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3 BOROUGH OF WOODCLIFF LAKE
4 Zoning Board Agenda
5 IN RE: 216 Broadway, LLC
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9 TRANSCRIPT of the stenographic notes of
10 the proceedings in the above-entitled matter, as
11 taken by and before PAMELA ADAMO, a Certified
12 Shorthand Reporter and Notary Public of the State of
13 New Jersey, held via Zoom, on February 22, 2022,
14 commencing at 7:35 p.m.
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<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S: 2 ROBIN MALLEY - Chairwoman 3 CHRISTINA HEMBREE 4 LYNDA PICINIC 5 PHILLIP MANISCALCO 6 BARBARA BUSHELL 7 MEG SMITH 8 SAL PRINCIOTTO - Board Attorney 9 10 11 BEATTIE PODAVANO, LLC 12 200 Market Street 13 Montvale, NJ 07645 14 BY: ARTHUR NEISS, ESQ. 15 Attorneys for 216 Broadway, LLC 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 MS. PICINIC: Here. 2 (Whereupon other business was reviewed.) 3 CHAIRWOMAN MALLEY: We have the 4 application continued on 216 Broadway LLC, Block 5 2602, Lot 11. The 216 Broadway which is an R-15 6 zone. Requesting variances for, one, a use variance 7 for multiple dwellings in a single-family zone. 8 Two, maximum building coverage of 9 16.1 percent where 15 percent is required. Existing 10 non-conforming with no change. 11 Three, maximum total coverage of 12 60.5 percent where 40 percent is required. Existing 13 non-conforming at 55.8 percent. 14 Four, total maximum height 40.1 feet 15 where 30 feet is required. That's existing 16 non-conforming is at 33.5 feet. 17 Five, minimum front yard setback at 18 18.5 feet on Broadway and 31.8 feet on Highview 19 Avenue, where 35 feet is required, existing 20 non-conforming with no change. 21 Received on 9/8/21, deemed 22 administratively complete on 9/14/21, deemed complete 23 by borough engineer on 10/14/21. 24 Okay. That is the continuation, so 25 Mr. Neiss?</p>
<p style="text-align: right;">Page 3</p> <p>1 CHAIRWOMAN MALLEY: Call to order this 2 meeting in accordance with the Open Public Meetings 3 Law PL 1975 Chapter 231, was announced at the 4 reorganization meeting held on January 25, 2022, in 5 the municipal building. 6 Notice of this meeting was posted in two 7 newspapers, The Record and the Ridgewood News. The 8 public is advised of the zoning board's rule that 9 meetings are concluded by 10:30 p.m. Pledge of 10 allegiance. 11 (Pledge of Allegiance.) 12 CHAIRWOMAN MALLEY: Roll call. 13 CLERK SMITH: Chairwoman Robin Malley? 14 CHAIRWOMAN MALLEY: Here. 15 CLERK SMITH: Ms. Barbara Bushell. 16 MS. BUSHELL: Here. 17 CLERK SMITH: Ms. Dianna Cereijo? Vice 18 Chairman Sanjeev Dhawan? Ms. Christina Hembree? 19 MS. HEMBREE: Here. 20 CLERK SMITH: Mr. Michael Kaufman? 21 Mr. Philip Maniscalco? 22 MR. MANISCALCO: Here. 23 CLERK SMITH: Mr. Gary Menze? 24 MR. MENZE: Here. 25 CLERK SMITH: And Ms. Lynda Picinic?</p>	<p style="text-align: right;">Page 5</p> <p>1 MR. NEISS: Good evening, chairwoman. 2 Somebody is trying to speak, I'm not sure. 3 MS. HEMBREE: Somebody -- 4 MR. NEISS: I will try to proceed. Good 5 evening Chairwoman and board members. I am Arthur 6 Neiss of the firm Beattie Podavano in Montvale, New 7 Jersey and, of course, we do represent the applicant. 8 The applicant has determined that 9 because of, there are, there are a number of board 10 members who are not here tonight and Mr. Dacosta, my 11 client, found it somewhat problematic because he 12 thinks that this application is so strong and so good 13 that he would prefer to have as many board members 14 voting on it as were possible. Since -- and I 15 forward my deep sorrow to Ms. Cereijo on the passing 16 of her father, because of that and because of the 17 fact there are two other board members who are not 18 present we are going to respectfully request that we 19 be carried to a possible special meeting if the board 20 were amenable to that. 21 I have explained from the very beginning 22 of my involvement that my client faces a number of 23 financial issues concerning his financing, he's 24 capable of doing the project, but the financing is an 25 issue. And my request would be that if it were</p>

<p style="text-align: right;">Page 6</p> <p>1 possible to schedule a special meeting for us to have 2 the remainder of Mr. Burgis's cross-examination and 3 comments from the public at that special meeting that 4 would be optimal rather than waiting an entire month 5 until March 22nd. 6 So that is my request to the board this 7 evening. 8 MR. PRINCIOTTO: If I could add somewhat 9 to that, we could not confirm today more than five 10 members being present. We could only confirm, you 11 know, five members. We do have nine board members so 12 we do have alternates. For whatever reasons and 13 various reasons we were only able to confirm five and 14 actually we do have six, but I understand the 15 request. 16 In addition, I was advised that our 17 planner Liz Leheny has another matter that she had to 18 attend to that came up. She could be available, I'm 19 not sure exactly what time, but she is not here right 20 now. And I did speak to her and her preference is 21 that she not give her testimony until Mr. Burgis 22 completes his testimony. 23 So I just wanted to place that on the 24 record. And of course, but, it's up to the chair and 25 the board as to how they wish to proceed.</p>	<p style="text-align: right;">Page 8</p> <p>1 we hopefully will get to it. We need the ruling from 2 the chair on this request for the continuance. And 3 then we, the only issue we have with rescheduling is 4 we probably can't, we could poll board members that 5 are present now, but we obviously have members that 6 aren't present and, you know, we don't want to run 7 into the same problems. So Meg will have to do some 8 telephone calling after tonight's meeting to come up 9 with the actual date and Mr. Neiss being that we 10 can't announce the meeting tonight, the meeting date 11 for the final meeting, you will have to renotece. 12 MR. NEISS: If we can get a special 13 meeting so as to be able to conclude the application, 14 I will renotece of course. 15 MR. PRINCIOTTO: Yeah. Okay. 16 CHAIRWOMAN MALLEY: That would be our 17 intention is to hold that as the final meeting so I'm 18 in agreement that we will attempt to set up a final 19 meeting in March. 20 MR. PRINCIOTTO: Okay. So you're 21 granting his request to continue this at a special 22 meeting? 23 CHAIRWOMAN MALLEY: Yes. 24 MR. PRINCIOTTO: Okay. All right. So 25 then Meg, should we go over the dates at the end of</p>
<p style="text-align: right;">Page 7</p> <p>1 MR. NEISS: I would note just continuing 2 on to what Mr. PrinciOTTO has said that Mr. Behrens 3 is here and it was my understanding from 4 Mr. PrinciOTTO, he and I spoke today, that the board 5 perhaps would like to hear from Mr. Behrens his 6 testimony, but I'm not going to presume, that's 7 really Mr. PrinciOTTO's call. 8 MR. PRINCIOTTO: No, I definitely think 9 that Mr. Behrens made himself available tonight and 10 he's prepared so we should take his testimony. I did 11 discuss it with Mr. Neiss and he agreed that even 12 though it's somewhat out of turn we hear the 13 applicant's witnesses first. He has, you know, 14 agreed to that order. 15 The only thing I would add to that is 16 that whenever this next meeting is that the applicant 17 agrees to extend the time for the board's decision 18 until that final meeting. Mr. Neiss, is that 19 agreeable? 20 MR. NEISS: If I heard you correctly, 21 Mr. PrinciOTTO, the applicant will consent to extend 22 the time to that final meeting. If I heard you 23 correctly. 24 MR. PRINCIOTTO: That's what I said. We 25 haven't agreed upon the date of that meeting yet, but</p>	<p style="text-align: right;">Page 9</p> <p>1 the meeting? 2 CLERK SMITH: Sure. 3 MR. PRINCIOTTO: Okay. We shouldn't 4 keep everybody else waiting. All right. So then we 5 have Mr. Behrens is here and waiting to testify. So 6 I think we should move on to that. 7 CHAIRWOMAN MALLEY: Sounds like a plan. 8 MS. HEMBREE: Chairwoman Malley? 9 CHAIRWOMAN MALLEY: Yes. 10 MS. HEMBREE: Point of personal 11 privilege. I have some pictures that I would like to 12 share with the board that I have done some research 13 on via a friend of mine who is a genealogist in 14 Montvale and I have a wonderful picture of a horse 15 driven carriage called the Ackerman Brothers' 16 Groceries Flower and Feed from Woodcliff and 17 Montvale. 18 The Ackerman brothers had identical 19 houses, one in Montvale and had the picture of that 20 which I will share to you, that was behind the 21 railroad station. And the other house is on the 22 corner of Highview Avenue and Broadway. 23 Garret Ackerman was born in 1856 and 24 died in 1943. John Ackerman was born in 1852 and 25 died in 1939. They are both buried in the Pascack</p>

