. You're there?

Mr. Kulas: Yes. I'm here. Can you hear me all right?

Mr. Dominguez: Yes, we can. You're on.

Brian Kulas: The first question I have, I just want to make clear is that this traffic study has - is that correct?

Mr. Disario: We're losing you. You were a little broken up. But I think your question - I think your question was the traffic study focused on auto traffic or vehicle traffic?

Mr. Kulas: The traffic study was focused on congestion and not traffic safety?

Mr. Disario: Okay. It was focused on traffic operations and evaluating the changes to those.

Mr. Kulas: Okay. All right. Did you - would you consider traffic safety public safety in many ways? Would you find there's a correlation between the two, traffic safety and public safety?

Mr. Disario: I think safety applies to the general public. Yes.

Mr. Kulas: Okay. So, did you maybe enlist any information from the state department of transportation just to get their advice, their input, anything from a traffic safety, public safety measure?

Mr. Disario: The DOT has no jurisdiction over any of the roads within the study area. So, no.

Mr. Kulas: Okay. So, we - close in proximity to the location we're talking about. So, we even mentioned the last traffic light. When they redid 18, you spoke of the last traffic light. So, there is a lot of details that get involved at this point more than just a couple blocks around the hospital. The hospital impacts the entire County, even beyond, a lot more than a couple blocks. I mean, it's a level 1 trauma center. You're going to not just have ambulances coming around, you're going to have paramedics behind them. And basically, I would - just getting to my points, you haven't really - have you asked any information, local towns, Highland Park, East Brunswick, any towns, their input on what maybe could be taking place here as far as how it's going to impact them?

Mr. Disario: No.

Mr. Kulas: Somerset, Franklin, no, because East Brunswick is - has their redevelopment plan, it's going to include 800 apartments. That's 800 apartments right along the Route 18 corridor, much less, probably about 2, 3 miles from the area that we're talking about. So, it's not just about the hospital, it's about everything that's going on. I haven't heard George Street mentioned once. George Street is what maybe the length of a mile.

Mr. Liebling: Sir, could you please formulate this as a question?

Mr. Kulas: Okay, sure. Fair enough. The amount of traffic lights between Route 18 and the train station is four. How do you feel at peak hours? We're talking from Route 18, the first traffic light, just to the train station it's four traffic lights. How do you feel that type of impact is going to have on traffic when you have four traffic lights? You're already talking about 2 minutes on a left turn. Let's forget about making a left turn. Let's just talk about trying to go straight. Basically, you overflow that to Highland Park just from River Road to Woodbridge Avenue. I'm trying to - what I understand that you're talking about two square blocks around the hospital, but I'm talking about the County and the County the people...

Mr. Liebling: You still didn't get to a question.

Mr. Kulas: Well, I'm speaking and this is my time.

Mr. Liebling: No, it's not your time for speaking.

Mr. Kulas: All right. Well let me ask a question then, let me ask a question. My car just lost its transmission. Now I have to go to social services, which means that I have to take the 815 or the 818 to the New Brunswick train station where I have to pick up the MCAT, which is about another 30 minutes to social services...

Mr. Aithal: I'm sorry to interrupt Mr. Kulas.

Ms. Ludwig: I'm trying to speak, but he's speaking over me. You have - this as a period for cross-examination. You're allowed to ask questions of the witness pertaining to his testimony. It's not a portion for public comment. If you have questions, please ask them.

Mr. Kulas: Okay. So, all right. Basic questions. Have you considered the Rutgers buses, Coach USA? Have you considered the Middlesex County bus routes, 810, 811, 815, 818, which all picked up at the New Brunswick train station. I also haven't heard any discussion about little Albany Street. Little Albany Street is the route...

Ms. Ludwig: Again sir, please, this is a portion.

Mr. Kulas: Okay. All right. I will ask you a question. How do you expect ambulances and paramedics to get the emergency - to get to the emergency room at Robert Wood Johnson, where it is located right now, which is pretty much directly across from Lincoln Annex, how do you expect them to not have an impact trying to just get up little Albany Street or through Easton Avenue or Somerset? How is that not public safety?

Ms. Ludwig: Excuse me. Aravind, I don't - I have said it several times. I'm not sure he understands. This is a - you need to ask a question of this witness. It's a cross-examination period, not a commentary. You have to ask questions to him.

Mr. Kulas: I just asked, how were you going to expect ambulances to get up little Albany Street? We're talking about ambulance is going to the ER, which is right across...

Mr. Aithal: Mr. Kulas, I think you asked the question. Mr. Disario, can you answer that question?

Mr. Disario: Yes. And so, the record is clear, the Cancer Pavilion will not have ambulances in an emergency situation. They will have basically transport ambulances that might be transporting a cancer patient from their home to the facility for treatment. Any emergency-related ambulances go to Robert Wood Johnson, just like they do today and just like they will in the future in the same way, if the Board's inclined to approve this application and the Cancer Pavilion is built.

Mr. Kulas: Do you feel there'll be no effect and changing anything, everything's just going to stay the same as according to your report?

Mr. Disario: As it relates to emergency ambulances, accessing the hospital, without question. And hopefully, everyone on this call is a law-abiding citizen, and when they hear the ambulance sirens going, they move out of the way to allow it to pass.

Mr. Kulas: And I've been a New Brunswick resident before - no, I was just going to say I've been a New Brunswick resident before, and I've literally had to drive up on the sidewalk where Johnson and Johnson is to do exactly what you just said. To be a courteous driver I had to literally hop the curb.

Ms. Ludwig: Excuse me. Excuse me again. This is a question, you can ask questions...

Mr. Dominguez: Well, actually, Ms. Chair, his time is up.

Ms. Ludwig: Okay. Thank you.

Mr. Kulas: I am done. I am fine. I am good. I made my point.

Mr. Dominguez: Next up is McBass. Are you there McBass?

Kate McGaffney: McGaffney.

Mr. Dominguez: Yeah, I may have typed it wrong. All right. Yes. McGaffney.

Ms. McGaffney: Oh, boy. How do I follow that? All right.

Mr. Disario: If you would have said present, I would have laughed out loud, if you know what that references to. It's a comedy skit. But go ahead, I digress.

Ms. McGaffney: Okay. So, I live on Hardenberg Street across from what is presently the school. Previous part of this meeting, the marathon meeting that keeps on going, the construction period was suggested as being 3.5 years. So, I was curious if your traffic reports might have any information what the traffic is going to be like during that construction period.

Mr. Disario: It does not. No.

Ms. McGaffney: Okay. So, this - basically the information that you have projected to be, it starts after every construction is complete?

Mr. Disario: Correct.

Ms. McGaffney: Okay. I also manage Sanctum Body Piercing on Easton Avenue across from your beloved Stuff Yer Face and Thomas Sweets. You've mentioned them, so surely you understand how really important these small businesses are to our community here and to our city. It's not unusual for my clients who come from out of the city to have to cancel their appointments, because they can't find any kind of parking or way around the traffic. Will there be any kind of consideration for just general public that want to be in the area that might be affected by all of the loss of the residential parking that Comrade Chatman (phonetic) mentioned earlier?

Mr. Disario: I do not know if there's going to be any provision.

Ms. McGaffney: Okay. So, he did mention like the loss of those dozens of parking spaces. We don't know if there's any kind of mitigation for that?

Mr. Disario: Correct. I do not know. Personally, I do not know, no.

Ms. McGaffney: Okay. I know in the plans earlier it was mentioned there will also be a certain amount of bicycle allowance and parking in that area. Now I was wondering, because you had mentioned that your reports were a little bit lacking in consideration of pandemic patterns, the new construction that had just been built on Easton and Hamilton, and the fact that the schooling would be different. Has there been any kind of consideration to update the studies, considering the analyzation was done from the videos that were all taken at the same time. It doesn't seem to be difficult to obtain that kind of information. Is there any kind of consideration to maybe update with the new considerations that we have since April of 2019?

Mr. Disario: No. And our study, again, respectfully submitted to you, is conservative, and I think overstates the traffic impacts associated with this Cancer Pavilion.

Ms. McGaffney: Okay. Now in the plan submitted as well we see skywalks and other ways of I guess getting around in this area. Is there going to be any kind of I guess mass transit consideration? Will there be added bus stops? Will there be added pathways to the train station? Any kind of just ways to get the neighborhood access to these ways that our city is able to get around?

Mr. Dominguez: One minute warning.

Mr. Disario: The plans depict new sidewalks in terms of replacing the existing sidewalks and streetscape improvements completely surrounding the site on the 3 street frontages Hardenberg, Somerset and Division Street, beyond those, no.

Mr. Dominguez: All right. Next up is Meoni.

Matthew Meoni: Yes, I'm here. And again, its Matthew Meoni. Do you need my middle name as well for the record?

Mr. Dominguez: Your clock is running.

Mr. Meoni: Oh, it's running. Okay. Let's see what we got here. I want to say hello to Mr. Disario (inaudible) how are you doing tonight?

Mr. Disario: Good. How about yourself?

Mr. Meoni: I'm doing phenomenal, 75 in November, cannot complain about that.

Mr. Disario: Then you're doing really well. Congratulations.

Mr. Meoni: So, my first question, more of a - kind of a general question. What have you done in the past like year or so to kind of like improve your knowledge on traffic control, specifically pertaining to a project like this?

Mr. Disario: I don't know how to answer that question, other than I'm engaged in the analysis of traffic operations, the design of traffic signals, the design of roundabouts on a daily basis in my practice. So, I'm engaged with many aspects of traffic engineering study all the time and not only to New Jersey, but I have projects as far away as Australia, the West Coast of the United States and all points in between.

Mr. Meoni: Got you. Awesome. And I got a question too, I guess five for the Board. Do Mr. Disario's answers affect my 5-minute time?

Mr. Disario: No.

Mr. Meoni: Okay. Yeah. Just trying to be clear so we get good answers. Thank you. And so, that's awesome. So, it seems like you're very well experienced. You did say you went to Temple, correct?

Mr. Disario: I did.

Mr. Meoni: Now since this is a Rutgers town, is there any conflict of interest?

Mr. Liebling: That's not a question...

Mr. Disario: He's just being funny. And look, I know Rutgers from the football program, definitely has had Temple's number over the years, including when I was there at '87-'91. Basketball is a different story in the past, but it's a pretty good rivalry, but no conflict.

Mr. Meoni: Okay. Sounds good. Sounds good. And so, did you say you were the one who actually accepted this contract or was it like your boss or something in the firm?

Mr. Liebling: Not relevant.

Mr. Aithal: Sustained.

Ms. Ludwig: Next question.

Mr. Meoni: Oh, it's not relevant. Why is it not relevant?

Ms. Ludwig: Do you have another question, sir?

Mr. Meoni: I want to know who decided to...

Ms. Ludwig: Do you have another question, sir?

Mr. Meoni: I do, but that question, there's no elaboration on that question.

Ms. Ludwig: No.

Mr. Meoni: Oh, interesting. Okay. Duly noted. Yeah. So, next question we have here. Since there was not a safety study asked to be done by the Board, in your professional opinion, should a safety study have been done?

Mr. Disario: No.

Mr. Meoni: Why?

Mr. Disario: Because a safety study is separate and apart from what is required as part of a site plan application. What's required as a part of a site plan application is to assess traffic impacts associated with the increase of traffic associated with what's being proposed. As it relates to the street frontages of this project, there are provisions being made for enhanced sidewalks and other street-scape type improvements along the street frontages. And that is the applicant's obligation to provide those kinds of elements that relate to accommodating pedestrians. But beyond that, it's not required of this application.

Mr. Meoni: Got you. Okay. So, that clears it up. Thank you for clarifying.

Mr. Disario: You're welcome.

Mr. Meoni: And since it wasn't available already, do you know when the parking deck plans will be available?

Mr. Disario: I do not know.

Mr. Meoni: Got you. Okay. Thank you.

Mr. Disario: You're welcome.

Mr. Meoni: And before it was mentioned how there's no ambulances going, going to be going into the cancer center - to and from the Cancer Pavilion, but since the ER is literally 100 feet away, like right across the street from the Cancer Pavilion, you don't think that the added traffic will actually affect those ambulances?

Mr. Disario: I do not, no.

Mr. Meoni: So, more cars on the road won't make it harder for ambulances to get through?

Mr. Disario: No.

Mr. Meoni: I'm sorry. Obviously, I'm not a traffic control planner, but that does not add up to me. Do you care to elaborate a little bit more?

Mr. Disario: As I testified to earlier, when an ambulance is in an emergency situation and the sirens and the lights are flashing, it is incumbent upon every motorist on that road to make way for a clear path for that emergency vehicle to negotiate. And I applaud the resident who asked the question earlier, putting your car up on the sidewalk is exactly what's needed at times. And I'm happy to hear that he did that, as would I and hopefully as you would and everyone else would.

Mr. Meoni: Oh, for sure, but we all know that road -

Mr. Dominguez: One minute warning.

Mr. Meoni: - it's not always possible on that road, obviously right there on Somerset. I mean, we obviously know how many cars go up and down that road, sometimes it's not really feasible to put your car in the sidewalk, you know, especially if it's bikers or pedestrians. So, I don't really buy that it would be - wouldn't add to the ambulances possibly getting hindered.

Ms. Ludwig: Do you have any other question, sir?

Mr. Meoni: And there's another question. Yeah, got a question. How much time do I have left?

Mr. Dominguez: Thirty seconds.

Mr. Meoni: So, paisan, help me out here. What question would you ask if you were me to you?

Mr. Liebling: This is just dilatory. If you ask a question, you should ask it. If not, you should - we should move on.

Ms. Ludwig: Yes, I agree. Do you have any more questions?

Mr. Meoni: Yeah, I've got 30 more seconds, eh?

Mr. Dominguez: Twelve.

Ms. Ludwig: But is it - so you'd ask a question.

Mr. Meoni: Twelve more seconds. Okay. I'm sorry. I have a list of questions I'm just scrolling through real quick. I'm at my - bottom of it.

Mr. Dominguez: And time.

Mr. Meoni: Okay. That's it then.

Ms. Ludwig: Okay. Now next on the list...

Mr. Dominguez: Danielle Moore.

Danielle Moore: Hi, can you hear me?

Mr. Dominguez: Yes, Ms. Moore.

Ms. Moore: Yes. Well, most of you do know I am a traffic person. I do keep up with traffic throughout the city of New Brunswick. You said this was planned in 2019.

Mr. Disario: True.

Ms. Moore: Have you spoken to the county or the New Brunswick traffic authority about this?

Mr. Disario: Me personally, I have not. No, ma'am.

Ms. Moore: Well, I think this is why you need to redo this because due to where you have so much that is planned to be done, and it surely will interact with this. I didn't hear from the beginning. Will park in Somerset Street be blocked off with this project?

Mr. Disario: Not to my knowledge. No.

Ms. Moore: So, nothing at all on Somerset at all will be blocked off to this 3-1/2 years with Somerset Street?

Mr. Liebling: That was testified to by Mr. Roche. Nothing will be blocked.

Ms. Moore: Not even to build the bridge that connect to the hospital?

Mr. Liebling: That was his testimony.

Ms. Moore: Hello?

Mr. Liebling: Yeah, that was his testimony that traffic will - the street will not be blocked.

Ms. Moore: Well, see, this is one reason why I say you need to talk with the traffic authority. And you - as well, you know Dominguez, due to where you're part of the traffic authority meeting, due to where, wow, you have a project that's again on the corner of Quentin-Easton Avenue where they put down those side right in this area where that's going to be cut off as well to finish the project there with the new light and everything changing there. That's one. And then as well, you do know also about the Landing Lane Bridge was approved to be removed and redone. You do know as well French Street, the Damian Lewis (phonetic), due to the report of so many accidents over there that the city and the county is working on either no left turn, or delayed green. So, I think due to where this was done in 2019, I think you need to do an update of what's going on now with the different changes of the route.

Ms. Ludwig: Do you have any questions, Ms. Moore?

Ms. Moore: This is my question. So - well, so would you please answer, will you get a new update from the traffic authority and the New Brunswick freeholders of what are the projects that are being done? Because I don't see how you're going to be able to do this if they're cutting off the roads to do their repairs. I don't feel you answered my question.

Mr. Disario: None of what you've identified pertains to these eight intersections that we've analyzed. And just so we're all clear, if the Board grants approval prior to the start of the construction, the applicants' engineer needs to coordinate with the city specifically relating to construction of this project. It's pre...

Ms. Moore: That's why I said - that's why I said you see this is 2020.

Mr. Dominguez: One minute.

Ms. Moore: This is 2020 due to where you didn't know that these things are going to be done. So, this is why I'm saying I think you need to talk to the traffic authority in the Middlesex County feel there's - what they're doing to their roads that's going to interact with this. This is, well, you said 3-1/2 years to this and then what? It was just approved on Plum Street, Plum and Somerset Street, well, whatever was done to add another, at least a 11-storey building where they're taking over the parking lot there.

Mr. Aithal: Madam Chair?

Ms. Moore: But like I said - yes, yes.

Ms. Ludwig: Yes, Aravind.

Mr. Aithal: Madam Chair, this is Aravind Aithal, Board Attorney. If I could just interrupt. Ms. Moore, do you have a question regarding the traffic testimony that Mr. Disario provided?

Ms. Moore: Yes. That he - due to where my point is and like I said, my question is, I think he needs to investigate. And I'm - and asking where he needs to investigate due to where he said this is back in 2019.

Mr. Aithal: Right. Is there a question?

Mr. Dominguez: Time.

Ms. Moore: This is end of 2020. My time is not up.

Mr. Dominguez: The next up is Rubens.

Arly Rubens: Hello. So, my first question, I just wanted to clarify. Your report or the ability of the parking (inaudible).

Mr. Disario: I'm sorry, I - you were breaking up there. Could you please repeat it?

