

1 (Whereupon, this transcription begins
2 at 7:38:38 on the Liberty Court Player Audio
3 of the November 27, 2018 Woodcliff Lake Zoning
4 Board of Adjustment Meeting.)

5 CHAIRWOMAN HEMBREE: I'd like to call
6 the meeting to order.

7 This meeting in accordance with the
8 Open Public Meetings Act, PL 1975, Chapter 231, was
9 announced at the reorganization meeting held on
10 January 23rd, 2018 in the municipal building. Notice
11 of this meeting was posted in two newspapers, The
12 Record and The Ridgewood News.

13 The public is advised of the zoning
14 board's rule that meetings are concluded by 11 --
15 11:00? When did that happen?

16 MR. PRINCIOTTO: 10:30.

17 CHAIRWOMAN HEMBREE: 10:30, come on. I
18 fall asleep at 10:30.

19 Please stand for the Pledge of
20 Allegiance.

21 (All stand for a recitation of the
22 Pledge of Allegiance.)

23 CHAIRWOMAN HEMBREE: Roll call, please.

24 MS. KOKOWSKI: Christina Hembree?

25 CHAIRWOMAN HEMBREE: Here.

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1 MS. KOKOWSKI: Sanjeev Dhawan?

2 MR. DHAWAN: Here.

3 MS. KOKOWSKI: Robin Malley?

4 MS. EFFRON-MALLEY: Here.

5 MS. KOKOWSKI: Emilia Fendian?

6 MS. FENDIAN: Here.

7 MS. KOKOWSKI: James Vercelli is

8 absent.

9 Victor Bongard?

10 VICE CHAIRMAN BONGARD: Here.

11 MS. KOKOWSKI: Robert Hayes?

12 MR. HAYES: Here.

13 MS. KOKOWSKI: Gary Newman?

14 MR. NEWMAN: Here.

15 MS. KOKOWSKI: John Spirig?

16 MR. SPIRIG: Here.

17 (Whereupon, other agenda items heard
18 from 7:39:55 to 7:44:17 on the Liberty Court
19 Player Audio.)

20 CHAIRWOMAN HEMBREE: Okay. Next is our
21 new application, 188 Broadway LP, 188 Broadway, Block
22 2701, Lot 3.

23 They've requested a use variance to
24 change portion of building to permit multifamily
25 residential use, variance to raise building to three

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1 stories in height, and a variance for deficient
2 interior parking lot landscaping.

3 MR. PRINCIOTTO: Before we begin
4 listening to the application --

5 CHAIRWOMAN HEMBREE: (Inaudible).

6 MR. PRINCIOTTO: Mr. Liebman is here
7 tonight for the applicant, but I see that we have a
8 number of people here tonight, and what I'd like to
9 do first is just go over the procedures and how this
10 board operates.

11 AUDIENCE MEMBERS: (Inaudible).

12 MR. PRINCIOTTO: I'm going to go over
13 our procedures and how this board operates. This is
14 the Zoning Board of Adjustment. Pursuant to the
15 Municipal Land Use Law, it has been organized, and it
16 hears applications such as the one filed by this
17 applicant or -- or anyone else, including commercial
18 applications and residential applications.

19 The applicant has the burden of proof
20 and will present their exhibits and -- and their
21 witnesses.

22 What happens here is that the
23 applicant's attorney will probably make a brief
24 opening statement as to the nature of the application
25 and the relief that he's seeking from the zoning

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1 board.

2 And as was indicated tonight, the
3 variances include a use variance, which we call a (d)
4 variance by statute, as well as (c) variances which
5 we call bulk variances, as well as some
6 parking/landscaping variances and a height variance
7 is also being requested.

8 Now, as I said, the -- the applicant's
9 attorney will call his witnesses and begin tonight
10 calling those witnesses after we take care of some
11 preliminary housekeeping matters, so to speak.

12 Now, the way that we function and we
13 ask you to please follow these rules, some of you may
14 have attended prior meetings or have watched on
15 television and you see how the meetings go, but what
16 happens here tonight is that the applicant's attorney
17 will call his witnesses and ask questions of his
18 witnesses, and they will refer to, in all
19 probability, exhibits that will be marked for
20 identification.

21 Once the applicant's attorney has
22 finished asking his witnesses the questions, which we
23 call direct examination, board members may have some
24 questions. And then we will open to the public.