<p style="text-align: right;">Page 10</p> <p>1 Reformed Church Cemetery on Pascack Road in Park 2 Ridge. 3 This picture is, I will get it to Meg 4 and she can copy it for everybody, it's just really 5 fun to see the house that was in Montvale. It's no 6 longer there. It's the identical house basically. 7 They built, and they both had a grocery store, one in 8 Montvale and one in Woodcliff Lake. 9 But I just thought of looking at the way 10 it's going to look, the reproduction, you know, how 11 we are saving a beautiful home that was built in 1870 12 that has a history that relates to where we live. 13 I just was really, I get excited about 14 this kind of stuff. 15 MR. PRINCIOTTO: What is the address? 16 MS. HEMBREE: I saw this carriage -- 17 what? 18 MR. PRINCIOTTO: What is the address? 19 MS. HEMBREE: The address was right 20 behind the railroad station and the Borough of 21 Montvale wanted the property for their park and so 22 they demolished the house along with another 23 property. 24 MR. PRINCIOTTO: And the one in 25 Woodcliff Lake?</p>	<p style="text-align: right;">Page 12</p> <p>1 an old community but we do date back to the 1800s. 2 There were people living here. And they had 3 businesses and they had a life. Kind of fun to see 4 it the way it looked. 5 And if you see the railroad station at 6 the bottom, you see that? And the house behind it 7 sort of? I will get these to Meg, I can also e-mail 8 her those, I think. I'm learning. 9 MR. PRINCIOTTO: It's an interesting 10 piece of history. 11 MS. HEMBREE: Yeah, I thought it was 12 really exciting. I get really excited about this 13 kind of stuff. Because I was coming across the 14 reservoir the other day and I looked at that house 15 and it looks really crappy. And I went, people are 16 going to go what is that? When they see it finished 17 they are going to go that is a beautiful home, where 18 did that come from? I didn't know -- 19 MR. PRINCIOTTO: Is there still a 20 historian in Woodcliff Lake? I know we are 21 digressing a little bit. 22 MS. HEMBREE: I don't think so. She is 23 in Montvale and she's written a whole book on 24 Montvale history. 25 MR. PRINCIOTTO: I think years ago</p>
<p style="text-align: right;">Page 11</p> <p>1 MS. HEMBREE: It's on the corner of 2 Highview and Broadway. 3 CHAIRWOMAN MALLEY: So it's the same 4 spot. 5 MS. HEMBREE: And if you see it, you go 6 oh, my God, it's the same house, if you look at the 7 top. 8 MR. PRINCIOTTO: So you are talking 9 about 216 Broadway? 10 MS. HEMBREE: Yes. 11 MR. PRINCIOTTO: Okay. All right. I 12 just wanted to be clear about that. 13 MR. NEISS: Ms. Hembree, I'm very 14 excited about this. Do you think you can put, hold 15 that picture up to the camera so we can get an 16 advanced -- Mrs. Hembree, did you hear me? 17 MS. HEMBREE: That's the horse driven 18 carriage. And this is the house. 19 MR. NEISS: Look at that. Wow. 20 MS. HEMBREE: If you look up here, but 21 Ree Hopper is the genealogist. She is actually in 22 charge of the historical whatever in Montvale and she 23 has all these pictures and she sent them to me today. 24 And you know, it's kind of interesting. 25 We don't look at our past, we're you know, we're not</p>	<p style="text-align: right;">Page 13</p> <p>1 Richard Purcell was a historian in Woodcliff Lake. 2 MS. HEMBREE: That could be. 3 MR. PRINCIOTTO: I don't know if we have 4 a replacement for him. We probably do. 5 MS. HEMBREE: I don't know, but this, 6 this could be a start. 7 MR. PRINCIOTTO: Well, that may have to 8 be a place where we have other historical data for 9 the borough. Perhaps Meg, you can check into that 10 for us? 11 CLERK SMITH: Well, Mrs. Leheny just did 12 the master plan and she has the information and 13 contacted anybody who had historical information on 14 the town, I believe. 15 MR. PRINCIOTTO: Okay. So we'll follow 16 up on that. Okay. Are we ready to begin? 17 CHAIRWOMAN MALLEY: I think we are. Why 18 don't we move on to Mr. Behrens? 19 MR. PRINCIOTTO: Mr. Behrens. Okay. 20 Could you -- do we have a court reporter tonight, 21 Mr. Neiss? 22 MR. NEISS: We do. 23 MR. PRINCIOTTO: So I'm going to follow 24 the rules set out in the beginning, although his name 25 is up on the screen.</p>

<p style="text-align: right;">Page 14</p> <p>1 Mr. Behrens, could you raise your right 2 hand first? Do you swear to tell the truth and 3 nothing but the truth so help you God? 4 MR. BEHRENS: Yes. 5 MR. PRINCIOTTO: Okay. Can you state 6 your name and spell your last name for the record. 7 THE WITNESS: Yes Chris Behrens B as in 8 boy, E-H-R-E-N-S. 9 MR. PRINCIOTTO: Okay. And do you swear 10 to tell the truth and nothing but the truth so help 11 you God. 12 THE WITNESS: Yes. Yes. 13 DIRECT EXAMINATION BY MR. PRINCIOTTO: 14 Q. Okay. All right. You can put your hand 15 down now. All right. Can you tell us what your 16 position is with the Borough of Woodcliff Lake? 17 A. Department of Public Works Manager, can 18 be also said to be the superintendent of public 19 works. 20 Q. Okay. All right. And I believe you 21 prepared a memorandum that you submitted to our 22 borough administrator and Meg Smith, the secretary of 23 the board, dated February 7, 2022; that correct? 24 A. Yes. 25 Q. Okay. And it's dated February 7th,</p>	<p style="text-align: right;">Page 16</p> <p>1 Some residents still use the rear yard 2 service which is what we offer and then others will 3 place the cans at the curb. 4 Q. Okay. And how are recyclables picked up 5 in the borough? 6 A. I don't know if I said it's one time per 7 week for the garbage. 8 The recyclables last year was the first 9 year we actually outsourced a recycling collection at 10 the curb. So that is now being picked up by a 11 private hauler. 12 Q. When is that done? 13 A. That is done every week. It alternates. 14 One week is cardboards and papers mixed co-mingled, 15 and the following week is bottles and cans co-mingled 16 at the curb. 17 Every week it's 26 pick-ups of each so 18 52 weeks in total. 19 Q. Okay. And for the recyclables that's 20 curbside only meaning that there is no down the 21 driveway or rear yard type pick-up; is that correct? 22 A. Yes. 23 Q. Okay. Now, do you have any information 24 pertaining to additional recycling in the future? 25 A. Can I go back to garbage for one second?</p>
