

BOROUGH OF WOODCLIFF LAKE

Zoning Board Agenda

IN RE: 216 Broadway, LLC

TRANSCRIPT of the stenographic notes of
the proceedings in the above-entitled matter, as
taken by and before PAMELA ADAMO, a Certified
Shorthand Reporter and Notary Public of the State of
New Jersey, held via Zoom, on January 25, 2022,
commencing at 7:35 p.m.

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2 ROBIN MALLEY - Chairwoman</p> <p>3 SANJEEV DHAWAN - Vice Chairman</p> <p>4 DIANNA CEREIJO</p> <p>5 CHRISTINA HEMBREE</p> <p>6 MICHAEL KAUFMAN</p> <p>7 LYNDA PICINIC</p> <p>8 PHILLIP MANISCALCO</p> <p>9 BARBARA BUSHELL</p> <p>10 MEG SMITH</p> <p>11 SAL PRINCIOTTO - Board Attorney</p> <p>12 DIJIA CHEN</p> <p>13 ELIZABETH LEHENY</p> <p>14 FRANK VISINGARDI</p> <p>15 JOSEPH BURGIS</p> <p>16 MICHAEL DOSTER</p> <p>17 JOSEPH DENNIS</p> <p>18</p> <p>19 BEATTIE PODAVANO, LLC</p> <p>200 Market Street</p> <p>20 Montvale, NJ 07645</p> <p>BY: ARTHUR NEISS, ESQ.</p> <p>21 Attorneys for 216 Broadway, LLC</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 CHAIRWOMAN MALLEY: Do you have an issue</p> <p>2 with moving the zoning board calendar first in front</p> <p>3 of 216 Broadway application?</p> <p>4 MR. PRINCIOTTO: I think we should save</p> <p>5 it for a little bit later to see if we are going to</p> <p>6 have to add a meeting. I know we have a pretty heavy</p> <p>7 agenda for tonight including the review of the draft</p> <p>8 of the master plan.</p> <p>9 CHAIRWOMAN MALLEY: Okay. We can hold</p> <p>10 off then.</p> <p>11 MR. PRINCIOTTO: Just in case we have to</p> <p>12 add a meeting we can do it, we can add it to the</p> <p>13 other zoning board dates. So I would say hold that</p> <p>14 for right now and let's see how far we get. And Meg</p> <p>15 will remind us not to forget to approve our meetings</p> <p>16 dates before we adjourn.</p> <p>17 CHAIRWOMAN MALLEY: Okay. So on to our</p> <p>18 continued application 216 Broadway, LLC, Block 2602</p> <p>19 Lot 11. 216, it's in an -- 216 Broadway it's in an</p> <p>20 R15 zone. They are requesting variances for, one, a</p> <p>21 use variance for multiple dwelling in a single-family</p> <p>22 zone.</p> <p>23 Two, maximum building coverage of</p> <p>24 16.1 percent where 15 percent is required. That's an</p> <p>25 existing nonconforming with no change.</p>
<p style="text-align: right;">Page 3</p> <p>1 CHAIRWOMAN MALLEY: Call to order this</p> <p>2 meeting in accordance with the Open Public Meetings</p> <p>3 Law PL 1975 Chapter 231, was announced at the</p> <p>4 reorganization meeting held on January 28, 2021, in</p> <p>5 the municipal building.</p> <p>6 Notice of this meeting was posted in two</p> <p>7 newspapers, The Record and Ridgewood News. The</p> <p>8 public is advised of the zoning board's rule that</p> <p>9 meetings are concluded by 10:30 p.m. Pledge of</p> <p>10 allegiance.</p> <p>11 (Pledge of Allegiance.)</p> <p>12 CHAIRWOMAN MALLEY: Okay. We have</p> <p>13 swearing in of new appointments and I guess it's</p> <p>14 reappointments.</p> <p>15 (Whereupon off the record until 216 of</p> <p>16 the agenda is called.)</p> <p>17 CHAIRWOMAN MALLEY: We have the</p> <p>18 continued application on 216 Broadway, LLC, but I</p> <p>19 would love to just do the zoning board calendar for</p> <p>20 2022 first. So that we know what our schedule is</p> <p>21 just in case we do have to continue that application</p> <p>22 so is that an issue to move that one forward?</p> <p>23 SECRETARY SMITH: He's muted.</p> <p>24 MR. PRINCIOTTO: I'm sorry, what did you</p> <p>25 say Robin?</p>	<p style="text-align: right;">Page 5</p> <p>1 Three, maximum total coverage of</p> <p>2 60.5 percent where 40 percent is required. That is</p> <p>3 existing nonconforming at 55.8 percent.</p> <p>4 Four, total maximum height of 40.1 feet</p> <p>5 where 30 feet is required, existing nonconforming is</p> <p>6 33.5 feet.</p> <p>7 Five, minimum front yard setback of</p> <p>8 18.5 feet on Broadway and 31.8 feet on Highview</p> <p>9 Avenue where 35 feet is required. Existing</p> <p>10 nonconforming with no change.</p> <p>11 Received 9/8/21, deemed administratively</p> <p>12 complete on 9/14/21, deemed complete by borough</p> <p>13 engineer on 10/14/21.</p> <p>14 Okay. And our attorney I believe was in</p> <p>15 the middle of, where were we there? I'm sorry.</p> <p>16 MR. NEISS: I'm here.</p> <p>17 CHAIRWOMAN MALLEY: I will find you on</p> <p>18 my screen. I lost you. There you are. Mr. Neiss.</p> <p>19 MR. NEISS: Thank you, Chairwoman. It's</p> <p>20 good to be found I must tell you.</p> <p>21 Good evening members of the board. My</p> <p>22 name is Arthur Neiss and I do represent 216 Broadway,</p> <p>23 LLC. It's nice to be here in front of you again. I</p> <p>24 wish you all a Happy New Year although if you are</p> <p>25 anything like me New Year was what, centuries ago</p>

<p style="text-align: right;">Page 6</p> <p>1 with everything that's happened since then and we are 2 after all the 25th day of January. 3 So we began the application last time 4 and you will recall that John Dacosta the principal 5 of 216 Broadway, LLC, testified and told you about 6 himself and his vision for the project. 7 And then I believe we got into a 8 discussion which involved our engineer Frank 9 Visingardi. Mr. Visingardi is back to complete his 10 testimony before you tonight. 11 And in addition to Mr. Visingardi, there 12 are two additional witnesses that we would like to 13 present to you. One is Michael Doster, the architect 14 for the project. And the other is Joseph Burgis who 15 is serving as the planner for this project. 16 I have no real other opening comments. 17 I trust that the board remembers this application. 18 It is the, it is going to, it is right diagonally 19 across the street from the train station and if the 20 board considers approving this application that 21 building that is there is going to be much, much 22 improved. 23 So unless you have any questions for me, 24 Chairwoman, or anyone on the board, I'd like to 25 proceed with Mr. Visingardi's testimony.</p>	<p style="text-align: right;">Page 8</p> <p>1 and that area will be converted into a landscaped 2 area. Parking will be relocated to the side yard 3 along Broadway and the side yard along Highview 4 Avenue. 5 Circulation through the site will be an 6 entrance off of Broadway and an exit off Highview. 7 It will be a one-way traffic through this site. 8 Parking will be provided for the residents in 9 accordance with the residential standards, 10 infrastructure standards, 12 parking spaces will be 11 provided as well as an additional parking space for 12 ADA compliance and handicap access. 13 We are proposing two 3-foot retaining 14 walls along the side yard on Highview Avenue. Those 15 walls will be tiered. Each wall will be set back 16 from each other so that neither wall has an influence 17 on the other. 18 We are proposing lighting for the 19 parking area. That lighting will be shielded so that 20 lighting does not spill over into the neighbor's lot. 21 Also to assist in the restriction of the lighting 22 spilling over into the neighbor's lot, we have 23 modified some of our site plan and in discussion 24 between the owner and neighbor whereby we will have a 25 fence along the north side lot, side yard and the</p>
<p style="text-align: right;">Page 7</p> <p>1 CHAIRWOMAN MALLEY: Okay. 2 MS. HEMBREE: Okay. 3 MR. NEISS: Meg, is he a participant in 4 the -- 5 SECRETARY SMITH: Yes. Yes, he is. I 6 believe I have seen him. 7 MR. VISINGARDI: Yes, I'm on the call 8 here. Are we swearing in or just going right into 9 the testimony? 10 MR. NEISS: I think he was sworn in the 11 last time we were here and that's up to you, 12 Mr. Princiotto. 13 MR. PRINCIOOTTO: Yes, you are still 14 under oath, sir. So we don't need to swear you in 15 but your testimony tonight is under oath as it was 16 during the first meeting. 17 TESTIMONY BY MR. VISINGARDI: 18 A. Great. Okay. I'll just give a brief 19 review of the project since it has been a month. The 20 property is at the corner of Broadway and Highview. 21 And the existing building will have, the same 22 footprint of the existing building will remain. 23 We are changing the layout of the 24 parking at the facility. The parking that was along 25 the frontage of Highview Avenue will be eliminated</p>	<p style="text-align: right;">Page 9</p> <p>1 landscaping that we had proposed along the east 2 sideline will be two rows of arborvitaes up on the 3 retaining wall. So that will further enhance, 4 mitigate any light spilling on to the neighboring 5 lot. 6 And we, as was instructed in the borough 7 engineer's review, we will be providing for storm 8 water management. We will have the stipulated amount 9 of storage for storm water runoff installed on the 10 site. 11 Those details will be further worked out 12 as the site planning proceeds. And I gather if any 13 questions? 14 Q. I have a couple of questions. 15 A. Sure. 16 Q. At the commencement of the application 17 tonight the chairwoman noted that there were several 18 variances being sought, but by my calc at least three 19 of them are existing nonconforming and we are not 20 making any change to them. Would you agree with that 21 and if you wish I would tell you that those are 22 maximum building coverage, maximum total coverage and 23 minimum front yard setback. There's no change to any 24 of those; correct? 25 A. As far as building coverage there is no</p>

<p style="text-align: right;">Page 10</p> <p>1 change, setbacks remain the same, that's correct on 2 those, as well as the usage of the site that remains 3 as was.</p> <p>4 Q. The Neglia Engineering firm rendered a 5 review letter dated December 7, 2021. I think we 6 addressed many if not most of the issues raised in 7 that review letter.</p> <p>8 Are there any other issues that need to 9 be addressed that we should take up with the board at 10 this time?</p> <p>11 A. There was a comment from the department 12 of public works in which they had discussed the trash 13 collection and made mention that the borough's legal 14 department should weigh in. We haven't heard any 15 response regarding that item.</p> <p>16 Q. Okay. So to the extent the Neglia 17 Engineering letter raises any issues, you had 18 occasion and your company had occasion to speak with 19 Neglia after December 7, 2021; correct?</p> <p>20 A. Well, we just spoke at the last meeting 21 and here at the zoning board.</p> <p>22 Q. You may not have been part of that 23 conversation?</p> <p>24 A. Correct.</p> <p>25 Q. So, all right.</p>	<p style="text-align: right;">Page 12</p> <p>1 And, I mean, there are comments made by Mr. Behrens 2 and I think we all know because if you live in town 3 you know we have small 6-yard trucks. And we don't 4 have the dumpsters. So the first question I have is, 5 is there going to be a dumpster for the garbage?</p> <p>6 THE WITNESS: Currently we don't have 7 the dumpster in the design. We were considering 8 several, at least, 40-gallon receptacles.</p> <p>9 MR. PRINCOTTO: So you are proposing 10 there will be garbage cans for each of these units?</p> <p>11 THE WITNESS: As of now, yes.</p> <p>12 MR. PRINCOTTO: Okay. So how many 13 garbage cans would you propose or receptacles for six 14 apartment units?</p> <p>15 THE WITNESS: Right. You are probably 16 looking at six to eight just for trash.</p> <p>17 MR. PRINCOTTO: How would you handle 18 recyclables?</p> <p>19 THE WITNESS: Yeah, that can be a 20 growing amount of recyclables being produced these 21 days. It would be, I do have to check with the 22 borough to see on their recycled pick up schedule and 23 we will have to come up with a storage following for 24 that.</p> <p>25 MR. PRINCOTTO: And the question is,</p>
<p style="text-align: right;">Page 11</p> <p>1 MR. NEISS: I think with the overview 2 you have provided I have no further questions for 3 this witness, Madame Chairwoman.</p> <p>4 CHAIRWOMAN MALLEY: Okay. Does anybody 5 on the board have questions?</p> <p>6 MS. CEREJO: Do we know if Chris 7 Behrens forwarded this to legal?</p> <p>8 MR. PRINCOTTO: Well, I mean, I 9 reviewed it and I'm waiting to see if the board 10 members have any questions, but I think that there 11 are questions about the garbage pick up and I don't 12 think that we have any situation in the town that's 13 similar to this, but I will defer to the board's 14 questions and then if none then I will ask questions.</p> <p>15 MS. CEREJO: I guess could you clarify 16 what would be the difference? I didn't understand 17 it.</p> <p>18 MR. PRINCOTTO: We don't, I don't 19 think --</p> <p>20 MS. CEREJO: In pick up.</p> <p>21 MR. PRINCOTTO: We don't have multiple 22 dwelling zones in the Borough of Woodcliff Lake, you 23 know, except for our affordable housing and I don't 24 think that we have any without garages. So this is, 25 would be a new, a new use, type use for the borough.</p>	<p style="text-align: right;">Page 13</p> <p>1 you know, how, you know, are these cans going to be 2 put out on every garbage day and then how are they 3 going to be put back in if they are put out and who 4 is going to put them out?</p> <p>5 THE WITNESS: All right. I will have to 6 discuss it with the owner on that procedure what he 7 sees fit there.</p> <p>8 MR. PRINCOTTO: Okay. And as noted and 9 I'm referring to Exhibit WCL-6, have you reviewed 10 that, which is an e-mail from Chris Behrens to Meg 11 Smith. Did you review that e-mail?</p> <p>12 THE WITNESS: I did see that, yes.</p> <p>13 MR. PRINCOTTO: Okay. And he indicates 14 that the trash cans can't be larger than 40-gallons. 15 Are you aware of that?</p> <p>16 THE WITNESS: I am, yes.</p> <p>17 MR. PRINCOTTO: Okay. Well, I mean 18 it's certainly a subject that can be, you know, a 19 condition that the board may want to consider and, 20 you know, typically, you know, I think that in most 21 instances these cans, garbage cans, are stored or put 22 back in people's garages after they use and every 23 resident takes care of that. I'm just wondering how 24 that would be done here.</p> <p>25 So there is a spot for these whatever it</p>