25 And what that means is that members of
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1 the public have the opportunity to ask questions.
2 Now, all too frequently what happens is people do not
3 ask questions, they make comments. This is not the
4 time to make comments. Comments will come at the end
5 of the case.

6 If you make comments to a witness, you
7 will be asked to refrain from making those comments.
8 And we don't intend to be rude, we just need to
9 follow these procedures and have an orderly
10 proceeding. For anyone who files an application,
11 they're entitled to have their application heard in
12 an orderly process.

13 At the end of the case, if anyone likes
14 -- would like to make a comment, have an opinion or
15 make a comment, including a comment about any of the
16 factual testimony, you will be given an opportunity
17 to do that.

18 If anyone would like to testify as a
19 witness after the applicant has done presenting the
20 case, you are permitted to do so. And then you would
21 have to take an oath and be subject to
22 cross-examination or questioning by the applicant's
23 attorney.

24 The board considers all evidence that
25 is properly put before it, and that is the testimony
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1 MR. PRINCIOTTO: -- in order? Okay.
2 Now, this application has been filed by
3 an entity known as 188 Broadway LP.

4 However, that entity is owned by
5 various other entities and/or individuals. And for
6 the purpose of advising the board members to see if
7 you may have any conflict of interest or know any of
8 these individuals or be familiar with any of these
9 entities, I would like to read them and to see if you
10 do have any contact or have any business relationship
11 or any other type of relationship with these entities
12 or individuals that may form a basis for a conflict.

13 So the entity is 188 Broadway LP, which
14 is owned by 188 Broadway GP, LLC, a limited liability
15 company. And that limited liability company has, as
16 members, A.E. Developers, LLC, and that is owned by
17 Paul Kaufman and Rich LaBarbiera. Another member of
18 188 Broadway GL -- GP, LLC is S.R. Webster Avenue,
19 LLC, and that is owned by Jeff Gadanski, if I'm
20 pronouncing that correctly.

21 Also, 188 Broadway LP is owned by M.L.
22 Delta 4, LP. And that has, as members, the Brooklyn
23 Limited Partnership, which is owned by Nathan
24 Lindenberg. It also has, as an owner of M.L. Delta
25 4, LP, Waxman Investments, LLC. And that is owned by
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1 of witnesses, expert witnesses, exhibits, and if
2 anyone should have to testify, including testimony of
3 the board's professionals, and that would include the
4 board's professional planner, the board's engineer,
5 and any other witnesses that the board may call as
6 witnesses in the case.

7 So I ask you to -- to follow that
8 procedure. You will know when we open to the public
9 because there will be a motion to open to the public,
10 and that's the opportunity when you have -- that you
11 have to ask questions.

12 When the applicant is finished, if
13 anyone wants to testify, that is the time to do that.
14 And the comments will come at the -- at the end of
15 the case, and it will be asked at the end of the case
16 if anyone would like to make a comment or have an
17 opinion or say what they want to say about the
18 application.

19 So, with that being said, I would like
20 to take care of the preliminary matters.

21 Robin, I -- I believe, I asked you to
22 check the proof of publication and proof of service.

23 MS. EFFRON-MALLEY: Yes.

24 MR. PRINCIOTTO: Okay. And it's --

25 MS. EFFRON-MALLEY: It's complete.

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1 Waxman Investments, Incorporated.

2 So as you can see, there are a number
3 of different individuals and entities that have
4 ownership interest in 188 Broadway LP, which is the
5 applicant.

6 So having heard those names and the
7 names of the individuals, as well as the entities,
8 does -- does anyone on the board have any -- any
9 comments or any disclosures?

10 CHAIRWOMAN HEMBREE: No?

11 MR. NEWMAN: I do.

12 MR. PRINCIOTTO: Okay.

13 MR. NEWMAN: The entities -- I don't
14 really know the entities, none of them ring a bell.

15 Mr. Kaufman, I happen to know. And I
16 know Mr. Kaufman through both -- he used to be the
17 borough attorney, and I also know him because we are
18 both attorneys. I have had one or two matters where
19 he may have been my adversary or a co-counsel, one in
20 particular I'm thinking of.

21 It's -- it's not a relationship where
22 there's a particular closeness. We've never had a
23 case together where we've worked hand-in-hand, over
24 months or years. I don't believe that there would be
25 any conflict, but I do know him because we're both

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1 attorneys in Bergen County, have represented one
2 entity in particular, we both had representation of
3 that one entity.