<p style="text-align: right;">Page 15</p> <p>1 2022; correct? 2 A. Yes. 3 Q. Okay. And have you reviewed the site 4 plan in this matter and the proposal? 5 A. I did. I mean it's a very busy time. 6 Obviously as many of you know we have a lot going on. 7 I do remember looking at a site plan for that, for 8 that location. I just can't recall specifically at 9 this moment if you are going to ask specifics of the 10 location, but I do remember looking at it. 11 Q. Okay. And my questions will relate to 12 your observations with regard to the garbage, not 13 only the garbage pick-up, but pick up of recyclables 14 at this particular site. 15 But before you do that, can you explain 16 to us how the borough picks up garbage? In other 17 words, what type of vehicles and how often it's done? 18 A. Yes, we have two workers who go out 19 separately in what are 6-yard siloed vehicles. Those 20 are smaller garbage trucks and they manually lift the 21 cans at every residence. So they both do about 250 22 homes per day average. So again, they manually lift 23 and they go up to each home into the driveways 24 mostly, about 90 percent they pull those little 25 trucks into the driveways.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Sure. 2 A. I just wanted to add to garbage because 3 what we didn't mention was bulky collection. So the 4 borough offers bulky collection at the curb. I think 5 it's five times, we just revised the schedule last 6 year so I think it's five times during the year for 7 bulky. 8 Q. Just because some people that may read 9 this transcript and not know what you are talking 10 about, what do you mean when you say bulk garbage 11 pick-up days? 12 A. So bulky collection, each residence will 13 get I believe it's five throughout the year and 14 that's bulky furniture, treadmills, washing machines, 15 you can also put out brush on those days, bulky 16 garbage, bulky metals and also brush, tree branches, 17 that stuff. 18 Q. With regard to the future, are there any 19 differences or new requirements on the horizon for 20 either garbage pick-up or recycling in the future? 21 A. Yes, definitely. We have been hearing 22 that food waste recycling will be coming to the east 23 coast, New Jersey, we are being told within 5 years. 24 I have attended a meeting or two in recent times to 25 hear about that.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. And are you familiar with the 2 garbage pick-up at the site in question, of course, 3 we are talking about 216 Broadway. 4 A. Yes. Yes, I did pick up the garbage for 5 many years so that was on the route that I did and so 6 I'm very familiar with it so. 7 Q. Okay. And your observations and issues, 8 if any, that you may have seen over the years or as 9 superintendent of DPW? 10 A. What was that last part you said? 11 Q. Or that you are aware of as 12 superintendent of the DPW? 13 A. Yeah, I mean, through the years we had, 14 you know, we had unfortunately I want to say 15 consistent issues. I don't have dates and times. I 16 did it for a long time. My boss was Ed Barboney, so 17 if we had issues there with recycling being in the 18 garbage or cans being full of water or lids missing, 19 lots of litter in the area where it's located, you 20 know, that was my job was to report it, report it to 21 him. 22 And the difficulty with it was I would 23 hear from him, I would get the message from him, that 24 they didn't know who was doing it. That was the 25 biggest problem we had with that location was they,</p>	<p style="text-align: right;">Page 20</p> <p>1 all into one dumpster. That's called single stream. 2 Which is not how it's being collected for our other 3 residents. 4 I do believe that is some of our other 5 commercial locations, I don't know them off the top 6 of my head, have single stream collection through 7 private haulers. I get those reports for the annual 8 report. 9 And then also I would recommend the 10 garbage be with a dumpster as well and they would 11 probably do one time a week possibly two. You have 12 to take into consideration holidays, parties, all 13 types of events where there would just be a lot, a 14 lot more garbage and where that would be stored. 15 To my knowledge the garbage is still 16 stored outside there. There is no garage there and I 17 don't think there was one being added. 18 Q. Okay. And do you have any estimate or 19 approximation of how many garbage cans per unit that 20 there would be just for the garbage, not the 21 recyclables? 22 A. I think you have to estimate two. We 23 have, we have a limit of 40 gallons for the size of 24 our cans. That's on our sanitation flier that goes 25 out annually and it's listed on our website as well.</p>
<p style="text-align: right;">Page 19</p> <p>1 you know, the tenants, you know, refused to clean it 2 up. And they were pointing the finger at each other. 3 It was them, it wasn't me. 4 So that's one of the difficult things 5 when you have apartments and you have one location 6 for garbage and recycling where multiple tenants 7 place their garbage. 8 I have also heard about that, you know, 9 in the recycling classes that I have attended that 10 that can be one of the more difficult things with 11 apartment buildings. 12 Q. Okay. And do you have any 13 recommendations that you would like to make to the 14 board with regard to the garbage and recycling 15 pick-up with regard to the site in question? 16 A. Yeah. I recommend, highly recommend 17 that it be collected by a private hauler. My 18 suggestion being in the recycling and waste portion 19 for the town, that type of work, and going to the 20 classes at Rutgers is that that would be the best way 21 to have it handled. 22 I would think that a private hauler 23 would suggest single streaming recycling once per 24 week with a dumpster and that way the residents could 25 put all of their papers, cardboards, bottles and cans</p>	<p style="text-align: right;">Page 21</p> <p>1 So 40 gallons, most homes on average have two, some 2 have more. So you would have to start with two. But 3 I think you would have homes that would need more 4 than two. Especially, you know, if they have events 5 or parties, people over, gatherings, you know, 6 holidays. 7 Q. All right. And do you have any 8 estimates as to how many garbage cans would have to 9 be emptied each week at this facility? 10 A. If they get the 6 units, if they have 11 6 units, or do you mean -- 12 Q. Yes, yes. I'm sorry, at 6 units, yes. 13 A. Yes. So that would be, you know, six 14 times two would be 12 cans of just garbage and more 15 than likely more than that. 16 Q. Okay. In your memo you said 12 to 36 to 17 48. 18 A. Yeah, because you just don't know. I 19 mean, you know, we have, I didn't look at the 20 bedrooms or how many bedrooms are in each unit. I'm 21 not sure how many people are going to be living there 22 and everybody has a different way of life. 23 Personally my daughters are juicing now 24 and there's three of us and they are generating so 25 much extra garbage because of the juicing, which is a</p>

<p style="text-align: right;">Page 22</p> <p>1 good thing, but it's really taking up a lot of space.</p> <p>2 So depends on the individuals. Some of</p> <p>3 our homes have four cans around town, you know, so</p> <p>4 you just don't know, but you can definitely, you can</p> <p>5 definitely think about 12 would be the starting</p> <p>6 number I think is a fair number to start with.</p> <p>7 Q. And back to the recyclables, how do</p> <p>8 residents place the recyclables at the curb? Are</p> <p>9 they in containers or?</p> <p>10 A. Yeah, they have to be in containers.</p> <p>11 Q. Okay. So we have two different types of</p> <p>12 recycling; correct? We have, you know, bottles and</p> <p>13 cans and then we also have paper recycling; correct?</p> <p>14 A. Yes.</p> <p>15 Q. Paper and cardboard, chipboard?</p> <p>16 A. Yes, paper and cardboard could be</p> <p>17 bundled. I know some residents do that. Some use</p> <p>18 containers. But for the bottles and cans, you know,</p> <p>19 I would think 90 or 95 or more percent are using</p> <p>20 containers for their bottles and cans.</p> <p>21 Q. And the cardboard, chipboard,</p> <p>22 newspapers, they are just what, usually placed at the</p> <p>23 curb?</p> <p>24 A. Yes, some residents I have seen</p> <p>25 containers out there for those as well. Some will</p>	<p style="text-align: right;">Page 24</p> <p>Behrens - cross - Board Members</p> <p>1 MS. BUSHELL: So Chris, do you think</p> <p>2 it's better if that unit with the six apartments have</p> <p>3 one large dumpster that a private company can haul</p> <p>4 away so there won't be messy garbage cans and people</p> <p>5 won't be putting garbage in the wrong cans?</p> <p>6 THE WITNESS: Yeah, absolutely. I mean</p> <p>7 that would be, that's my recommendation. I'm not a</p> <p>8 private hauler so the owner of the building would</p> <p>9 have to contact a private hauler, you know, they</p> <p>10 might say two dumpsters, they might say -- but</p> <p>11 definitely, you know, that's my recommendation.</p> <p>12 That's what I believe is, you know, the</p> <p>13 norm or industry standard to use that terminology is</p> <p>14 that an industry standard is dumpsters. I did see, I</p> <p>15 know I saw two dumpsters behind that other location</p> <p>16 at 62 Broadway. I did see two dumpsters down there</p> <p>17 behind there. So that's the norm.</p> <p>18 MS. BUSHELL: Okay.</p> <p>19 MR. PRINCIOTTO: Anyone else before we</p> <p>20 turn it over?</p> <p>21 CHAIRWOMAN MALLEY: I think you were</p> <p>22 good.</p> <p>23 MR. PRINCIOTTO: Anyone else before we</p> <p>24 turn over to Mr. Neiss? No?</p> <p>25 CHAIRWOMAN MALLEY: No.</p>