<p style="text-align: right;">Page 14</p> <p>1 is, if it's six, eight or 12 garbage cans, where 2 would they go? 3 THE WITNESS: We do have an enclosure 4 plan, a fenced-in enclosure for where the receptacles 5 will be stored. And that's up against the building 6 itself, we shield it. 7 MR. PRINCOTTO: Are they going to be, 8 like, three deep or two deep or, you know, how are 9 the people going to get their garbage cans out of 10 this enclosure? 11 THE WITNESS: I would consider it to be 12 two deep and they will have to open the gate and 13 actually take out the receptacles in order to get 14 them to the curb and. 15 MR. PRINCOTTO: And what happens if the 16 residents don't put their receptacles back into this 17 enclosure? I mean, who is going to police this 18 particular area? 19 MR. NEISS: If I can just jump in for a 20 moment here, Mr. Princiotto, I neglected to mention 21 that John Dacosta is not here tonight. He's 22 unfortunately, or fortunately, he had a wedding in 23 another country and he's flying back as we speak. 24 But I spoke with him and we all spoke 25 with him before he left. I believe that he has a</p>	<p style="text-align: right;">Page 16</p> <p>1 kind of development because there is no garages. I 2 believe that the other multiple dwelling uses we have 3 each individual takes out their own cans and they, 4 you know, and they put them back into their garage. 5 How large is the enclosure for these 6 receptacles? That would be a question for the 7 engineer. 8 THE WITNESS: Yeah. Let's see, I see 9 8-foot, probably 8-foot square as it stands now. 10 CHAIRWOMAN MALLEY: So a dumpster 11 potentially could fit in there. Maybe. It's a 12 little small. 13 MR. MANISCALCO: I mean you also have 14 the recycle though which is an issue which has to be 15 sorted. 16 MR. PRINCOTTO: Yeah, because for the 17 recycling you would need a receptacle for what they 18 call the recyclables, and then you have the paper 19 recycling too for newspapers and cardboard. So there 20 has to be some method to handle each. 21 I think most residents have garbage cans 22 for the garbage and then have another container for 23 their recyclables and have, you know, something else 24 for their newspaper and cardboard. 25 CHAIRWOMAN MALLEY: So that's all going</p>
<p style="text-align: right;">Page 15</p> <p>1 person, because he owns other properties in Woodcliff 2 Lake, I believe that he has a person who serves as a 3 manager for these properties and I believe that that 4 person or those people depending on how large a 5 developer he becomes, those people will be monitoring 6 this site. And that's based on his statements to me. 7 So I guess what I'm saying is that 8 Mr. Dacosta is very sensitive to this issue and will 9 be on top of it and work out with the DPW how the 10 garbage is going to be handled. If it requires a 11 private carting company to handle it, that may be 12 part of the solution as well. 13 But I just wanted to state that on the 14 record so that this issue didn't detain us too long. 15 MR. PRINCOTTO: Okay. Thank you for 16 that comment. I mean, are you proposing to have the 17 garbage picked up by a private contractor? 18 MR. NEISS: I can't answer the question 19 without Mr. Dacosta's review, but if the board is 20 favorably inclined to granting this application we 21 will work out that situation with, there must be a 22 plan in place with regard to the garbage and 23 Mr. Dacosta recognizes that. 24 MR. PRINCOTTO: Okay. I mean, you 25 know, if it were to be approved it would be a unique</p>	<p style="text-align: right;">Page 17</p> <p>1 to depend on who is picking up the trash. If it's a 2 commercial pick up right now, cardboard is separated 3 from everything else and they take it away. 4 MR. PRINCOTTO: Right. 5 CHAIRWOMAN MALLEY: So they would only 6 need probably two and they take it away to a 7 commercial yard and separate it. 8 MR. PRINCOTTO: Well, you need two for 9 recycling. 10 CHAIRWOMAN MALLEY: No. One for 11 recycling. They do cardboard and everything else 12 goes in one dumpster and they separate it at their 13 plant believe it or not. 14 MR. PRINCOTTO: No, but it's different 15 days. So you put out your recycling container with 16 the bottles and cans and plastics and then on another 17 day of the week you put out your cardboard and your 18 newspaper; correct? 19 CHAIRWOMAN MALLEY: That is if you are 20 dealing with residential recycle. If you're dealing 21 with it as a commercial hauler, commercial contractor 22 doing it on a commercial building, you are usually 23 two dumpsters now, one for trash and one for 24 cardboard. 25 MR. PRINCOTTO: Then in that case the</p>

<p style="text-align: right;">Page 18</p> <p>1 borough would not provide the garbage pick up.</p> <p>2 CHAIRWOMAN MALLEY: Correct.</p> <p>3 MR. PRINCOTTO: Okay. So --</p> <p>4 MS. HEMBREE: They can always go up to</p> <p>5 the old fill on Wednesday, Saturday or Sunday, you</p> <p>6 know?</p> <p>7 MR. KAUFMAN: Make a lot of trips to</p> <p>8 that place.</p> <p>9 CHAIRWOMAN MALLEY: I think we have to</p> <p>10 set that aside and make that, you know, an issue for</p> <p>11 probably the next meeting or, to determine, you know,</p> <p>12 at some other point in time. We are not going to</p> <p>13 resolve that now.</p> <p>14 MS. HEMBREE: No. No.</p> <p>15 MR. PRINCOTTO: Okay. Any other</p> <p>16 questions?</p> <p>17 MR. DHAWAN: I have a question. What</p> <p>18 type of structure i this that we're talking about.</p> <p>19 Because the drawing just shows two little dash lines</p> <p>20 or I think it's dumpster enclosure area, is this a</p> <p>21 structure that would affect your setbacks?</p> <p>22 THE WITNESS: It is basically a fence,</p> <p>23 it's a fence with a section for a gate. So you have</p> <p>24 two legs that stick out towards the parking area and</p> <p>25 then a gate at the front there to enclose the area,</p>	<p style="text-align: right;">Page 20</p> <p>1 for the trash enclosure?</p> <p>2 A. It's not spelled out on our drawing.</p> <p>3 But typically it could be a vinyl type fence or a</p> <p>4 little heavier wood type fence, painted wood.</p> <p>5 Q. And it looks to me like in the detail,</p> <p>6 in the detail it looks to me like the center rails</p> <p>7 are 96-inches apart. And the height of the fence is</p> <p>8 about 62-inches tall. Would you agree, is that</p> <p>9 the --</p> <p>10 MR. PRINCOTTO: Mr. Neiss, could you</p> <p>11 identify which detail you are referring to?</p> <p>12 MR. NEISS: Of course. The document is</p> <p>13 sheet S, as in Sam, dash one. It is the site plan,</p> <p>14 it is the last revision date of 12/01/21. I'm hoping</p> <p>15 that's going to help you Mr. Princiotto.</p> <p>16 MR. PRINCOTTO: Did we mark that?</p> <p>17 MR. NEISS: Well, A-3 is the plan set.</p> <p>18 But that was as of 8/31, that was the first revision.</p> <p>19 I know that this revised plan was dropped off by the</p> <p>20 engineer and company to the borough.</p> <p>21 MR. PRINCOTTO: When was that, do you</p> <p>22 know?</p> <p>23 MR. NEISS: I believe it was early.</p> <p>24 SECRETARY SMITH: It's on our exhibit</p> <p>25 list as A-9, revised site plan and response letter by</p>
<p style="text-align: right;">Page 19</p> <p>1 the backside is the building itself.</p> <p>2 CHAIRWOMAN MALLEY: So we are not</p> <p>3 talking cinder block --</p> <p>4 THE WITNESS: No.</p> <p>5 CHAIRWOMAN MALLEY: And we are not</p> <p>6 talking a structure and we're talking if it's up</p> <p>7 against the building you are dealing with vermin</p> <p>8 potentially.</p> <p>9 MS. BUSHELL: I will, I want to ask --</p> <p>10 CHAIRWOMAN MALLEY: Barbara, go ahead.</p> <p>11 MS. BUSHELL: Do these units in the</p> <p>12 kitchens are there garbage disposal units so that</p> <p>13 could cut down on vermin.</p> <p>14 THE WITNESS: I'm not privy to that</p> <p>15 information. I think when our architect comes to</p> <p>16 speak he may be able to provide that testimony.</p> <p>17 MR. PRINCOTTO: What is the type of</p> <p>18 material for the enclosure? Is it a cyclone fence,</p> <p>19 you know or is it a solid fence?</p> <p>20 THE WITNESS: No, it's a solid fence.</p> <p>21 So it provides the blind, a shield to the public out</p> <p>22 on Highview Avenue as well as the neighbor.</p> <p>23 Q. There is a detail of the trash enclosure</p> <p>24 on the site plan that was revised on 12/01/21.</p> <p>25 Frank, do you know what the material is going to be</p>	<p style="text-align: right;">Page 21</p> <p>1 HDR, last revised 12/1.</p> <p>2 MR. NEISS: There you are. Thank you,</p> <p>3 Meg.</p> <p>4 MR. DHAWAN: I don't have that one.</p> <p>5 MR. NEISS: The Neglia Engineering</p> <p>6 letter dated, excuse me, dated December 7, 2021, page</p> <p>7 one refers to the revised site plan.</p> <p>8 MR. PRINCOTTO: Meg, are you saying</p> <p>9 that we all received that drawing?</p> <p>10 SECRETARY SMITH: Yes, I believe so.</p> <p>11 MS. HEMBREE: Last month.</p> <p>12 SECRETARY SMITH: Yes, it was a while</p> <p>13 ago.</p> <p>14 MR. PRINCOTTO: Okay.</p> <p>15 MS. LEHENY: It was in an e-mail from</p> <p>16 Meg dated December 10, 2021.</p> <p>17 MR. PRINCOTTO: I found it as well.</p> <p>18 MR. DHAWAN: Is there any way somebody</p> <p>19 could share their screen and put that up?</p> <p>20 MS. LEHENY: I can do that, is that all</p> <p>21 right, Madam Chairwoman?</p> <p>22 CHAIRWOMAN MALLEY: Yes, absolutely.</p> <p>23 Thank you, Liz.</p> <p>24 MS. LEHENY: Hold on one second. Okay.</p> <p>25 CHAIRWOMAN MALLEY: We saw that.</p>

<p style="text-align: right;">Page 22</p> <p>1 MS. LEHENY: Right, and then here is the 2 detail. Do you want me to scroll back? I can scroll 3 out so you can see it. 4 Q. Frank, can you describe the location of 5 the trash enclosure? 6 A. It's on the east face of the building 7 towards the southern corner of the building so on the 8 southeast corner of the building we have the area 9 cited there as trash enclosure area. On this plan 10 north is to the left. 11 MS. LEHENY: It's here. 12 THE WITNESS: Correct. Yes. Yeah. 13 MR. PRINCIOTTO: It doesn't show any 14 gate in the detail, does it? 15 THE WITNESS: Not that detail, no. It 16 just shows the side panels. 17 MR. PRINCIOTTO: Does it have a gate, 18 will it have a gate? 19 THE WITNESS: Yes. Yes. 20 MR. PRINCIOTTO: Is there a top to it or 21 does it remain open at the top? 22 THE WITNESS: It's open. 23 CHAIRWOMAN MALLEY: It is definitely not 24 set up for a truck to back into it. 25 THE WITNESS: That's correct.</p>	<p style="text-align: right;">Page 24</p> <p>1 handled today? I mean, I know there are a few 2 tenants on the upper floors, there obviously is the 3 commercial space set up it's still in use now. But 4 how has trash been handled to date? Do we know? 5 THE WITNESS: That I'm not aware of. 6 SECRETARY SMITH: I believe it's being 7 picked up by DPW at this time. I can confirm that 8 though. 9 MR. NEISS: And it's being brought out 10 to a curb I imagine for that to happen. 11 CHAIRWOMAN MALLEY: I guess really, Meg, 12 I don't know if you can answer this or somebody, you 13 know, whether it's a mayor question, where does the 14 responsibility stop for, I know, commercial 15 buildings, I know what is it 62 Broadway with all the 16 apartments and the stores they have a commercial 17 contractor that comes and picks up trash, all the 18 buildings on Broadway that are retail have a 19 commercial hauler that comes in. Where does it stop 20 and start as to responsibility for the borough to 21 pick up versus private haulers. 22 SECRETARY SMITH: I'm not currently 23 sure. Some of, like, 62 Broadway I believe was 24 spelled out during their application process. And 25 some of the others have retail with their</p>
<p style="text-align: right;">Page 23</p> <p>1 MR. PRINCIOTTO: Then the question is if 2 it's a private contractor it's a truck, you know, are 3 the driveways wide enough for sanitation truck to be 4 able to get in there if it went to a dumpster? 5 CHAIRWOMAN MALLEY: There is no way for 6 the way it is set up for a truck, they typically back 7 in or pull in and back out, whichever way they are 8 going to do it, it's not set up for that. 9 THE WITNESS: Well, I think Mr. Neiss 10 said that he wants to confer with Mr. Dacosta, you 11 know, on this particular subject so. 12 MR. NEISS: I think what I would like to 13 say in this regard, Mr. Princiotto, is that this is 14 an issue that must be worked out and Mr. Dacosta will 15 work it out depending on, you know, it will get 16 worked out. I guess that's the bottom line. 17 So there will be accommodations made for 18 the trash. There will be monitoring of the trash 19 enclosure. And there is not going to be an accrual. 20 And people are not going to be throwing their stuff 21 over the top and hoping that it lands in a garbage, 22 in a garbage pail. There will be a gate and I 23 imagine the pickups will be sufficient enough so 24 that, you know, it's not piling up there. 25 MR. MANISCALCO: How is trash being</p>	<p style="text-align: right;">Page 25</p> <p>1 residential. So that changes into a commercial use 2 almost automatically. But I would have to ask DPW 3 how that's decided. 4 CHAIRWOMAN MALLEY: Right. I think 5 that's one of the questions that has to be decided 6 here is who is responsible when there are, you know, 7 six apartments or where is the cutoff on an apartment 8 building? Does it become commercial? And who 9 becomes responsible then, you know? 10 It's got to get to the point where you 11 can't keep putting garbage cans out and expect the 12 town to pick it up or maybe you can. So I think we 13 need an answer on that. 14 MR. PRINCIOTTO: It's a good question 15 but, you know, it's also a question, you know, for 16 the board, you know, if the board wants to address 17 that as a condition of approval the matter in which 18 the garbage is taken care of, because we don't have 19 multiple dwellings zoned like this without garages. 20 So it is somewhat unique, you know, for 21 the borough. So the board can consider that, but 22 it's a good question and actually I'm not sure if 23 that I have a definitive answer for you, but I do 24 know that the engineering review letter had questions 25 about it and I do know our DPW has, you know,</p>