4 MR. PRINCIOTTO: Okay. Do you have
5 business interests with Mr. Kaufman?

6 MR. NEWMAN: No, no.

7 MR. PRINCIOTTO: Okay.

8 Mr. Liebman, do you have anything to
9 say about that?

10 MR. LIEBMAN: No. That doesn't sound
11 like there's any conflict of interest there.

12 MR. PRINCIOTTO: Okay. All right. So
13 that takes care of that.

14 Okay. And next we have the time period
15 or extension of time for decision. Mr. Liebman, I
16 gave you a form. Have you had a chance to look at
17 that?

18 MR. LIEBMAN: I did, yes. Thank you.

19 MR. PRINCIOTTO: Okay.

20 And I know that the board entertained
21 scheduling this matter on several occasions and for
22 one reason or another, the dates were -- were not
23 good for the applicant and it was rescheduled until
24 today's date.

25 I note that the board members want to
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1 be diligent with regard to hearing the application,
2 but they also want to be protected with regard to the
3 extension of time for a decision.

4 So do you have an idea as to how long
5 you think this application will take?

6 MR. LIEBMAN: It's going to depend on
7 the number of questions that my witnesses might
8 receive.

9 MR. PRINCIOTTO: Yes.

10 MR. LIEBMAN: But I think we have what
11 should be four witnesses. And I don't know that we'd
12 be able to get through all of that in one evening,
13 that would be a nice -- a nice possible -- a nice
14 outcome, but I think that I'd be dreaming.

15 So I think it will take more than one
16 meeting. And if that be the case, well, I know that
17 we're facing the upcoming December holidays and then
18 you're going to have a reorganization in January and
19 then there will be some other -- perhaps other
20 scheduling issues.

21 Normally, my standard procedure on all
22 applications, representing all developers throughout
23 the State of New Jersey, is to deal with extensions
24 on a meeting by meeting basis, which is, I think,
25 what is contemplated by the Land Use Law.

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1 At the conclusion of a meeting, if
2 we're not finished, then if everybody is moving along
3 properly and diligently, we go ahead and we consent
4 to an extension of time to the next meeting date. So
5 that's why we've been doing it that way up to this
6 point.

7 I see you have a form that likes to try
8 to get a little more time than that. Perhaps the end
9 of February might be a -- a timeframe that we would
10 be comfortable with and, hopefully, the board would
11 be comfortable with to allow time for us to process
12 the application, and if, by some chance, we're not
13 finished at that point, then there can be further
14 extension.

15 MR. PRINCIOTTO: Okay. So February
16 28th.

17 MR. LIEBMAN: Yes.

18 MR. PRINCIOTTO: Can we fill out this
19 form and have you sign it?

20 MR. LIEBMAN: Sure.

21 MR. PRINCIOTTO: Okay. All right. So
22 we will -- we will do that.

23 Today is November 27th --

24 CHAIRWOMAN HEMBREE: 27th.

25 MR. PRINCIOTTO: -- 2018.

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1 (Whereupon, off-the-record discussion
2 is held.)

3 MR. PRINCIOTTO: Do we have an
4 application number for this?

5 CHAIRWOMAN HEMBREE: I don't think so.
6 (Whereupon, off-the-record discussion
7 is held.)

8 CHAIRWOMAN HEMBREE: I don't know.
9 MR. PRINCIOTTO: Okay. You've signed

10 that?

11 Thank you.

12 MR. LIEBMAN: (Inaudible).

13 MR. PRINCIOTTO: Sorry about that.

14 All right. We'll mark that A-1, so
15 that will be our first exhibit.

16 If you could please pass that down.

17 MALE BOARD MEMBER: Sure.

18 MR. PRINCIOTTO: That's a good way to
19 do it. Okay. All right. We'll mark that A-1 so
20 that will be our -- our first exhibit.

21 (Whereupon, Signed Extension of Time
22 Form is received and marked as Exhibit A-1 for
23 identification.)