Ms. Rubens: Sure. I just want to clarify, has accounted the deck for the building of the parking deck exits?

Mr. Disario: The report does not - it does not account for the parking deck. It accounts for the traffic that will be generated by the cancer pavilion. What's been previously testified, as I understand it, is that the parking deck will provide the parking supply with which people associated with the cancer pavilion will park.

Ms. Rubens: But do you anticipate any exits from the deck as a result of deck? I'm sure - I know you're familiar with the area. But as we know, George Street, which has several parking decks frequently gets gridlocked and backed up as a result. You don't anticipate that?

Mr. Disario: As it relates to the - as it relates to the cancer pavilion, we've accounted for all the traffic that cancer pavilion would generate. We have not done a study yet for the parking deck.

Ms. Rubens: But the passing of the (inaudible) thanks to the passing of the parking deck, correct?

Mr. Disario: I don't know that to be the case.

Mr. Liebling: I can respond to that. We did offer to accept as a condition should the Board want to - should the Board want to approve it or include it that that approval of a parking deck is a condition of construction of the pavilion.

Ms. Rubens: So, do you plan to make any projections of how the parking deck would impact the traffic situation?

Mr. Liebling: That would be part of that application.

Ms. Rubens: All right. So, in a traffic or in your just factful (phonetic) opinion, do you have any thoughts on a direct consequence of this project, which is sending them to a school in an area where traffic accidents are very frequent?

Mr. Liebling: It's not relevant to his testimony or what he prepared.

Ms. Ludwig: Do you have any other - do have any other questions?

Ms. Rubens: Yes, I do. In your project, have you accounted sort of dental traffic and visits to the building such as deliveries, anything of that nature, aside from regular...

Mr. Disario: Yes.

Ms. Rubens: I heard a previous testimony some mention of all the things included in the plan. Can you repeat on that?

Mr. Liebling: Dan, I couldn't - I didn't hear the question. Could you repeat it, Ms. Rubens?

Ms. Rubens: Sure. In a previous testimony that mentioned of a lot being constructed in the area, is that correct?

Mr. Liebling: Yes, yes. That's a loading unloading dock for the pavilion will be part of the garage and part of that application.

Ms. Rubens: Okay. A sense of when initiation for that application will be happening and when we get to see some deals (phonetic) for this?

Mr. Liebling: In the near future.

Ms. Rubens: So, we seem to have that information about just when or any really relevant details. (Inaudible). Hopefully you're able to provide details (inaudible).

Mr. Disario: Yeah. Again, you were breaking up.

Ms. Rubens: I said that since they see (inaudible) hopefully we get that information soon.

Mr. Dominguez: She broke up again.

Mr. Disario: Yeah, again you're breaking up.

Ms. Rubens: (Inaudible).

Ms. Ludwig: Ms. Rubens, do you have any additional questions?

Ms. Rubens: No. Thank you.

Mr. Dominguez: Next up is Romero.

Miguel Romero: Yes. Hello, can you hear me?

Mr. Dominguez: Yes.

Mr. Romero: So, my question to the engineer, I don't have the plans in front of me, but - and your presentation in front of me. Could you repeat what the current estimated traffic is and what the traffic will be with the cancer center and the parking deck?

Mr. Aithal: Madam Chair, if this is to repeat his direct, and Mr. Liebling, if you don't want to go back to that, it certainly seems to me that the repeating what was already provided on direct is really not the purpose of cross.

Mr. Liebling: You beat me to it, Mr. Aithal.

Mr. Romero: All right. So that's a no?

Ms. Ludwig: Do you have any other question, sir?

Mr. Romero: Okay. So, if I'm listening correctly, what I heard you say was that there was going to be an increase of 300 cars during the morning hour, correct?

Mr. Disario: Yes, a little - a little more. 335 cars would come in to the cancer pavilion.

Mr. Romero: Wow.

Mr. Disario: During the morning peak hour. Correct.

Mr. Romero: That's insane. And have you - is there going to be a widening of the roads like on Somerset Street or something like that? Is there going to be like a two-lane road each way?

Mr. Disario: No.

Mr. Romero: So, do you not expect to be a much higher traffic? And also, you know, when people are making a left turn onto that street there that's going to be insane.

Mr. Disario: There's not a question. Could you ask me a question about that, please?

Mr. Romero: No, my question is how much more do you expect traffic to be increased since you're going to have an extra 300 cars on an intersection where people are going to have to make a left turn? If I'm not mistaken, you said that the wait time was going to be 2 minutes to make a left turn. So, I'm asking what you expect to be the increase in time and traffic.

Mr. Disario: Oh, that intersection. So, you're referring to Hardenberg and Hamilton. So that intersection during the morning peak hour, there would be 11 additional vehicles going northbound on Hardenberg making the right turn and there would be 14 additional vehicles in the evening peak hour going northbound on Hardenberg making a right on to Hamilton. So, 11 and 14 morning peak hour evening peak hour respectively. Again, less than one additional vehicle per minute.

Mr. Romero: I see. So that is still including - so that area where the cars are parked on Somerset Street in front of the hospital, that area is not going to be for parking anymore? Now, it's going to have like - is that going to become a two-lane road?

Mr. Disario: Lanes along Summer Street in front of the site will continue to be one lane in each direction. So, it is a two-lane road and it'll continue to be a two-lane road. We're not proposing widening.

Mr. Romero: Uh-huh. That helps. So, I was trying to ask if is - was of that parking area where the cars are parked, if that wasn't going to be park anymore and you're going to have two lanes each way meaning four lanes total, that's what I -

Mr. Disario: The answer is no.

Mr. Romero: - from me. Okay. I see. The other question that I have is about the sidewalks. You mentioned there was going to be renewed, redone sidewalks. And I - really the real question I'm trying to ask is why wasn't there any planning for the - for bike lanes? Like, if I'm not mistaken, Somerset Street only has painted bike lanes. But if you look at somewhere like College Avenue, there's actually like bike lanes that are designated with a protective barrier. So, my question is why didn't that happen on Somerset...

Mr. Liebling: I'm not sure that's anything that. Mr. Disario testified to or was part of his study. Sorry, he can't answer that.

Ms. Ludwig: Do you have any more questions, sir?

Mr. Romero: Yes. The - who is going to be in charge of the parking deck that is going to be built?

Mr. Disario: I was not -

Unidentified Speaker: That's a different application.

Mr. Disario: - yeah.

Unidentified Speaker: Do you have any more questions for this witness?

Mr. Romero: No, I don't. Thank you, Mr. Dan.

Mr. Dominguez: All right. Next up is Stork.

Linda Stork: Hi. Good evening to the Board and to Mr. Disario.

Mr. Disario: Good evening.

Ms. Stork: So, yes. My question - okay, so the intersections that were included in the study, the problem as I see it, and from where I live and have to get around the city, is that all those cars have to get to those intersections. So, you know, I don't doubt, you know, the accuracy of your study, you know, the video saw whatever it saw. But these - the access routes, you're talking about 10 percent from Easton. Well, Easton, during that whole afternoon rush more than an hour is backed up to where people sit through multiple lights, and people can hardly get out from the side streets onto Easton Ave. So that's already the situation. So even 10 percent of them heading up Easton to go home is going to be a problem and the 12 percent out of Hamilton, 22 percent out Somerset...

Unidentified Speaker: Do you have a question, Ms. Stork?

Ms. Stork: Oh, yeah, I do. So, my question is how do they - how did you determine - you're looking at this, the car coming through this intersection, but was there any way of knowing that that car to get there already sat through, because the gridlocks coming across town, okay, if you come down Easton and come over - and you come over, like Courtland to Louis, and then up to either Somerset or Hamilton, where the lights are, so you would think the light would at least guarantee you a chance. Like, I know how people...

Mr. Liebling: You almost had a question out. You almost had a question out.

Ms. Stork: So, when you said like when people get hung out there for the left turn, and it can take 2 minutes, you called them dilemma vehicles. And so, what you were saying is that when they turn, it's actually going to be lower, because that's actually efficient because they're making a turn. But the problem is, did you account - Let me make a question. Did you account for the fact that when you get hung out there trying to make a left turn, it's actually gridlock? So the people can't - so then the traffic can't move.

Mr. Aithal: Madam Chair, this is Aravind Aithal, the Board Attorney. Ms. Stork does not appear to have a question. It's a running comment.

Ms. Stork: It is a question.

Mr. Aithal: Right. So (cross talk).

Ms. Stork: Did you account for the - we're talking about the dilemma vehicles. And my question is when you're saying that it would actually be quicker if you accounted for the fact that they're making a left turn actually on yellow, or it can happen on red too because - but it's not people trying to get away with something. It's because it's gridlock. So, did you account for the fact that instead of making it quicker, it's

actually going to make it slower because the traffic can't move in the other direction? That was my question. Sorry it took me a long time to get to it.

Mr. Disario: No. That's okay. So, all the traffic that we counted traversing all the study intersections, we've accounted for. And we've built a network in terms of for purposes of analysis, where all eight intersections are evaluated and analyzed all at once. So, Easton and Hamilton, and Easton and Somerset are interacting with each other as part of the analysis model that we put together. So, the short answer to your question is, yes, we've accounted for the interactions of adjacent intersections.

Ms. Stork: Okay. And how about the - so then how about the next intersections over like - but the additional traffic that will be created to get to those intersections, like on the main thoroughfares that everybody's already using for other reasons...

Mr. Dominguez: One minute warning, Ms. Stork.

Mr. Disario: We have not looked at or analyzed or evaluated any intersections beyond the eight that we have studied for this application.

Ms. Stork: Okay. So, I also - and when you said that post-COVID you thought it would be less because of telecommunication. Did you think also it might be more because people like just regular commuters, not the hospital traffic, but the traffic that's already out there, people aren't wanting to carpool, or the people that used to take mass transportation don't want to take it anymore? Because I'm seeing a lot of traffic back out here again, and I know everybody's not back to work.

Mr. Disario: In my opinion, and it's only opinion at this point, I do believe wholesale changes in the way people do their work and commute are changing. And I do believe more people are going to work from home. And maybe it's not all 5 days a week, but maybe it's a couple days a week and then they come into the office or wherever their place of businesses a couple of days. But I do think in terms of a wholesale look at this region, and we can look at say Greater Middlesex Somerset County, I do believe traffic volumes on all the roads added up together will be less post COVID than they are or were pre-COVID for those reasons.

Ms. Stork: Okay. Yeah, I hope you're right for the sake of what's this going to do to the traffic situation, but did - when you were speaking about the - like the pulling over for the (cross talk) so the traffic the way it is -

Mr. Dominguez: Ms. Stork, that was time.

Ms. Stork: - did you realize that that's impossible to do on those streets? I had to do this commute. And you can't - you sit through. Literally it took me and it would take a half-hour to get from St. Peter's over to the public library to do a story-hour in the afternoon.

Mr. Dominguez: Next up is Tucker.

Ruth Tucker: All right. So, you visited the - are you aware of the population difference between New Brunswick against the - that contains every hospital you looked at?

Mr. Disario: No.

Ms. Tucker: Okay. Well, it has about twice the population. But more importantly than that - oh, I'm breaking up? Can everyone hear me?

Mr. Disario: I can hear you. I'll let you know...

Ms. Tucker: Okay. Just (cross talk), pardon me.

Mr. Disario: I'll let you know if you're breaking up. You were a little bit, but I understood the question.

Ms. Tucker: Okay. Well, more importantly, the population density in New Brunswick is about five times that of Basking Ridge. Do you believe that this wouldn't have an impact on the amount of pedestrian and vehicle collisions that occur?

Mr. Disario: I do not, and as I stated earlier, I think more people drive their cars to Basking Ridge to go to Memorial Sloan Kettering than people would drive to this cancer pavilion because of the fact that - and it's a great asset of the city, robust mass transit system, both buses and trains.

Ms. Tucker: Oh, yeah. I was trying to get across that there's more pedestrian traffic in New Brunswick because the population is more dense. But regardless, we can move on from that. So, have you analyzed the traffic at all when school was just beginning or letting out around the area?

Mr. Disario: No.

Ms. Tucker: Okay. Oh, God, maybe that's - somebody is...

Mr. Disario: Oh, God, yes. Some...

Ms. Tucker: I do have a background. Can that not count as my time?

Mr. Disario: I think that would be fair. Somebody was definitely using a blender there to make something.

Ms. Tucker: Okay.

Mr. Dominguez: I'm going to - I'll give you 15 seconds.

Ms. Tucker: Okay. So, do you think the - did you catch the question there?

Mr. Disario: Mr. Dominguez said he added 50 seconds to your time.

Ms. Tucker: Oh, thank you very much.

Mr. Dominguez: I said 15 seconds. Sorry.

Mr. Disario: Oh, 15.

Ms. Tucker: Yeah, that's fine. Anyway, anyway. So, you said that you did not analyze the traffic when school was just beginning or just letting out. Do you think that that would represent maybe a significant difference from the data that you collected already?

Mr. Disario: So maybe I misunderstood your question. If you meant when Rutgers starts a school year or ends a school year?

Ms. Tucker: Oh, no.

Mr. Disario: And that's how I answered the question. So, forgive me, I misunderstood. No, we did do counts that would encompass when school starts, both local public schools as well as Rutgers and when school ends during the afternoon, because our counts were done at 6:00 in the morning to 9:00 in the morning, and from 2:00 in the afternoon to 6:00 in the evening.

Ms. Tucker: Right. Okay. So, there's an increased risk of like traffic accidents at these times?

Mr. Disario: I can't opine on when accidents occur and for what reasons they occur.

Ms. Tucker: Okay. Have you taken into account the increase of vehicles, the children have to be driven in buses to school?

Mr. Disario: Not specifically. But again, as I testified to earlier, we've increased all the volumes we identified by 5 percent. And that means every single movement at every single approach at every single intersection of the eight study intersections that we evaluated. So, we have accounted for an increase in traffic some of which may be attributed to additional buses on the road for the schoolchildren.

Ms. Tucker: Okay. Just because I don't really know anything about traffic numbers, could you contextualize what 5 percent means in terms of increased traffic? Like, you know, from - maybe from one time of day to another, what percentage would look like that? Because I'm not entirely sure I understand what that actually means.

Mr. Disario: So as an example, if you had a particular through movement at an intersection, and it was 1,000 vehicles today, we've increased it to be 1,050 vehicles in the future.

Ms. Tucker: Oh, no, I know the math. I just mean like could you like contextualize that in a way that somebody who doesn't like count vehicles as they go through an intersection would think of it? Like is this - is 1,000 vehicles that like rush hour? Does 50 more vehicles, like what kind of effect does that have usually on traffic if you know? I mean, is there some way to make it a little less like (cross talk)?

Mr. Disario: So, to answer your question - we've assumed that every intersection, every left turn volume, through volume and right turn volume that were identified in those peak hours would increase by 5 percent. Now, if you were to look at specific projects, and let's take an example, the residential development that's going off at the northwest corner of Easton and Hamilton, the traffic associated with that project, and I did work on that project, and I anticipate that's going to be marketed to Rutgers students, and not necessarily be people that are nonstudents. But nonetheless, even if they are, that project in and of itself is not going to add 5 percent increase in volumes of every movement of every intersection that we studied, as an example, just to help you contextualize it as you said.

Ms. Tucker: That's okay.

Mr. Disario: So, us making the assumption and increasing the volumes that we have in the fashion that we have, we put - again built in another level of conservative evaluation as it relates to traffic impact.

Ms. Tucker: Do you have any data that would be available to us, prior, like, projects of the scope and like the after - like the actual effect of the traffic changes after the fact? Do you guys do like studies on that or...

Mr. Disario: I don't have any, no.

Ms. Tucker: Okay. That's pretty much it for my questions.

Mr. Disario: Thank you.

Mr. Dominguez: All right. Thank you. All right. So that is our initial - first initial list. Is there anyone that we missed that wanted to - yeah, I mean, the traffic engineer? Yes.

Herb Tarbous: Mr. Dominguez, this is Herb Tarbous. I'm sorry I wasn't here when you took the roll. I'd like to ask some questions.

Mr. Dominguez: All right, Mr. Tarbous. Is there anyone else?

Matt Smith: Yeah. Matt Smith.

Mr. Dominguez: Matt Smith. Anyone else?

Mr. Chapman: May I ask an additional question?

Mr. Dominguez: You may not until public comment. Is there anyone else? Seeing none, we'll close that and we will allow Mr. Smith and Mr. Tarbous to speak. Mr. Smith, you're up. You have 5 minutes.

Mr. Aithal: Mr. Smith, if you can give us your address.

Mr. Smith: Thank you. Oh. I'm sorry?

Mr. Aithal: Your address please.

Mr. Smith: Yes. 123 Livingston Avenue. So, my question - my first question is whether or not there was any - associated with the traffic study, if there was any assessment of the additional emissions that would come from the - I'm sorry, what was the exact number of estimated additional car trips resulting from the construction of the cancer pavilion?

Mr. Disario: 410 in the morning peak hour and 335 in the evening peak hour.

Mr. Smith: Okay. So roughly 750, you know, per day. Was there any assessment of the additional emissions that would result from 750 daily additional car trips not including the parking terminal?

Mr. Disario: No.

Mr. Smith: And do you ever look at emissions related to increased traffic? Is that ever part of the scope of your work?

Mr. Disario: It is not.

Mr. Smith: Okay. Is there a reason why that was not included in the work for this particular project?

Mr. Disario: That is not part of a traffic study evaluation.

Mr. Smith: Did the traffic study evaluation look at, in addition to those car trips, additional truck trips as a result of the cancer pavilion?

Mr. Disario: Yes.

Mr. Smith: And how many truck trips were expected?

Mr. Disario: They are part of the estimated trip generation numbers that you and I just spoke about. We haven't broken them out specifically, but they're inherent to the - in those numbers.