<p style="text-align: right;">Page 26</p> <p>1 concerns about it and it's up to the board, if the 2 board feels as though it's, you know, a significant 3 issue that needs to be addressed or dealt with in a 4 particular fashion. 5 But I think we should move on and 6 Mr. Neiss has said that Mr. Dacosta will, you know, 7 address the issue. I think he understands the 8 concern. There is garbage and there's recycling pick 9 up and, you know, it has to be addressed in terms of 10 the number of people, how you are going to handle it 11 and who is going to do it so. 12 CHAIRWOMAN MALLEY: Okay. 13 MR. NEISS: I agree. I should make the 14 argument that what is happening here is that we are 15 eliminating a commercial use on the first floor and 16 the building will therefore be entirely residential. 17 I think that that has to be taken into consideration 18 by the borough in determining how this matter is 19 handled. 20 MR. PRINCOTTO: How is, if -- this 21 might be for Mr. Dacosta or somebody else, but how is 22 the garbage for the carpet store handled in the past? 23 MS. HEMBREE: Borough picked it up. He 24 just said that. 25 MR. PRINCOTTO: Well, I'm not sure</p>	<p style="text-align: right;">Page 28</p> <p>1 CHAIRWOMAN MALLEY: Okay. Who do we 2 have up next Mr. Neiss? You have Mr. Burgis or do we 3 have -- 4 MR. NEISS: I just want to confirm that 5 there are no further questions from the board or from 6 the public for this witness. 7 CHAIRWOMAN MALLEY: What I was hoping we 8 could do was open it to the public after Mr. Burgis 9 and save both of them. 10 MR. PRINCOTTO: I think we have an 11 architect before Mr. Burgis, but I could be wrong. 12 CHAIRWOMAN MALLEY: Do we? I'm sorry. 13 MR. NEISS: Yes, we do and that 14 architect I'd like to introduce is Michael Doster. 15 Are you with us, Mr. Doster? 16 MR. DOSTER: Yes, I'm here, Mr. Neiss. 17 I was not sworn in at the last meeting. 18 TESTIMONY BY MR. MICHAEL DOSTER. 19 MR. PRINCOTTO: Okay. Just one second. 20 Okay. This is Michael Doster. Can you raise your 21 right hand, sir? Do you swear to tell the truth and 22 nothing but the truth, so help you God? 23 MR. DOSTER: I do. 24 MR. PRINCOTTO: Okay. 25 THE WITNESS: So I don't know if I need</p>
<p style="text-align: right;">Page 27</p> <p>1 because there was a mixed use there. There is and -- 2 it was a carpet store and apartments. 3 MS. HEMBREE: Can I give a little 4 perspective here? 5 CHAIRWOMAN MALLEY: Yes. 6 MS. HEMBREE: In the old days back when, 7 all the houses of worship had their garbage picked up 8 by the town. And that changed in the early '80s, I 9 believe. 10 So I suspect that the town has always 11 picked up the garbage there and they just continue. 12 That's just the way it was. And nobody brought it to 13 anybody's attention. 14 But so if you remember the way it used 15 to be, I think it's just an offshoot of what happened 16 years and years and years ago. It just stayed the 17 way it was. 18 MR. PRINCOTTO: So do you know, I mean 19 if you want to testify we will put you under oath, 20 but I mean does anyone know how the carpet store 21 garbage was taken care of? 22 MS. HEMBREE: No. 23 CHAIRWOMAN MALLEY: Why, why don't we 24 move forward? 25 MR. PRINCOTTO: Yeah, I think so.</p>	<p style="text-align: right;">Page 29</p> <p>1 to list my credentials? 2 CHAIRWOMAN MALLEY: Yes, please. 3 MS. HEMBREE: Please. 4 THE WITNESS: I'm a registered 5 architect. My license is current and active in the 6 state of New Jersey. I have a dual Master's of 7 Science in Sustainable Design and Master's of 8 Architecture. 9 I am a partner at Archstone 10 Architecture. My office is located at 295 Bloomfield 11 Avenue in Caldwell, New Jersey. Not sure if that is 12 acceptable? 13 MR. PRINCOTTO: Mr. Neiss, do you have 14 any other questions you would like to ask Mr. Doster 15 before his testimony? 16 MR. NEISS: I do actually. But I've 17 just gotten a text from Mr. Dacosta whose plane has 18 just landed and I've asked him how the garbage is 19 currently handled. 20 MS. HEMBREE: That's not nice. 21 MS. BUSHELL: What a nice way to welcome 22 him home. 23 MR. NEISS: So he had no right to go 24 away to a wedding in another country and I told him 25 that.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. Mr. Doster, could you give the board an 2 idea of how the building is going to be changed, what 3 we are doing to it, and by that I mean, the 4 aesthetics as well as the practicalities? 5 A. Sure. I'll do a quick brief overview. 6 I know Mr. Dacosta as well as you Mr. Neiss did a 7 great and thorough introduction last meeting. 8 First and foremost I would like to thank 9 the board for hearing our application. We are 10 extremely excited to be working on this project and 11 think that the renovations and the upgrades to the 12 building will truly make for a great structure. 13 The lot as it stands today is obviously 14 in need of desperate attention. We are doing our 15 best to bring the building back to its original 16 state. And we are achieving that by reintroducing 17 some design features that were previously once there. 18 And as Mr. Visingardi said, the 19 footprint is not being enlarged. The only exception 20 to that would be a porch that is being added on the 21 Highview side, as well as a platform and a covered 22 area to the rear of the building. 23 So I will do a small, quick overview. 24 The building was built in 1870 and it was designed 25 within the Italianate style. I'm not sure,</p>	<p style="text-align: right;">Page 32</p> <p>1 as a studio apartment which will be accessed from the 2 porch facing Broadway. 3 On sheet -- well, what actually not 4 depicting is the upper floors, they are existing. 5 There is, the third floor has -- I'm sorry, the 6 second floor is a studio apartment as well as a 7 two-bedroom apartment and the third floor has one 8 two-bedroom apartment. We are not altering the 9 second and third floor in any way. 10 So if I can just sort of close out my 11 comments from an architectural standpoint, we truly 12 feel the aesthetics of the building are in line with 13 this style and we think what Mr. Dacosta is proposing 14 would greatly benefit the town. 15 Mr. Neiss, I'm not sure if you have any 16 additional questions for me? 17 Q. In terms of the cupola -- 18 A. Yes, sir. 19 Q. This is an aesthetic addition; correct? 20 A. That is correct. 21 Q. And it's predicated on the historical 22 aspect. If the board did not want us to -- because 23 it is responsible for a height variance that is being 24 culled out; correct? 25 A. That is correct.</p>
<p style="text-align: right;">Page 31</p> <p>1 previously Mr. Dacosta was pulling up, sharing his 2 screen for the rendering, so if you look at the 3 renderings I'm sure it was sent out to the board? 4 MS. HEMBREE: Yes. 5 A. Great. So you will see some design 6 styles that are very characteristic of the 7 Italianate. You will see tall narrow windows with 8 pediments, you will see corbels with large supporting 9 overhangs. You will see the covered porches. All of 10 these are essential elements to that design style. 11 The other component would be the cupola 12 which at one point in the history of this building 13 was there. It's a bit unclear as to when and why it 14 was removed. So while we were designing the proposed 15 cupola we tried to be as respectful as possible when 16 working with the proportions and the overall height 17 of it. 18 So I would also like to make a note to 19 the board that the cupola will not be occupied. 20 I can now refer to sheet, should be 21 SD-01, that is the floor plans. You will see that on 22 the first floor it was originally a commercial rug 23 store. We are transitioning and turning that into 24 3 units. You will see two, two-bedroom apartments 25 which are accessed through the Highview side, as well</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Would the applicant be willing to not 2 include the cupola in order to avoid the board 3 granting a variance? 4 A. You know, we can certainly ask 5 Mr. Dacosta that, however, in our opinion it would 6 greatly diminish the overall aesthetic of the 7 structure itself. We think that the cupola is an 8 essential piece to give it that iconic look. 9 MR. NEISS: Not that I'm testifying, but 10 I asked Mr. Dacosta about this and if the board was 11 not inclined towards restoring the building to its 12 original and I'll call it grandeur, because it is a 13 beautiful building, if the cupola was going to 14 present a problem Mr. Dacosta would withdraw the 15 cupola from the design. 16 I don't think I have any further 17 questions for Mr. Doster. If the board has 18 questions? 19 CHAIRWOMAN MALLEY: Does our board have 20 questions for him? 21 MS. HEMBREE: No. 22 CHAIRWOMAN MALLEY: Do we want to open 23 to the public at this point or do we want -- 24 MR. MANISCALCO: I have a question. The 25 existing units you said you are not changing the</p>

<p style="text-align: right;">Page 34</p> <p>1 configuration, are you guys doing any renovations 2 there or just leaving it as is?</p> <p>3 THE WITNESS: To my knowledge we are 4 looking at leaving the second and third floor as is. 5 If any of the upgrades were to alter that, you know 6 obviously any of the new construction, we would 7 certainly address that. However at this time we are 8 not altering them or touching them.</p> <p>9 CHAIRWOMAN MALLEY: Are you doing, you 10 were doing structural work I guess in the basement 11 and around, none of that structural work is up on the 12 second and third floor?</p> <p>13 THE WITNESS: The first floor already 14 had, you know, any of the construction would be on 15 the first floor and lower levels.</p> <p>16 CHAIRWOMAN MALLEY: Okay. Things like a 17 sprinkler system, stuff like that, that's not your 18 involvement?</p> <p>19 THE WITNESS: I actually spoke to the 20 building inspector this morning and we hashed it out. 21 The first floor is going to be fully sprinklered and 22 we are going to have a 2-hour fire separation, 23 horizontal separation, between the first and second 24 floor. Which is, which meets code minimum.</p> <p>25 CHAIRWOMAN MALLEY: Wow.</p>	<p style="text-align: right;">Page 36</p> <p>1 CHAIRWOMAN MALLEY: I'm sorry. Go 2 ahead.</p> <p>3 MR. DHAWAN: I have a question about the 4 cupola, if you were to eliminate it, what would you 5 do there?</p> <p>6 THE WITNESS: We would have to go back 7 and see how we could sort of tie that building in 8 stylistically. You know, we could certainly explore 9 some alternate solutions if the board doesn't deem 10 the cupola necessary.</p> <p>11 Q. There is no cupola there now; correct? 12 A. Exactly.</p> <p>13 Q. So -- 14 A. It would look very similar to what is 15 there.</p> <p>16 Q. Okay.</p> <p>17 MS. HEMBREE: Like somebody chopped it 18 off?</p> <p>19 THE WITNESS: Yes.</p> <p>20 MR. DHAWAN: Like something is missing. 21 Okay. Anyway, the renderings show some spires at the 22 top of the cupola. Are you measuring to the top of 23 those spires? It's culled, there is, looks like --</p> <p>24 THE WITNESS: No, those are just 25 decorative. We are going to the top of the</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. You found that acceptable, right? 2 A. Yes, that is correct.</p> <p>3 Q. What about the Knox Box that was 4 mentioned in the correspondence?</p> <p>5 A. Sure. I believe the fire chief 6 requested a Knox Box and we were certainly open to 7 locating one. We can certainly have a conversation I 8 would believe just one of the exterior porches would 9 be a great location to locate it and we can reach out 10 and determine the best location that they see fit.</p> <p>11 CHAIRWOMAN MALLEY: And that's an all 12 wood building?</p> <p>13 THE WITNESS: Yes.</p> <p>14 MS. CEREIJO: I have a question about 15 the height. Could you tell me, you are asking for a 16 variance for the height? I might have missed it, but 17 why? I thought you weren't going to do anything to 18 the second floor.</p> <p>19 THE WITNESS: The height is only for the 20 cupola itself.</p> <p>21 MS. CEREIJO: Understood. Got it.</p> <p>22 THE WITNESS: The main structure itself 23 is not being altered. It's just for the cupola.</p> <p>24 MS. CEREIJO: Understood. Okay. Thank 25 you.</p>	<p style="text-align: right;">Page 37</p> <p>1 horizontal plane on the cupola.</p> <p>2 MR. DHAWAN: So that's the variance is 3 to the top of that?</p> <p>4 THE WITNESS: That's correct. Not to 5 the top of the spires; correct.</p> <p>6 CHAIRWOMAN MALLEY: I don't remember 7 where we left off. I thought we mentioned affordable 8 housing and is this being designed to have affordable 9 housing on the first floor?</p> <p>10 MR. NEISS: I think Mr. Burgis is going 11 to deal with that question, Madame Chairwoman.</p> <p>12 CHAIRWOMAN MALLEY: Okay. Okay. Any 13 other questions from our attorney, the board or Liz?</p> <p>14 MR. PRINCIOTTO: Just actually for this 15 witness you said you spoke to someone at the fire 16 department?</p> <p>17 THE WITNESS: No, but we need to 18 regarding, we need to speak to, I believe his name is 19 Chief Whelan regarding the location for the Knox Box.</p> <p>20 MR. PRINCIOTTO: Okay. But I thought 21 you said you worked something out?</p> <p>22 THE WITNESS: Yes. This morning I spoke 23 to the building inspector and I apologize, I just 24 spoke to Meg this morning as well.</p> <p>25 SECRETARY SMITH: Mark Berninger.</p>