<p style="text-align: right;">Page 23</p> <p>Behrens - cross - Board Members</p> <p>1 condense them, you know, small boxes into a bigger</p> <p>2 box. Some will bundle their papers or use a milk</p> <p>3 crate. Brown bags are acceptable too for your</p> <p>4 papers.</p> <p>5 But, you know, when you are going to</p> <p>6 store them, you know, you can't just store them loose</p> <p>7 outside either. But so some of them do use cans.</p> <p>8 Q. And for establishments, I will take by</p> <p>9 way of example because it's right on Broadway, 62</p> <p>10 Broadway, does that have private sanitary company</p> <p>11 garbage pick-up, recycling pick-up?</p> <p>12 A. Yeah. As far as I know, you know, I</p> <p>13 wasn't in the loop on, you know, what the, how that</p> <p>14 happened, but I do know that they have dumpsters</p> <p>15 behind the building and that we have no involvement</p> <p>16 there.</p> <p>17 Q. I can ask you a question that you should</p> <p>18 know the answer to, does the borough pick up the</p> <p>19 garbage and recyclables for the apartment units at 62</p> <p>20 Broadway?</p> <p>21 A. No, we don't.</p> <p>22 Q. Okay. All right.</p> <p>23 MR. PRINCIOTTO: I don't have any</p> <p>24 further questions. Do any board members have any</p> <p>25 questions? Okay. You have to unmute yourself.</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. PRINCIOTTO: Mr. Neiss, do you have</p> <p>2 any questions? I keep hearing some background noise.</p> <p>3 I don't know who that is coming from.</p> <p>4 MR. NEISS: Yeah, I don't know what that</p> <p>5 is either. But somebody must have their microphone</p> <p>6 on and I guess they don't need it to be on.</p> <p>7 MEMBER: Or their cell phone.</p> <p>8 CHAIRWOMAN MALLEY: Can we get all of</p> <p>9 our members to mute and see if it helps?</p> <p>10 MR. PRINCIOTTO: If somebody has two</p> <p>11 devices on, you are going to have to turn the other</p> <p>12 one off. Sometimes that does give us feedback and</p> <p>13 distortion.</p> <p>14 MR. NEISS: That sounds better. No?</p> <p>15 MR. PRINCIOTTO: Well, looks like</p> <p>16 everyone is muted so I don't know why we are getting</p> <p>17 this.</p> <p>18 MR. NEISS: Well, I will try and</p> <p>19 proceed. I don't have a lot of questions.</p> <p>20 CROSS-EXAMINATION BY MR. NEISS:</p> <p>21 Q. Mr. Behrens, my name is Arthur Neiss.</p> <p>22 I'm the attorney who represents 216 Broadway LLC.</p> <p>23 Can you hear me?</p> <p>24 A. Yeah. Yeah, there was a little bit of</p> <p>25 noise there but I can kind of hear you.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. Okay. If you can't hear me when I say 2 something just let me know and I will repeat it. 3 A. Sure. Sure. 4 Q. Did I understand you correctly saying 5 that you were actually a sanitation worker who picked 6 up at the 216 site during your tenure as a sanitation 7 worker? 8 A. Yes. 9 Q. When was the last time you did that, 10 sir? 11 A. Let's see, I got off on that route in 12 2016. 13 Q. Are you aware of the current owner of 14 that 216 Broadway? 15 A. Is that Mr. Dacosta? 16 Q. It is. 17 A. Just recently I became aware. I don't 18 know him. I had a brief conversation with him, but I 19 don't know him. I'm not aware of other than this. 20 Q. That's okay. Because my, I will 21 represent to you that Mr. Dacosta through the 216 22 Broadway LLC, has owned that property only for about 23 a year. 24 A. Okay. 25 Q. So I became a little concerned when I</p>	<p style="text-align: right;">Page 28</p> <p>1 those, sir? 2 A. Just stickers. 3 Q. Stickers? 4 A. There were back in the day they were 5 green. They are now orange. And they would be 6 stickers where, you know, to say that the garbage 7 wasn't picked up because there is recycling or any 8 other type of contamination and then the number to 9 call would be the DPW. 10 Q. Do you keep track of the number of 11 stickers that are attached or somehow placed on 12 properties? 13 A. No, I don't have a staff member who can 14 do that. 15 Q. And so -- 16 A. And so if I can just tell you, if I can 17 interject there. It's really dealt with on a daily 18 basis. If a resident or home gets that type of 19 sticker they are usually calling you that day so and 20 it's usually handled pretty quickly. 21 Q. Well, you have two gentlemen who work 22 for the DPW picking up the trash around town; 23 correct? 24 A. Correct. 25 Q. Do they report it to you that they had</p>
<p style="text-align: right;">Page 27</p> <p>1 read in your February 7, 2022 memo, about complaints 2 that you have received or that DPW has received 3 complaints. 4 Have there been, has the DPW received 5 complaints in the last year about the garbage? 6 A. We in the last year I did receive a call 7 from a tenant over there. I know I received a couple 8 of calls about garbage over there because I believe 9 and I got to be brutally honest with you, we don't 10 track, we don't keep records of this. I do remember 11 there was a woman over there, I did have a 12 conversation with her and something wasn't picked up. 13 You know, I don't remember the specifics, I'm going 14 to be honest with you, but there was an issue in 15 recent times with garbage over there so. 16 Q. And when you say recent times that was 17 in, within the last year? 18 A. It was something within the last 12 to 19 18 months; correct. 20 Q. So it could have been longer than -- 21 A. It could have been, sure. Sure. It 22 could have been longer. 23 Q. Okay. And if in your memo where you 24 said the sanitation workers have also left notices of 25 times for non-recycling. What kind of notices are</p>	<p style="text-align: right;">Page 29</p> <p>1 to put stickers out over the last 12 months or so at 2 that location? 3 A. I don't recall. I don't recall a 4 sticker at that location in the last 12 months. 5 Q. And your only recollection of complaints 6 as you wrote in your memo is from verbal complaints. 7 You don't keep records of any of that, right? 8 A. Right. 9 Q. And the only interaction was between 12, 10 could have been as much as 18 months ago; correct? 11 A. That's my best recollection. 12 Q. Right. In terms of 62 Broadway, do you 13 know how many units are at, residential units, there 14 are at 62 Broadway? 15 A. I don't. 16 Q. Well, you stated that it gets picked up 17 privately, yet you have no idea how many units there 18 are at that location? 19 A. I don't know how many units there are. 20 I'm assuming it's picked up privately because I saw 21 dumpsters back there. I think I said I was not 22 involved, I was not in the loop so I really don't 23 have knowledge. 24 I do know there is, I believe, multiple 25 apartments there and I have seen dumpsters out back.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. Right. I understood you to say that you 2 were not in the loop. Yet in this situation you are 3 in the loop. I'm just curious why you were not in 4 the loop with that situation, but with this much 5 newer project you are?</p> <p>6 A. Because I believe that one went through 7 before I became the manager so it would have been 8 somebody else. That's my, that's what I believe.</p> <p>9 Q. I see. Do you think that a private 10 home -- first of all -- strike that.