24 CHAIRWOMAN HEMBREE: Check that box.

25 MR. LIEBMAN: Thank you.

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1 If I could ask after the meeting,
 2 perhaps tomorrow, a copy could be mailed --
 3 MR. PRINCIOOTTO: Absolutely.
 4 MR. LIEBMAN: -- to me? I'd appreciate
 5 it. Thank you.
 6 MR. PRINCIOOTTO: No problem at all.
 7 Okay. I think we're ready to begin
 8 then.
 9 You can make an opening statement if
 10 you'd like --
 11 MR. LIEBMAN: Thank you very much.
 12 MR. PRINCIOOTTO: -- or call your first
 13 witness.
 14 MR. LIEBMAN: Thank you,
 15 Mr. Princiotto.
 16 And thank you for your description of
 17 the -- the proceedings this evening for the benefit
 18 of the public, and I always learn something when I
 19 listen to the board attorney also.
 20 My name is Stuart Liebman of the law
 21 firm Wells, Jaworski & Liebman, just down the road a
 22 bit in Paramus. And we're here representing the
 23 applicant this evening, 188 Broadway LP.
 24 And you heard from Mr. Princiotto the
 25 nature of ownership of the applicant. They are the
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1 owner of 188 Broadway; ergo, the name.
 2 That is also known as Block 2701 and
 3 Lot 3, or Lot 3 and Block 2701. And this is a
 4 relatively large lot for the area. It's a little bit
 5 more than three-and-a-half acres in size, and it's
 6 located both in the SO zone where office use is
 7 permitted and in the R-15 zone, a residential
 8 medium-density zone.
 9 And the property is currently developed
 10 in the SO zone portion, that's the front along
 11 Broadway, with a two-story office building over
 12 parking. And the rear of the lot to the east is
 13 parking area for the existing building, up until
 14 approximately the zone line, where it turns into the
 15 R-15 zone, and from there heading further east is an
 16 undeveloped area of the property.
 17 The applicant proposes to redevelop the
 18 property with this application, converting the
 19 existing office building that's along the front part
 20 of the property, from office use over parking into
 21 residential multifamily use over parking. Basically
 22 the same building, changing the look and the
 23 function.
 24 And then also the application includes
 25 a request to add a second building that is behind the
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1 first building, still in the SO zone portion of the
 2 property, leaving the R-15 zone area alone, and using
 3 the same area that's already the developed area for
 4 the property.
 5 So not -- not expanding the footprint
 6 or development of the parking lot, parking area, the
 7 impervious area further than exists today.
 8 The new multifamily-proposed building
 9 in the rear will not be over parking, there will be
 10 at grade and there will be parking that will be at
 11 grade also in front of and alongside of that
 12 building.
 13 We're -- we are of the opinion, the
 14 applicant is of the opinion, that this is truly a
 15 great concept. It's a use that's compatible with the
 16 area, in a building that fits very well on the site,
 17 or buildings that fit very well on the site, for the
 18 proposed multifamily use.
 19 In addition to the use variance for the
 20 development, we're also asking for some waivers and
 21 some variances from your site plan and zoning
 22 ordinances and design standards.
 23 As Mr. Princiotto described, known as
 24 bulk variances, the height variances -- the height
 25 variance that was referred to is a -- is a variance
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1 for a three-story building where two-and-a-half
 2 stories is proposed and that's the new building. It
 3 is not a height variance by -- by the way of numbers.
 4 So we conform to the -- how high the
 5 building can be in its -- in its distance from grade
 6 to the top of the building; however, we are three
 7 stories rather than two-and-a-half stories.
 8 So that's the nature of that -- that
 9 variance. It is a (c)-type variance for height, for
 10 stories, as well as other (c)-type variances and
 11 waivers.
 12 We have a -- a few witnesses to present
 13 our application and to describe the relief that's
 14 requested, and the reasons why we believe it should
 15 be granted.