<p style="text-align: right;">Page 38</p> <p>1 MR. PRINCIOTTO: Okay. But you didn't 2 speak to anyone from the fire department? 3 THE WITNESS: No, we did not. He had 4 said that the fire department, their letter was 5 recommendations and he said that, you know, what we 6 need to do is provide code minimum. We can certainly 7 take into account their recommendations and try to 8 accommodate as many of those as possible. 9 CHAIRWOMAN MALLEY: So Mark was the one 10 that said you don't need a sprinkler system through 11 the top two floors? 12 THE WITNESS: Yes. He said if we have a 13 2-hour fire separation between the first and second 14 floor, it will then just sprinkle the first floor. 15 CHAIRWOMAN MALLEY: So they are just 16 recommendations. I thought if they had conditions 17 they had to be met, but I don't know that -- 18 SECRETARY SMITH: Those are code 19 minimums. The sprinklered main floor and the 2-hour 20 fire rating is code minimum. They would have to be 21 at a minimum addressed and provided. More than that 22 would be optional. 23 MR. PRINCIOTTO: You know, Meg, we need 24 to get a supplemental e-mail or letter from Mark 25 Berninger because, you know, his prior e-mail said</p>	<p style="text-align: right;">Page 40</p> <p>1 Thank you. 2 MR. DHAWAN: I have another question. 3 What is above the second floor, is that attic space 4 for mechanicals or? 5 THE WITNESS: There is a third, the 6 third floor has an apartment unit. 7 MR. DHAWAN: There's a third floor? 8 THE WITNESS: Third floor, yes. 9 CHAIRWOMAN MALLEY: And I see 10 Mr. Dacosta has made it back and joined us. Nice to 11 see. 12 MR. Dacosta: I have. Thank you 13 everyone. Happy New Year. 14 CHAIRWOMAN MALLEY: Yes, and welcome 15 back from wherever you were. 16 MR. Dacosta: Thank you. 17 MR. NEISS: If we can then just get 18 answers to the questions that have been burning in my 19 mind concerning the trash pick up from Mr. Dacosta. 20 Mr. Dacosta, you understand that you remain under 21 oath; correct? 22 MR. DACOSTA: I do. 23 TESTIMONY BY MR. DACOSTA: 24 Q. Okay. So the board, before you joined 25 us the board was expressing concerns about how the</p>
<p style="text-align: right;">Page 39</p> <p>1 fire sprinklers will be required throughout the 2 entire building. 3 MR. KURUS: I see that. 4 MR. PRINCIOTTO: Yeah, so we will need a 5 supplemental response. 6 SECRETARY SMITH: He will be in on 7 Thursday and I'll certainly have him do something on 8 Thursday to address whatever his conversation was 9 with Mr. Doster today. 10 MR. PRINCIOTTO: Okay. He also 11 mentioned, you know, fire escapes and exits. He 12 needed more detail. For the, you know, the witness 13 right now, did you discuss with him the fire escapes? 14 THE WITNESS: Yes, we did to the 15 existing fire escape, existing to remain, we'll 16 certainly make any necessary adjustments. 17 He sent me over a technical opinion 18 piece which shows to code minimums of fire escapes as 19 far as platforms and ladder code requirements. 20 CHAIRWOMAN MALLEY: I would like to see 21 Chief Whelan at our next meeting. 22 MR. PRINCIOTTO: Okay. Meg, can you -- 23 SECRETARY SMITH: Yes, I can ask him if 24 he can attend. 25 MR. PRINCIOTTO: Okay. Very good.</p>	<p style="text-align: right;">Page 41</p> <p>1 garbage at the property is currently picked up. Do 2 you know? 3 A. The garbage is currently picked up from 4 the town. I don't have a service. And that is how I 5 purchased the building. 6 CHAIRWOMAN MALLEY: Okay. Well that 7 answers that. 8 MS. HEMBREE: Told you. 9 MR. PRINCIOTTO: How was the garbage 10 picked up for the carpet store? 11 MR. DACOSTA: To my knowledge they don't 12 do anything special. I don't know how much they 13 have. I don't think they have a private -- 14 MR. PRINCIOTTO: Somebody is ruffling 15 papers and it's hard to hear the witness. 16 MR. DHAWAN: I'm sorry. 17 MR. DACOSTA: So I don't believe that 18 the carpet store has a commercial service either, I 19 don't know how much debris they generate, if any, 20 other than, you know, the basic, you know, the basic 21 waste, you know, the bathrooms and the office space. 22 But, you know, my understanding is that 23 every, you know, all of the units are serviced by the 24 town currently. 25 MS. HEMBREE: Yeah.</p>

<p style="text-align: right;">Page 42</p> <p>1 MR. PRINCOTTO: But I think the 2 question that's raised is with an increase in the 3 number of units and the way that the borough handles 4 recycling, how many receptacles are there going to be 5 and how are they going to be kept and managed? 6 MR. DACOSTA: I would have one recycling 7 receptacle per unit. There is a restriction on the 8 size, max 40-gallons, you know, per the township 9 ordinance. 10 So you would have six receptacles and 11 then I would have, I believe the trash is very 12 similar, right, so there would have to be a 13 receptacle for each unit. 14 MR. PRINCOTTO: So it sounds like there 15 would be more like at least 12 receptacles. 16 THE WITNESS: Yeah, what is there now is 17 sizable. I think it could probably hold it now. 18 CHAIRWOMAN MALLEY: But a residence we 19 don't comingle. 20 THE WITNESS: What's that? 21 CHAIRWOMAN MALLEY: We have to separate 22 paper, what, our paper, cardboard, from our bottles 23 and plastic. And so it's more than one receptacle 24 for recycling if we are residential. 25 MR. DACOSTA: If -- yeah. Right. And</p>	<p style="text-align: right;">Page 44</p> <p>1 MR. DACOSTA: I don't know. I don't 2 think it's going to be terribly more than what is 3 there. You're not changing the square footage. I'm 4 sure there will be some increase in the general 5 trash. But I don't know if it's going to be doubling 6 it though. 7 Q. How will it be monitored? 8 A. I will monitor it. I mean, that's part 9 of owning the building, right? It's to make sure 10 that it stays neat and clean and the haulers are 11 doing their job. 12 I have a pest service there now. You 13 know, we try to keep things clean. I think you can 14 even see in one year of ownership it's cleaned up 15 quite a bit. 16 CHAIRWOMAN MALLEY: Okay. Are we ready 17 to move on to Liz's question that we put off? 18 MS. LEHENY: I'm sorry, Sal beat me to 19 the punch. I was going to ask about the fire escape, 20 so thank you. I don't have any additional questions 21 right now. 22 CHAIRWOMAN MALLEY: Okay. 23 MR. NEISS: If there are no further 24 questions from the board I would like to move on to 25 Mr. Burgis.</p>
<p style="text-align: right;">Page 43</p> <p>1 if it were that way and I had to provide the service 2 I would probably have a container for cardboard and 3 then have someone come and take that separately. 4 That could be like a one larger unit where folks 5 could store that I would suppose. 6 MS. HEMBREE: But, you know, we have a 7 facility at the old building that does all that. So 8 they are quite able to take it themselves, you know. 9 MR. DACOSTA: Yeah, and if that's the 10 town wants to, you know, do it, but I think that the 11 question is right now, you know, where would we -- 12 what we needed, but then also, you know, would that 13 be on the town or would I have to have a private 14 carting company handle the waste of the building. 15 CHAIRWOMAN MALLEY: All good questions 16 that we don't have answers to. I think it's for the 17 DPW or I don't know. 18 MS. CEREJO: Do you know how the 19 current trash is stored now? 20 MR. DACOSTA: Yes, there is an actual 21 waste area. It backs up to the building. There is a 22 vinyl fence on each side and there's trash containers 23 in those. There's about ten cans or so. 24 CHAIRWOMAN MALLEY: So you are basically 25 looking at doubling them?</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. PRINCOTTO: Well, I think we should 2 open to the public at this point. We have heard 3 testimony from three different witnesses and I don't 4 know how far we are going to get with Mr. Burgis and 5 if these witnesses are going to appear at the next 6 meetings, but I think it would be a good idea to open 7 to the public at this point. 8 CHAIRWOMAN MALLEY: So we have questions 9 for, let's see, Mr. -- oh, my gosh. 10 MR. PRINCOTTO: Visingardi, the 11 engineer, and Mr. Michael Doster the architect, and 12 the limited testimony, additional testimony of 13 Mr. Dacosta. 14 CHAIRWOMAN MALLEY: Can we get a motion 15 to open to the public? 16 MS. BUSHELL: Motion to open to the 17 public. 18 MS. HEMBREE: Second. 19 CHAIRWOMAN MALLEY: All in favor? 20 ALL MEMBERS: Aye. 21 CHAIRWOMAN MALLEY: Any opposed? Okay. 22 Meg, can you do your? 23 SECRETARY SMITH: Yes. For anybody 24 appearing on Zoom you may raise your hand and your 25 questions will be addressed. You will be called on</p>

<p style="text-align: right;">Page 46</p> <p>1 to address the board and their professionals.</p> <p>2 If you are watching on TV you can call</p> <p>3 in. The phone number is (201) 391-4977 extension</p> <p>4 203, and we can take one phone call at a time so you</p> <p>5 may raise questions of the applicant, the board and</p> <p>6 their professionals.</p> <p>7 Okay. I currently have three people</p> <p>8 raising their hands. I have Mr. John Mayo.</p> <p>9 Mr. Mayo, you may address the applicant</p> <p>10 and the board.</p> <p>11 MR. MAYOR: Good evening everyone. I do</p> <p>12 have a few questions. With the cupola you said it</p> <p>13 won't be occupied, but is there any small sitting</p> <p>14 room up there or storage up there or is that just a</p> <p>15 complete dead space?</p> <p>16 MR. DACOSTA: No, there will be no</p> <p>17 storage or ability to sit up there.</p> <p>18 MR. MAYO: The trash pick up does</p> <p>19 concern me. Again if it's a private company will be</p> <p>20 probably accessing that aisle, there will have to be,</p> <p>21 you know, if possible would it be, you know, possible</p> <p>22 to limit it to like a pickup truck service or can the</p> <p>23 trash be maybe put out at the curb even with a</p> <p>24 private company? I mean ten cans now increasing the</p> <p>25 number of units, adding in recycling, that's going to</p>	<p style="text-align: right;">Page 48</p> <p>1 have to be brought up to code in order for these</p> <p>2 apartments to possibly be approved, is that what I</p> <p>3 understand? We are only going to worry about the</p> <p>4 first floor here, so if there are code violations in</p> <p>5 the rest of the building they don't pertain to this</p> <p>6 project?</p> <p>7 MR. DOSTER: Well, that's how the</p> <p>8 building code handles it, existing structures,</p> <p>9 existing bedrooms don't have to have egress windows,</p> <p>10 they're not touching them. We are not altering and</p> <p>11 touching the second and third floor so they are</p> <p>12 allowed to stay.</p> <p>13 MS. JEFFERS: I disagree with that and</p> <p>14 the way that it's been handled in the town in the</p> <p>15 past.</p> <p>16 CHAIRWOMAN MALLEY: Laura, this is just</p> <p>17 questions at this point unfortunately.</p> <p>18 MS. JEFFERS: No, I understand. I</p> <p>19 understand. So the answer is no, nothing else will</p> <p>20 be touched in the building other than the first</p> <p>21 floor; is that correct?</p> <p>22 MR. DOSTER: Yes, that is correct.</p> <p>23 MS. JEFFERS: Even though the code is</p> <p>24 concerned?</p> <p>25 MR. DACOSTA: There are no code</p>
<p style="text-align: right;">Page 47</p> <p>1 be a lot of cans to fit in an 8-by-8 box.</p> <p>2 I'm concerned about, you know, having,</p> <p>3 you know, the town pick up a couple times a week now</p> <p>4 and having a private trash company, you know, their</p> <p>5 trucks really close to the home.</p> <p>6 MR. PRINCIPOTTO: Do you have any</p> <p>7 questions of any of the three witnesses that</p> <p>8 testified?</p> <p>9 MR. MAYO: As for the engineer and that</p> <p>10 I was asking about trash pick up. Yes. Will a truck</p> <p>11 be able to access that site?</p> <p>12 MR. DOSTER: I don't know. I don't see</p> <p>13 why it wouldn't be able to.</p> <p>14 MR. VISINGARDI: A full size garbage</p> <p>15 truck would have trouble. It would have to be a</p> <p>16 smaller unit to negotiate a turn around the aisle</p> <p>17 that we have going around the building.</p> <p>18 MR. MAYO: And I have no further</p> <p>19 questions regarding the testimony so far. Thank you.</p> <p>20 CHAIRWOMAN MALLEY: Thank you, Mr. Mayo.</p> <p>21 SECRETARY SMITH: Okay. I have a Laura</p> <p>22 Jeffers.</p> <p>23 MS. JEFFERS: Hi, good evening. I don't</p> <p>24 know if this is the right time to ask this question</p> <p>25 but I'm curious, the rest of this building does not</p>	<p style="text-align: right;">Page 49</p> <p>1 violations on the existing units, right, everything</p> <p>2 is up to snuff. I mean, you know, we are in</p> <p>3 compliance, right, with everything. There is no code</p> <p>4 violations. We've upgraded the electrical. We've</p> <p>5 upgraded plumbing. We've done a number of different</p> <p>6 things or the previous owners have done over the</p> <p>7 years and, yeah, so I don't see any existing code</p> <p>8 violations.</p> <p>9 I was up to current code. That's</p> <p>10 different, we can't change, you know, the entire</p> <p>11 building now if it's up to current code, or the whole</p> <p>12 building up to the current code.</p> <p>13 MS. JEFFERS: Okay. Thank you.</p> <p>14 CHAIRWOMAN MALLEY: Thank you. Next.</p> <p>15 SECRETARY SMITH: I have Gwen Levine</p> <p>16 would like to speak. Ms. Levine, you may address the</p> <p>17 board.</p> <p>18 MS. LEVINE: Hi there. Thank you very</p> <p>19 much. And Meg, I'm glad the raised hand is working.</p> <p>20 I want to say first that I do remember</p> <p>21 the rendering of this building and granted it is</p> <p>22 beautiful the way it was designed. But I have a</p> <p>23 major concern and then a question from today's</p> <p>24 discussion.</p> <p>25 It seemed to me, the first issue of the</p>