</p> <p>11 Are you aware of whether or not the 12 owners of the property at 216 Broadway pays taxes to 13 the town?</p> <p>14 A. I assume -- no, I mean I'm not involved 15 in that, but I assume so if he is the owner.</p> <p>16 Q. Okay. And would you agree with me that 17 part of what somebody gets if they pay his tax or if 18 they taxes is services from the town? Would you 19 agree with that?</p> <p>20 A. You know, I can't answer that because we 21 have businesses, we have other apartments, we have 22 group homes, we have other locations where we don't 23 pick up the garbage. So I wouldn't be the right 24 person to answer that question.</p> <p>25 Q. Are you saying that you do not pick up</p>	<p style="text-align: right;">Page 32</p> <p>1 THE WITNESS: That would be correct as 2 far as I know. I mean, I don't want to say something 3 I don't know. I don't have any involvement with 4 garbage there, other than we don't pick it up. And 5 it's a home that obviously would generate garbage and 6 recycling. So I don't know who takes it away.</p> <p>7 MR. PRINCIOTTO: Okay.</p> <p>8 Q. In your memo, Mr. Behrens, you say that 9 six apartments could require or could lead to 10 excessive garbage for a location of this size and 11 excessive recycling containers and excessive bulky 12 garbage. What is "excessive"?</p> <p>13 A. I think and maybe, I hope I'm not 14 talking out of turn here. But it's a home amongst 15 other homes, you know, in a residential area, I know 16 it's a business and they are converting it, right, 17 that's my understanding is they want to convert it 18 fully to apartments.</p> <p>19 But it still has that look, and maybe 20 I'm wrong, but it has a look of a one home. And I 21 think one home generally has two, three, four cans of 22 garbage and we're talking here that, you know, we 23 could be talking 12 plus. And then even more for 24 recycling, I mean, you know residents, especially 25 Woodcliff Lake -- that's probably not right to say --</p>
<p style="text-align: right;">Page 31</p> <p>1 from group homes?</p> <p>2 A. We do not.</p> <p>3 Q. You do not. Okay.</p> <p>4 A. There is one on the opposite corner 5 there from 216 Broadway.</p> <p>6 Q. And you don't pick up from them?</p> <p>7 A. No.</p> <p>8 Q. And that's a private haul, is that a 9 private home?</p> <p>10 A. Yeah, I don't know. I don't know if 11 it's owned by the county or maybe, Meg, do you know? 12 I mean I don't, I may have known at one time. It's 13 really not something for me to have on the top of my 14 mind to know who owns that.</p> <p>15 MR. PRINCIOTTO: That's okay. If you 16 don't know the answer then that's your answer. You 17 could describe what the building looks like however.</p> <p>18 THE WITNESS: I haven't been over there 19 in a while. I just know it's a group home and, you 20 know, it's my understanding it's picked up by a 21 private hauler.</p> <p>22 MR. PRINCIOTTO: Okay. If I may 23 interject, if it's not picked up by the Woodcliff 24 Lake DPW, then it's picked up by a private hauler; 25 correct?</p>	<p style="text-align: right;">Page 33</p> <p>1 but we are good recyclers, you know, and we see a lot 2 of cans out for recycling. So those would have to be 3 stored as well, so that to me excessive.</p> <p>4 If I can explain it as best to make it 5 make sense, it's just to me looks like it's another 6 home in a residential area and to have 12 plus, 20 7 plus cans outside storing garbage and recycling to me 8 that's excessive. I could be wrong. I'm not the all 9 knowing so.</p> <p>10 Q. You indicated that you may have seen the 11 site plan. Are you aware if any garbage would be in 12 a closed area on the property?</p> <p>13 A. I saw, yeah, I think that there was 14 something there for that. I mean, has it been 15 determined how big or how many containers that would 16 hold?</p> <p>17 CHAIRWOMAN MALLEY: Mr. Neiss, can I 18 interrupt for a minute? Our connection is getting 19 worse and worse. I'm wondering if you log off and 20 get back on if it will clear it up because it seems 21 to be mainly when you were speaking. Can we try 22 that?</p> <p>23 MR. NEISS: When I speak Chairwoman 24 there is always a lot of noise, I got to tell you.</p> <p>25 CHAIRWOMAN MALLEY: Okay.</p>

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<p style="text-align: right;">Page 34</p> <p>1 MR. PRINCIOTTO: But we did get some</p> <p>2 comments that the noise seems to be emanating from</p> <p>3 not just your mouth Mr. Neiss but --</p> <p>4 CHAIRWOMAN MALLEY: That's when both of</p> <p>5 our attorneys speak, but that's besides the point.</p> <p>6 MR. NEISS: Well, I will tell you what</p> <p>7 Chairwoman, I think I have no further questions for</p> <p>8 Mr. Behrens. So perhaps I'll just, I'll stop here</p> <p>9 and maybe that will be the end of the --</p> <p>10 CHAIRWOMAN MALLEY: Perfect. Thank you.</p> <p>11 MR. PRINCIOTTO: And before we open to</p> <p>12 the public for questioning, if I didn't say it before</p> <p>13 the memo's marked WCL-7 and will be made part of the</p> <p>14 record. Okay. We need a motion to open to the</p> <p>15 public.</p> <p>16 (Whereupon WCL-7 was received and marked</p> <p>17 for identification.)</p> <p>18 CHAIRWOMAN MALLEY: Before we do that</p> <p>19 Sal, did we have any of our members wanted one last</p> <p>20 shot or no?</p> <p>21 MR. PRINCIOTTO: That's up to you.</p> <p>22 That's fine.</p> <p>23 CHAIRWOMAN MALLEY: Anyone have any</p> <p>24 questions for Mr. Behrens? Okay. Then can we get a</p> <p>25 motion? Okay.</p>	<p style="text-align: right;">Page 36</p> <p>1 Yes, Mr. Behrens, I don't know which</p> <p>2 position you actually held when 188 Broadway was a</p> <p>3 functioning office building. They had a private</p> <p>4 carrier, private cartage carrier and that building</p> <p>5 backs right up to residential areas as does 216</p> <p>6 Broadway. Even though it looks like a home it would</p> <p>7 be the only multifamily home in a residential section</p> <p>8 in Woodcliff Lake.</p> <p>9 Anyway, my question is, do you remember</p> <p>10 or do you know what happened to that, the people who</p> <p>11 pick up the garbage and recycling at 188, what they</p> <p>12 did? Were you aware?</p> <p>13 THE WITNESS: No.</p> <p>14 MS. APPELLE: Here's what they did,</p> <p>15 Mr. Neiss, they would come anywhere between two and</p> <p>16 4:00 in the morning with huge heavy --</p> <p>17 MR. PRINCIOTTO: Wait. Wait. Wait. I</p> <p>18 mean, we are -- it's your opportunity to ask</p> <p>19 questions. So this is a question for Mr. Behrens, if</p> <p>20 you have any.</p> <p>21 MS. APPELLE: I'm sorry. Okay. Well,</p> <p>22 you are not aware of the noise and the problems</p> <p>23 caused by that particular 188 Broadway carriers that</p> <p>24 were picking things up?</p> <p>25 THE WITNESS: I'm not aware.</p>