Mr. Smith: Okay. So, you don't know what percentage of the roughly 750 daily car trips are from heavy duty trucks?

Mr. Disario: So, let me just make sure you understand, the 750 trips you're referencing are for the morning peak hour and the evening peak hour, they're not for the daily trips. And the truck traffic that would be within those numbers is a small percentage. Exactly what they are, I don't have that information tonight.

Mr. Smith: Okay. And is there a reason why the specific impacts associated with heavy-duty vehicles and trucks were not included in the scope of this study?

Mr. Disario: They have been. We've identified all the trucks and buses and any heavy vehicles that traverse the intersections today as part of our counts. And by virtue of increasing the traffic volumes attributed to what's going to be generated by the cancer pavilion, there's a proportionate increase in all the existing truck volumes at all the intersections, which is directly proportion to the increase in traffic because of the cancer pavilion. So, if there were 5 percent heavy vehicles let's say on the specific left turn movement today, based on - in 2019, based on our traffic counts, and we added traffic volumes attributed to the cancer pavilion to that specific left turn movement, that increase in that left turn volume is going to account for an increase in truck traffic as well.

Mr. Smith: Right. But that's just based on the city average, not based on what's anticipated as a result of the cancer pavilion?

Mr. Disario: It's not the city average. It's actually what occurred and what we identified and what we counted at the eight study intersections. So, in doing that, again, I would respectfully submit to you, it's conservative because we are assuming there's an increase in truck volume at every movement at every intersection, we analyzed by virtue of increasing the volumes associated at those intersections with the cancer pavilion.

Mr. Smith: Right. But the -

Mr. Dominguez: Minute warning.

Mr. Smith: - none of the intersections that you looked at had massive cancer pavilions, correct?

Mr. Disario: All the intersections had cancer pavilion volumes that we added to them.

Mr. Smith: Oh, these are not intersections in New Brunswick. These are intersections with other cancer pavilions across the country is what you're saying

Mr. Disario: No, the eight intersections that we evaluated in New Brunswick have traffic volumes associated with them that we identified. They also have heavy vehicle traffic that we identified. The increase of volume attributed to the cancer pavilion at all those study intersections will inherently increase the truck traffic that we evaluated.

Mr. Smith: Okay. I think we're still not - I don't - yeah, I don't think my question has been answered because you're telling me yes, but what - then when you explain it, you're saying you're looking at traffic levels and what percentage are trucks from intersections New Brunswick today. My point is none of those intersections have a cancer pavilion. And so, a cancer pavilion -

Mr. Dominguez: Time.

Mr. Smith: - fundamentally not just changes the volume of traffic, but it changes the kinds of traffic that would be coming. So - and therefore the proportion of trucks versus cars, heavy-duty, light-duty vehicles. So, is it true that none of that was looked at as part of this traffic impact study?

Mr. Disario: No, that's not true. We accounted for increases in volumes and increases in heavy vehicles as a result of those increases in volumes, both to account for background traffic...

Mr. Smith: But not specific to the pavilion, just in general?

Mr. Dominguez: Thank you. Next up is Mr. Tarbous.

Mr. Tarbous: Thank you, Mr. Dominguez. Hello, Mr. Disario.

Mr. Aithal: Mr. Tarbous, your address?

Mr. Tarbous: With respect - I'm sorry. 411 New Market Road in Piscataway. Okay. Mr. Disario, I did hear your testimony. I've not heard all the cross-examination. I - there was a bit of clarification with respect to pedestrians. Does your study include pedestrian traffic or just vehicular traffic?

Mr. Disario: It includes pedestrian volumes that we identified from the traffic counts.

Mr. Tarbous: Okay. And then you also - I believe you talked about the traffic signaling, right? At the intersections, you were - you know what the traffic signals are. Do you account for the walk and don't walk sign signaling as part of that study?

Mr. Disario: Yes.

Mr. Tarbous: Okay. With respect to your trip generation, you talked about certain number of trips being generated with a destination of the cancer center. Do you have - was it all - were the sources of those trips also generated?

Mr. Disario: I'm not following your question.

Mr. Tarbous: Well, if you're assuming there's a trip, someone's making a trip, and their destination is this cancer center, that trip would also need to have a source, a place where the trip started?

Mr. Disario: Oh, an origin. Okay. Yes, an origin.

Mr. Tarbous: Origin, yes. So, you have origin data for those trips that you use?

Mr. Disario: We do not.

Mr. Tarbous: You do not. Okay. You did testify that you made a breakdown of the - I guess you call them primary pathways. And you did have a breakdown by percentages I believe. So how did you come to those conclusions if you had no source data for your trips?

Mr. Disario: The distribution percentages we identified replicate the existing patterns we identified through the traffic volume counts that we did. So, the traffic going through this specific area and all the directions of approaches and departures, that - so essentially the existing travel patterns, we used those to identify what the cancer pavilion traffic would do.

Mr. Tarbous: Okay. So, it does not include any characteristics of the cancer pavilion? Other than the volume? Is that right?

Mr. Disario: If you're asking will we know where people live that work at the pavilion, no, we do not know that.

Mr. Tarbous: So, you did not estimate that. But you do have estimates. Now, I believe I heard you say, correct me if I'm wrong, that there's the southern approach on Easton Avenue, which I guess is from the train station. Is that right? That would be 31 percent of the traffic. Am I getting that right?

Mr. Disario: Correct. You are - yes, you got it right, from that direction.

Mr. Tarbous: So that direction - so that from the Albany and Easton intersection, is that one of the intersections that you studied?

Mr. Disario: We did not study that one, no, sir.

Mr. Tarbous: Did you study Little Albany and Easton?

Mr. Disario: No, sir.

Mr. Tarbous: Okay. So, I also heard that the busy hour would be 400 vehicles arriving in the morning busy hour? Is that correct?

Mr. Disario: No, sir, that's not correct. 335 would be arriving as an estimate.

Mr. Tarbous: Okay. 335 arriving as an estimate and 31 percent from Easton Avenue would be approximately vehicles per hour, is that correct?

Mr. Disario: Yes.

Mr. Tarbous: So, you also testified that there was nowhere to have more than one car per minute efficient, but now you've just answered my question -

Mr. Dominguez: One minute.

Mr. Tarbous: - you just answered my question confirming that there's 90 cars per minute coming on that route, is that correct?

Mr. Disario: Correct. And so, my - so it's clear to you and everyone listening, my testimony was most approaches to all eight intersections would see an increase of one vehicle per minute or less.

Mr. Tarbous: So not all intersections?

Mr. Disario: All intersection approaches.

Mr. Tarbous: You said - you just said most, so it's not most - I mean it's not all. You're saying it's most intersections at less than one. But there is - obviously it seems like a greater than one car per minute increase on Easton Avenue from the south is what you're saying.

Mr. Disario: Just to clarify, you used the term "all intersections," and I clarified that for you it's all intersection approaches. And my testimony is that most intersection approaches, so the approaches to each of those eight intersections see increase in traffic conservatively of less than one additional vehicle per minute attributed to the cancer pavilion.

Mr. Tarbous: So, when you say approaches, are you considering free approaches like for the Easton and Somerset, or just the primary approach that you expect the cancer pavilion traffic to come from?

Mr. Dominguez: Time.

Mr. Tarbous: Yes, my question...

Ms. Ludwig: Now we will hear from - we will hear closing arguments from the - closing remarks from the attorney for the applicant, Mr. Liebling.

Mr. Liebling: See, I'm un-muted now. Thank you, Madam Chair. We greatly appreciate the Board's attention to the application this evening. And I do want to thank the public for the focused questioning of the traffic engineer relating to the testimony that he gave. That elicited a lot of valuable information. Regardless, as I'm sure the Board is aware, established New Jersey law is that offsite traffic impacts are not a factor being taken into consideration in the site plan application. To reiterate, the standard reviewed by this Board provided the applicant is able to show that the site plan complies with the redevelopment plan, it is entitled to an approval subject to reasonable conditions. We believe the applicant has successfully made that showing and we therefore request that the Board approve the application at this time subject to all agreed upon conditions. Understand the comments to follow, but in the meantime, thank you very much for your thoughtful consideration.

Ms. Ludwig: Thank you for that. I just want to address the Board. It is a little less of 10:00 now, and are there any objections to proceedings? Okay. Hearing none, we will open. I'm going to ask for comments. This will be general comment on the entire application and I'm going to ask first the professionals, then the Board members, and then again go to the public. So right now do any of the professionals have any questions regarding this application in total? I'm hearing none. And do any Board members have any questions?

Mr. Cartica: This is Bob Cartica.

Ms. Ludwig: Yes, Bob.

Mr. Cartica: So why is the cancer pavilion and the associated parking deck and utility plan being submitted under separate applications? And isn't it fair to say that one can't exist without the other, so we're kind of being asked to approve half of project.

Mr. Aithal: Mr. Cartica, this is Aravind Aithal, the Board Attorney, and I can probably answer that question, Mr. Liebling, feel free to jump in if you believe that I'm not being complete and/or an accurate picture. The application that's before the Board is for specific lots and blocks within the redevelopment area for the cancer pavilion is specifically for that. The standards for the cancer pavilion have been established in that redevelopment plan. That does not call for parking to be located on that (inaudible). However, the reality is that parking does need to occur someplace in the city. The applicant has indicated that he would accept as a condition of an approval, if the Board were to approve the application or deny, that they would have to come back before this Board which would retain jurisdiction and to provide a full testimony and application for the parking deck and the condition of approval that this Board has to the cancer pavilion could be that they receive approval for a parking deck.

Mr. Cartica: Yeah, I - thank you, Mr. Aithal.

Mr. Liebling: I'm sorry, Mr. Cartica, I can elaborate or certainly by all means I didn't want to cut you off.

Mr. Cartica: Well, again the basis of my question is that, you know, on its face the site plan, it's consistent with zoning. The no variances are requested. But that may not be the case for the adjacent - presumably adjacent parking facility and, you know, what kind of position does that put the Board in if we voted yes for one and no for the other? It just seems to me that these are kind of - they're tied together and to ask us to vote for them separately is, you know, I'm just - I don't know if I'm comfortable with that.

Mr. Aithal: Mr. Cartica, this is Aravind Aithal. The condition that the applicant indicated and I didn't speak for - Mr. Liebling speak on behalf of the applicant, was the approval of this application, if the Board were to consider that, would be conditioned on getting an approval for parking deck as well. So, no construction of this site could occur. The cancer pavilion could not occur until the application for a parking deck has been heard by this - by this Board and it's been approved by this Board. If this Board denies the application or the parking deck, they can't go forward with a construction permit and construct the cancer pavilion because the condition would not have been satisfied. So, in terms of maintaining some ability to control the outcome here, the tactical decision to bifurcate, if you will, an application that's not what this is. It's not a bifurcated application. But the practical effect is that there is a bifurcation. The parking would be heard as part of a separate application and the condition of this approval for the cancer pavilion could be explicitly that they have to come back and they have to get an approval for the cancer - for the parking deck as well.

Mr. Cartica: So, does this mean that we would be providing preliminary rather than final approval? Is that implied in what your - in these conditions?

Mr. Aithal: Mr. Cartica, it's my opinion the Board can grant preliminary and final approvals as normal (inaudible) come back of the condition of the preliminary and final approval would be that they come back and get approval of a parking deck.

Mr. Cartica: Just an associated question. Define kind of preliminary and final and again, I'm, you know, a little hesitant with regard to the final approval, but why are you coming to us with both preliminary and final - requested preliminary and final approval of this site plan?

Mr. Aithal: Our standard - right. Our standard practice in New Brunswick has been to grant preliminary and final approval site plans, especially if there's a site plan without any variances, just a (inaudible) but has no variances. However, if the Board felt uncomfortable granting preliminary and final, another option the Board has is certainly to grant a preliminary only. And that would be obvious with the same condition they come back with the approved parking deck application. The practical effect would be this - would be very little. They can't build without - if there is a condition that the parking deck be approved, they can't build the cancer pavilion.

Mr. Cartica: Okay. I understand. For reasons that I can't explain, I'm a little bit more comfortable granting preliminary approval. But that's all the questions I have at this time. I might have more before we're done here.

Ms. Ludwig: Thank you, Bob. And I just want to thank you for waiting from the last meeting to answer - to ask your questions at this part. I appreciate that.

Mr. Cartica: Yeah, I think I asked that question about 10 hours ago in this meeting.

Ms. Ludwig: Bob, I just wanted to thank you for your patience. Do any other Board members have any questions at this point?

Mr. Petrolino: Yeah, John Petrolino here.

Ms. Ludwig: Yes, John.

Mr. Petrolino: Yeah. So, first of all, I'll just echo what Mr. Cartica said. It does give me pause that the presentation of the application is speeding, has been. I certainly understand that there are tactical reasons why applicant's counsel may have done it that way. But, you know, I do think that there are number of questions that emerge based upon that presentation. That having been said, I want to thank Mr. Disario for his presentation, his patience, his willingness to answer and entertain questions, and his professional

demeanor. I think he did an excellent job. And certainly, I would echo the sentiments with respect to Mr. Liebling's comment that the public has done a fantastic job of hearing and presenting an interested opinion and informed the public with respect to this application. I do have significant concerns with regards to the impact of this proposed use in this area. I should applaud Robert Wood Johnson, their commitment to New Brunswick, and their commitment to the treatment to cancer. I think it has been a fantastic use. I question its location. While, Mr. Disario, I appreciate your (inaudible) at Thomas Sweet and Stuff Yer Face, I've lived by St. Peter's Hospital for the past 14 years and I can speak from personal experience that the traffic gets more and more difficult with each passing year. And I think the addition to this project in this specific location is going to make a very bad problem significantly worse. So I appreciate your position and I respectfully disagree. That's my position. I don't really have a question, but I did want to go on record. I will pass it back. Thank you.

Ms. Ludwig: Thank you. Thank you, John. Do any other Board members have any questions or comments at this point? Hearing none, I'm going to turn the meeting over to Mr. Dominguez for public comments. And I believe it's 3 minutes now, Mr. Dominguez?

Mr. Dominguez: Mr. Aithal?

Mr. Aithal: That's correct, Madam Chair. The public comment - 3 minute limit on public comments.

Ms. Ludwig: And just to let everybody know, this is public comment on this application only. There will be another portion of the meeting that's for general public comments, but this is for this application, anything pertaining to this application only. So, if you want to take a list, Mr. Dominguez, and we can start that.

Mr. Liebling: Yes, Madam Chair, I need to object to the unprecedented limitation of public comments to 3 minutes tonight. May I ask why he's doing that and whose decision is it?

Mr. Aithal: Madam Chair, this is Aravind Aithal, the Board Attorney. As the number of people that have expressed interests in speaking about this application, both in terms of asking cross-examination questions and also making public comments during their cross-examination, municipal land use as well as the emergency remote public meeting protocol for local public bodies require that you give the general public a reasonable opportunity to comment. Reasonable opportunity is now defined as 1 minute or 12 minutes or 18 minutes. It is taking the totality of the circumstances and all of the facts into consideration based on the number of people, the desire of the Board to hear from a maximum number of people, it would be prudent to limit the 5 minutes which is normally given under normal circumstances, with these extraordinary circumstances, limiting it to just 3. Madam Chair, if I have Mr. Dominguez call members of the public.

Mr. Kratovil: I've got to reiterate this objection here. This is - you know, basically you're saying because lot of people are interested in this, we're going to limit them. You represented the Board when they heard the Guilden Street application. Why didn't you do this then? Why were we allowed to (inaudible) much smaller application with a less powerful developer? (Inaudible) with a big powerful developer -

Ms. Ludwig: Mr. Dominguez, can you mute him, and can we start a list for public comment please?

Mr. Dominguez: Certainly.

Unidentified Speaker: (Inaudible) for you to cut him off when he's trying to say something.

Ms. Ludwig: He'll have an opportunity to speak during comment. We're not cutting anybody off from that.

Unidentified Speaker: Whatever.

Unidentified Speaker: You know you are.

Mr. Dominguez: All right. So please be - oh, I have a problem. Problem solved. Sorry. At this time, we're preparing to open the hearing to public comment on this application in order to assure that the Claims Board can hear from the interests of public and the public can hear public comments. I will organize speakers in order by last name. In a moment I will un-mute the public call. Well, you'll have to un-mute yourselves we discussed earlier. Star 6 for people on their phones. I'll ask that those with the last name starting "A" to provide me your last name, first name, and home address. I hope some of the information is correct and I'll move to next person alphabetically from A to Z. On the completion of asking for all last names from A to Z, I will ask one time - one more time for anyone who want to be placed on the list of speakers. We will then move through the list of speakers by calling the person by name and permitting them 5 minutes to speak. Once we complete the list, we'll once again check to see if anyone else would like to 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 will ask that you please remain silent so that we can hear each other and begin the speaker registration process. I'll ask that any member of the public who would like to comment on this hearing on this application with the last name starting with A please state your full name and address.

Mr. Dominguez reads through the alphabet. Araceli Gonzalez, Jean Luc Borjay (Louis Street, New Brunswick, NJ), Ed Chapman (13 Hardenberg Street, New Brunswick, NJ), Elizabeth Ciccone (New Brunswick, NJ), Daniel Cruz (Union, NJ), Nishad Datta (50 Robinson Street, New Brunswick, NJ), Mika Deitch (68 Townsend Street, New Brunswick, NJ), Dan Gilmartin (50 Richardson Street, New Brunswick, NJ), David Hughes (330 South 3rd Avenue, Highland Park, NJ), Juan Gonzalez (11 Cotter Drive, New Brunswick, NJ), Catherine Hunt (121 Lowell Lane, Monroe, NJ), Ming Jia (68 Townsend Street, New Brunswick, NJ), Charlie Kratovil (Suydam Street, New Brunswick, NJ), Jessica Kratovil (Piscataway, NJ), Brian Kulas (East Brunswick, NJ), Kate McGaffney (Hardenberg Street, New Brunswick, NJ), Laura Merz (Hiram Square, New Brunswick, NJ), Matthew Meoni (Metuchen, NJ), Danielle Moore (Birchwood Terrace Apartments, Hamilton Street, New Brunswick, NJ), Andres Morera, Mollie Passacanta, Arly Rubens (Louis Street, New Brunswick, NJ), Miguel Romero (Somerset Street, New Brunswick, NJ), Johnathan Tadeo, Herb Tarbous (Piscataway, NJ), and Linda Stork (Park Boulevard, New Brunswick, NJ) are placed on the list of speakers.