<p style="text-align: right;">Page 50</p> <p>1 two, it seemed to me from what everyone said, there 2 is going to be three large receptacles for each 3 apartment. One for trash, one for bottles and cans 4 and one for paper and cardboard. Three of those for 5 six apartments is 18, 40-gallon I think someone said, 6 receptacles. And I can't tell from the design and 7 whatever whether that area on the, what is it, the 8 east side of the building, is going to be large 9 enough to accommodate 18 trash cans. That is a lot. 10 So the first of my two concerns is how would that 11 work? 12 CHAIRWOMAN MALLEY: Okay. 13 MR. PRINCOTTO: So this is a question 14 for an engineer, how would an 8-by-8 area accommodate 15 18 receptacles of 40-gallons? 16 MR. VISINGARDI: Well, we were just 17 discussing it as John also alluded to. He's looking 18 at potentially just one receptacle per apartment. 19 Before I said maybe up to eight all together for 20 trash. 21 Recyclables you would have, I don't 22 think each apartment will need its own receptacle for 23 recyclables, but we do need to, let's say separate 24 the materials. And oftentimes with the paper 25 cardboard you do prefer to bind those up so that they</p>	<p style="text-align: right;">Page 52</p> <p>1 seems like we are setting a precedent for 18 units 2 per acre. I'm really, really concerned about that 3 kind of density and is there, this is my question, is 4 there a way that this project cannot be a precedent 5 for other dense development of that type? Because we 6 really, really don't want that along Broadway. 7 MR. PRINCOTTO: All right. This is 8 open to the public to ask questions of the three 9 witnesses that testified. I understand your concern. 10 The planner will be the next witness. 11 MS. LEVINE: Okay. 12 MR. PRINCOTTO: That you can ask that 13 question to, but, and comments will come at the end 14 of the case. So right now we are open to the public 15 for questions of Mr. Dacosta on his testimony, 16 Mr. Visingardi the engineer, and Mr. Doster the 17 architect. 18 MS. LEVINE: Okay. I will be happy to 19 wait for Burgis's testimony. Thank you very much. 20 MR. PRINCOTTO: You're welcome. 21 SECRETARY SMITH: I have a Ms. Annemarie 22 Borrelli would like to address board. 23 MS. BORRELLI: Good evening everyone. 24 Hope you are all doing well. 25 Yes, I have a, actually I have couple of</p>
<p style="text-align: right;">Page 51</p> <p>1 are not so loose. 2 Those receptacles would have to be, I'm 3 thinking we would have to provide an additional space 4 beyond 8-by-8 for recyclables, so we have those areas 5 completely isolated so you won't have mixing of those 6 material side-by-side. 7 So the enclosure provided for the trash 8 is adequate for trash receptacles and then we have 9 space alongside on this blueprint to provide another 10 separate attached enclosure to the trash enclosure 11 that will house the recyclables. 12 MR. DACOSTA: Yeah, Frank, I agree. I 13 think there is going to be some sharing. I don't, 14 I'm not sure we'll need one for every unit. 15 Right now we have the three plus the 16 carpet store and there is still capacity in the 17 current unit that's probably no bigger than 8-by-8 18 so. 19 MS. LEVINE: So if I may, I have to 20 admit I was surprised by all the discussion about 21 trash disposal tonight. I hadn't been expecting that 22 because I had something else on my mind. 23 My biggest, biggest serious concern has 24 not even come up during this meeting and that is by 25 going to six apartments on a third of an acre, it</p>	<p style="text-align: right;">Page 53</p> <p>1 questions because there were a couple of people that 2 I need to ask. 3 The first one being about the garbage. 4 And if I understood correctly, the town picks up the 5 garbage, correct, currently? And I'm imagining, I 6 assume it's with the town garbage trucks which are 7 small. And my question is, if there is an increase 8 in garbage cans would that mean that the DPW would 9 have to make more runs? Because now they don't have 10 room to accommodate the increase in garbage, would 11 they have to make more runs? If they make more runs 12 who absorbs the extra cost? I imagine we are paying 13 some sort of fee by hour or runs, I'm not sure what 14 the formula is to pay, but who picks up the extra 15 cost in the DPW making extra runs? Is it the owner 16 that picks up the extra cost? Or is that disbursed 17 through the residents through our taxes? So are we 18 absorbing the cost of this extra garbage? 19 My other -- I don't know if you want to 20 address that before I move on? 21 MR. PRINCOTTO: Who is the question 22 addressed to? 23 MS. BORRELLI: My question would be to, 24 I guess, to Mr. Dacosta. 25 MR. NEISS: I don't think that question</p>

<p style="text-align: right;">Page 54</p> <p>1 could be answered by any of the witnesses who are 2 here tonight.</p> <p>3 First of all, the question assumes that 4 there is going, there must be more runs by the 5 garbage trucks and I don't know that that's 6 necessarily the case.</p> <p>7 MS. BORRELLI: Well, excuse me, you 8 know, I think that's something that needs to be 9 addressed though. I would like that answered at some 10 point. I don't know if somebody can get back to me.</p> <p>11 MR. PRINCIOTTO: We would have to get 12 somebody from the DPW to come to the board and 13 testify about how, you know, how the garbage can and 14 is being picked up.</p> <p>15 I think we did get a letter from someone 16 on the subject of garbage pickup.</p> <p>17 MR. NEISS: Mr. Princiotto, I would say 18 that we are here now and any concerns that the town 19 has concerning garbage pick up, I think first of all 20 Mr. Dacosta has addressed it by saying that the town 21 picks it up now and that will probably be the case in 22 the future.</p> <p>23 With regard to the question that's being 24 asked, I think that only experience will be able to 25 tell whether or not there is going to be an increase</p>	<p style="text-align: right;">Page 56</p> <p>1 for their opinion either.</p> <p>2 MR. NEISS: I understand that but if we 3 were to, if the board were to adjourn this hearing 4 for another month and then another question comes up 5 at that meeting that a departmental expert, someone 6 from the borough would need to come and answer then 7 the hearing will be adjourned yet again. And that's, 8 it's already causing tremendous financial 9 difficulties for my client who all he wants to do is 10 just fix this building and make it look nice. But 11 it's turning out to be a lot bigger in terms of cost 12 and problems than was anticipated.</p> <p>13 MS. BORRELLI: I have a question for 14 Mr. Dacosta. Okay. Mr. Dacosta, I mean the building 15 is beautiful I give you that and I appreciate your 16 design on that. However, have you considered 17 possibly maybe three apartments and minimizing the 18 garbage and minimizing the impact of the higher 19 density that six apartments would produce? Would you 20 consider three apartments or have you considered?</p> <p>21 MR. DACOSTA: There are already three 22 apartments there.</p> <p>23 MS. BORRELLI: But would you consider 24 the three apartments being more of a higher rate 25 rental.</p>
<p style="text-align: right;">Page 55</p> <p>1 in the number of runs that a garbage truck or garbage 2 trucks would have to do.</p> <p>3 I don't know that anyone testifying from 4 the DPW will be able to answer that question in the 5 absence of the experience.</p> <p>6 MR. PRINCIOTTO: Well, I think they know 7 more about garbage pick up than we all do, so they 8 would be the ones.</p> <p>9 MR. NEISS: But we're here now, we are 10 here now, that's the point, we are here now on an 11 application pending for two months.</p> <p>12 MS. BORRELLI: Excuse me, Mr. Neiss, 13 though, I think it's important to establish is if 14 there is, there's going to be an increase in cost for 15 garbage through to the increased garbage pick up, I 16 think the residents should be aware of that.</p> <p>17 MR. NEISS: I agree with you, but there 18 is no connection, there is no ability to determine 19 whether or not -- just because there is going to be 20 an increase in the number of units doesn't 21 necessarily mean that that is going to equate to an 22 increased number of garbage truck runs.</p> <p>23 MS. BORRELLI: But I think this is 24 similar to asking the fire department, you know, for 25 any issues and I don't see why we cannot ask the DPW</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. DACOSTA: Would I consider higher -- 2 I'm not sure I --</p> <p>3 MS. BORRELLI: Like three more luxurious 4 apartments rather than, rather than six smaller 5 apartments and that would minimize the garbage issue 6 and the impact on density.</p> <p>7 MR. DACOSTA: Well, it's the same number 8 of area it's going to be the same number of bedrooms. 9 I don't think it's going to change to the effect of 10 what you believe.</p> <p>11 MR. KAUFMAN: From a practicality 12 standpoint it's very hard to judge. Some people cook 13 a lot at home, some people go out to eat. Some 14 people have children that are 1 years old with a lot 15 of diapers and some people have no children.</p> <p>16 It's not a fair assumption if someone 17 throws a party on that block not Mr. Dacosta's 18 dwelling, and they have eight bags of garbage because 19 they decided to host a dinner party every Saturday 20 night, the town is not going to police them. It's 21 not fair. You know, there is going to be a 22 practicality standpoint in fairness to the town and 23 to Mr. Dacosta.</p> <p>24 MS. BORRELLI: I understand. You are 25 talking about a party versus a constant garbage on a</p>

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1 weekly basis.

2 MR. KAUFMAN: You can't --

3 MR. PRINCOTTO: Is there a question

4 that you have for one of the witnesses?

5 MS. BORRELLI: I have a question for

6 Mr. Neiss, I hope you don't mind, I was a little

7 confused.

8 MR. PRINCOTTO: You really --

9 MS. BORRELLI: I have a question for

10 Mr. Neiss, though.

11 MR. PRINCOTTO: He is not a witness.

12 We are open to questions for the witness.

13 MS. BORRELLI: Okay. All right. I

14 apologize. Thank you. Thank you.

15 SECRETARY SMITH: Okay. I have a

16 Ms. Veronica Abpelle wishing to address the board.

17 MS. ABPELLE: Yes, I'm unmuting. Sorry

18 about that. Good evening everyone, I'm happy you're

19 here.

20 I have two questions for Mr. Visingardi.

21 Mr. Visingardi, how tall actually is that cupola?

22 MR. VISINGARDI: The cupola I'm going to

23 pass that question over to Mr. Doster, he's the

24 architect.

25 MS. ABPELLE: I'm sorry about that.

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1 Mr. Doster. Wrong person. While you are looking,

2 how tall do the spires add to that number? How tall

3 does that make it? I can't hear you.

4 MR. DOSTER: I apologize about that.

5 Talking on mute. The cupola height is 7-foot

6 2-inches and the spires are 28 inches.

7 MS. ABPELLE: So for a total of 9 feet

8 something?

9 MR. DOSTER: Yes. Nine -- nine, ten.

10 MS. ABPELLE: Nine, ten. You do

11 understand that that would make it the tallest

12 building in Woodcliff Lake and set a precedent for

13 all other buildings. You get that, right?

14 MR. DOSTER: Sure. And that's something

15 that we don't, this as being a non occupy-able space

16 and simply a decorative piece for it.

17 MS. ABPELLE: I'm sure it's lovely, that

18 is not the question. And I really appreciate

19 Mr. Dacosta's efforts on behalf of revitalizing this

20 eyesore. But anyone along Broadway who wants to

21 develop any piece, can now go and --

22 CHAIRWOMAN MALLEY: What is your

23 question?

24 MS. ABPELLE: The question was how tall

25 is the cupola and how high does it make it. And it

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1 is precedence setting.

2 Now the next question is probably for

3 Mr. Doster too. Doster.

4 By doubling the number of rental units

5 on a third of an acre, .366 to be exact do you think

6 that that's setting a precedent making 16 or 18 units

7 per acre rather than the ten that the master plan is

8 proposing?

9 MR. NEISS: I'm going to have to object

10 to this question. Mr. Dacosta is not in a position

11 to answer it. Perhaps that question could better

12 asked to Mr. Burgis.

13 MR. PRINCOTTO: Yeah, I think that

14 should be addressed to Mr. Burgis.

15 MS. ABPELLE: I will do that after

16 Mr. Burgis is finished. Thank you very much. I

17 appreciate your time.

18 CHAIRWOMAN MALLEY: Thank you.

19 SECRETARY SMITH: Okay. I do not have

20 anybody else on Zoom raising their hand. And I do

21 not have any phone calls coming in to the meeting

22 room.

23 MR. DOSTER: Excuse me, for the official

24 record, the cupola, the spires is exactly

25 nine-foot-six and a quarter inch.

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1 CHAIRWOMAN MALLEY: Can we get a motion

2 to close to the public?

3 MS. HEMBREE: So moved.

4 MS. CEREIJO: Second.

5 CHAIRWOMAN MALLEY: All in favor?

6 ALL MEMBERS: Aye.

7 CHAIRWOMAN MALLEY: Anyone opposed?

8 Okay. We are closed to the public. Let's move on to

9 Mr. Burgis.

10 MR. NEISS: Mr. Burgis are you with us.

11 MR. BURGIS: I am with us, but however I

12 know the board usually takes a break in about another

13 15 minutes so instead of breaking up my testimony,

14 Madame Chairwoman, would you prefer we take a break

15 now so we could just continue through the rest of the

16 night with my direct and possible cross?