<p style="text-align: right;">Page 35</p> <p>1 Barbara is making a motion to open to</p> <p>2 the public. I could hear that.</p> <p>3 CLERK SMITH: And Ms. Hembree.</p> <p>4 CHAIRWOMAN MALLEY: All in favor?</p> <p>5 ALL MEMBER: Aye.</p> <p>6 CHAIRWOMAN MALLEY: Any opposed? Okay.</p> <p>7 Can we get you to open it up, Meg?</p> <p>8 CLERK SMITH: Yes, so anyone watching on</p> <p>9 TV can call our main number (201) 391-4977. We are</p> <p>10 extension 203 and can take one call at a time.</p> <p>11 If you are watching on Zoom, you may</p> <p>12 raise your hand and we can call on you one at a time</p> <p>13 via Zoom.</p> <p>14 We are asking anybody who will be</p> <p>15 addressing the board or the professionals to please</p> <p>16 state your name and spell your name so that we have</p> <p>17 it correct on our records.</p> <p>18 CHAIRWOMAN MALLEY: And these are just</p> <p>19 questions for Mr. Behrens only.</p> <p>20 CLERK SMITH: I have a Ms. Veronica</p> <p>21 Appelle wishing to address the board and Mr. Behrens.</p> <p>22 Ms. Appelle, can you hear us?</p> <p>23 MS. APPELLE: Yes, I can. And thank you</p> <p>24 very much. Thank you Mr. PrinciOTTO for opening it</p> <p>25 up to the public and Ms. Malley also.</p>	<p style="text-align: right;">Page 37</p> <p>1 MS. APPELLE: Are you aware that</p> <p>2 complaints were made to the mayor and council on</p> <p>3 numerous occasions but it never changed?</p> <p>4 THE WITNESS: I have to say I'm not</p> <p>5 aware. I mean, I don't know. I don't know when that</p> <p>6 was, you know? Sometimes we hear things that we</p> <p>7 don't remember.</p> <p>8 MS. APPELLE: That's fine. I don't mean</p> <p>9 to put you on the spot. I have to ask you a question</p> <p>10 in a question format.</p> <p>11 THE WITNESS: Sure.</p> <p>12 MS. APPELLE: But the point here is,</p> <p>13 it's very --</p> <p>14 CHAIRWOMAN MALLEY: It's just a question</p> <p>15 and you're dealing with a private versus a commercial</p> <p>16 carrier. So let's move on.</p> <p>17 MS. APPELLE: Moving on. Thank you</p> <p>18 Ms. Malley.</p> <p>19 CHAIRWOMAN MALLEY: Thank you.</p> <p>20 CLERK SMITH: I have a Ms. Gwenn Levine</p> <p>21 who would like to address the board.</p> <p>22 MS. LEVINE: Okay. Can you hear me?</p> <p>23 CLERK SMITH: Yes, state and spell your</p> <p>24 name.</p> <p>25 MS. LEVINE: Thank you very much for</p>

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<p style="text-align: right;">Page 38</p> <p>1 opening to the public, I really appreciate it. As 2 you were talking -- 3 CHAIRWOMAN MALLEY: Ms. Levine, Ms. 4 Levine, can you spell your name? 5 MS. LEVINE: Oh, yes. Sorry, G-W-E-N-N. 6 Levine, L-E-V-I-N-E. 7 CHAIRWOMAN MALLEY: Thank you. 8 MS. LEVINE: You're welcome. As I'm on 9 my laptop watching all of you, on my regular computer 10 I'm looking at the, I don't know what you call it, 11 like a floor plan of the building at 216 and all the 12 parking spaces around it. It's tight. It's very 13 tight. At 62 Broadway there is a big parking lot in 14 the front and the back there. 15 This is my question, is there any space 16 for two dumpsters back there? It looks to me like 17 there is not. 18 MR. NEISS: Mr. Princiotto, obviously I 19 don't have anyone who can address that question from 20 the applicant. 21 MR. PRINCIOTTO: We are open to 22 questions for Mr. Behrens, you know, so you know, if 23 that's the question to him and if he can answer, he 24 can answer it. 25 If you want to address it at a later</p>	<p style="text-align: right;">Page 40</p> <p>1 stream recycling is going to continue to be like 2 acceptable, salable, or whether we are going to have 3 to switch it over to or separate it the way the town 4 does which would mean more space. And is, you know, 5 is better for the recycling because you got a single 6 stream. So that's my question. 7 THE WITNESS: Yeah. So you know, with 8 all due respect, I don't know if that's a question 9 for this. Single stream recycling exists and because 10 of the location and because of what we are 11 discussing, I'm just making a recommendation based on 12 my knowledge of what might work best there. 13 Whether it's sellable or whether, you 14 know, it should be separated that's just a different 15 discussion in my opinion. 16 MS. GELLERT: It's a question more of 17 what I was asking is do you think it's likely to be 18 required in the future? Do you have a sense of the 19 industry on that or not? 20 THE WITNESS: I don't have a sense of 21 that. I just know it, as far as I know, it still 22 exists. And if it changed, you know, it would have 23 to change. 24 MS. GELLERT: Exactly. Thanks. 25 CLERK SMITH: Okay. Mr. Cuoto, please</p>
<p style="text-align: right;">Page 39</p> <p>1 date, Mr. Neiss, that's up to you. Chris, can you 2 answer that question? 3 THE WITNESS: No, it would be difficult 4 for me to answer. Again, you know, if the owner is, 5 if the owner must get a private hauler I would think 6 they would have to reach out to the private hauler 7 and share the plans with them and see it. You know, 8 I can't say whether, you know, what locations for a 9 private hauler are too tight. You know, as far as 10 parking and how much space they need to get in and 11 out of there. 12 I'm not sure. I haven't looked at 13 anything on the opposite corner. I don't know if 14 there are cars or how tight it is over there or how 15 the private hauler gets in there. 16 CHAIRWOMAN MALLEY: Why don't we move on 17 to our next? 18 CLERK SMITH: Okay. I have Sally G. 19 Please give us your name and spelling of your last 20 name. 21 MS. GELLERT: Sure. It's Sally Gellert, 22 G-E-L-L-E-R-T. I had a question on the single stream 23 recycling. My understanding is that it gets more and 24 more difficult to sell recycled materials, and I was 25 wondering whether you had a thought on whether single</p>	<p style="text-align: right;">Page 41</p> <p>1 state your name and spell it. 2 MR. COUTO: Hi. My name is Alex Couto, 3 Alex C-O-U-T-O. Question for Mr. Behrens. So you 4 had some experience collecting in that area, in that 5 particular property. At the time there were three 6 apartments at that property. Is it easier to pick up 7 the garbage when you have a single home versus three 8 apartments? 9 THE WITNESS: Not sure that's a 10 straightforward question. I'm not sure I understand 11 it. 12 MR. CUOTO: Okay. Let me rephrase. Did 13 you have to go in the back for the garbage or did the 14 tenants put the garbage out in the street? 15 THE WITNESS: There is, they have it 16 right now the current location has a big driveway and 17 the truck would pull pretty close to where the 18 location is. So it wasn't that far to get it. 19 MR. CUOTO: So I don't know, did you 20 have a chance to look at the plans? Because the 21 driveway is changing, that would be a driveway in the 22 back with parking and cars? 23 THE WITNESS: Yeah. Yeah. 24 MR. CUOTO: Did you, do you think a 25 truck would have a good chance to go to the back?</p>

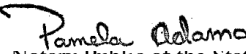
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<p style="text-align: right;">Page 42</p> <p>1 THE WITNESS: I would have to take 2 another look at it. I do know it's tight, but you 3 know, we have one of those smaller trucks so I'm not 4 a hundred percent, I can't answer that right now. 5 MR. CUOTO: Okay. Thank you. The other 6 question is it would be much easier to pick up 7 garbage from 3-units as opposed to six if the town 8 had to pick it up; correct? 9 THE WITNESS: Well, picking up garbage 10 is not easy no matter how many. 11 MR. CUOTO: But three is easier than 12 six, I would assume. 13 THE WITNESS: Three would have, has less 14 obviously, yes, than six. 15 MR. CUOTO: Okay. Thank you, very much. 16 Thank you and thank you for all the work you guys do, 17 you and your guys do in this town. 18 THE WITNESS: Thank you. Thank you. 19 Thank you. 20 CLERK SMITH: I have Ms. AnnMarie 21 Borrelli. Please state your name and spell your last 22 name, please. 23 MS. BORRELLI: Hi. It's AnnMarie 24 Borrelli. My last name is spelled B-O-R-R-E-L-L-I. 25 And good evening everyone.</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. BORRELLI: Okay. All right. So 2 another question. In regards to private haulers and 3 dumpsters, are you aware of the noise that a private 4 hauler creates when they are picking up a dumpster in 5 the middle of the night? Are you aware of the noise? 6 Have you heard it? 7 THE WITNESS: You know, I think I can 8 answer that in a different way because we have had 9 that complaint come in at other locations. The 10 borough has an ordinance and I have been involved 11 specifically with reaching out to haulers to say hey, 12 we got a complaint, we have an ordinance and then 13 they comply to come at the proper hours. 14 So I know, so as far as the noise what 15 it makes at midnight or the hour you stated, I can't 16 specifically say I have heard it, but I have heard a 17 complaint here or there and we have addressed it and 18 I haven't heard that complaint in a long time. 19 MS. BORRELLI: Well, you haven't heard 20 the complaint since 188 is empty, but I can tell you 21 that it's very loud and it's about 4:00 in the 22 morning and no one sleeps, everyone wakes up early 23 who lives around that so. 24 MR. PRINCIOTTO: Can we have a question, 25 please, for the witness, if you have one, please?</p>