Araceli Gonzalez: Hi. I just joined. I wasn't able - well, I was multitasking last 7 hours, so it's kind of a long time for someone to be on, and I just wanted to say the question part would have been a good time for me to catch upon all of this, but I could not because I did walk into a bunch of chaos, people being interrupted and not given time to speak. Well, I don't understand why you were interrupting people like that. It's just very confusing and it's not good to the public. It doesn't seem like they're - it doesn't seem like they care about what our questions are and about our transparency. So, I just wanted to get that out of the way. Not to mention that I didn't see in any of the plans anywhere, I follow some pages on social media and I could not find anything in the parking deck, so that's worrying. And, yes, so again I would just want to reiterate that people are busy, so they're here and they're trying to make the best out of the time that we do have to be here, so it's really frustrating that you don't take that seriously. You don't take our time into consideration. Three minutes, this is your job, you need to do this. We are not paid to do this. We're given time out of our days and we could do something else. And people have to go to work in the morning and we still make time to be here, so I don't - it's just always a common theme with these meetings that you don't have any respect to peoples' time, you're just here to shut people down because you don't like what they're saying, and it just - it's really, really disappointing to see that. I still have lots of I'm not very clear on what's going on and again it would have been helpful to hear some of those questions that people have them, sure were similar to mine. But I guess this Board is not interested in educating the public and being transparent. So, I'm just going to have to find that information elsewhere even though this is your job to do that. So, yeah, I just hope that you consider the public when you do these meetings because it doesn't seem like that's your priority. It just seems like you're trying to get through this as quickly as possible. Even when you were saying how we're going to go through this and your explanation for the 3

minutes, you were speaking so fast. It's so obvious that you're just trying to get this over with. It's very disrespectful and disappointing and I'm really sorry to be hearing this. Thank you.

Ms. Ludwig: If I say before you begin again, Dan, I just want to make it clear this is not the general public portion of the meeting, this is the public comment portion on the application.

Araceli Gonzalez: So, this - so this is my general comments.

Ms. Ludwig: So, if we can keep it - if we can keep it to that that would be - that's what we're going right now.

Araceli Gonzalez: So, I want to clarify. That was - I don't think that was a general comment. I do have something to say in the general comment. This is a comment specifically to what I just witnessed when the people were asking the questions, I think that's very specific to that. No, I definitely have more things to say in the public comments and even just that - even this person that just spoke right now saying that what I'm saying is not relevant, it's a way of - it shows how much you guys don't want us to talk, you just want to get this over with.

Mr. Dominguez: Thank you. Ms. Chair, if I can, there is actually a - there's actually one written comment that we received and I should read it into the record. This is required by the new regulations, so I apologize for forgetting. It's from Ms. Laura Merz. "My name is Laura Merz and I'm a homeowner and taxpayer in Hiram Square, New Brunswick. Basically we -

Mr. Aithal: Sorry to interrupt. Ms. Merz has signed up. She's here.

Mr. Dominguez: Yes, but she also submitted a...

Mr. Aithal: Public portion speak first, then we can go to the written portion.

Mr. Dominguez: Okay. Mr. Borjay.

Mr. Borjay: Yes. To begin with, I must put forward an objection to the limited time that we're being given to make since the counsel did not see the remaining last month when the meeting was about till 2:00 a.m. Concerning lack of details with this project over time - what is that sound? Hello? What is that sound? Okay. I find a concerning lack of details with this plan as it seems to be continually the case with the overall project. The traffic concerns are well concerning. I fear the repercussions that such a redevelopment would bring to this neighborhood and the town as a whole. The site in well projected estimates of traffic increases, but with the parameters that such - that the data was gathered under as such, it seems that it failed to take into account the fact that this will - this project will radically alter the entire neighborhood and there will be increased modes and sources of traffic. I just find it unconscionable that this project is continuing as such and it's apparent to me that more care needs to be taken to the - into consideration with this. Thank you.

Mr. Dominguez: Thank you. Next up is Chapman.

Mr. Chapman: Okay. My first comment, it seems like we're going to have to piece together two traffic studies, one for the pavilion, one for the parking deck in order to get an actual study of the traffic impact here and the Board has to know that that's kind of ridiculous. My second comment, at a time when the city under Mayor Cahill's government Energy Aggregation Program is moving toward renewable energy to lower the city's carbon footprint, the energy generation plant for this project that you're asked to approve seems to lock the hospital into fossil fuels forever. So, this project locates a diesel-spewing, fossil fuel generating station in the middle of a low-income residential neighborhood and I wouldn't be surprised if the Sierra Club or other environmental justice organizations take an interest in this. And this issue will

come up again of course when the Board reviews the plans for the parking deck. So, you need to take that into consideration as well. Thank you.

Mr. Dominguez: Thank you. Next up is Elizabeth Ciccone.

Elizabeth Ciccone: Thank you. I'd like the Board to consider several points in regard to this application as a whole, firstly that it's not as whole as many people have pointed out, that in fact they are approving a portion of an entirety without the parking deck and the power generation plant. Secondly, the environmental impact statement did not include a Section 106 review under the National Historic Preservation Act because it is required when federal funds are being applied, as in this case where there are grant funding for the construction of the cancer pavilion. In addition, I think the Board should consider that the design of the building is completely out of character with the neighborhood as I pointed out to the architect in the last meeting that in fact there are no other buildings anywhere in New Brunswick that are made of terracotta tile and certainly not in that neighborhood that has vernacular buildings from Italianate and artistic (phonetic) style. And in addition, I would just say that the attitude of cutting comments short in this case, extending the meeting till 2:00 a.m. in the last case when some people couldn't attend is actually very unfair. Furthermore, I find that the lawyer for the Board is constantly supporting the applicant when in fact they should be supporting the citizens of the city of New Brunswick as well as the Board should be supporting the citizens of the city. In this case, the citizens have overwhelmingly said that this is inappropriate. So, with all of those considerations combined, I also support we consider rejecting this or at least at a minimum simply granting preliminary approval while we await here how they're going to justify putting a fossil fuel plant in a low-income neighborhood. Thank you.

Mr. Dominguez: Next up is Cruz.

Mr. Cruz: Okay. So, I would like to agree with an extension being built roughly adjacent of cancer pavilion along with an accompanying parking garage. I do strongly disagree with the location and the fact that this would displace about 750 children, most of whom are of Hispanic descent. I think it is highly unethical to displace these children to prioritize an expensive expansion to a hospital at their expense. Especially during times like these, I think it would be pertinent to be sensitive to how they affect low-income families and families of color. I think it's imperative that these children's wellbeing be prioritized. From my understanding we have no confirmation for when a replacement school will be built and these children are being put in a warehouse that is in a contaminated area. I also think it's extremely relevant who it was that contracted Mr. Disario's company to conduct this study. I find the lack of transparency in this regard actually disturbing. My comment on this application would be that the Board vote no until a promise is made that a school be fully built and ready to be actually used until this is approved in order to ensure that this should be okay. And that is my comment. Thank you very much.

Mr. Dominguez: Thank you. Next is Datta.

Mr. Datta: Hey, yeah, thanks. I just want to say that this hearing should not be happening tonight. The public deserves to see the floor plans before any hearing is held including for the parking deck component. And I'm a little confused as to why these plans are unavailable for the benefit of the public and the Board. And I feel like the corruption here is out of control. The law firm representing the Planning Board should not be participating due to their conflict of interest. How can we expect them to be fair when the owner of the law firm has supported the development of this project from the very beginning? I just don't think it's fair to the people in New Brunswick and I feel as though we are all owed a little bit more information and a little bit more leeway as to how this whole thing has gone about and I hope the members of the Board take that into consideration. Thanks.

Mr. Dominguez: Thank you. Next up is Deitch.

Ms. Deitch: Hi. Can you hear me? Great. So first I want to thank all of the great public members who are staying on to this very late phone call to get their voice heard. Nothing more important than community activism and working together. And because of that, I want to remind all of the Board members that who they serve is the community, not the financial stakeholders of Robert Wood Johnson and DEVCO who are gentrifying this city and pushing out the lifeblood of this city to move a school - a brand new school that we - our tax money went into paying for, a brand new school that served mostly low-income brown and black students, many of whom are immigrants, a school that not only serves as I said a large marginalized population, but serves them so well that they - it is a model school for other schools in the state. At a time where we have a crisis of defunded education especially for black and brown youth, to get rid of that school for another building for the hospital that has ripped up most of New Brunswick is a huge corruption of power and what you guys are supposed to stand for. Where are these students going to learn? Are they going to learn in trailers on contaminated land? Is the goal to give people more cancer to study that cancer? I'm not quite sure what the reasoning behind that is. I want to assume that there's nothing untoward going on in that regard, but there's so much stuff untoward going on in every other regard I'd have no idea where the line is drawn. Clearly the line has been drawn with censoring the community public as the shortening of the public speech time is ridiculous just so that you can push through a vote that the community has shown that they are highly against at a time when I think it's getting to the time period of this all being in a legal meeting. I don't know the exact time, but I know the last one went until 2:00 a.m. and I just really want everyone to think about what we're supposed to be as a community and what it means to care about one another beyond just caring about the money that Robert Wood Johnson and DEVCO funnel into their own pockets. I think at the very least unless a school is built to house the 750 students of an amazing school in a - most of the campus where Rutgers itself can't even assure that most of the buildings don't have asbestos.

Mr. Dominguez: Time.

Ms. Deitch: I would like you to consider that. Thank you very much.

Ms. Ludwig: Thank you.

Mr. Dominguez: Next up is Gilmartin.

Mr. Gilmartin: Hi. I've lived in New Brunswick for 5 years and it was the best 5 years of my life. Three of those years were spent on Division Street right across from the school and getting to watch the kids walk to school from my porch was like seeing the future, you know. From what I understand this is the top-performing school in the area and I think that it's absolutely morally reprehensible that you would send these kids to a warehouse. I just don't understand how the whole public can be voicing their opinion against this and you seem to not be wavering against it. I don't even know how this could be proposed. It's absolutely ridiculous. It's almost cartoonishly evil. Yeah, I guess that I concede my time.

Mr. Dominguez: It's un-muted. Sorry, next up is Hughes. Sorry.

Mr. Hughes: All right. Thank you very much. Okay. I neglected to mention when I was doing the cross examining when I served a number of years ago as the chair of the Pedestrian and Bicycle Safety task force in Highland Park, so I know a little about these issues and I'll confine my remarks to the traffic study, although I share the concerns about the last people - last speaker put it, the cartoonishly evil qualities of this project. The study does not answer the questions that you need to be asking as a Board. You need to be asking how this project will impact the safety of people who move through the space on foot and on bicycle and on wheelchairs. And Mr. Disario did an excellent job with the very limited kind of study. But the limitations are really too severe and you need to do another study of safety and that study should have some aspects. It should examine the non-motorized users of the space, it should examine additional intersections, particularly those around the driveways of the Robert Wood Johnson facility analysis. The study should consider the question of thresholds. So, if the - if the intersection is safe now, that doesn't

mean that one extra car per minute will maintain the safety. It may be that one extra car per minute is the straw that will break the camel's back. I believe especially with the intersection of Easton and Somerset, the camel's back is already broken and that - and for the sake of safety you definitely do not want to be moving more cars through that intersection. The final point that a safety study needs to consider are the ways to mitigate these risks and there are ways to mitigate these risks. You could put a pedestrian face on that intersection of Easton - on the signal of the intersection of the Easton and Somerset that I just mentioned. You can have raised crosswalks. You can have traffic tables, traffic calming, bicycle lanes. There's a lot that you can do, but as the Board you cannot make any decision based on a study limited to congestion. You have to do further research on safety combining the impacts of the parking structure as well as the new facility and you have to bring the public into this and you have to consult with bicyclists and pedestrians and wheelchair users and scooter users and everybody who moves through these intersections. Right now, I don't think you're in a position to make a decision, certainly not in a position to make a positive decision, one that takes risk and public welfare into consideration. You really need to do a lot more work here. Thank you very much.

Mr. Dominguez: Thank you. Next up is Hunt.

Mr. Gonzalez: Hello, Mr. Dominguez? Mr. Dominguez, this is Gonzalez. I've been trying to get my name on the list.

Mr. Dominguez: Okay. Mr. Gonzalez, you're G. You can go on.

Mr. Gonzalez: Okay. Well, I offer three basic reasons why it would be negligent on this Board's part to approve this plan. One is the bait and switch. This proposal permits the use of eminent domain even though when you initially approved the project back on March 9th by a narrow vote of three to two, this Board and the public were repeatedly told by Director Dominguez and Attorney Aithal that it was a non-condemnation plan for an area in need of rehabilitation, one in which eminent domain could not legally be used, yet somehow this plan morphed during the summer at Middlesex County improvements into one that authorizes eminent domain with no explanation. The garage agreement provides the same eminent domain power for the garage where four parcels are still privately owned. Were Mr. Dominguez and Mr. Aithal plain lying to us? They did not know what they were talking about from the start? Is this even legal? The second reason, cutting the baby in half, this proposal mocks basic principles of public planning. It divides two huge portions of the same project into separate votes, on the one hand the cancer pavilion, and on the other hand the new parking garage, power plant and loading docks. As Board Member Cartica correctly notes, this doesn't pass the smell test. It prevents an overall analysis of the entire project's impact on the community. And number three is ignoring COVID. RWJ and DEVCO have claimed the New Brunswick Parking Authority will build and manage the new garage even though the authority has not yet even begun a feasibility study for such a project. As I detailed in my written submission to the Board, the Parking Authority is already \$400 million in debt, is in such deep financial problems from lost revenues for the COVID pandemic that it's no position to launch such another garage project. So how can you approve a cancer center when no agency has said the garage is feasible? This is a textbook example of a sham public review process despite unprecedented community opposition and despite the drastic impact of the pandemic. It tramples on the desires and needs of an immigrant and largely non-white community. You, the members of the Board, should not become accomplices to this travesty. Do the right thing, refuse to approve this project as currently presented to you.

Mr. Dominguez: All right. Next up is Hunt.

Catherine Hunt: Okay. Yes. I'm at 121 Lowell Lane in Monroe. And I wanted to comment specifically on the traffic plan here. I have had to many times either drop people off at the train station or pick them up to travel through, and I've noticed the congestion gets worse and worse year by year. People come through - the pathway would be from 95 and they get off at 27. People come down from the other direction actually all the way through on 27 and come over the Raritan River and through that same location and people

come through 18 from the other direction and come through and end up at that same intersection. And it gets worse and worse and worse every year. And you bring in another, what, 900 cars and however many else from, you know, the associated things that will go on around there due to more development, you know, people who work there, people who are going to be servicing around there, people will be wanting to have lunch and they will need more people coming in to service and difference ways. So, I don't know if you've tried it at peak hours, if you've tried crossing the street, at least tried, you know, on foot, or if you've tried driving. But this 27 congested area here needs to be improved and not made worse with more traffic. And I've often wondered why on earth would you pick that spot to build a cancer center. And I've worked again in cancer centers as a nurse and it just makes no sense at all for me in terms of transporting patients, you know, dropping off your family members, picking them up, all that. Everything that goes into it, it just makes no sense at all to pick that location. And I think that you maybe are not thinking ahead or it doesn't matter to you, but every year this 27 - you know, area gets worse and worse.

Unidentified Speaker: Your time ends, Ms. Hunt.

Ms. Hunt: Okay. Well, I understand. Why not take Exit 8, or Exit 10, but not Exit 9? Take Exit 8. All right. Thank you.

Mr. Dominguez: Ming Jia.

Ming Jia: Right. Good evening. My name remains Ming Jia. So, let's - so what we need to establish first, right, is that the whole basis for this project as everyone on this Board and everyone us, all the very lovely members of the public who have always stood strong and spirited opposition today and at the last 2:00 a.m. meeting. As you're all very well aware the basis of this project relies in the displacement of 750 children predominantly from low income black and brown families to a concrete box in the middle of a pandemic. We're currently seeing rates of, let's see what was it, it's 100,000 now, like 100,000 a day or so. Anyway, that's just, you know, for the contextualizing for where we're at in terms of the risk we're going to be putting, you know, these children at. We're seeing, however, COVID develops over the next year, but, yes, we're displacing children to a concrete box into an industrial zone nearby dangerous waste that could potentially create and, you know, foster future health risks. That might even lead to, as a previous commenter mentioned, that this could literally lead to like future cases of cancer that like, you know, we're having this whole project, you know, and the whole, you know, timeline for it is like, you know, we're researching cancer and trying to fight it while you're forcing all these children to like an dangerous area they're going to be schooled in where they might even developing these health issues later on. It's like a very flippant and obvious disregard to the community. Right. So, the fact that the application is being heard at all is evidence that like we understand that this is completely profit-driven. This isn't being done with any care in mind for the people whose space and land is not being utilized, but exploited. And we're not only facing this exploitation of space, but we're facing a disdain and utter lack of transparency evident through the way that these plans have been split. The attitude of the Board, and as another previous commenter - multiple commenters have spoke, the attitude of the attorney of the Board, who I don't understand how we have, you know, the attorney of the Board speaking for the client whenever. None of this - right, none of the public has put forward has been basically considered. None of the opposition that we put forward matter. And we understand this - public notice this because of how like, you know, the meetings have been carried, and how you've been tracked through this in the last 2:00 am meeting. What we are looking at is a matter of fighting for our community in the face of disgusting predatory profit seeking that is excuse to make clear is taking out the most model school we have in the area for, you know, students in low-income areas. The profit that's being sought is made on top of already millions and millions. And the cost that RWJ and DEVCO are happy to pay is that of not only billions of our tax dollars, but the lives and wellbeing of local children and families. So, I'll conclude just with this. To the New Brunswick community, we are all each other have. Evidently that our politicians, our representatives do not care about us. And therefore, we see our children displaced to concrete boxes in a pandemic so that they might make more luxury for themselves in their splendid millions. Enough is enough and we deserve so much better than this farce, whatever you want to call it.