 16 And the first of those witnesses would
 17 be our civil engineer and that's Matthew Clark, P.E.,
 18 of MCB Engineering, and with your permission I'd like
 19 to call Matt up at this time.
 20 MR. PRINCIOOTTO: Okay.
 21 MR. NEWMAN: Mr. Liebman?
 22 MR. LIEBMAN: Yes.
 23 MR. NEWMAN: Who are -- who are your
 24 other three witnesses?
 25 MR. LIEBMAN: We have architecture and
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1 we have traffic and we have planning.
 2 MR. NEWMAN: Architect, planning and
 3 traffic.
 4 MR. PRINCIOTTO: Do you swear to tell
 5 the truth and nothing but the truth so help you God?
 6 MR. CLARK: Yes, I do.
 7 M A T T H E W C L A R K,
 8 11 Furler Street, Totowa, New Jersey, having been
 9 duly sworn, testifies as follows:
 10 MR. PRINCIOTTO: Okay. Can you state
 11 your full name, business address for the record.
 12 CHAIRWOMAN HEMBREE: Sir, you need to
 13 use that hand-held mic behind you.
 14 MS. KOKOWSKI: Sir, if you could just
 15 hold the button down, the little green light should
 16 go on. Yep.
 17 MR. CLARK: I do.
 18 Matthew, and the last name is Clark,
 19 C-L-A-R-K.
 20 MR. PRINCIOTTO: Okay. Can you give us
 21 the benefit of your business address?
 22 MR. CLARK: MCB Engineering Associates,
 23 11 Furler Street, Totowa, New Jersey.
 24 MR. PRINCIOTTO: Okay. Would you like
 25 to voir dire this witness on his qualifications?
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1 MR. LIEBMAN: Yes, thank you.
 2 DIRECT EXAMINATION
 3 BY MR. LIEBMAN:
 4 Q. You are a licensed professional
 5 engineer in the State of New Jersey?
 6 A. **Yes, I am.**
 7 Q. For how long have you been licensed?
 8 A. **Since 1997.**
 9 Q. And your license is in good standing at
 10 this time?
 11 A. **That's correct.**
 12 Q. Can you tell us where you received your
 13 engineering degree?
 14 A. **I have a bachelor's degree and a**
 15 **master's degree in civil engineering from NJIT.**
 16 Q. And you have experience in the
 17 preparation of site plans and development plans for
 18 property in the State of New Jersey?
 19 A. **That's correct.**
 20 Q. Property that's developed for, amongst
 21 other uses, residential and multifamily-type use?
 22 A. **That's correct.**
 23 Q. You've testified before planning and
 24 zoning boards in the State of New Jersey?
 25 A. **Many, many times.**
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1 Q. Have you been accepted as an expert in
 2 the field of professional engineering?
 3 A. **Yes, I have.**
 4 MR. LIEBMAN: I would offer Mr. Clark
 5 to you as an expert in the field of professional
 6 engineering, civil engineering. If you'd like, you
 7 can ask him more questions.
 8 CHAIRWOMAN HEMBREE: Anybody have a
 9 problem with that?
 10 (No response.)
 11 CHAIRWOMAN HEMBREE: No?
 12 That's fine.
 13 MR. PRINCIOTTO: Okay. Board members
 14 do not have any questions on the qualifications.
 15 MR. LIEBMAN: Thank you.
 16 THE WITNESS: Thank you.
 17 BY MR. LIEBMAN:
 18 Q. Matt, you're familiar with the property
 19 that's the subject matter of the application?
 20 A. **Yes, I am.**
 21 Q. And you're familiar with the zoning
 22 ordinances of Woodcliff Lake as they pertain to this
 23 area of the borough?
 24 A. **Yes, I do.**
 25 Q. And these plans that are up on the
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1 easel and have been submitted with the application,
 2 they're entitled, "Preliminary and Final Major Site
 3 Plan for 188 Broadway," were they prepared by you or
 4 under your supervision?
 5 A. **That's correct.**
 6 Q. And the plans are dated May 2nd, 2018.
 7 Is that right?
 8 A. **That's correct.**
 9 Q. And no revision date to those plans?
 10 A. **That's accurate.**
 11 Q. Okay.
 12 MR. LIEBMAN: This is a set that's been
 13 submitted with our application. Is it the board's
 14 preference to mark that as an exhibit? (Inaudible.)
 15 MR. PRINCIOTTO: Why don't we mark this
 16 as Exhibit A-2.
 17 (Whereupon, "Preliminary and Final
 18 Major Site Plan for 188 Broadway," May 2,
 19 2018, is received and marked as Exhibit A-2
 20 for identification.)
 21 VICE CHAIRMAN BONGARD: Can you swing
 22 that over?
 23 THE WITNESS: Yes.
 24 VICE CHAIRMAN BONGARD: Thank you.
 25 MR. LIEBMAN: Thank you.
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1 BY MR. LIEBMAN:

2 Q. Okay. What we marked as Exhibit A-2 is
3 a set of plans dated this evening, the (inaudible.)
4 Is dated this evening on November 27th, and there's a
5 total of seven sheets in the set.

6 Is that correct?

7 A. That's correct.

8 Q. Matt, I would like you to describe the
9 existing conditions on the property and then the
10 proposed site redevelopment as shown on your plans.

11 A. Sure.
12 **Stuart, you did a good job introducing**
13 **the project and describing those conditions, but if**
14 **you refer to the easel, the title sheet of our site**
15 **plan has an aerial map entitled, "Key Map."**

16 **And if you refer to that, you can get**
17 **an idea of the existing conditions at the property.**

18 **On the western side of the property**
19 **along Broadway is the existing two-story office**
20 **building. Underneath that level, which is not**
21 **depicted, is an area of parking, 45 stalls are under**
22 **that area.**

23 **To the -- to the east of the office**
24 **building you can see the accessory parking field**
25 **there, and it's like a bilevel parking field. If you**

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1 know the site and you've been there, the rear area is
2 a little bit higher than the front area.

3 **Right where that rear parking meets the**
4 **area that slopes up the woods is the approximate**
5 **location of the -- the zone line. The zone line that**
6 **runs to the east of the parking area is an existing**
7 **sloped, wooded area.**

8 **As far as ingress and egress is**
9 **concerned, on the south corner of the property is the**
10 **only means of ingress and egress to the property off**
11 **of Broadway, which happens to be a county road, and**
12 **this application is subject to their jurisdiction and**
13 **their review.**

14 **Looking at the two other maps, the tax**
15 **map is self-explanatory. It just gives a depiction**
16 **of the property and the tax lots around us.**

17 **And then if you look at the zoning map,**
18 **you can actually see where we have the split zone.**
19 **Where all the improvements are, as Stu mentioned,**
20 **we're in the SO zone, and that sloped, wooded area is**
21 **what's contained in the R-15 zone.**

22 **The site is about 3.6 acres. And**
23 **probably what's most important on this map, this**
24 **sheet, is over in this section here, it's a listing**
25 **of the variances and waivers based on my**

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1 **interpretation of the ordinances.**

2 **On the next sheet?**

3 MR. LIEBMAN: Yes, please.

4 THE WITNESS: I figured I'd walk
5 through it.

6 The second sheet is entitled, "Site
7 Plan." The purpose of this plan is just to show the
8 horizontal (inaudible) associated with the project.

9 As I mentioned prior, I'm tracing the
10 grayed-out building here. This is what we call
11 Building 1. It's our existing building. It's
12 proposed to be renovated. There is -- there is no
13 proposed change to the footprint. The footprint is
14 21,167 square feet. That footprint is going to stay.

15 There's access to the parking area
16 underneath that on the south side of that building.
17 That parking area is proposed to stay.

18 Our architect is here this evening to
19 talk about the renovation to that building and to
20 what I'm pointing to now is what we call Building 2.
21 Building 2 is the proposed structure. Three stories
22 in height, no basement, and the footprint is 8350.

23 MR. LIEBMAN: That's 8350 square feet?

24 THE WITNESS: Correct. Correct.

25 So you see the building here.

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1 Between the two buildings is the
2 accessory parking area to be shared for both -- both
3 buildings, and we're looking to maintain the point of
4 ingress and egress. We're looking to maintain that
5 existing condition.

6 And just south of Building 2, where I'm
7 pointing here is a refuse enclosure that's proposed
8 for both buildings.

9 MR. PRINCIOTTO: I'm sorry, what did
10 you say? A what.

11 THE WITNESS: The refuse enclosure.

12 MR. PRINCIOTTO: Oh, okay. Refuse.

13 THE WITNESS: And then the line that
14 I'm tracing here, you can see the dark, thicker line,
15 that's the zone limit line.

16 So, again, all of the improvements that
17 are being proposed are within the existing limit of
18 disturbance. We're not looking to encroach into
19 those walls that are in the rear, nor to the sides of
20 the property. We're looking to stay within those
21 limits.

22 On our plan we have the building unit
23 mix. We're proposing a total of 60 units in Building
24 1. And our architect can discuss the size and so on,
25 but you'll see that we're looking at 28 one-bedroom

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1 units, eight two-bedroom units for a total of 36, and
2 in Building 2, the new building, 18 one-bedroom units
3 and six two-bedroom units for a total of 24. Add the
4 two up and we're at 60 units altogether.

5 The site is governed by the Residential
6 Site Improvement Standards, which I assume the board
7 is familiar with. Based on the bedroom break down,
8 we need 111 parking stalls. And we have 111 parking
9 stalls.

10 As part of that amount, we also need
11 five handicapped parking stalls and those are
12 proposed on the site as shown on the plan.