17 CHAIRWOMAN MALLEY: I would love a

18 break. Thank you.

19 MS. HEMBREE: Robin, we have a lot of

20 things to discuss after the meeting is over. So when

21 do you anticipate ending this portion of the meeting

22 because we have several items that are important that

23 we have to talk about.

24 CHAIRWOMAN MALLEY: It's a good

25 question. One being the master plan and that's very

<p style="text-align: right;">Page 62</p> <p>1 important. I think that's going to get delayed at 2 the rate we are going. 3 MS. HEMBREE: And how about the zoning 4 appeal? 5 CHAIRWOMAN MALLEY: That one we have to 6 get through. Sal, I'm going to defer to you. 7 MR. PRINCIOTTO: I agree with you. I 8 don't think there will be time to discuss the master 9 plan update. So we can discuss it another meeting 10 date for that. 11 We have to adopt our meeting dates for 12 2022. And we do have the appeal of the 13 interpretation to hear so we should leave some time 14 for that. So I think that should be the schedule 15 that we try to get through Mr. Burgis's testimony and 16 leave some time to discuss the appeal of the 17 interpretation and proceed that way. 18 CHAIRWOMAN MALLEY: Mr. Burgis, how long 19 is your testimony. 20 MR. BURGIS: I can try to keep to 21 25 minutes or so. 22 MS. HEMBREE: Okay. That's good. 23 MR. BURGIS: What I was going to suggest 24 if we take a 5-minute break, and then reconvene at 25 9:15 and then we can go until, you know, 10:15 or</p>	<p style="text-align: right;">Page 64</p> <p>1 CHAIRWOMAN MALLEY: Okay. We are still 2 on the air. Okay. 3 SECRETARY SMITH: Yes, we are. 4 CHAIRWOMAN MALLEY: So Mr. Neiss and 5 Mr. Burgis we are ready for you. 6 TESTIMONY BY MR. BURGIS: 7 MR. NEISS: Okay. 8 MR. BURGIS: You will swear me in? 9 MR. PRINCIOTTO: Raise your right hand, 10 Mr. Burgis. Do you swear to tell the truth and 11 nothing but truth, so help you God? 12 MR. BURGIS: I do. 13 MR. PRINCIOTTO: Okay. Mr. Neiss, do 14 you want to qualify Mr. Burgis? 15 Q. Sure. Mr. Burgis, would you tell the 16 board your profession. 17 A. I'm a city planner. Very briefly I'm 18 licensed by the state as a professional planner 19 license number 2450. I'm also certified by the 20 American Institute of Certified Planners. 21 Q. Mr. Burgis, I will cut you off and 22 respectfully doing so. You have appeared before this 23 board before, have you not? 24 A. Oh, more than once or twice, yes. 25 Q. All right. And each of those</p>
<p style="text-align: right;">Page 63</p> <p>1 10:10 -- 2 MS. HEMBREE: No, no, that's too late. 3 MR. BURGIS: 10 o'clock? 4 CHAIRWOMAN MALLEY: No, quarter -- 5 MR. BURGIS: -- how about 10 o'clock and 6 you will have your half-hour. 7 MS. HEMBREE: We are going to have the 8 questions from the people who are there and that's 9 going to take our time. That's the issue for me, 10 it's not you. 11 MR. BURGIS: I appreciate that. 12 MR. PRINCIOTTO: Well, he said 25 13 minutes for his testimony. 14 CHAIRWOMAN MALLEY: Right that's the 15 problem -- 16 MS. HEMBREE: The questions we have no 17 control over the time. 18 MR. PRINCIOTTO: Okay. 19 MS. HEMBREE: And we are here until 20 midnight. 21 CHAIRWOMAN MALLEY: No, we are not 22 MR. PRINCIOTTO: That takes us to a 23 quarter of ten. Let's not waste anymore more time. 24 Let's take the 5-minute break and get to work. 25 (Whereupon a break was taken.)</p>	<p style="text-align: right;">Page 65</p> <p>1 appearances you were accepted as an expert in 2 planning, were you not? 3 A. That is correct, yes. 4 MR. NEISS: Mr. Princiotto or Madame 5 Chairwoman, I would respectfully request that 6 Mr. Burgis be considered an expert in planning for 7 this application. 8 CHAIRWOMAN MALLEY: Yes. 9 MS. HEMBREE: I agree. 10 THE WITNESS: Thank you. 11 MR. NEISS: Thank you. 12 Q. So Mr. Burgis can you give us the 13 overview of how this project shapes up from a 14 planning perspective? 15 A. Certainly. And I know my time is 16 limited so I will try to be direct and to the point. 17 Typically I will start off by describing 18 the property and the site conditions and the 19 proposal. That's all been done before me very well 20 by the engineer and the architect so I'm not going to 21 waste time doing that. 22 I really want to focus on three 23 particular issues. The borough's master plan and its 24 goals an objectives, the zoning regulations and where 25 we do not comply. And then focus on the statutory</p>

<p style="text-align: right;">Page 66</p> <p>1 criteria for the variances that we are requesting. 2 And then talk about the basis for how we believe we 3 meet that criteria. 4 And I'm going to try to weave in some of 5 the information that some of the people who had just 6 asked questions about so I will try to be as 7 comprehensive and informative as possible. 8 There are three or four really important 9 issues with respect to what is being done to this 10 property and you heard it a lot from my client 11 Mr. Dacosta, and our engineer and particularly our 12 architect. 13 You know, one of the benefits of the 14 application is that there is a certain significant 15 enhanced architectural improvement to this building. 16 A number of residents and board members all said how 17 beautiful the building is as proposed. But what's 18 being done here is to bring it back to its original 19 architectural character. 20 Putting aside for a moment all the 21 visual impressive improvements that are proposed to 22 the building facade, that cupola also does a lot to 23 bring it back to that unique architectural feel and 24 design that occurred back in 1870. 25 I know some of the residents are</p>	<p style="text-align: right;">Page 68</p> <p>1 borough, you know, this corner represents a 2 significant introduction into the borough and what 3 you are confronted with, confronting a large paved 4 surface that doesn't even have demarcated parking 5 spaces. It's like Wild West City when you pull into 6 this lot and decide where you want to park. 7 So we are replacing all that with 8 landscape amenities to enhance the visual appeal. We 9 are providing a more uniform internal one-way 10 circulation system that clearly is not the case 11 today. And we are making all the architectural 12 improvements that we are proposing. 13 And there is one other thing, we are 14 defining the vehicular access into the site and out 15 of the site that doesn't exist today. Because right 16 now at the intersection it is just one broad open 17 expanse, I can't even use the word curb cut, but flat 18 are to get into the property. 19 So we are doing all that and that's what 20 makes this building unique, that's what makes this 21 property unique, and that's what helps make the site 22 unique, so unique that it couldn't readily be used to 23 justify a similar density on another property. 24 And in particular because this building 25 has 3 units existing and only three new units are</p>
<p style="text-align: right;">Page 67</p> <p>1 concerned about the height of that cupola because 2 right now the building is about 33 feet, we are 3 adding I think you said 9 feet to the height with the 4 cupola. But if you look at the old photographs and I 5 think it was my client who presented pictures at a 6 previous meeting, that cupola existed pretty much as 7 is being proposed. So the overall intent of this 8 plan is to bring it back to its original condition. 9 Now, there is a lot of questions 10 concerning how do we justify this at roughly 18 to 11 the acre and make sure it is not precedential for 12 another applicant to come down Broadway and propose a 13 similar density. The realty is each and that every 14 case does stand on its own, but I think we would be 15 hard pressed to find another building with all the 16 characteristics that it has and the site conditions 17 that this has and see how it can be duplicated in an 18 easy manner. 19 Not only is the architectural design 20 being enhanced and recreated back to its original 21 form, but let's not also lose sight of all the other 22 improvements that are taking place really due to the 23 peculiar nature of this site. By that I'm referring 24 to the parking configuration and that large expansive 25 paved area at the corner which unfortunately for the</p>	<p style="text-align: right;">Page 69</p> <p>1 being proposed, I think it was the Chair that asked 2 the question what is our affordable housing 3 obligation? There is none. And I say that because 4 the COWA regulation stipulate when you are doing a 5 project such as this it's only the new units that 6 count toward the potential obligation and in order to 7 get an affordable housing unit you have to propose at 8 least five new units in order to have one unit set 9 aside for affordable housing. So there is no 10 obligation here because we are only proposing three 11 new units. 12 Now, one of the things a planner has to 13 do in terms of any application that requires a 14 variance is walk you through the master plan of the 15 community to show how we affirm its goals and 16 objectives if not the particular land use designation 17 of the site. 18 And here we are not consistent with the 19 land use designation. The site is master plan for 20 single family residential development and obviously 21 we are proposing multifamily. So we need a use 22 variance. 23 But there are a number of goals and 24 objectives spelled out going back to the 2002 master 25 plan that are being affirmed by this application.</p>

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1 One talks about preserving and
 2 protecting existing residential areas by restricting
 3 or eliminating incompatible land uses and in this
 4 instance while we are proposing additional family
 5 uses at the location we are eliminating an
 6 incompatible commercial use from this site. So
 7 within that context at least this represents some
 8 consistency with that goal of the master plan.
 9 A second goal talks about guiding the
 10 appropriate use of land. And here I would point to
 11 the state development and redevelopment plan that
 12 makes specific reference to the propriety of having
 13 multifamily housing near a train station. So
 14 consequently we feel that that goal of the master
 15 plan, that we can conclude is affirmed.
 16 And then thirdly, when the master plan
 17 talks about the Broadway commercial corridor it talks
 18 about strengthening the linkage to the train station
 19 and if you tie that back to what I was just talking
 20 about, the about planning rationals typically support
 21 the idea of multifamily near a train station, I think
 22 we can conclude that that goal is also affirmed.
 23 Now, if there is more than just the 2002
 24 master plan, in 2008 the municipality adopted a new
 25 master plan re-examination report. So basically what

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1 that does is review the prior master plan and make
 2 some conclusions as to the propriety of what was
 3 proposed back in 2002. And that document affirms all
 4 of those goals that I just mentioned. And it talks
 5 about continuing those goals, you know, moving
 6 forward.
 7 There is a Housing Element and Fair
 8 Share Plan which was earlier pointed out, it doesn't
 9 apply here because we do not have an affordable
 10 housing obligation.
 11 And then most recently, I think about
 12 two and a half years ago, the planning board adopted
 13 another re-examination report. It continued the land
 14 use designation that was spelled out previously but
 15 it also acknowledges the need to support the state
 16 plan and promote diversity of housing choice. And
 17 here we are proposing some additional apartment units
 18 and increasing choice in the community, in a
 19 community of about 95 percent of its housing stock is
 20 single family housing and only a small percentage of
 21 multifamily housing.
 22 Now, in terms of the zoning ordinance, I
 23 believe Mr. Neiss as well as I think the chair or the
 24 board secretary, identified the variances that are
 25 required of this application.

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1 One is a use variance because we are not
 2 a permitted use. There is a preexisting
 3 nonconforming condition that is not being altered,
 4 but represents a preexisting nonconforming condition
 5 regarding the front yard setback. Along Broadway and
 6 Highview the requirement is 35 feet, we have an 18
 7 and a half foot setback to Broadway and a 31.8-foot
 8 setback to Highview Avenue.
 9 Now, there is a preexisting
 10 nonconforming building coverage factor, we are
 11 allowed to have 15 percent in the zone. We have
 12 16.1 percent. That is not being altered. It's just
 13 being continued.
 14 There is an impervious coverage variance
 15 by virtue of some of the changes that are being made
 16 in the improved circulation. We are going from
 17 55.8 percent impervious coverage to 16 percent
 18 impervious coverage whereas 40 percent is permitted.
 19 What is interesting to note is that
 20 under the current conditions three apartments and the
 21 close to 2,500 square feet of commercial space the
 22 building is required to have 22 parking spaces on
 23 this site. It has ten by the prior approval. You
 24 can barely delineate or see the ten spaces that are
 25 supposed to be delineated on the property.