<p style="text-align: right;">Page 43</p> <p>1 Mr. Behrens, I have a couple of 2 questions. Number one, what happens when there is 3 not enough garbage receptacles, what happens with 4 overage on the garbage? 5 THE WITNESS: Good question. Yeah, it 6 usually ends up in bags on the ground. 7 MS. BORRELLI: Okay. And then so with 8 an overage of garbage could that attract rats? 9 THE WITNESS: Yes, I think we could all 10 say yes to that. I don't think you need me to answer 11 that one, but yes. 12 MS. BORRELLI: Uh-huh. Okay. Now, so 13 now you pick up garbage, the DPW currently picks up, 14 not you personally, right, the DPW picks up garbage 15 at 216 currently; correct? 16 THE WITNESS: Yes. 17 MS. BORRELLI: Okay. Now so would you 18 say that if the building continues to be three 19 apartments then you would continue picking up the 20 garbage? 21 THE WITNESS: As far as I know that's 22 what we do now so. 23 MS. BORRELLI: Okay. 24 THE WITNESS: I haven't had a, I haven't 25 been involved in a discussion that would change that.</p>	<p style="text-align: right;">Page 45</p> <p>1 MS. BORRELLI: So my question is if the 2 building is at, if that building is converted to six 3 apartments you recommend a private hauler; correct? 4 THE WITNESS: If I'm asked for a 5 recommendation, yes. Yes. 6 MS. BORRELLI: Okay. All right. Thank 7 you very much, Mr. Behrens. Thank you. 8 THE WITNESS: Sure. 9 CLERK SMITH: I have a Mr. John Mayo. 10 Mr. Mayo, can you hear us? 11 MR. MAYO: Yes, I can. 12 CLERK SMITH: Please state your name and 13 spell your last name for the record. 14 MR. MAYO: John M-A-Y-O. 15 CLERK SMITH: Thank you. 16 MR. MAYO: Mr. Behrens, good evening. 17 Quick question just for the record, what are the 18 hours permitted for trash pick-up per ordinance? 19 THE WITNESS: I think it's seven. Meg, 20 do you recall? I think it's seven. 21 CLERK SMITH: I would have to look it 22 up. There is a noise ordinance. 23 THE WITNESS: It's a noise ordinance, 24 yeah, but I think it's seven. 25 MR. MAYO: And just out of curiosity, I</p>

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<p style="text-align: right;">Page 46</p> <p>1 believe the applicant has either a 10-by-10 or 2 12-by-12 enclosed trash or refuse area. Would you 3 think that that 10-by-10 or 12-by-12 area is enough 4 for all the garbage cans that they might need for 5 trash and recycling? 6 THE WITNESS: That's a tough one to 7 answer. I haven't had to answer that ever before. 8 So without looking at it, measuring it, checking the 9 amount of cans, that's a tough one to answer. But I 10 probably have to go with probably not. I mean, to 11 think about how many cans they may need for 12 recyclables and also garbage, I'm not sure if it 13 would fit in that location. 14 MR. MAYO: Thank you very much. 15 THE WITNESS: Sure. 16 CLERK SMITH: That is the only members 17 of the public currently raising their hand and I have 18 had no phone calls. 19 CHAIRWOMAN MALLEY: Can we get a motion 20 to close to the public? I think Christina and Lynda. 21 CLERK SMITH: Perfect. All in favor? 22 ALL MEMBER: Aye. 23 CLERK SMITH: Any opposed? 24 CHAIRWOMAN MALLEY: Nope. 25 CLERK SMITH: Okay. The meeting is</p>	<p style="text-align: right;">Page 48</p> <p>1 multiple cans, you know, a lot of cans, it's still 2 less than all those cans. So, talking about that is 3 single stream. 4 Q. The group home you mentioned in your 5 testimony, where is that in location to the subject 6 site 216 Broadway? 7 A. It's on the opposite corner on the south 8 corner, on the south side. 9 Q. So it's across the street; correct? 10 A. Across the street, yes. 11 Q. Okay. And the description of that group 12 home does it look like a residence? 13 A. In my, you know, best recollection, 14 yeah, it looks like a home, like one home. And, you 15 know, maybe a big one, but you know, so we have some 16 big homes in Woodcliff Lake so it's, it would be a 17 big sized home. 18 Q. So -- 19 A. In my opinion. 20 Q. Looks like a large single-family home? 21 A. To me, sure. 22 Q. All right. And I don't think you 23 recalled the details of the garbage pick-up there 24 other than it's by a private sanitation company; 25 correct?</p>
<p style="text-align: right;">Page 47</p> <p>1 closed to the public. 2 MR. PRINCIOTTO: I just have a couple of 3 follow-up questions. 4 DIRECT EXAMINATION BY MR. PRINCIOTTO: 5 Q. Mr. Behrens, you mentioned, and I would 6 like to just clarify for the record the terminology. 7 You mentioned single stream, can you give us a 8 definition of single stream? 9 A. Yes, single stream recycling is where 10 all the recycling can be placed into one container, 11 dumpster, garbage can or recycling can where you put 12 your cardboard, your paper and your bottles and cans 13 all into one and then it gets picked up that way. 14 Q. Okay. How does that compare to the 15 residences, the single-family residences that is? 16 A. Currently, currently that's picked up 17 separately so bottles and cans are picked up one week 18 and then the following week it's papers and 19 cardboard. So it's not single stream. It's called a 20 dual stream. 21 And again, I'm, you know, I think that 22 would be single stream, I think would be the 23 recommendation of a private hauler if asked. I mean, 24 because again a dual stream there you're going to 25 need another dumpster, but two dumpsters versus</p>	<p style="text-align: right;">Page 49</p> <p>Behrens - cross - Board Members</p> <p>1 A. Yes. 2 Q. Okay. 3 MR. PRINCIOTTO: All right. I have no 4 further questions. 5 CHAIRWOMAN MALLEY: Okay. Mr. Neiss, go 6 ahead. 7 MR. NEISS: I have no further questions 8 either Chairwoman. Thank you. 9 CHAIRWOMAN MALLEY: Okay. At this point 10 are we going to end our testimony here and we'll come 11 up with a -- 12 MR. MANISCALCO: Robin, I have one more 13 question, I'm sorry. 14 So for the garbage I think your 15 recommendation is a minimum of 12 cans. What's the 16 recommendation for if the town were to pick up the 17 recyclables? Is it two cans per unit, is that 18 another 12? 19 THE WITNESS: Well, that's the dilemma, 20 because you know, each unit would probably have some 21 papers, cardboards, chipboards, so you would need 22 containers for those and then containers for bottles 23 and cans. So you would need a couple of containers 24 probably for each because you can't store them loose 25 outside. So I think that is the dilemma is how many</p>

<p style="text-align: right;">Page 50</p> <p>Behrens - cross - Board Members</p> <p>1 cans per unit for all of those.</p> <p>2 And then as we mentioned earlier, we do</p> <p>3 see food waste on the horizon and that also would</p> <p>4 come with another can or two or however that's going</p> <p>5 to get collected.</p> <p>6 So I don't have a definitive answer. I</p> <p>7 just think it's going to be a lot.</p> <p>8 MR. MANISCALCO: Sure.</p> <p>9 CHAIRWOMAN MALLEY: It sounds like at</p> <p>10 least three containers each minimum.</p> <p>11 THE WITNESS: Well, I think more, I mean</p> <p>12 you are going to have two cans -- an average home in</p> <p>13 my, you know, observing of residents is two cans for</p> <p>14 garbage average and then you are going to need a</p> <p>15 container or two for bottles and cans and a container</p> <p>16 or two for papers and cardboards. And at some point</p> <p>17 what we are being told in the near future is food</p> <p>18 waste and then you have the bulky issue too. I don't</p> <p>19 know where, if residents need to get rid of bulky,</p> <p>20 you know, I know our single-family homes, other</p> <p>21 residences whether they store them, I know many have</p> <p>22 stored them in the garage or in their backyard or</p> <p>23 wherever they find a shed or something. I'm not sure</p> <p>24 this location then, but you know, I'm pretty sure</p> <p>25 those questions would come in after the fact, you</p>	<p style="text-align: right;">Page 52</p> <p>1 work with Mr. Behrens. I'm just trying to determine</p> <p>2 whether or not Mr. Behrens is amenable to that</p> <p>3 approach, that's all.