13 We have a traffic consultant that will
14 talk to you about on-site circulation as far as the
15 tenant parking, I'll call it, circulation and any
16 truck concerns as far as that -- that goes.

17 The refuse enclosure, the way it's been
18 laid out you have the ability for the vehicle to come
19 into the site and either head into the trash area and
20 load that area, back into this parking bay and come
21 out, or they can come in, back in and come straight
22 out.

23 So it's been designed in a manner that,
24 regardless of which way a truck enters that site,
25 there's plenty of room for them to come in, load the

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1 trash and exit without having to do any kind of stop
2 and backup on Broadway.

3 The next sheet --

4 BY MR. LIEBMAN:

5 **Q.** Matt, if you will, just stay with that
6 sheet 2 for a moment, the -- you described the area
7 of development and you described the zone line. I
8 just want to mention that it's clear above that zone
9 line there's a clear white area, basically, of your
10 plan --

11 **A. Right.**

12 **Q.** -- and I have the existing wooded area,
13 that is part of the subject property, correct?

14 **A. That is accurate.**

15 **Q.** Okay.

16 So that's part of the 3.6 acres or so,
17 but that area is currently undeveloped and as shown
18 on your plan, that will remain undeveloped?

19 **A. That's accurate.**

20 VICE CHAIRMAN BONGARD: About how wide
21 is that area? From the back to the --

22 THE WITNESS: Here to here.

23 VICE CHAIRMAN BONGARD: -- to the homes
24 as you head to the west.

25 THE WITNESS: Let me, maybe -- less

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1 than 200 feet, less than 200 feet, maybe 170 feet.

2 From the zone line.

3 VICE CHAIRMAN BONGARD: Yeah, from your
4 zone line to --

5 THE WITNESS: From our building to the
6 rear property line is over 200.

7 The next sheet is the grading and
8 utility plan. The purpose of this plan is to show
9 our --

10 BY MR. LIEBMAN:

11 **Q.** This is Sheet No. 3?

12 **A. That's correct, Sheet 3.**

13 **It's how we're going to grade the**
14 **property, manage stormwater, and also how we're going**
15 **to get, what I call, the soft utilities; gas,**
16 **sanitary and water.**

17 **As I mentioned earlier, right now the**
18 **existing condition is that there is a difference in**
19 **elevation between the two parking fields, about 3, 4**
20 **feet. What we're doing to make a more efficient use**
21 **of this parking area, so it can be shared between the**
22 **two buildings is to cut that area down about 3 feet.**

23 **In order to offset that, we proposed a**
24 **new wall which I'm tracing here, just in front of the**
25 **first tier section.**

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1 **Again, if you've been to the site you**
2 **know there's some tiered walls in the back. So we're**
3 **putting one in front of that. Maximum height 3 feet,**
4 **probably modular block. And we've got it spaced in**
5 **accordance with your ordinance; it's about 6, 7 feet**
6 **from the face of the other wall. So that's what's**
7 **going to be used to offset that differential in**
8 **grade.**

9 **Q.** Matt, for the benefit of the people
10 that can't see the plan that you're looking at, when
11 you say you're describing "here" you're describing an
12 area that's behind the new proposed building, and
13 that is the area of the wall that you just described?

14 **A. Right. The new wall, right, if you're**
15 **familiar, if the public is familiar with the parking**
16 **area that exists, the most rear parking stalls, the**
17 **wall will be within those limits.**

18 **So we're not pushing anything back,**
19 **we're staying within the existing conditions that's**
20 **there today.**

21 **Q.** Thank you.

22 **A. The site results in a decrease in the**
23 **impervious area, and also it results in less than an**
24 **acre of disturbance. The importance of that is that**
25 **it's not considered a major development per the RSIS**

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1 standards.

2 And also based on that, a detention
3 system is not required for the application.

4 Basically we show some math on here,
5 and your board engineer has also concluded with us
6 there is a reduction in the stormwater runoff from
7 the property as a result of this application.

8 So in order to manage the flow, we're
9 going to be utilizing the existing pipes on the site,
10 and we put a new pipe on this side just to collect
11 some stormwater that is in the back of that building.

12 So no detention required, no water
13 quality required, no groundwater recharge required,
14 all because we are not a major development.

15 As far as the utilities are concerned,
16 for Building 2 we're running new gas, water and
17 electric out to Broadway. You know all those
18 services exist today, so we'll be able to tap into
19 that. And as far as Building 1 is concerned, all the
20 existing laterals that are there today are going to
21 be utilized for the improvements.