Mr. Dominguez: All right. Next up is Mr. Kratovil.

Mr. Kratovil: Okay. I think somebody else might be speaking right now. But, yeah, I wanted to use as much time as possible here to, you know, outline my objections. Unfortunately, that's going to cut into my public comments, if you're letting me the 3 minutes. So, I'll just say at the top, the only acceptable way that the Board could pass such a proposal would be if you were to include a condition that no permits for construction or occupancy will be granted until the placement of school has opened. So, would the applicant consent to that - consent?

Mr. Dominguez: It's not appropriate for me to answer the public during public comment.

Mr. Kratovil: Pretty sure it's happened many, many times for this Board. But I'll move on. I'd like to share my screen, if I can show you the exhibits that I put forth to the Board. So, I don't know if I need a special permission to do that. I think I'm sharing. Can you see my screen?

Mr. Dominguez: Yes.

Mr. Kratovil: So, I'll let you know, first of all, Mr. Gonzalez already testified to some of this stuff. But, you know, the parking deck application is not available. There have been changes in what the official story is behind that. And so, I just submitted for purposes of the record these last few documents here, C-10, C-11, C-12, C-13, are all exhibits from the initial plans for the parking garage if you want to see for yourself what was planned. They've pulled back those plans and said they need to change them again, we don't know why, we don't know when there'll be new plans. And we ultimately, you know, didn't get what we needed today to really for the Board to be able to make an informed decision. I do want to show you an exhibit. Here is the other thing Gonzalez alluded to. This is the redevelopment agreement that's executed between the applicant and the MCIA, the improvement authority. And you'll see right here, it does - in violation of the Board's redevelopment plan that you all approved on March 9th, it does authorize the exercise of the power of eminent domain. And that has not been addressed. That's an illegal agreement in violation of the Planning Board's wishes. So that's another objection of mine and reason this should not move forward. You should not move forward with a vote. But I also do want to get to the conflicts of interest. And the real problem here, I'll point out this is an article published on the cancer institute's website. And you can see it's from June the 3rd, 2019. And you can see the -

Mr. Dominguez: That's time...

Mr. Kratovil: - a group of people there. This is Bob Smith here, fourth from the left, the guy in the khaki pants. He is the owner of the law firm that's representing the Board here, but here you see him celebrating and advocating for this development that's before the Board. He should never have been able to represent this Board on that particular - on this particular matter. And he should have recused himself this - and I think that it does explain some of the decisions that have been made including cutting back the public's ability to speak. And finally, I do have to -

Unidentified Speaker: Your time is up, Mr. Kratovil.

Mr. Kratovil: - I do have to acknowledge my other objection to Mr. Berger's participation. Are you going to let me put this on the record or not?

Ms. Ludwig: Mr. Aithal, he can just do that in the general public portion or - I mean, his time is up.

Mr. Aithal: I think he's already put his objections on the record. But if he wants to repeat that one last objection, it won't take long, will it, Mr. Kratovil?

Mr. Kratovil: No, it won't. As the Board's already familiar, Mr. Berger has expressed he believes he has a conflict of interest with regard to being the mayor's representative. Because the mayor had the business relationship with Bob Paulus, the owner of Wick properties, the owner of the warehouse school where the student would be sent if they lose their school. So, I would insist that in just the same way as Bob Smith attending that event on June the 3rd should prevent your participation, Mr. Counsel, in this matter, the mayor's participation and constant advocacy and -

Mr. Aithal: Objection.

Mr. Kratovil: - statements in support of this exact development should disqualify his representative from participating as well. Mr. Berger should not vote on the decree.

Mr. Dominguez: Next up is Jessica Kratovil.

Ms. Kratovil: Thank you. Yes. I'd like to start by saying that I agree wholeheartedly with most of the commenters about the conflict of interest by certain members of this Board. And that the idea of displacing 750 students from a well-performing school to a hole in the ground in Jersey Avenue is despicable. The idea that the cancer research center must be in this spot makes no sense whatsoever. There's plenty of real estate elsewhere in the city and in the county if there was such a desire to have the cancer research center being located in the heart of Middlesex County. The objections that people have made about the school continuing to be there like the children are going to get hit by an ambulance and that it would be better to have the school down Jersey Avenue make no sense whatsoever. And the idea of constructing a huge 11-storey building parking deck and power station in the middle of the city without proper environmental or traffic concerns considerations to pedestrians, to the bus traffic and to cyclists, it makes no sense whatsoever. And I think that the fact that people are plowing through this in the middle of the night people are teaming up to try to participate and do their civic responsibility by participating in the meeting when corrupt actors are trying to continue their meetings into the dawn, it's really upsetting to see that in this time when people are so engaged and trying to make a difference in their community that it's just being pulled away from them by the select few who have this agenda to build something for their own benefit, and not for the community. It's really deeply upsetting. And I encourage everyone to vote against this measure. It's not for the public interest. And it's really very deeply upsetting that people are considering to take the school away from the children in a minority and impoverished neighborhood to just build themselves a way to line their pockets and build a fancy new building. I appreciate everyone's time and I hope you all have a good evening.

Mr. Dominguez: Okay. Next up is Mr. Kulas.

Mr. Kulas: Yes, thank you. Traffic safety in East Brunswick, New Brunswick, north and south areas, you know, Edison, the south area - Edison with the south area. And I've lived in New Brunswick and I've lived around it. And it's been pretty much my whole life and I've been able to observe, you know, the development of these severe traffic issues. You know, I believe when a lot of people were trying to - you know, when we were cross-examining, we were trying to explain our questions as we go because this is much more far-reaching than a very (inaudible) what would be pavilion center and would be weighting the sections they may have looked at. But we're looking at it from the point of view of just blocking on to townships and municipalities beyond, which is why I kind of asked multiple times have we looked into - you know, has anyone addressed with Highland Park, East Brunswick, Franklin, Somerset, Piscataway, all these towns, city governments should have (inaudible). But, you know, there is definitely a lot of questions here. But I think the problem is this traffic study does not necessarily look at cause and effect. It's more basing itself on trial and error. And the problem is once you get started with this project and you go too far, there's going to be no turning around, and you're going to have to deal with the crisis problems that you have, the crisis traffic problems that will become, you know, in the moment, and you're not going to have any alternative plans to work around it. You know, I mean, we really have to look at the serious fact that you might have an ambulance - you will have an ambulance with paramedics behind it, trying to, you

know, honk its way and, you know, progress its sirens so that people can get out of the way so that it can get to the ER. But if people can't get out of the way because there's more traffic, how do you solve that solution? It is - there really is no solution. That is a trial and error thing that's going to come along, that's going to be very risky. We talk about public transportation. And what makes public transportation positive is when things are running on time. If you have the taxis, you have the Rutgers buses, you have the Coach USA bus, you have the Middlesex County bus routes, you have New Jersey transit trains all coming into this one little center area, which is what makes it the hub. And yes, that's very positive to New Brunswick. But if you slow all that down with more traffic, well, we hear the arguments across the state of, you know, people arguing that Jersey transit is too slow. So why are we inviting that problem now? You know, it's - this is just not - you know, this is not the right path.

Mr. Dominguez: Thank you, Mr. Kulas. Next speaker is Ms. McGaffney. Ms. McGaffney?

Ms. McGaffney: Hi. All right. I had a whole thing written up, but I'm tired. I'm tired of fighting this fight. And maybe it's naive, but I feel like it shouldn't be up to us to have to fight for our right to have a school in our own neighborhood. I first want to say that this city has been my home for 15 years. And I love it here. And, sorry, I'm getting a little emotional, but it just - it feels like a David and Goliath fight, except Goliath has \$750 million and the Planning Board slingshot and all David has is righteousness and feeling like we should be able to have a say in our own community. It's just - it's sad to me that everybody who lives in this neighborhood and everybody who lives and works here and loves this area is telling you what we want and more importantly that we don't want this. And I feel like we're being waved away like a nuisance. And it makes me sad that that's the city that is my home. These - you people who are supposed to have our best interests at heart, you're supposed to be fighting for us. And I hope you do. I really hope that you consider the plans that we're seeing and that you're voting on right now, and that you see it's not just careless to approve what we're looking at now, it's reckless, it's dangerous for us. This is the first domino. This is the first domino that's going to fall before my home is next. I don't own my home. I'm a tenant. Eminent domain doesn't protect me in any way. Nothing does. This is just my home and that's all I have. So, I just hope that you vote thinking about the people who live here and learn here and then work here and serve this community. And just think about what we offer, even if it doesn't mean a couple of commas in our net worth. And I thank you for your time and I just hope you continue to serve us as we want you to.

Mr. Dominguez: Thank you, Ms. McGaffney. Last name Merz.

Laura Merz: Yes. Can you hear me? Okay. So, I'd like to start out by saying that I am a cancer survivor. I do understand and fully support New Brunswick having a cancer treatment center here in town. I think the thought and the effort that has gone into the planning of that cancer center shows a clear concern of the well-being of the patients. What I have not seen is a clear concern for the children who are being displaced by this cancer center, children who are from families whose finances are such that they receive free and reduced price lunches, whose families are unlikely to be able to afford treatments in the medical facility should they be afflicted with cancer, children who are primarily from families of color, that is black and brown families. And I think that the majority of the people who would receive treatment at this facility that is proposed, that has been touted for its natural light, which is good for the mind and body, the terraced roof with its greenery, the individualized care, those patients are going to end up being white wealthy patients. And when we have touted the natural light and the roof terrace of this facility, I noticed the city has not authorized a new school building with such amenities for the children that you're proposing to displace. The children who attend Lincoln Annex School to a converted warehouse which does not appear to have the essential natural light so touted by the architectural design of the cancer center. It doesn't appear to have green space where the children can run around and play during recess. In fact, we don't even have a new building authorized at all for these kids, nor do we have a timeline for when such a school might be completed. So, let's call this what it really is. This is white supremacy at its most repugnant. We are going to displace black and brown children to a warehouse with no plan for a new school building. And you can argue all you want it wasn't your decision to sell the school, but you are part of this decision. And you are part of the city's attempt to break that decision up into pieces so small that

no one has to take responsibility. And that does not alleviate you of your complicity, and it does not excuse the racism inherent in every step of this process. So, by all means, build a cancer center, but build a new school first. This Board should not approve this cancer center until it has approved a new school building and that building is complete. It has to have the same amenities for these children that are so necessary for the health and well-being of these cancer patients. So natural light, green spaces, environmental testing to make sure there is no pollution on the site, solar panels on the roofs, proper facilities to enhance their learning environment. Anything less than that is a racist stain on this city, and you'll be responsible for perpetuating a white supremacist society. Thank you.

Mr. Dominguez: Thank you. Next up is Meoni.

Mr. Meoni: Yes, thank you. Yes, so I mean pretty much all that needs to be said has been said already. It's clearly evident that this project is like the last commenter said, beyond racist, beyond ridiculous. And I mean this meeting right now should not be happening. The public deserves to see the full plans before any meeting is held for the parking deck component. Splitting this up, like Mr. Gonzalez said, is just absolutely absurd. And it feels like these are - these types of behaviors, this type of move is benefiting the Board rather than the public. And this is what it's all about helping the public at the end of the day. And it's unbelievable to have Bob Smith over here who has clearly conflict of interest objecting to the public and also cutting our time from 5 minutes to 3 minutes saying that that is, you know, properly allotted because there's so many callers. Well, maybe you should take it as a sign there's so many callers, there's so many people are interested and you should listen to those people. Clearly the people live in this neighborhood are going to be very personally affected. It's absolutely absurd. Clearly, the kids in one of the highest performance schools in the district, 750 children in a future-ready school with solar panels, and you're going to put a power plant and - yeah, power plant, I mean it's just absurd. It's absolutely absurd. And I feel like anyone who has not voted on this yet as part of the Board, please, please, please do not vote yes. There needs to be way - have way more thorough examination. Environmental health study needs to be done, no question about it. We're not saying that the cancer wing shouldn't be - shouldn't happen or we shouldn't help cancer patients. We're simply saying that it needs to be done properly and not take down a school that is clearly performing and doing the job, and then putting these kids in a warehouse and giving them no timetable, no plan, and to get a new school. And we know that there's a lot of money supposed to go into that new school. But where's the plan? It's absolutely ridiculous. It just - it makes no sense to anyone I've explained it to. No one makes - no one can comprehend why this is happening. It makes zero sense included, that's evident because so many people are calling in. So many people care about this. This isn't getting swept under the rug, but it clearly, it was meant to be. People care about the school, people care about the kids, which I mean obviously you're public officials, you should as well. You took an oath to obviously protect the community. I yield my time.

Ms. Ludwig: Dan, I just wanted - Dan, can you hear me?

Mr. Dominguez: Yes, I can.

Ms. Ludwig: I just wanted to - I just wanted to speak to the Board for a second. We have six more people to hear from for public comment. It's 11:20 and after those six people we can move for a motion and I want to know if there's any objection to continuing with that process this evening. Hearing none, Dan, so please continue.

Mr. Dominguez: Next up is Danielle Moore.

Ms. Moore: Well, I have to say you really are a evil person, Mr. Liebling, you really are. Well, you hate to hear the truth of something. And like I said, Mr. Dominguez, if I pronounced your name correctly, if you was a honest person, you need to speak up to the Board and tell them, well, this traffic situation is not going to work due to where Landing Lane Bridge is to be torn down and redone. Easton Avenue and French Street is to be redone soon. And the same thing for Suydam and French Street where you should speak up

and tell them due to where you were part of the traffic meeting on this, and it's not good for so much traffic with all the projects that are going to be changing. And for you, Mr. Liebling, well, did you tell the Planning Board due to what the city council said? Well, if this land is contaminated, which we know it is contaminated, that they will not be able to build the school and they will be out there permanently at 40 Van Dyke Avenue until they find another location for school to be built, did you tell your Board members that? It's on video where it came out of press this last meeting, announced at the meeting, where that's contaminated, which is not a location for a school because Robert Wood Johnson and the police department are picking up three times a day overdoses from smoking space tape (phonetic) to everything. And like I said all of you ought to be ashamed of yourself if you really attempt to do this because like I said, watch the video with President Anderson, what he said if the land is contaminated due to where we already know it's contaminated due to where that's why they didn't build the low-income housing 5 years ago that the kids will be stuck at 40 Van Dyke Avenue until a further location will be for another school. So, there's no guarantee that that lot will even be, which is not a good spot for a school regardless. And like I said, wow, you hate to hear the truth Mr. poor Liebling. You're always quiet, nice and city council innocent. But while you're a total different person here where you just hate to hear the truth. And it's very shame. But like I said, oh, it will come back just to see you because like I said you're evil. You don't care about anyone else's safety at all. And like I said due to where with all the traffic things that are going on to change the road with the truck routes, Somerset Street, the main street due to where how it cannot go on to George Street with the railroad tracks can't go into Joyce Kilmer, can't go into Handy, can't go into Suydam. Also, that's the main area where a lot of trucks come and get in a created group situation with that.

Mr. Dominguez: Time.

Ms. Moore: There's not a person who lives here you don't know. But like I said, this (cross talk).

Ms. Ludwig: Who's next on the list, Dan?

Mr. Dominguez: Next up is Morera.

Ms. Hunt: May I please be put on the list? The last name is Hunt, H-u-n-t.

Unidentified Speaker: You spoke already, Ms. Hunt.

Ms. Hunt: Oh, okay. Sorry, I thought this was a different period of presenting.

Andres Morera: Okay. Can you guys hear me?

Mr. Dominguez: Yes.

Mr. Morera: Okay, wonderful. I'm Mr. Morera here. Hi, so I'm here to speak as an employee of Rutgers with regard to the attempts of Robert Wood Johnson, DEVCO and my employer Rutgers, and others to displace the students of Lincoln Annex for the construction of this cancer center. So, the approval of construction of this parking garage and all the other things related to this, the cancer pavilion and whatnot, directly affects the health of the community it's situated in, and the community doesn't factor into this approval process.

Mr. Aithal: I'm sorry to interrupt. I just wanted to clarify one point, and Mr. Dominguez, if you can add the time back, did I hear the individual saying that he was speaking on behalf of Rutgers University?

Mr. Morera: Oh, no, no, no, not at all. No, I'm speaking on behalf of myself. But I do happen to be an employee of Rutgers. And I just want to express that -

Mr. Aithal: My apologies.