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1 By virtue of this change to six
 2 apartments, the code would require 12 parking spaces
 3 and we have 12.
 4 So what is the statutory criteria that
 5 we need to address for the use variance? It's
 6 twofold. One has to show there are special reasons
 7 in supporting the application. And you can do that
 8 either one of two ways. You could show that the site
 9 is particularly suited for the use, which is the way
 10 we are going to argue.
 11 Alternatively, there is the possibility
 12 of arguing that you are an inherently beneficial use
 13 and then you are allowed use of right, but that is
 14 not the kind of case we can argue here tonight.
 15 And then there is a twofold negative,
 16 that's called a criteria argument to make. You have
 17 to show that there is no substantial detriment to the
 18 public good and no substantial impairment to the
 19 intent and purpose of the master plan of the
 20 community.
 21 For the parking waiver, regarding the
 22 parking setbacks, there is a different set of
 23 criteria. You have to show that the board may grant
 24 variances, waivers, as is reasonable if the literal
 25 enforcement of the ordinance is impracticable or

<p style="text-align: right;">Page 74</p> <p>1 alternatively, if it will assert undue hardship on 2 the property due to the peculiar conditions of the 3 site. 4 So in terms of special reasons -- I'm 5 watching my watch here -- we identify five or six 6 special reasons that support this application. 7 One regards furthering the purposes of 8 the state's municipal land use law. Now the 9 municipal land use law is the document that sets 10 forth all the provisions and requirements and 11 standards for planning and zoning throughout New 12 Jersey. 13 The beginning of that document it 14 identifies 17 different purposes of the act. I would 15 just highlight four of them that I believe further. 16 One talks about encouraging municipal action to guide 17 the appropriate use of land. And from what I said 18 earlier regarding the municipality's master plan and 19 what it says and the state plan and what it says, 20 placing multifamily near a train station furthers 21 that purpose of the act. 22 Secondly is to provide sufficient space 23 and appropriate location for a variety of uses to 24 meet the needs of all New Jersey citizens. 25 What's interesting is that when you look</p>	<p style="text-align: right;">Page 76</p> <p>1 to what is being proposed. 2 Even with that cupola that requires that 3 height variance because that cupola also serves to 4 reinforce the historic Italianate character of the 5 original architectural design. 6 In addition to that, with respect to 7 that purpose of the act, is the overall aesthetic 8 improvement that are taking place because by virtue 9 of what is being proposed we are eliminating that 10 huge open space in the front of the site that 11 encompasses the entirety of that corner of the 12 property and presents the visual impression that it, 13 the negative visual impression that it does, as you 14 enter the borough from the south of Broadway. 15 Second special reason is talking about 16 furthering the principles of smart growth. Now, 17 there is quite a number of principals of smart growth 18 but I want to talk about compact building design. We 19 have a building with three apartments now. We have a 20 building with about close to 2,500 square feet of 21 tired retail space. Something is going to have to be 22 done with that space. You know, the proposal is to 23 provide three apartments there. The alternative is 24 that that space can be used for another retailer or 25 commercial space. And on a previous call someone</p>
<p style="text-align: right;">Page 75</p> <p>1 at the state of New Jersey something like 65 percent 2 of the housing stock is single-family residential and 3 about 35 percent is multifamily residential. Here in 4 Woodcliff Lake it's about 95 percent versus 5 5 percent. So consequently providing some, albeit a 6 small number of additional multifamily apartments 7 here, we are achieving that purpose of the state 8 action, the state land use act. 9 The third is talks about providing a 10 desirable visual technique -- excuse me, a desirable 11 visual environment to creative building techniques. 12 And to that I will hark back to what Mr. Doster has 13 spoken about when he talked about the architectural 14 design and the enhancements and the improvements to 15 bringing this building back to its beautiful, 16 historic character. 17 I don't think there is a person on this 18 Zoom call that could say that right now that building 19 looks great. I don't think there is a person on this 20 Zoom call that looks at the proposed redesign of the 21 building and not say this building is going to look 22 great. Because it's really quite an impressive feat 23 to change it from what it is today from the tired 24 looking favor retail space on the ground floor space 25 and tired looking facade we have today and trash that</p>	<p style="text-align: right;">Page 77</p> <p>1 suggested putting in a cafe here. Putting a cafe of 2 2,500 square feet would have a substantially greater 3 amount of traffic impact on the community and the 4 neighborhood than three additional apartments in that 5 same space. 6 So, you know, you have to recognize it, 7 planning is a balance of competing interests. And 8 the competing interests here are do we want three 9 apartments here or do we want to see and take the 10 chance of what kind of retail space could come before 11 the board for reuse of the Faber space today. 12 The third special reason refers to the 13 furthering the purposes of the state plan and I have 14 already touched upon that. The state plan places 15 Woodcliff Lake in what is called planning area number 16 one and that is where they predict most growth in the 17 state is going to occur in planning area one. And 18 particularly it talks about repurposing of existing 19 development property. The beauty of repurposing this 20 existing developed property is you are retaining and 21 enhancing what could become a real beautiful 22 architect gem. 23 Fourth is the issue of traffic 24 generating potential. Clearly the data indicates 25 that by converting this retail space to three</p>

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1 apartments you are going to have much less traffic
 2 generating potential coming out of the proposed
 3 project than you would if that retail space continued
 4 for retail use, some form of retail activity.
 5 And finally, I guess is the overall
 6 issue of just re-enhancing a building that is
 7 150 years old, because, you know, we represent about
 8 50 municipalities throughout the state and the one
 9 constant drum beat I hear in most applications is why
 10 are you tearing down an old attractive or potentially
 11 attractive building and starting new? We are losing
 12 our architectural character and history. Here is a
 13 chance where your municipality can, in fact, save
 14 that historic character and history in a meaningful
 15 way that doesn't have that significant impact on the
 16 community.
 17 Now I understand some people would be
 18 upset with three additional units and some people are
 19 concerned legitimately about how traffic -- excuse
 20 me, how garbage is going to be picked up, but I am
 21 certain that we can resolve that concern in a
 22 meaningful way.
 23 And all I can say is when somebody
 24 raised the question about how could three additional
 25 apartments result in the need for a whole new cycle

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1 of garbage truck movement throughout the borough,
 2 just think if three single-family dwellings were
 3 built, three single-family houses are not going to
 4 require a whole new set of traffic patterns for DPW
 5 to pick up garbage.
 6 I think given the modest number of
 7 additional units here I think that the additional
 8 volume that will come out of these 3 units can be
 9 addressed as part of one continuous flow of the
 10 routes that they already take.
 11 Finally, with respect to the negative
 12 criteria, as I said it's a twofold test. You have to
 13 show there's no substantial impairment to the intent
 14 of the master plan. All that I said earlier about
 15 furthering or being consistent with some of the goals
 16 and objectives of the master plan, I don't think
 17 there is a substantial impairment to the intent of
 18 the plan. And I have to point out that I'm not using
 19 the word substantial of my own, that word is built
 20 into the statute. You know, the statute says and
 21 case law says you have to show there is no
 22 substantial impairment. And there is a recognition
 23 that any change might have some modification and some
 24 impairment, so the question is whether it's
 25 substantial or not. I would suggest that not in

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1 3 units, that I suggest that we meet that prong of
 2 the negative criteria.
 3 The other prong of the negative criteria
 4 is that there is no substantial detriment to the
 5 public good. And I would suggest based on the
 6 aesthetic improvements of the property, the
 7 architectural enhancements that are being proposed
 8 and the circulation improvements that are being
 9 proposed we'll now have a defined internal
 10 circulation system with a meaningful limits on where
 11 the curb cuts are for access and egress to it from
 12 the site. It would indicate that there is no
 13 substantial detriment to the public good.
 14 In fact, I would argue there is a
 15 substantial improvement to the public good by virtue
 16 of what is taking place here.
 17 Now, finally, separate and distinct from
 18 the municipal land use law statutory criteria there
 19 is one case law that also comes into play and that's
 20 the one that the fact that the zone plan doesn't
 21 permit your use. And here I would suggest that
 22 because this property is so unique in the way we have
 23 described it and so distinguishable from other
 24 property in the community that I think we can
 25 reconcile the Metge (phonetic) test and I think that's

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1 enough.
 2 And it's 9:43. I thought I would be
 3 finished by 9:45.
 4 Q. I just have one question, Mr. Burgis,
 5 and one question only. It has been stated by several
 6 people that by granting variances a land use board
 7 can create precedent in the rest of the town. How do
 8 you address that question?
 9 A. Well, in a twofold way. First of all,
 10 case law is very clear that each and every
 11 application does, in fact, stand on its own merits
 12 and you cannot be pointing to other cases to say you
 13 permitted it there, so therefore, you must permit it
 14 here. The case law is very clear on that.
 15 But as I said earlier, I think the
 16 uniqueness of this particular property is so
 17 distinguishable not only in terms of its building
 18 configuration and design and the physical layout of
 19 the site and its difficulties that present itself
 20 today, but also its location at a very important and
 21 busy intersection.
 22 All those factors would come into play
 23 and you can discount anyone else making the argument
 24 that you did it here, so therefore, you have to do it
 25 there.

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1 Q. Mr. Burgis, I have no further questions.
 2 Thank you.
 3 A. Okay. And the only thing I would like
 4 to add is I'm sorry I had to speed through that in my
 5 allotted time. I wanted to make sure I got in as
 6 much as possible. I hope when I come back for
 7 questions people will still appreciate that.
 8 CHAIRWOMAN MALLEY: We do appreciate
 9 that, Mr. Burgis. Thank you.
 10 THE WITNESS: You're welcome.
 11 CHAIRWOMAN MALLEY: Does anybody on the
 12 board have any quick questions? Good. Liz, do you
 13 have any quick comments?
 14 MS. LEHENY: Yes. Yes. Okay. Thank
 15 you. Just one really quick comment, Mr. Burgis. Can
 16 you reiterate again what zone this is in.
 17 THE WITNESS: It's the R 15.
 18 MS. LEHENY: And what are the permitted
 19 uses in the R 15?
 20 THE WITNESS: Single-family houses, but
 21 there are a few others. Hold on one second.
 22 Single-family dwellings, greenhouses, farms, a
 23 reservoir and municipal government uses.
 24 MS. LEHENY: Okay. Thank you. And the
 25 only other question, I'm not sure you can answer

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1 this, but do you have a sense of what the likelihood
 2 is of this site being redeveloped or reconverted to a
 3 single-family home, a permitted use?
 4 THE WITNESS: I think I can
 5 unequivocally state that it would not be converted to
 6 a single-family use.
 7 There is a lot of floor space and it's
 8 already designed with three apartments. I can't
 9 imagine someone giving that up.
 10 MS. LEHENY: Those are the only
 11 questions I have, Ms. Malley, just in order to get
 12 the residents opportunities to speak.
 13 CHAIRWOMAN MALLEY: Okay.
 14 MR. PRINCOTTO: I just have a few
 15 questions if I may?
 16 CHAIRWOMAN MALLEY: Yes.
 17 MR. PRINCOTTO: I know, Mr. Burgis, you
 18 have been involved in the borough for quite some time
 19 and your firm was the previous planner or one of the
 20 previous planners for the borough. Did you do any
 21 research or do you know how this particular property
 22 got to be used as apartments?
 23 THE WITNESS: No. I know they have been
 24 there for a long time because I know when we were
 25 doing planning back in around 2000 for the borough

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1 that question arose and nobody could answer that
 2 question then. I haven't done any recent research
 3 this time around.
 4 MR. PRINCOTTO: Okay. And I think you
 5 are familiar with the borough, but it was in the
 6 zoning ordinance that was proposed to the mayor and
 7 council, I think it was in 2018, that called for a
 8 multiple dwelling use on Broadway. Do you know what
 9 the history and what happened to that proposed
 10 ordinance?
 11 THE WITNESS: Are you referring to the
 12 affordable housing zone for 16 units?
 13 MR. PRINCOTTO: No. It was a zoning
 14 proposal by an entity called DMR, they proposed a
 15 zoning change on Broadway. Are you familiar with
 16 that?
 17 THE WITNESS: No.
 18 MR. PRINCOTTO: Okay. And are you
 19 familiar with the fact that whatever that proposed
 20 ordinance was that the governing body tabled that
 21 particular zoning change for Broadway?
 22 THE WITNESS: Now that rings a bell,
 23 yeah, I remember something was tabled. I just don't
 24 recall any of the details.
 25 MR. PRINCOTTO: Okay. Would this be a

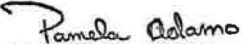
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1 usurpation of the power of the governing body if the
 2 zoning board granted a use variance here?
 3 THE WITNESS: No. I'm very comfortable
 4 in saying that. The municipal land use law and your
 5 own development regulations provide for a use
 6 variance process.
 7 The one time when I would say a zoning
 8 board is usurping the powers of the governing body is
 9 where you have a zone whereby through a use variance
 10 the overwhelming majority of that zone becomes
 11 basically different than what was contemplated by the
 12 governing body's adoption of an ordinance.
 13 But here we are in the R 15 zone which I
 14 guess covers at least three quarters of the
 15 municipality. So I don't see that that's an issue
 16 here.
 17 MR. PRINCOTTO: Okay. I don't have any
 18 further questions.
 19 CHAIRWOMAN MALLEY: Do we have time, not
 20 really, to open? Are you going to be back at our
 21 next meeting, Mr. Burgis?
 22 THE WITNESS: I will be.
 23 MR. NEISS: Yes, Madame Chairwoman.
 24 THE WITNESS: When is it, first of all?
 25 MR. NEISS: If it were possible and it

<p style="text-align: right;">Page 86</p> <p>1 may well be given that Mr. Burgis's testimony was as 2 conclusive, if it were possible to complete this 3 application tonight, I would respectfully request 4 that we try to do so. 5 CHAIRWOMAN MALLEY: It's not possible. 6 We have a couple other things that we need to get 7 through tonight and I have requested that the fire 8 department appear at our next meeting. So it's not 9 going to happen. 10 MR. NEISS: I did want to address that 11 as well. I spoke offline with Mr. Doster who, in 12 fact, spoke to those folks today. And I think he 13 has, he has a point he would like to add to his 14 testimony which is that this is an existing fire 15 escape and it is, it meets the code for fire escapes 16 and it has functioned that way for years and years. 17 I'm not going to testify. I would 18 recall him for the purpose of saying what this is 19 about. So bringing the fire department chief or 20 anyone else from the fire department is not going to 21 add anything to this issue, I'm afraid. 22 CHAIRWOMAN MALLEY: Okay, Mr. Neiss, I 23 was not concerned about the fire escape. I was 24 concerned about the sprinkler system. 25 MR. NEISS: He testified to that. What</p>	<p style="text-align: right;">Page 88</p> <p>1 something from him and we are not going to finish the 2 application. I mean, I think we need to hear from 3 the borough planner, you know, as well. And see if 4 we have any testimony from, you know, from our 5 engineer. 6 So, I don't, we are not going, certainly 7 not going to conclude this application tonight. I 8 think what you meant probably was to conclude your, 9 perhaps your witnesses tonight. 10 MR. DOSTER: Mr. Princiotto, may I step 11 in real quick? I believe the sprinkler was, without 12 the prior knowledge, there would be a horizontal 13 separation of 2 hours between the first and second 14 floor. Without that then yes, you would, in fact, 15 need to provide sprinklers. 16 So he even addressed on the phone call 17 today that, you know, the e-mail said required, 18 however, with that separation he said that it was 19 sufficient that we could just simply have the first 20 floor being sprinklered. 21 CHAIRWOMAN MALLEY: Can Mr. Berninger 22 overrule the fire chief? I don't know that. 23 MR. NEISS: We would be willing to make, 24 if the board would consider it, we would be willing 25 to make that some form of condition, frankly.</p>
<p style="text-align: right;">Page 87</p> <p>1 he said was that his conversation today -- 2 CHAIRWOMAN MALLEY: With Mark. 3 MR. NEISS: Was that he, Mark, was 4 satisfied that putting sprinklers on the first floor 5 and a fire rated ceiling that separates the first 6 from the second floor would meet the code. That was 7 his testimony. 8 CHAIRWOMAN MALLEY: Right. I 9 understand, but that did not come from the fire 10 chief. I'm not sure if Mark Berninger can overrule 11 the fire chief. 12 MR. NEISS: But he, but Mr. Doster is an 13 expert in architecture and can testify to this and, 14 in fact, did. 15 MR. PRINCIOOTTO: Well, you know, we also 16 have an issue that we have an e-mail which we did 17 mark WCL-5 which is from Mr. Berninger that is 18 different than what the testimony was here tonight. 19 So, you know, I think that has to be cleared up. I 20 understand what he said but sometimes there can be a 21 misunderstanding as to what was stated. 22 But in the e-mail from Mr. Berninger he 23 said that fire sprinklers will be required throughout 24 the entire building. So that's different than what 25 was testified to today. So we certainly would need</p>	<p style="text-align: right;">Page 89</p> <p>1 CHAIRWOMAN MALLEY: Okay. Mr. Neiss, we 2 can't conclude it tonight. There is no way that we 3 are going to get through Mr. Leheny [sic] and our -- 4 I'm sorry, Mr. Kurus -- there is no way we can get 5 through both of them and get through the other 6 business that we have to when we conclude by 10:30 at 7 night. So we are going to stop at this point. I 8 wish we could. 9 MR. NEISS: I'm sorry to ask this final 10 request, but if it were possible for the board to 11 open to the public for any questions for Mr. Burgis 12 we would complete our case tonight so that we 13 wouldn't have to recall him. 14 CHAIRWOMAN MALLEY: It's now five to ten 15 and we have at least a half-hour to go. Am I right, 16 Sal? 17 MR. PRINCIOOTTO: I would think so. And 18 then, you know, we are not going to finish the other 19 business that we have to do. So. 20 CHAIRWOMAN MALLEY: So I'm going to say 21 no. As much as I would like to get done and 22 continue, I believe we are going to have to add a 23 special meeting in February so that we can get the 24 rest of tonight's meeting done. 25 MR. PRINCIOOTTO: What we could do a</p>