</p> <p>4 A. I don't think it's me, you know, I don't</p> <p>5 think it's me that gets, really should --</p> <p>6 Q. You are the one making the</p> <p>7 recommendation, Mr. Behrens. You are the one to come</p> <p>8 before the board and said that there is going to be</p> <p>9 excessive garbage, that there is going to be the need</p> <p>10 for a lot of cans, that there is going to be rats</p> <p>11 perhaps, that there is going to be --</p> <p>12 A. I didn't say that.</p> <p>13 Q. Well, you answered that question. I</p> <p>14 agree.</p> <p>15 CHAIRWOMAN MALLEY: But he's the one</p> <p>16 whose brought these matters before the board so.</p> <p>17 A. No, I was -- yes, I just would like to</p> <p>18 respond to that and I come to you with knowledge of</p> <p>19 industry standard. And what the norm is for the</p> <p>20 types of cans and amount of containers that are the</p> <p>21 norm. That's what I come to you with. And what I</p> <p>22 believe should happen. And I have said that. And,</p> <p>23 you know, I don't believe that, I don't believe there</p> <p>24 could be another alternative.</p> <p>25 CHAIRWOMAN MALLEY: Okay. Thank you</p>
<p style="text-align: right;">Page 51</p> <p>1 know, what are we supposed to do with this stuff that</p> <p>2 comes in, you know, so.</p> <p>3 MR. NEISS: I actually do have a further</p> <p>4 question if you will allow me, Chairwoman?</p> <p>5 CHAIRWOMAN MALLEY: Go ahead.</p> <p>6 CROSS-EXAMINATION BY MR. NEISS:</p> <p>7 Q. Mr. Behrens, would you be willing to</p> <p>8 work with our engineering people in order to arrive</p> <p>9 at a solution that makes sense to you?</p> <p>10 A. I'm not sure how to answer that to be</p> <p>11 honest with you. I'm not sure.</p> <p>12 Q. Well, what we want to do is clearly come</p> <p>13 up with an approach that makes sense to the building</p> <p>14 and that also makes sense for you. So that's why I</p> <p>15 asked the question.</p> <p>16 MR. PRINCIOTTO: Well --</p> <p>17 THE WITNESS: Can I ask a question?</p> <p>18 MR. PRINCIOTTO: -- it's an issue for</p> <p>19 the board to take into consideration with the</p> <p>20 application. I don't think -- you are putting</p> <p>21 Mr. Behrens on the spot that he's the one that makes</p> <p>22 the decision.</p> <p>23 MR. NEISS: No, I'm simply trying to --</p> <p>24 it's possible that the board could say as a condition</p> <p>25 of any resolution that the applicant will need to</p>	<p style="text-align: right;">Page 53</p> <p>1 Mr. Behrens.</p> <p>2 Mr. Neiss, I'm looking simply and saying</p> <p>3 it's 18 cans and looking at 18 cans out there is way</p> <p>4 too much to have sitting in a backyard. And we'll</p> <p>5 talk about it at our next meeting, but that's a lot</p> <p>6 of cans sitting out there every day.</p> <p>7 And I think the board will talk about</p> <p>8 that and that may be one of our things that we</p> <p>9 discuss and one of the things that we require might</p> <p>10 be dumpsters. Because that's an awful lot of cans</p> <p>11 rolling over in the wind. So.</p> <p>12 MR. PRINCIOTTO: I think it's a zoning</p> <p>13 and it's a planning issue and the applicant is before</p> <p>14 the board.</p> <p>15 I mean, Mr. Behrens, I mean he works for</p> <p>16 the DPW. I'm sure he gets a lot of direction from</p> <p>17 different people, but he's given us his</p> <p>18 recommendation and the board can consider it and all</p> <p>19 the testimony and anything else that Mr. Neiss or the</p> <p>20 applicant would like to say about the subject, and of</p> <p>21 course what members of the public have to say about</p> <p>22 it and the questions that they have, and make a</p> <p>23 determination as to how that particular issue should</p> <p>24 be handled.</p> <p>25 THE WITNESS: I do have a final comment,</p>

<p style="text-align: right;">Page 54</p> <p>1 if I could?</p> <p>2 CHAIRWOMAN MALLEY: Go ahead.</p> <p>3 THE WITNESS: So we talked a lot</p> <p>4 obviously and I come to you with my knowledge of</p> <p>5 industry standard and what I have seen. I just want</p> <p>6 to make it clear that, you know, a private hauler</p> <p>7 would probably be the person or company to, for the</p> <p>8 applicant to find out what would best suit that</p> <p>9 location.</p> <p>10 I mean they are the ones who service</p> <p>11 locations like that everywhere. You know, we don't.</p> <p>12 Woodcliff Lake doesn't. But I do know we have other</p> <p>13 locations with multiple apartments and -- but a</p> <p>14 private hauler -- so I know a few questions that came</p> <p>15 to me were, you know, you said this or you said that,</p> <p>16 you recommend this, but I ultimately recommend that a</p> <p>17 private hauler should be asked what is the best type</p> <p>18 of service for that location.</p> <p>19 CHAIRWOMAN MALLEY: Thank you. Okay.</p> <p>20 MR. PRINCIOTTO: Okay.</p> <p>21 CHAIRWOMAN MALLEY: So I think this is</p> <p>22 going to conclude our testimony on this for the</p> <p>23 evening and we will set up a special meeting. We'll</p> <p>24 have to come up with some dates, see what works on</p> <p>25 your schedule Mr. Neiss and your client's schedule</p>	<p style="text-align: right;">Page 56</p> <p>1 MR. PRINCIOTTO: Okay.</p> <p>2 CHAIRWOMAN MALLEY: Okay. Thank you.</p> <p>3 And our next meeting is March 22nd?</p> <p>4 CLERK SMITH: March 22nd.</p> <p>5 CHAIRWOMAN MALLEY: Thank you. Okay.</p> <p>6 Then we are moving on to our new application.</p> <p>7 (Whereupon the hearing was adjourned at</p> <p>8 8:48 p.m.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 55</p> <p>1 and your professionals as well as our professionals</p> <p>2 and our board members. And we'll come up with some</p> <p>3 dates.</p> <p>4 MR. NEISS: I would just say Chairwoman</p> <p>5 if the board is willing to grant a special meeting we</p> <p>6 will make ourselves available to whatever works for</p> <p>7 the board.</p> <p>8 CHAIRWOMAN MALLEY: Thank you.</p> <p>9 MR. PRINCIOTTO: Okay. We do know that</p> <p>10 and I don't know if this was stated before but I</p> <p>11 believe Mr. Neiss you indicated that your expert and</p> <p>12 as well -- Mr. Burgis that is -- and your client are</p> <p>13 not available at the next regular scheduled meeting;</p> <p>14 correct?</p> <p>15 MR. NEISS: That's correct. Both of</p> <p>16 them are going to be out of the country which is why</p> <p>17 I've requested a special meeting.</p> <p>18 MR. PRINCIOTTO: Okay. All right. So</p> <p>19 we will determine when the board members are</p> <p>20 available. We don't have a lot of time before our</p> <p>21 regular meeting. So it could be after the regular</p> <p>22 meeting or before the regular meeting. Of course you</p> <p>23 need sufficient time for us to publish and for you to</p> <p>24 notice. So we have to bear that in mind as well.</p> <p>25 MR. NEISS: Of course.</p>	<p style="text-align: right;">Page 57</p> <p>1 CERTIFICATE.</p> <p>2</p> <p>3 I, PAMELA ADAMO, a Notary Public and</p> <p>4 Certified Shorthand Reporter of the State of New</p> <p>5 Jersey, do hereby certify that the foregoing is a</p> <p>6 true and accurate transcript of the testimony as</p> <p>7 taken stenographically by and before me at the time,</p> <p>8 place and on the date hereinbefore set forth.</p> <p>9 I DO FURTHER CERTIFY that I am neither a</p> <p>10 relative nor employee nor attorney nor counsel of any</p> <p>11 of the parties to this action, and that I am neither</p> <p>12 a relative nor employee of such attorney or counsel,</p> <p>13 and that I am not financially interested in the</p> <p>14 action.</p> <p>15</p> <p>16  Notary Public of the State of New Jersey My commission expires April 29, 2023 License No. 30X100209200</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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