Mr. Morera: - there are people who work for Rutgers who do not like what their employer is doing. And if this gets me in trouble with Rutgers, well, I think that just adds more fire to the flame. Anyway, so this decision to displace these students, it's being done in a misleading way that's ultimately against the principles of democracy. And it's a textbook case of gentrification. It's fine to want to build a new cancer center and consider all options, but not when it means excluding from the decision-making process, and misleading the very community it will most directly affect. And no, holding comment sessions is not enough involvement of the community in decision-making. And anyway, Mayor Cahill himself said in the city of New Brunswick website that the health and wellness - the health, wellness and pulse of our city comes from the foundation of a healthy and vibrant community. Going through with the destruction of Lincoln Annex and building this complex is antithetical to this. This sure as heck does not promote the foundation of a healthy and vibrant community. It does the opposite. It atomizes, disrupts and ultimately harms this community, following a trend of displacement and gentrification mile by mile, block by block, all too common in this country and this city. And I haven't even gotten to the fact that the students, the children displaced for this project will be expected to go to a school that will be built, if ever at all, on a toxic industrial brownsite the decontamination of which hasn't even been started. What are you all doing? Why? Why are you being complicit in something that is ultimately violent to the community and children of that community no less? Please don't go forward with this, if not for the health of the children and dignity of the community, then at least for the fact that this erodes the foundation of our democracy. Do you think this project is wrong, that are going to sign off on this anyway, and console yourself by telling yourself your hands are tied, that this is stuff you can't consider and you're just doing your job? Okay. At least let those higher up the chain know that you too think this is wrong, along with the many students and parents and community members. In other words, join in with our protest. Additionally, and this part might be hard to hear, have you read the news? Have you seen the protests around the country, the talk of systemic inequality and systemic racism? This kind of project, this kind of nondemocratic process? This is part of and it's very much what leads to this systemic inequality and racism that is being protested against. And you are actively participating in it, whether you like it or not, whether you think so or not.

Ms. Ludwig: Your time is up, sir.

Mr. Morera: Understand.

Ms. Ludwig: Who's next, Dan?

Mr. Dominguez: Next up is Passacanta.

Mollie Passacanta: Yeah, hi there. Good job on the last name, a lot of people get that wrong. But I think it's pretty clear what the public wants and what the community wants. And in the vote, I just want the Board to think about what their job is. In the community facilities plan element in the New Brunswick city master plan, it says that the New Brunswick school system is designated as a special needs district. And as a Planning Board, I would think that it's your job to make sure that the master plan and the planning section of the master plan is filed. And I personally don't see how moving the students to a temporary school without a designated time for the more permanent school to be built, I don't see how that's appreciating the special needs that the city - the city itself acknowledges. And then another thing that I think the Planning Board might be forgetting, if they were to vote yes on this, is in the transitioning to a low-carbon economy plan, which is another plan that the city has stated out. And again, in the planning section when it says "Land use planning should support the transition to a low-carbon economy," and it goes on. It says that the government will encourage community and land use planning that incorporates energy efficiency, energy conservation, sequestration, emissions, so on and so forth, to encourage communities to have safe alternative forms of transportation, environmental growth. And again, I don't know about you all, but I think that voting yes on replacing a school with solar panels and replacing it with a power plant, I don't see how that's abiding by anything that the government has set out. I don't think that it's abiding by anything that the public members have said that they want. So, I don't see what

else would be going into this decision other than, I don't know, a desire for profit. So, I hope that the Planning Board members, if a vote is taken, will think about their duty to the city, not just from the comments that we've made tonight, but also from the Planning Board's own purported goals and values. Thank you.

Mr. Dominguez: Next up Rubens.

Ms. Rubens: Hello. I just hope that the committee and the experts understand that we're not asking "off-topic questions," or making the statements we're making to frustrate you or even to obscure this process. I mean it's not good enough to tell us that safety doesn't factor into a traffic study. When this is our lives, that doesn't matter. We don't care. It's not good enough to say that. It's not good enough to say that (inaudible) very relevant. We understand that all of these things are connected. We understand that the pavilion is connected to the (inaudible). So, we're structuring this in a way that limits the public's ability to participate, which is very real implications for our community and our lives. I honestly can't (inaudible) - genuinely don't have the answers to the questions, (inaudible), not giving it to us, that is incredibly, incredibly unethical. Just the ins and outs of this, the splitting of this - the (inaudible) into a million tiny parts, it's not good enough to support that (inaudible). If that's the case, the way things work is disgustingly, disgustingly unethical. I sincerely hope you'll reconsider, not just this particular content, the way this is structured and the way it prevents us say in what's happening in our own communities, to our own families and friends. Thank you.

Mr. Dominguez: Thank you. Next up Romero.

Mr. Romero: Yes, hi. So, I'd just like to commend all the people that have been on the call. These are people that clearly care about doing the right thing. And obviously there's a lot of people that are spending a lot of their free time. You know, this is not our job to be able to think over these things. But, you know, what we've been seeing, it's really a lot of lack of planning and a lot of other people. When this plan came out, at first it was, you know, there's not going to be any taxpayer money that's going to be involved. The next thing, you know, there's a lot, you know, millions of dollars of our taxpayer money that's going to go into it. And now there's going to be a power plant built. And now there's going to be a parking deck built. So, it just keeps adding on. So, somebody's definitely not doing their job when it comes to planning. And somebody's not doing their job - well, maybe they're doing their job too well when it comes to hiding things from the public because this has been an utterly undemocratic process that has been going on, which is really on par with DEVCO. I mean, I think DEVCO is supposed to be a public planning firm. And if you look at the projects they've done over the years, it has not benefited people in New Brunswick, benefits, you know, whether it's like Robert Wood Johnson, or whether it's Johnson & Johnson, or, you know, Rutgers or things like that, they're not really thinking about, you know, making, example, bike lanes in the areas where the residents live. They're making in the, you know, in the cost area. So, you know, they're spending public money or, you know, just basically shifting, you know, public planning towards, you know, private profit. And it's true, I mean I can't speak as eloquently as all the other speakers have been saying, well, the, you know, plans, and, you know, you guys have all heard, you know, months of, you know, the, you know, the plans to build, you know, the school in a toxic place and just, you know, utterly immoral decision-making. And I think, you know - I think, you know, the group is going to continue fighting until, you know, until we get this right. Like this can't - this can't be the plan that the Board decides to, you know, to forward. Yeah, I mean, it's really a shame. It's really a shame that it is - as they come to this. And I have a question. So, are the Board members elected into the Planning Board? Or are they selected? Can somebody answer that?

Unidentified Speaker: They are not elected.

Mr. Romero: They're not elected. So, who determines who gets on the Board? Is that the city council?

Unidentified Speaker: No, it is not.

Mr. Romero: Would you be able to tell me who that is?

Mr. Aithal: Madam Chair, this is the opportunity for the public to comment. It's not a question-answer period.

Ms. Ludwig: Do you have any other comments, sir?

Mr. Dominguez: The time has expired.

Mr. Romero: Can you give us a sense of...

Ms. Ludwig: Your time is expired. Who is next, Dan?

Mr. Dominguez: Yes, next up is Tadeo. I apologize for name mispronunciation.

Jonathan Tadeo: That's fine. Are you all listening? I can't tell because a number of times I've seen especially elected officials, especially you, Bob, not actually looking at the screen while the rest of us are all taking our time to watch you very intently. I have seen a number of people that are supposed to be listening to the constituency quite distracted. And a number of times we have brought up very severely in this discourse the conflict of interest, the contaminated site for the supposed school that, you know, these children will allegedly bused to once this school that is future-ready is to be turned into something that a number of people within your constituency are telling you that they do not wish to see built. And I hope that none of you have ever had to deal with the reckless grieving of a parent that has lost their child to cancer because your constituency is watching you right now. Your constituency will continue to watch you. And I really hope that if there is any shred of humanity left in any of you, that you will choose the civil decision, you will choose the humane decision to not go ahead with this parking deck, to not go ahead with these plans to build because we're telling you right now that we don't want it. We're telling you right now all of these horrible things involve the lives of children that can be averted right now. Are you not wealthy enough right now? Is it really worth the added money lined to the pocket? Is it? Ask yourself that right now. Ask yourself if you want to be asking these questions to a grieving parent that has lost their child to a completely avertable situation that you chose poorly. That you chose more wealth instead of declining this offer, instead of having this right here and right now. Low-income people work on your cars, they make your food, they fix what's wrong in your house, they clean your house. I hope none of you live in New Jersey. And I hope none of you actually have services from people that live in these communities that are going to be affected by this. Think about it. You have an opportunity to stop this now. That's it. Think about it.

Mr. Dominguez: Next up is Herb Tarbous.

Mr. Tarbous: Okay. Yeah, it wasn't working. Now it's un-muted. Thank you, Mr. Dominguez. I just want to talk about what's reasonable and what's unreasonable. And there's a lot of things about this that are unreasonable. As often has been said, it's unreasonable for Mr. Aithal to be involved in this process given position of Senator Smith. It's unreasonable for Mr. Berger to continue in this process given he's expressed an opinion that he has a conflict of interest. It's unreasonable. And it's also unreasonable to accept the testimony of the traffic engineer today. Part of the traffic engineer's testimony was anchored by the idea that there would not a sort of residual affect throughout the city. But the map showed that he was not being honest about the one car per minute at intersections as there's clearly at least 90 cars on Easton Avenue per minute additional. So, I think the whole testimony needs to be thrown out. It's not reasonable that this traffic study gives you a good picture of what's going when the corner of Little Albany and Eastern was not included, and the corner of Albany and Eastern was not included. Those are two of the most harrowing places to cross the street in the Old City of New Brunswick. And, additionally, as some other person said it's not reasonable to think that the intersection at Lewis and (inaudible) to them is not

impacted by this project. They are all impacted, and all impacted adversely, right? They're all impacted. Well, what be reasonable would be for this Board to put a condition on the approval of this to replace the school. That would be a reasonable thing to do. In fact, you have Mr. Drucker a very - obviously, very compassionate and passionate and intelligent architect. He could probably build a school into this project if you asked him to, right? He could probably do it. He probably would enjoy doing it. There's a lot of space being used for the parking garage in this project. I urge you all to put a condition on this approval that this school be replaced. The school be replaced in concert with the construction of this facility. I urge all of you to do that. And what else is unreasonable? It's unreasonable to think that this project is not racially motivated. That we have not heard a single - a single syllable of empathy from any public official about the impact on this low income community. Not a single syllable has been uttered by anyone to show any empathy for the people of color that have been adversely affected. It's not reasonable that this is not racially motivated. It is totally reasonable to accept and believe that this entire project is racially motivated. It's just racial segregation - I'm sorry, racial gentrification and there's really no reason to go forward with it. And I urge you, Mr. Berger, in particular, to abstain from voting on this project. Thank you very much.

Mr. Dominguez: All right. Ms. Chair, that's the last speaker.

Ms. Ludwig: Thank you, Mr. Dominguez. Mr. Aithal, did you have direction that you wanted to give to the Board?

Ms. Stork: Excuse me, you skipped S. Stork. Hello?

Ms. Ludwig: Is she on the list?

Ms. Stork: Yes, I'm on the list.

Mr. Dominguez: Mr. Aithal?

Mr. Aithal: Was Ms. Stork on the list? I think she -

Mr. Dominguez: She was not on the list.

Ms. Stork: Yes, I was.

Mr. Smith: I didn't have her on my -

Mr. Dominguez: I didn't get you on my list. Ms. Stork?

Ms. Ludwig: You have 3 minutes.

Mr. Dominguez: All right. You're on, Ms. Stork.

Ms. Stork: Okay. So, yes, I wanted to talk about how this project is going to affect our quality of life. I mean, for myself, my children are no longer school age. Although, I must say it was a determining factor when I bought my house in this area that there were neighborhood schools. I guess, New Brunswick is making the neighborhood school concept a thing of the past. So, for me at this point, it's mainly going to be the traffic. The traffic is already horrendous to go in any direction from - during - especially the afternoon rush. You sit to go up the Easton Avenue, which would be when people will be leaving, even though it's not - was it 10 percent of 300, whether 30 more people. You can't even believe how long you sit through all those lights to go up Easton Avenue and then - or even to get on to Easton Avenue to come across town at that time, coming the other direction down to Cortlandt Street and then to come across and then crossing Somerset - crossing Hamilton first and then Somerset. You sit through those lengths multiple times at each of those intersections, and then down to French also. So - and this is the area - they aren't the exact

intersections that were in the study, but the people - the people that pass through those intersections later or earlier, depending on whether they're coming or going, would have to pass through these intersections first and these intersections are full. They are past full. I have to make decisions about where I am going, especially Rutgers' intersection, just not do certain things, even going the other way trying to get on that bridge over to Highland Park, you just sit - even the access roads on to Route 18. It's not just that one light that slows up the traffic, because actually the traffic is backed up into New Brunswick on the access roads - sitting. So, yes, I'm fortunate enough to be retired. Yes, I just don't go any of those places and at those times, but I mean, it's getting restricted. Honestly, it's getting worse and worse. And this can't possibly help that situation. So, yes, that's my little quality of life. But the quality of life of the students is near and dear to me also, having taught in these neighborhood schools for over 30 years. And in spite talk to talk to the students and the families when they were coming out of Lincoln Annex when they had to go get their things, none of them thought this was a good idea.

Mr. Dominguez: That's time. Ms. Chair?

Mr. Aithal: Madam Chair, (cross talk), call the Board Attorney.

Ms. Ludwig: Mr. Aithal, I am sorry, I was on mute. Can you hear me now?

Mr. Aithal: I can.

Ms. Ludwig: You can't?

Mr. Aithal: I can.

Ms. Ludwig: Okay. I just want to say that that conclude the public comment portion and now we're going to go our Board Attorney for some directions to the Board members.

Mr. Aithal: Thank you. Madam Chair, at the conclusion of the applicant's case and after the members of the public had an opportunity to comment on the application, (inaudible) needed the Board to consider the application to make a decision. At this point the applicant has put on its testimony. Interested members of the public have had an opportunity to cross-examine applicant's witness, comment on the application. Under the Emergency Remote Meeting Protocol for Local Public Bodies, members of the public who submitted written statements may have those statements written into the record subject to time limitations in place for all public comments. Documents received by the Planning Board from Ms. Laura Merz, Mr. Juan Gonzalez and Mr. Charles Kratovil. However, those documents were not read into the record as both - as all three, Mr. Gonzalez, Ms. Merz and Mr. Kratovil exercised their maximum permitted time for comment - to live comment, all the documents unless are available for the Board to review and to consider. At this point, the members of the Board are advised that they are permitted to discuss and consider the merits of this application in full. Prior to this point, the members of the Board were limited to listening to the testimony of the numerous witnesses and the comments of the public. Board members are permitted to only ask questions of the applicant up until the close of testimony and the closing of the public comment period. Now that the Board has closed the public comment period, no additional testimony is being presented, Board members are permitted to discuss the evidence and testimony presented with each other. If the Board members believe that additional information is needed, or if clarification of testimony presented is needed, the Board may upon motion, reopen the hearing and take additional testimony, which would then be subject to additional public comment. During deliberations the Board members may have any questions or ask for information or clarification from its professional staff only. It may not ask for information or clarification of testimony from the applicant's witnesses or from members of the public without first moving to reopen the hearing. The Board may also ask questions of the applicant's attorney for clarification of the applicant's position, which is not to be considered as testimony. For example, if a member of the Board would like to ask a procedural question or has a question regarding a professional's judgment on a technical issue, such as an engineering question, or a planning

question, or a question of law or of the city's ordinances, or of whether the applicant is amenable to a condition of approval, the Board may ask the question or questions now. However, no additional testimony from the applicant or public can be entertained at this time, unless a motion to reopen a hearing is made. In considering the application, members of the Board are advised that each case must be decided strictly on the basis of the facts produced at the hearing viewed in the light of the statutory and ordinance requirements. This Board is a quasi-judicial board whose function is to apply the facts produced at the hearing to the legal requirements of the applicable statutes and ordinances and to decide whether any relief requested by the applicant, which is referred to as a variance into the Municipal Land Use Law and whether the that relief, if requested, can be legally granted or not. In this specific application, the applicant is not seeking any variance relief from this Board. That is, it is not seeking any permission to depart from the requirements of the zoning or site plan ordinance or from the healthcare and research pavilion or redevelopment plan. The number of witnesses or volume of documents and exhibits presented by the applicant is not a factor that this Board may consider in its deliberation, except to the extent that the Board may determine that necessary testimony to legally support the application was omitted by the lack of submissions or witnesses. Similarly, the Board may consider the content of the public comments, but should refrain from attributing weight based solely on the number of people who have commented. This Board should be advised that as provided for in a Municipal Land Use Law, if an applicant seeks variance relief from this Board, what this means is that the applicant is seeking permission from this Board to depart from the literal requirements of the zoning or site plan ordinance, or in this case, also the redevelopment ordinance. The facts deduced at the hearing, all testimony and all evidence on which the Board makes its decision, must be part of the record and the Board's decision must include findings of fact from the record on which it has made its decision and conclusions on the points of law raised. The Board's decision must be made in public at a public meeting and the Board votes on the making of its decision and the adoption of the resolution must be taken in public at a public meeting. What is before the Board tonight for discussion and consideration, whether to remove applicant's major site plan application, in light of the testimony that applicant is placed on the record, and did site plan application which conforms with the requirements of the redevelopment plan, and the site plan and zoning ordinance. And in light of the reports of the Board's professionals, in reviewing a site plan application that does not include variances, Planning Board is limited to determine whether the plan meets the requirements of the zoning and site plan ordinances or as the case may be the applicable redevelopment plan. If those requirements are met, then the board must approve the application subject to reasonable conditions. However, the process does not permit the Board member to vote, to deny a conforming application in order to prohibit a permitted use. A Board member cannot vote to deny approval of a site plan application merely because he or she believes that the permitted use proposed by the applicant is not as desirable as another use or a previous use. Further, this Board does not have the authority to deny approval of the site plan application on the basis of traffic generation if the use proposed on the site is permitted. Therefore, the impact the application may have on offsite at intersections in vicinity of the may not be the basis to deny the application. Again, in reviewing the site plan application, this Board is limited by law to determine - at determining whether the plan conforms with the municipality's zoning and site plan ordinances or its redevelopment plan. It cannot use its quasi-judicial power to prohibit a permitted use. This Board must only make its determination of whether to approve or deny the site plan application if it meets the zoning and site plan ordinances and the redevelopment plan. If the application does not meet the zoning and site plan ordinances for the redevelopment plan, this Board may consider whether the applicant has met its statutory burden of Municipal Land Use Law to warrant approval to deviate from the zoning or site plan ordinances or the redevelopment plan by applying for a variance. For example, if the site plan application requires a variance from a condition or requirement for the city's zoning ordinance, the Board is not required to approve the application. The applicant must produce evidence on the record indicating, for example, an undue hardship or unique circumstances affecting the land or special reasons for the variance, depending on the nature of the relief sought. And the applicant must always show that the relief can be granted without detriment to the public welfare and without impairing the zone plan or zoning ordinance. Denial of a site plan that conforms with the requirements of a site plan and zoning ordinance or redevelopment plans is considered a drastic action that is permissible only if there is authorization in the statute for denial. For example, if there was no adequate water supply for particular tract of land, proposing a development for