<p style="text-align: right;">Page 90</p> <p>1 special meeting in February to review the proposed 2 master plan, you know, changes. And just do that at 3 that, at an early meeting in February and finish this 4 application at the regular February meeting which -- 5 MR. NEISS: Could that be reversed? 6 That we complete this application at the special 7 meeting and then you can finish your regular business 8 at your regular meeting? 9 MR. PRINCOTTO: Well, you know, 10 normally I would say yes, we would like to 11 accommodate you and we understand it, however, the 12 planning board is waiting for the comments from the 13 zoning board. So that we would be holding up the 14 planning board. I don't think that's something that 15 the board wants or should do. 16 MR. NEISS: It is now 10 years, it's not 17 6 years and I don't know that there is the urgency 18 for that. 19 CHAIRWOMAN MALLEY: I don't think this 20 is a debate. I think this is a decision that I know 21 I've already made and we are just killing time. I'm 22 sorry. I would like to move on at this point. 23 MR. NEISS: Thank you. I'm sorry, 24 Madame Chairwoman. 25 CHAIRWOMAN MALLEY: Thank you. So if we</p>	<p style="text-align: right;">Page 92</p> <p>1 board to reach the question of the calendar for 2022, 2 immediately an announcement of the adjourned date 3 could be confirmed and I would not have to renotece. 4 MR. PRINCOTTO: Okay. Well, I think 5 that is a reasonable request. Chairwoman Malley, can 6 we address the meeting dates of 2022 and then advise 7 the public when this matter will be next heard? 8 CHAIRWOMAN MALLEY: Yes. 9 MR. PRINCOTTO: So that Mr. Neiss 10 doesn't have to pay an additional notice. 11 CHAIRWOMAN MALLEY: Absolutely. 12 MR. PRINCOTTO: So we have the proposed 13 dates and we need to know, Liz, do you know when the 14 planning board is meeting next? 15 MS. LEHENY: February 17th. 16 MR. PRINCOTTO: And they are waiting 17 for the comments to the master plan? 18 MS. LEHENY: From the zoning board, yup. 19 MR. PRINCOTTO: From the zoning board, 20 okay, so we need to have a meeting before the 17th to 21 review any amendments or changes in the proposed 22 master plan. So Meg, what are the possible dates? 23 SECRETARY SMITH: Assuming we want to 24 stick with our usual meeting night which is a 25 Tuesday, we have the 1st, the 8th or the 15th. I</p>
<p style="text-align: right;">Page 91</p> <p>1 can continue this at our next meeting which we will 2 be finalizing the dates for. As soon as we finalize 3 our calendar for 2022 then we can let you know before 4 the end of this meeting what that date is. 5 MR. PRINCOTTO: Looks like it will be 6 February 22nd, unless there is some change. 7 CHAIRWOMAN MALLEY: Right. 8 MR. PRINCOTTO: Okay. Then we need to 9 move on to the agenda items that remain. We also 10 have the report, the zoning board report for the year 11 2021 to approve. And we have the meeting dates to 12 approve and we have that appeal of the interpretation 13 of the zoning ordinance. 14 CHAIRWOMAN MALLEY: Okay. 15 MR. NEISS: I'm sorry to interrupt yet 16 again, but Mr. Princiotto, is it going to be the 17 board's position that this matter is going to be 18 adjourned to February 22nd? I know you don't have 19 that date yet but if you -- 20 MR. PRINCOTTO: I can't hear you 21 because of shuffling of papers by somebody. I'm 22 sorry, Mr. Neiss, I didn't hear what you said. 23 MR. NEISS: I'm sorry. I would rather 24 not be in a position to have to renotece this 25 application. Therefore, if it were possible for the</p>	<p style="text-align: right;">Page 93</p> <p>1 think the 1st is a bit of a challenge. I have to 2 notice the dates we announce tonight. So I don't 3 think that's possible. 4 I would suggest either the 8th or the 5 15th if you want to stick with a Tuesday. Our next 6 meeting for zoning board is on the 22nd as proposed. 7 MR. PRINCOTTO: Okay. So if we take 8 out the 1st, so we have the 8th or the 15th? 9 SECRETARY SMITH: Correct. Those are 10 Tuesdays. 11 MR. PRINCOTTO: Any comments about the 12 8th or the 15th? It's a Tuesday, they are Tuesdays. 13 CHAIRWOMAN MALLEY: They are Tuesdays. 14 I'm okay with both of them. 15 MR. MANISCALCO: The 8th works better 16 for me. I may not be able to make the 15th. 17 MR. DHAWAN: The 8th would be better for 18 me as well. 19 MS. CEREIJO: The 15th would be better 20 for me. The 8th I have another board meeting. 21 MR. KAUFMAN: Both dates work for me. 22 CHAIRWOMAN MALLEY: Sanjeev, how about 23 you? 24 MR. DHAWAN: I'm sorry, maybe I was on 25 mute. The 8th is better for me.</p>

<p style="text-align: right;">Page 94</p> <p>1 CHAIRWOMAN MALLEY: Dianna, is it both 2 at the same time like 7:30? 3 MS. CEREIJO: Yes, from seven to nine. 4 CHAIRWOMAN MALLEY: Okay. That doesn't 5 help. 6 MS. CEREIJO: Or you can have it without 7 me if you still have a quorum. 8 CHAIRWOMAN MALLEY: Christina, are you 9 back there? 10 MS. HEMBREE: I'm here. 11 CHAIRWOMAN MALLEY: 8th or the 15th? 12 MS. HEMBREE: Of February? 13 CHAIRWOMAN MALLEY: Yes, for the master 14 plan review. 15 MS. HEMBREE: What day of the week is 16 that? 17 CHAIRWOMAN MALLEY: Tuesday. 18 MS. HEMBREE: Yes. 19 CHAIRWOMAN MALLEY: Either one is good? 20 MS. HEMBREE: Yes. 21 CHAIRWOMAN MALLEY: I think we have 22 everybody else. So it would be everybody but Dianna 23 who is good on the 8th I think. 24 MR. PRINCOTTO: Okay. So what we 25 should do then is add to our meeting dates for 2022,</p>	<p style="text-align: right;">Page 96</p> <p>1 MR. PRINCOTTO: We have the proposed 2 meeting dates. 3 MS. HEMBREE: That's fine. 4 MR. PRINCOTTO: I don't know if 5 everybody looked at them to see -- 6 MS. HEMBREE: I did. 7 MR. PRINCOTTO: It doesn't look like 8 it -- 9 MS. HEMBREE: Usually Thanksgiving and 10 all the meetings in November, so that looks good. 11 MR. PRINCOTTO: I don't know. Did 12 anybody check religious holidays? 13 SECRETARY SMITH: I tried to before I 14 scheduled them. 15 MR. PRINCOTTO: I'm looking quickly I 16 don't see anything that jumps out at me. Hold on one 17 second. 18 CHAIRWOMAN MALLEY: Yeah, I think I went 19 through them all and we moved the -- 20 MR. PRINCOTTO: Rosh Hashanah is 21 September 26th, but our meeting is on the 27th. 22 MS. HEMBREE: When is Yom Kippur in 23 October? 24 CHAIRWOMAN MALLEY: They are a week 25 apart.</p>
<p style="text-align: right;">Page 95</p> <p>1 February 8th. What about all the other proposed 2 dates? Does anybody see any problems with those 3 dates? 4 CHAIRWOMAN MALLEY: Dianna, if you have 5 any issues get to one of us, Liz, Meg, myself, Sal, 6 if you have any issues with what you see in the 7 master plan so at least we get your input. 8 MS. HEMBREE: Okay. 9 MS. CEREIJO: I can do that. 10 CHAIRWOMAN MALLEY: Okay. 11 MS. HEMBREE: So February 8th is the 12 master plan, right? 13 CHAIRWOMAN MALLEY: Same time, same 14 place. 15 MS. CEREIJO: No, I think you are going 16 to make it for the 15th. No? 17 MR. PRINCOTTO: No, they said the 8th. 18 MS. CEREIJO: Okay. 19 CHAIRWOMAN MALLEY: Everybody was good 20 on the 8th, right? 21 MR. MANISCALCO: Except Dianna. 22 MR. PRINCOTTO: What about the other 23 dates? 24 MS. HEMBREE: What other dates, for what 25 other purpose? I'm sorry.</p>	<p style="text-align: right;">Page 97</p> <p>1 MR. PRINCOTTO: Okay. Well, then we 2 need a vote to adopt the meeting dates as set forth 3 on the memo from Meg Smith and that would be as 4 amended so it would be January -- that's tonight. 5 That's a reorganization meeting which we already got 6 approved last year. 7 So first meeting would be February 8th. 8 Second meeting February 22nd. March 22nd, 9 April 26th, May 24th, June 28th, July 26th, 10 August 23rd, September 27th, October 25th, 11 November 22nd, December 20th and in 2023 our 12 reorganization meeting will be on January 26th so. 13 CHAIRWOMAN MALLEY: December 13th, not 14 the 20th. 15 MR. PRINCOTTO: It's what? 16 MS. HEMBREE: I have December 13th on my 17 list. 18 CHAIRWOMAN MALLEY: You have the old 19 schedule. It's December 13th, not December 20th. 20 MR. PRINCOTTO: That was changed? 21 CHAIRWOMAN MALLEY: Yes. I don't like 22 Christmas week. 23 MS. HEMBREE: I don't either. 24 MR. PRINCOTTO: You are right. I do 25 remember now there was one change. So unfortunately</p>

<p style="text-align: right;">Page 98</p> <p>1 I printed out before that change. Okay. So with 2 that correction of December 13th. 3 MS. HEMBREE: Meg gave us the correct 4 one. Don't worry about it. We have the correct one. 5 Meg did the correct thing. 6 MR. PRINCIOTTO: Okay. So we need a 7 motion to approve the zoning board meeting dates. 8 CHAIRWOMAN MALLEY: Somebody want the 9 make that motion? 10 MS. HEMBREE: I will so move. 11 MS. CEREJO: Second. 12 CHAIRWOMAN MALLEY: All in favor? 13 ALL MEMBERS: Aye. 14 CHAIRWOMAN MALLEY: Any opposed? Okay. 15 SECRETARY SMITH: Okay. Our meeting 16 dates have been set. And our next meeting in 17 February will be February 22nd. Mr. Princiotto, do 18 you want to make an announcement about this 19 application being carried to February 22nd? 20 MR. PRINCIOTTO: Right. Our next 21 meeting will be February 8th, but that will be for 22 the review of the master plan, you know, changes, an 23 update on that. It's not a public hearing. It's 24 just an agenda item to be discussed with the zoning 25 board, for zoning board members' comments.</p>	<p style="text-align: right;">Page 100</p> <p>1 CERTIFICATE. 2 3 I, PAMELA ADAMO, a Notary Public and 4 Certified Shorthand Reporter of the State of New 5 Jersey, do hereby certify that the foregoing is a 6 true and accurate transcript of the testimony as 7 taken stenographically by and before me at the time, 8 place and on the date hereinbefore set forth. 9 I DO FURTHER CERTIFY that I am neither a 10 relative nor employee nor attorney nor counsel of any 11 of the parties to this action, and that I am neither 12 a relative nor employee of such attorney or counsel, 13 and that I am not financially interested in the 14 action. 15 16  Notary Public of the State of New Jersey 17 My commission expires April 29, 2023 License No. 30X100209200 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 99</p> <p>1 This application of 216 Broadway will be 2 heard on regular scheduled meeting of February 22nd 3 at 7:30. No additional notice will need to be given 4 for that meeting and hopefully we will complete the 5 application on that date. 6 MR. NEISS: Board members, I would like 7 to thank you very much for dealing with this now. 8 And for listening to this application. Thank you. 9 CHAIRWOMAN MALLEY: You're welcome. 10 Okay. And moving on. 11 (Whereupon the hearing is adjourned at 12 10:08 p.m.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	

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