human habitation, a site plan denial is permissible on that basis. Another situation of denial would be permissible would be if the site plan impinges upon public safety. For example, if the proposed development does not have any access roads and thus makes it impossible for Fire Department to reach the proposed building that's proposed on the site. The Board may also deny a site plan application if the applicant - I'm sorry, if the application lacks the specificity required by the ordinance, or the applicant fails or refuses to provide information pertinent to development. For example, if the applicant fails to provide a storm water management plan. These reasons for denial are not an exhaustive list, but rather illustrative of reasons for denial that have been previously upheld by reviewing courts. To summarize, you're asked to deliberate and discuss the application before you tonight, where the applicant is seeking site plan approval to construct a structure that it proposes to use as a research and treatment facility. After you discuss and deliberate the specifics of the application, you have several options. In no particular order, the first option is to vote to deny the application based on a specific and articulated determination that denial is permitted under the law and warranted under the facts. If you vote to deny the application, the reasons for denial must be based on a finding that the application does not conform with the redevelopment plan, or the applicable (inaudible) of the site plan or subdivision ordinances. The second option you have is to vote to grant only a preliminary site plan approval. The Board should be advised that a preliminary approval does not permit the applicant to proceed with development of the site. An applicant cannot develop a site unless it receives preliminary and final site plan approval. The city ordinance allows both preliminary and final site plan approval at one time. This Board, however, is empowered to grant preliminary site plan approval only, which would require the applicant to make a separate application for final site plan approval and to appear again before this Board and present that application for final approval. The third option is to vote to grant the application for preliminary and final site plan approval as requested by the applicant, which may be done with or without imposition of reasonable and permitted conditions. If you vote to approve the application, you may do so with conditions, but those conditions must be derived from provisions in the site plan or zoning ordinance or the redevelopment plan. For example, the Board could impose a condition requiring that approval for a parking garage within the - with the required amount of parking spaces be obtained, and that the garage be constructed prior to the opening of the cancer pavilion, because the garage is to be considered by the Board separately. This is a condition that the Applicant's attorney has indicated is reasonable and that the applicant would accept. Based on these conditions do any members of the Board have any questions for me?

Ms. Ludwig: I do not.

Mr. Aithal: Madam Chair, if there are no other questions, I would ask that the conditions recommended by the city's professional staff be read into the record and considered by the Board as well.

Ms. Ludwig: Do any Board members have any questions for the professionals at this point? Please read the conditions down.

Mr. Aithal: Katie, are you on the line?

Katie Thielman-Puniello, Principal Planner, Department of Planning, Community and Economic Development: Yes, good evening. Can you hear me?

Ms. Ludwig: Yes, I can. Please read the conditions first. (crosstalk)

Ms. Thielman-Puniello reads the conditions of approval into the record

Ms. Ludwig: Thank you, Katie. I'm going to ask once again, do any Board members have any questions that they want to address to the professionals at this time? Or any concerns in general, comments?

Mr. Cartica: This is Bob Cartica.

Ms. Ludwig: Yes, Bob.

Mr. Cartica: I am sympathetic to some comments from public attendees suggesting that a traffic safety study be developed. Is the applicant amenable to developing such an analysis as part of its, I would say, final plan approval?

Mr. Liebling: Mr. Cartica, I think, in the hearings that you're used to, I would lean over speak to my client. Can you just give me a second so I can reach him remotely?

Ms. Ludwig: Of course.

Mr. Liebling: Yes, yes, okay. Thank you. Thank you for your patience. It's not - can you hear me okay?

Ms. Ludwig: Yes, sir.

Mr. Liebling: Okay. Yes, it's not an easy - because we don't, you know, unlike the traffic impact study, we're not really sure what standards we would be preparing towards. So, while we certainly appreciate the concerns over - with respect to safety and we believe that the - our site plan has been designed with that being taken into account and the traffic impact study meeting the requirements of the city's ordinances, I think what we propose is the type of condition that is not uncommon. That we prepare something that is mutually acceptable to the Board's professionals. We - off-site traffic conditions are not - as stated by Mr. Aithal, off site traffic conditions are not an issue to be taken into account in site plan approval. That is the law and that is crystal clear. I think what we propose is to do something like take a look at bicycle striping side, sidewalk with corners, visibility, accident histories and so forth. But we can't agree to something that - to prepare a report that would - that whereby we would leave the benefits of New Jersey law relating to off-site traffic. So, it's difficult to formulate the exact parameters of a condition right now - but I guess I'll throw that out and Mr. Aithal, maybe you have - maybe you can bring some clarity to that.

Mr. Aithal: Sure. Mr. Cartica, maybe we can get permission from you (inaudible).

Mr. Cartica: Okay. So...

Mr. Aithal: As Mr. Dominguez indicated in his -

Mr. Cartica: Yes.

Mr. Smith: Go ahead.

Mr. Cartica: Let me try and elaborate on this. I understand Mr. Liebling, I think I understand where you're coming from on this. That it's not customary to prepare such a - so it's not required under Municipal Land Use Law, perhaps just to be part of your application and I get that. And I myself do not know exactly what would constitute a traffic safety study myself? I don't doubt the analysis that was done by your very competent traffic engineer. But at the same time, I'm looking for perhaps some assurances, if that's possible, that the approval of this project will not be detrimental to residents, as well as visitors to the city as a result of even the minimal increased traffic that your engineer says will result. So, I - again, why can't - don't question the analysis of your engineer, I am a little bit concerned that the increased traffic could be a detriment to safety, and I'm looking perhaps for some assurances that those would be minimal. You can't say they'll be nonexistent. But those would be minimal. Is there anything that you could recommend that you might be able to provide as a condition as part of the Board's approval?

Mr. Aithal: Mr. Cartica, if I could jump in real quick. As Mr. Liebling had pointed out, one of the concerns in his doing - his job representing his client is that under Municipal Land Use Law and then more relevant under our ordinances - the city ordinances, there's no requirement for this type of a study so -

Mr. Cartica: I get that.

Mr. Aithal: - (crosstalk) study becomes important. Having said that, may I inquire as to whether your engineer has already performed line of sight for the ingress and egress to the cancer research pavilion patient drop off area, because we can consider ingress and egress to the site? We can't consider off site traffic conditions for those.

Mr. Cartica: I understand.

Mr. Liebling: I can tell you that as part as part of Mr. Roche's testimony he did discuss visibility of signaling and so forth, the adjustments to those that need to be made in order to make the area immediately adjacent to the to the hospital safe. Safety at other intersections in the city, while of course, of substantial concern to everyone involved, is something for the city through its public safety programs to ensure occurs. And if there - if to the extent there is a marginal increase in traffic in this area, that would - that's something for the city to take care of. I don't want to be uncooperative, but I don't want to create an obligation that becomes so open-ended that it's impossible to meet. Would something like agreeing to a review of site safety with a Board professionals, city engineer, the police and as a commitment we will undertake, would it condition along those lines, meet - address your concerns?

Mr. Cartica: I think it would. Yes, I think it would.

Mr. Aithal: Mr. Liebling just to make sure we're clear, that the Board cannot impose that condition on you. You can volunteer and we can make it a condition of an approval.

Mr. Liebling: I understand that. And that I think is something that we would do absolutely voluntarily. It's a good idea across and no one is encouraging unsafe conditions. So that is a condition that we would agree to review these site safety issues with those - with that series of individuals.

Mr. Cartica: Okay. I think that sufficiently responds to my questions.

Mr. Liebling: Okay. Thank you. And thanks for your patience to at least figure it out.

Ms. Ludwig: Do any other Board members have any questions? Okay. Hearing none, I just want to make a little statement myself. I just want to thank everybody for their time and interest in this application for the Cancer Institute Pavilion. This is an exceptional project suited for the designated zoning district and in accord with the master plan and the redevelopment plan area. It also creates job opportunity and educational opportunities for the community, and a positive economic impact as a whole. In addition, there are, in fact, no barriers attached to this plan. The design is pristine and structure and functionality offering state of the art patient care and research facilities for a cure for cancer. Cancer, which is second only to heart disease is one of the leading causes of death in our country. I support this application and I applaud the positive impact it will have on our community, the state and beyond. With that, I will ask for a motion.

Mr. Cartica: I'd like to make a motion.

Yelitssa Checo (Board Member): Second.

Ms. Ludwig: Is there a second?

Ms. Checo: Second. Yelitssa.

Mr. Cartica: What was the motion?

Ms. Ludwig: Bob made a motion for approval.

Mr. Cartica: I didn't make a motion for approval. I want to make a statement regarding my motion.

Ms. Ludwig: Oh, okay. Go ahead.

Mr. Cartica: Sorry, if it was confusion.

Ms. Ludwig: That's okay.

Mr. Cartica: I'd like to move that we - for the reasons that I previously raised the - my reluctance to approve this without a full understanding of the parking facility, power structure and other facilities associated with this, that the Board consider preliminary site plan approval only at this time with the condition that when the applicant seeks final site plan approval, that this include the parking facility and other structures and functions required by the cancer center, including signage, which was not addressed at all, I don't believe in any of the application materials. And, again, I'm also pleased with the voluntary consideration of some addressing my safety, in cooperation with the city. It's kind of a rambling explanation, but I think this is maybe consistent with Mr. Aithal's second, or middle option for Board members.

Ms. Ludwig: Thank you, Bob. I now have a procedural question for you, Mr. Aithal. If he wants to seek preliminary - motion for preliminary and what if other Board members want to seek a motion for preliminary and final.

Mr. Aithal: As there's a pending motion for preliminary approval then that would be open for a second and a vote if there (inaudible) without being seconded.

Ms. Ludwig: And if it fails, then there could be a motion put forth for final and pre, correct?

Mr. Aithal: That's correct.

Mr. Cartica: Mr. Aithal, did I kind of properly characterize my motion consistent with your second option?

Mr. Aithal: That would be correct. Mr. Liebling, the only additional thing that I see is signage details. Did you see anything else?

Mr. Liebling: Yes, just a question about that. We would we would prepare our signage applications in conformance with the redevelopment plan, and to the extent incorporate the ordinance. And our thoughts and the way we responded in our comment letters was that we would come back to the Board with that, only in the event we would seeking a signage variance. Otherwise, I don't know that it's necessary to present it to the Board.

Mr. Cartica: I'm a little confused. So, you're saying that if it's consistent with ordinances, there's no reason to come to us with a signage plan? Is that correct

Mr. Liebling: I believe that's the case.

Mr. Aithal: Mr. Cartica, if a - let's take this out of the context of this applicant. But let's say that there's a storefront that wants to put up a sign in the City of New Brunswick, so long as that sign conforms with the city's ordinance, there's no need for them to come back to the Board to get that signage?

Mr. Cartica: Okay. All right. Thanks for the clarification. I thought I had seen somewhere in the application materials provided that there would be a signage plan. But I might have been wrong about that.

Mr. Aithal: Mr. Cartica, if I understand you correctly, then it would be a motion for preliminary approval with the conditions that Ms. Puniello read onto the record and the voluntary condition that Mr. Liebling have put on the record?

Mr. Cartica: Yes. And, again, that the final plan include the parking facility and other structures and functions required by the cancer pavilion.

Mr. Liebling: I think we just need to clarify that because this - the application before you now will not ever include the garage. We're not - won't be amending this application to include that. It is a separate application, separate applicant.

Mr. Cartica: Okay.

Mr. Liebling: And I certainly understand what Mr. Cartica is trying to achieve. And we agreed to be effective.

Mr. Cartica: I think so. I think at the time that we would address final site plan approval, we would also address - even if it's not part of this application, even if it's a separate application, that that would be considered at the same time

Mr. Liebling: Understood.

Mr. Aithal: You got that condition down. Madam Chair, I believe that there is a motion that's pending.

Ms. Ludwig: Yes. Is there a second to that motion? I'm hearing none.

Mr. Aithal: Is there a subsequent part?

Ms. Ludwig: Is there another motion on the floor? That motion does not carry.

Mr. Aithal: Well, I am sorry, there is a second.

Ms. Ludwig: Okay, now there is.

Mr. Aithal: And that motion was - the second was from whom?

Ms. Ludwig: Dale.

Mr. Aithal: Thank you, Mr. Vickers. I'm sorry, I didn't recognize your voice. So, Madam Chair, at this point, there would be a roll call vote?

Motion to Approve
I. Bob Cartica
II. Yelitssa Checo

	Yes	No
Jeff Crum (Chairperson)		
Manuel Castaneda (Vice Chairperson)		

George Chedid		
John Petrolino		
Robert Cartica	X	
Diana Lopez		
Ryan Berger (Class I)	X	
Chris Stellatella (Class II)		
Suzanne Sicora-Ludwig (Class III)	X	
Dale Vickers (Alternate #1)	X	
Yelitssa Checo (Alternate #2)	X	

Mr. Dominguez: John Petrolino? Star six if you're muted. I don't know if he's on the call.

Ms. Ludwig: Five votes is a quorum for us, anyways. Is it not?

Mr. Aithal: It is. However, let's just make sure that he's not temporarily dropped off because of internet.

Mr. Dominguez: John Petrolino? If you are on the phone, press star six. Mr. Aithal?

Mr. Aithal: I guess, Mr. Petrolino is dropped off, so we will put an asterisk next to his vote as an eligible vote, but due to the technical difficulties, he was not here. So, Mr. Liebling, you've received the preliminary approval with conditions

VII. DISCUSSION ITEMS

None

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Mr. Dominguez: Once again, I will be taking names in order from A to Z. The one who would like to speak, we'll allow, again, I believe 3 minutes of public comment. Is that correct, Madam Chair?

Ms. Ludwig: Yes, yes. It is.

Mr. Dominguez reads through the alphabet. Jean Luc Borjay (Louis Street, New Brunswick, NJ), Riley Denbow, Araceli Gonzalez, Charlie Kratovil (Suydam Street, New Brunswick, NJ), Brian Kulas (East Brunswick, NJ), Danielle Moore (Birchwood Terrace Apartments, Hamilton Street, New Brunswick, NJ), Andres Morera, Miguel Romero (Somerset Street, New Brunswick, NJ), Linda Stork (Park Boulevard, New Brunswick, NJ), Herb Tarbous (Piscataway, NJ) are placed on the list of speakers.

Mr. Dominguez: Anyone else? Seeing none, I believe our first is Borjay.

Mr. Borjay: Okay. I have to ask the nature of this section for public comments, unfortunately it comes with the territory of going first. What is the exact nature of this section? Is it public comments or any other matter? Excuse me. What is the nature of the comments section, please?

Mr. Aithal: It is public comment period for any matter other than pending applications - any other matter.

Mr. Borjay: Any other matters that are not related to the entire Lincoln Annex Redevelopment Project, is that correct?

Mr. Aithal: If you wanted to make comments about that, that's fine.

Mr. Borjay: Okay. To reiterate what my fellow concerned citizens have been saying recently, the whole plan is just inconceivable. The certain significant details have still not been really made public. It feels like we're being blindsided as like every other turn here with funding to add parking deck and power plant. It's, to be honest, bewildering. I would like to echo and reiterate my fellow citizens' concerns about the racial justice aspect of this whole thing. It is, forgive my harsh language, but cartoonishly evil. So, really when you really take in the whole picture and project and I have to ask the council, like, do you truly not see how backward this whole project is? Are you pretending to not notice because of the nature of the interest that the council is beholding to? That the corruption is real, the lawyer for this project himself has said that he has a conflict of interest and yet he still stands on this project? How can that even be (inaudible)? It's just so many aspects are just (inaudible). Even if I had 10, 20 minutes, a whole hour to talk about this, I don't think I could get every point off across my mind. We're really going to send 750, primarily Black and Brown kids to the most polluted ground in town, ripping their school from right out from underneath their feet, while we put a power plant and parking garage in there too. Are we expected to tear up every single city block every time a corporate interest has a pet project -

Mr. Dominguez: It's time. Next up is Denbow.

Riley Denbow: Hi. I have similar thing that he was talking about. Pretty much, yes, everything has already been said already. It's boldly racist, greedy venture that seeks and values profits over the lives of children. And it seems like the public doesn't have any say in what's happening. They vehemently were against it, and yet somehow still it got preliminarily approved with people gunning, despite the claims of racism, despite the claims of - like, it's just, it's mindboggling. It seems like no one on the Board really cares about the issues actually being discussed and they're just lost into the ethics. I don't think anything could be said, so that would change their mind since they've already been convinced by the running of their pockets. I see my time.

Mr. Dominguez: Thank you. The next speaker is Gonzalez.

Araceli Gonzalez: I'm here. Hold on, let me turn my camera. Can you see me? Yes. So, I'm really tired and it's been a long day. I look terrible, but I want you guys to see me, because as I stated before, this is a racial issue. And so, I want you to see the face of a Brown, indigenous Mexican, because these are the kids that you - whose lives you're affecting. And that's why I want you to see me. I am these kids. I was born and raised in New Brunswick. I went to school there since I was 4 years old, and the Head Start programs all the way through high school. And I grew up with similar officials, sitting members like yourselves that did not care about people that looked like me. It's just deeply disturbing that you could see - you could sit in a 7 hour call with people showing their dissent really and then you just don't care and then again, a second time - it's really deeply disturbing. There's no reason even to repeat what everyone's been saying about the shadiness of all of this. The parking plans not being available, the disturbing way you've been trying to squash the dissent, the conflict of interest, it's just ridiculous. And it's really sad how you try to wash yourself from the moral implications of your votes. You chose to sit on this Board, and you carry the full weight of the implications of your vote, you can't hide from it. And you can't seriously think that we buy that you don't understand how important this is, with what happened last time with 100 people on the call to 7 hours, and then now. There's just no way you don't understand how serious this is. And I don't understand why you would change that preserving, I don't know what your jobs, your careers, why is that worth doing what you're doing? I just don't understand it. This is - people are on this call, and we're all tired. But, it's okay, we're going to go to sleep with a clear conscience, because we know that the things that we're doing are not going to affect the entire course of people's lives. That's what you're doing. What you're doing is going to affect the entire course of people's lives and in the community. And it's been - I'm

25 years old now. I have not lived in New Brunswick for 2 years, and as much as I love that community and the culture there, I would not wish for my own nephew to go to those schools, because of what's happening here. It's just so sad. And by the way, I don't live in New Brunswick anymore, because it's just too expensive. And I know that's what you're trying to do, just push people that look like me out. You can't hide from it anymore. Everyone's been saying it on this call. It's a racial issue. And you can't seriously look me in the face and tell me that you don't know that. You just can't. And these calls are on social media. It's public record. Everyone will know that people have been telling you this and you're still going to go ahead and approve a - do a preliminary approval.

Mr. Dominguez: Ma'am time. Next up is Mr. Charlie Kratovil.

Mr. Kratovil: Good evening members of the Board. I wanted to ask for the record, could I get the voluntary condition that was added, what is the text that's going to...?

Mr. Aithal: Just put away my text, Charlie.

Mr. Kratovil: Oh, sorry.

Mr. Aithal: Could you stop his clock?

Mr. Dominguez: Yes, of course, of course. Well, Charlie, why don't I just get that to you in the morning, if you don't mind? It's going to take (inaudible). I'm trying to figure out where I wrote it down.

Mr. Kratovil: I think it's extremely important.

Mr. Aithal: Yes. Sure.

Mr. Dominguez: Mr. Kratovil, do you want to cede - not cede your time, but you want us to move ahead and then come back to you?

Mr. Kratovil: Maybe, if I - just I can move ahead with some other comments and questions maybe by the time we'll have this, so.

Mr. Dominguez: Sure.

Mr. Aithal: Yes, well, I can tell you the voluntary conditions, Charlie, I'm sorry, I found it.

Mr. Kratovil: Okay.

Mr. Aithal: So, the voluntary condition one is that the applicant will meet with the city for safety review. Another volunteer - I'm sorry, not voluntary, but a condition of the approval that no final will be granted unless the preliminary and final for the garage...

Mr. Kratovil: Now, see, what was that there? No final will be granted unless -

Mr. Aithal: Preliminary and final for the garage -

Mr. Kratovil: Preliminary and final for the garage?

Mr. Aithal: Those were my short notes.

Mr. Kratovil: Okay. I'll just repeat that I'm definitely concerned about the process here with the application moving forward in any way without at least having on file for review the plans for the parking

garage. It's one thing, to say we're going to have the two hearings separately. It's another thing to say we're going to have the two hearings separately, and you don't get to see what the second one is going to be after we're done with the first one. So, I do want to understand a little bit of what the difference is between preliminary and final site plan approval? And if you can tell me where your (inaudible) for this application, given it's only gotten the preliminary? Will there be - would there be additional hearings, testimony, public comments, or is this just something where they can come back and all you have to do is take the votes?

Mr. Aithal: Don't know if there's going to be a pretty (inaudible). So, I can't opine on that. We don't have that application.

Mr. Kratovil: Sure, sure. But this one where they've gotten the preliminary but not the final, what would the final look like? Would that thing where the public gets a chance to be heard and make arguments or no?

Mr. Aithal: Don't know yet, Charlie. I don't know what they're going to put on.

Mr. Kratovil: Okay. Yes, I mean, this is really uncharted territory here and I'm - I will say that and -

Mr. Aithal: With all due respect, if you don't know what it is, it doesn't make it unchartered. It just makes it something that you are not aware. Preliminary is done all the time in other municipalities.

Mr. Kratovil: I'm aware. I'm a creature of New Brunswick and I've never seen it done here separately, so I'm just asking how it would work and I do -

Mr. Aithal: Well, listen, just like the Municipal Land Use Law requires us to do it, that's how we have to do it. Can't do it a different way.

Mr. Kratovil: Okay, I will say that I'm disappointed to move forward without anyone asking if the developer would be willing with that condition I had proposed, which was the most reasonable of conditions that that an appropriate relocation of the school would take place and the school would be built and the school would open before demolition and construction began. And I think that that was something that - at least they should have - it should have been asked and should have answered. Of course, when I tried to ask the applicant's counsel that it would be inappropriate for me to be asking him. But no member of the Board asked that. I think that the most fundamental thing we need to do is look out for communities we already have here in our city. And one of those communities is the Lincoln Annex School Community and to not preserve that, or at least for those interests, by getting - by securing a meaningful promise from the developer that they'll actually deliver the school first without. Doing that this is all problematic. This is all not in service of the community if we're not moving out from that basic thing - the people that are going to be displaced, let's make sure we get something for them. That was not tonight, I suggested it.

Mr. Dominguez: Time up, Mr. Kratovil.

Mr. Kratovil: I've been trying to fight on this for a long time and I'm going to continue to and I'm going to encourage everybody else to continue to. I'm very proud of everyone who's shown up. And I had expectations that the Board could do better. You can do better with whole of the final approval until a new school is done.

Mr. Dominguez: All right. Next up is Kulas

Mr. Kulas: Yes, thank you. First to start off this is - I've learned a lot tonight. And what is really alarming to me is that a 11-12 story structure by the time it's may be done with towers and signage, whatever, we'll just go with 11, can really just be narrowed down and analyzed to a couple square box blocks without any real consideration to the city at large, the county at large. It's actually quite scary. I hope that legislators

look at this. I think another thing, I hope, legislators look at is that we have no - apparently, we have no standards for public safety as far as having a safety test done. That there apparently a traffic safety - traffic safety report apparently just has - doesn't exist. There's no - it's not that it doesn't exist. There's no level of standards. And we have pretty much standards primarily in all fields of work, and that's really alarming to me. But the other thing I wanted to note is that, you still haven't really gotten clarity as far as the heliport. I think 3 weeks ago I asked that in the last meeting, and they said that they'd just applied. So I'm assuming applying to the FAA, that that application is still pending. And if I'm not mistaken, at the last meeting, they told me that it would be about 45 days till they got a response on that. So, that's a whole another piece that I think is being left out, but is a very serious piece. Because, again, the health report that's bringing people who are in urgent, need crisis needing to the hospital and if they don't have a sufficient route for that helicopter to land properly, you have to take in weather conditions, everything signage, with bars, lettering, you have another very big problem on your hands. So - and, finally, I recall at the New Brunswick Board of Education meeting, there was a young woman who spoke about the difficulties that she had at Middlesex County College, because she attended what is the Lincoln Annex School, 40 Van Dyke, all right. She explained at that Board of Education meeting how much she fell behind in her studies and everything as far as trying to trying to learn in that environment. And when she went to Middlesex County College, she really struggled. And I understand that, I identify with that, because I switch schools all the time. And by the time I went on to higher education, I myself was lacking in certain studies, because I didn't have the capability to learn in the environment that was provided to me. So, it - this is so big, I mean, this goes back to the Board of Education, this goes back to our state legislators, because, again, this is alarming that a giant project like this can be built, but only analyzed at such a very minute circumference with no relation to -

Ms. Ludwig: Mr. Dominguez?

Mr. Dominguez: Yes, Madam Chair.

Ms. Ludwig: I was just asking who's next?

Mr. Dominguez: Oh, Ms. Moore. Ms. Danielle Moore?

Ms. Moore: I'm really said. Just speaking from the bottom of my heart, you all ought to be ashamed of yourself for putting these kids in danger. Like I said, if you don't live over here, you don't see what goes on over here. How dangerous it really is over here and the risks that you're putting at these children were what's being snatched up, getting hit by a car, what getting cancer, it'd be something you regret for the rest of your life. And I'm saying that as a victim where I suffer from safety issues because of this city and I know money does not take away the pain or will money bring someone's life back. And like I said, none of you are following to any of traffic safety situations. Like I said, you will regret it for the rest of your life, because what you're doing is just putting 750 children in danger. How DEVCO is lying, saying where he wrote the story to Mr. Chuck O'Donnell, "Oh my, they can't do the Ferren Mall because of COVID-19," then how on earth are you going to do the cancer center with COVID-19? A bunch of liars. And like I said, most of you are not people who care about New Brunswick. You're just evil, don't listen to anyone. All you do is just say yes, yes, yes, because you don't care about anyone else's safety. And like I said, it really hurts to see that being due to where I'm a victim. Like I said, wow, how the city lies, "Oh, we won't put any money in it." Oh, you're going to have to pay for plenty more crossing guards, what, plenty more signs, what, plenty more police officers to keep the drugs out the area? Who's going to build the wall to stop the kids from crossing the tracks? Wow, you didn't know how two people killed already within the last three months by train in New Brunswick here. So, like I said, you don't care. And like I said, sure, my child doesn't go there, but believe me, I respect and care about any child as my own. And like I said, you all will regret with what you're doing. And the Lord is watching you where you do not care. Oh, and like I said, it's just very heartbreaking. Let me - would you Ms. Sicora-Ludwig and the lawyer, do - oh, yes, yes, you just want to hurry up and get through. Oh, yes, yes, okay, your time is up. Believe me, like I said, you're person who

doesn't like to hear the truth for like I say, and like I said to certain people at City Council meetings. Oh, you will regret your evilness. Thank you.

Mr. Dominguez: Thank you. Next is Morera.

Mr. Morera: Hello. Sorry, just had to mute there. So, yes, just - I want to reiterate what I said before. I mean, this kind of process going ahead with approval of this, even if it's just preliminary, you just know that you're the part of this - of the systemically racist machine - you really are. And if you support this, you ought to be ashamed of yourself from a very human level. And I hope you change your mind. I hope you can join us at least in voicing disapproval. It's just nonsense. I'm just ashamed of you guys. I really am. That you cannot see the damage you are doing for the community. There's a nerve to say, "Oh this is going to bring in jobs, this is going to be good for the community." I forgot exactly what the lady said earlier. I'm sorry, I forgot your name. But you can say that. Either you are completely ignorant foolish, or you're cowards or you're being predatory at the end of the day. And that can say that that this is somehow good for the community. Yes, sure, a new cancer center, but you know what, the people that are going to be affected by this negatively, okay. And there's some people in the area that are being displaced, stand a lot more to lose than Robert Wood Johnson or, you know, God forbid, some other frickin' hospital or something that can still serve the same needs. That they take up this mantle instead of Robert Wood Johnson. And that they can just sacrifice their pride and their pocketbook for just so little there, just to benefit the frickin' community. Okay, sorry, I'm going off the script here. But just this should be something that should be done in the interest of - you need to take a holistic approach here and know that this is going to hurt the frickin' community if you go forward with this. It really will. This is gentrification. It benefits no one in the long run. And, frankly, if you keep going with this kind of attitude of going on ahead with this and burying your head in the sand, this is the kind of attitude that leads to the kind of crap that you - that you see in Germany back in the 1920s. And this is not hyperbolic here, all right. So, you guys are complicit in a kind of fascism that this country is falling victim to. And just think on that, chew on that for a while, whatever - okay, just whatever. I'll shut up now. But, yes, please listen to the frickin' community and do what's right for Christ's sakes. Okay, I'm done.

Mr. Dominguez: All right. Mr. Romero?

Mr. Romero: Hello. Can the other people mute themselves please? There's a lot of noise. Okay. So, basically, I just want to comment - continue commenting on what I was saying about the Development Corporation in this town. I think the Development Corporation has taken an approach where they're building a lot of buildings that are not necessarily like affecting the community. Like, if you look at buildings, like The Vue, or you look at buildings, like The Verve or things like that, things that are not designed for the community that lives in this town. They are designed for the college students. They are designed for very wealthy people. I think a lot of people in the community would benefit from city inspectors making sure that the rental units from this town are up to code. I think the city would benefit from the homeless community being finding someplace to live. There's an estimated 200 homeless people in New Brunswick. And the people that have the Master Plan are building buildings for people that are from out of town and people that are much better also. I think there is a fundamental undemocratic approach to that. I think that goes through the years. Even if you look at like the development of other properties, like for example, like the Heldrich. Like, that hotel is not - DEVCO built that basically not to benefit the community. That was something to benefit Johnson & Johnson. I'm sorry, not the Heldrich one - what's the other I'm thinking of? The Hyatt - sorry, the Hyatt Regency. So, it's not a democratic approach. And going back to what we're talking about this cancer center. This cancer center, we don't have universal health care in this country, so none of this - these services are openly free for any of the residents here or for anybody in the state. So, like, to look at this as a - "oh, yes, we're bringing in jobs and this is going to be good for the community," it's kind of BS. They're really just looking for their own pocket. And all of the community's asking is for you to see how like Charlie was saying, like, where the kids are going to be going. Or instead of sending them to an industrial part of town or going through a park that has a bunch of people overdosing, as Daniel has pointed out, and what is the response to this? "Oh, you know, like - we're, looking

into it." I have a question, though, like, how does the safety, like, issue come into play? Because, like - apparently like this - the engineer that was being questioned - the traffic engineer, he did not have really thinking about like the aspects those sidewalks, kind of, the bicyclists and all this kind of stuff. So, where does that connect into the project? Is that like a totally different person? Or is that something that's going to come up 6 months down the line after you started already building and you're going to be, "Oh, we forgot about this." Hello, anybody there? Hello?

Mr. Aithal: Still here.

Ms. Ludwig: Do you have any comments, sir?

Mr. Romero: Well, I'm asking the Planning Board what is - how does the safety aspect that all the citizens here I've raised about this, how did this happen? Is this somebody entirely different taking care of this or is this -

Mr. Dominguez: That is time.

Mr. Romero: - really go together like all the -

Mr. Dominguez: Next up is Linda Stork.

Ms. Stork: Yes, hi. Continuing on Mr. Romero's line of thought, I was thinking the same thing about how it was said that the safety - I'm not even sure why we heard that whole traffic report if it can't be taken into consideration. And as he pointed out, it also did not include the safety issue. But, I mean, as far as - like, a redevelopment plan for a city that doesn't take - I mean, how are you going to have a redevelopment plan that doesn't include having schools in the neighborhoods that doesn't take into account the traffic patterns that make life livable, being able to move from Point B to Point A - I'm sorry, it's getting late - Point A to Point B at a reasonable - in a reasonable timeframe and the safety of where we live. And all these things that make neighbor - but it seems like the whole emphasis is away from neighborhoods. The neighborhoods just seem to be forgotten in this. It's building high rises, making downtown look nice. And, don't get me wrong, I want to have a nice downtown too, but building all this housing for - hopefully, I don't know if they're filled yet, I guess they're hoping that a number of wealthy people will come and occupy these buildings. But what about keeping the neighborhoods nice and livable, you know? And part of a neighborhood is this school. So, yes, as far as it was Washington School gone and now if this school is gone, Lincoln's - the Lincoln's, I guess, going to fall down before anybody does anything about Lincoln. Like, no, no, it just baffles the mind. There does not seem to be a coherent plan here and definitely not a plan that takes into account the community. I can speak for a lot of the children and the families at the school. They can't always - like, these types of things to speak. Many of them do not speak English, and also, they cannot vote. But their children can speak English and will vote. So, I just hope it's not too late by then to preserve some of the community and neighborhoods in New Brunswick and have that type of a livable city for families.

Mr. Dominguez: It's time Ms. Stork. Next up is Tarbous.

Mr. Tarbous: Yes, hi. Yes, it's a bit - it's a bit flabbergasted what I've learned and seen go on here. The idea that the Planning Board's hands are tied by statute, statutes that were written by land use attorneys who happen to be legislators for the benefit of the land use attorneys and their buddies who are developers. I mean, this stuff is just not reasonable. The idea that it would be illegal for you guys to vote no is something that - it's really something you should think about, because the laws - when there's an unjust law, injustice going on, somebody has to stand up and take the risk and take the heat for doing something that's not popular, no? Otherwise, it's just cowardice. It's just plain and simple cowardice to go along with the sort of the powers that be. That's what happened in Nazi Germany. That people went along with the powers that be. And as someone said earlier, this is how things sink into fascism, and fascism is - one of the aspects

of fascism is the vilification of the minorities. And that's essentially what's happening here. Ms. Sicora-Ludwig, it was appalling to hear you basically all publicly and telling us how great this is, again, not a syllable, not a word of empathy for the hundreds and hundreds of kids and families who are being displaced by this. It's like, as far as you're concerned, they don't even exist. That is racist - plain and simple. Voting yes on this plan is racist, and someone needs to stand up and show some guts and fight the powers that they other - rather than just continuing to protect your positions, protect your - whatever it is - your prestige, because you're on the Planning Board, you're on the City Council. Big effing deal, right? Big effing deal. That doesn't make you a good person. What makes you a good person is standing up for the least of us. And that's something that none of you have done tonight, and I'm very disappointed and it's actually disgusting. Good night.

Mr. Dominguez: Madam Chair, that was the last commenter.

IX. ADJOURNMENT