22 The next sheet, Sheet 4, is our
23 lighting and landscaping plan. In regard to the
24 lighting, if you're familiar with the site, there are
25 existing pole-mounted lights out there. Fixtures are

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1 mounted at about 25 feet. The two fixtures that are
2 along the driveway entry here, we're looking to keep
3 those to illuminate the driveway as they do today,
4 but the ones that exist in that center island, those
5 need to come out, obviously, because of the
6 improvements.

7 So what we've done is we've provided
8 some new light poles here; one, two, three and four.
9 Same height, tried to match the style that was there.
10 We've provided a point-by-point analysis and it's our
11 opinion that we comply with the lighting standards of
12 Woodcliff Lake.

13 Landscaping, we provide a single shade
14 tree in the parking area here. There's an island
15 here, so we provided a shade tree there. We've also
16 provided, between the terraced walls, as required by
17 ordinance, the burning bush; you know, the bush that
18 turns red in fall, nice colored shrub, matching
19 what's sort of out there today. So we provided that
20 as required by ordinance.

21 One of the items that came up in some
22 of the review letters is about the existing buffer
23 and existing landscaping that's out there. We're not
24 looking to impact that whatsoever. The only
25 vegetation that's going to be eliminated is that

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1 within that center island.

2 On the north side of the property, on
3 -- on -- on the side of the parking area on the north
4 side of the Building 1, there's existing wooded areas
5 and there's existing evergreen plantings. Those are
6 all to remain. Along Broadway here we have evergreen
7 trees, we have ornamental trees, we have shade trees,
8 and we have open grassed areas and some decorative
9 bush -- bushes. That's all to stay as well.

10 On the south side of the property
11 between us and what I believe is an office building
12 here, there's a series of large evergreen trees both
13 on our property and the neighbor's property. That's
14 all proposed to stay.

15 And then to the east of our
16 improvements where we have the existing wooded area,
17 there is a single row of evergreens as well there,
18 and that's proposed to remain.

19 So in theory, all the buffer that's
20 there today, all the vegetation that's there today is
21 to remain.

22 Q. So, Matt, the buffer that's there is
23 serving an area that is an office building on the
24 site, as well as a parking lot that supports the
25 office building --

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1 A. That's accurate.

2 Q. -- in the rear?

3 A. That's accurate, yes.

4 Q. So the buffer that you described is on
5 the south and the north and the east wrapping around
6 that existing parking lot?

7 A. That's correct.

8 Q. So now we're proposing to kind of
9 rebuild the parking lot or reconfigure the parking
10 lot in the back, change it around a little bit and
11 put a new building back there, and not touch any of
12 the buffer area around it.

13 So is it -- is it your opinion that the
14 buffer that's there is adequate to protect the
15 surrounding properties in the manner that it's done
16 for all the years that the office building has been
17 there?

18 A. Yes, yes.

19 Q. Now, the lighting you've described,
20 you've done a study, you have a photometric study,
21 and can you tell us whether or not there will be any
22 impact on any of the surrounding property; in
23 particular, the residential -- residentially zoned
24 properties? Will there be any spillover of the
25 lighting onto those properties?

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1 **A. No. There will be no impact. The**
2 **point by -- the purpose of the point-by-point is to**
3 **get the actual levels that are located here. This is**
4 **just a photometric example. But this really helps**
5 **conclude, do you comply, do you not comply. In our**
6 **opinion, we do comply. I don't believe that Neglia**
7 **has contradicted that in their letter.**

8 And, typically, in applications there's
9 usually, six months after the fact, people go out and
10 survey to make sure that the lighting levels meet
11 what has been proposed, and if it needs to be dimmed
12 in some way, and that's the benefit of the -- the new
13 LED-type fixtures, they're really easy to adjust, as
14 opposed to the older-type light.

15 So that's something that we would offer
16 to the, you know, prove, we could go out in six
17 months, or if there's any issue, we can monitor the
18 light.

19 **Q.** Are we proposing that type of LED
20 light?

21 **A. That's accurate.**

22 **Q.** So it would be adjustable and if there
23 happens to be any situation of lighting on the
24 property where it might be either too dim or too
25 bright, that can be adjusted rather easily?

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1 **A. That's correct.**
2 **The next sheet is Sheet 5, soil erosion**
3 **plan, I'm sure the board is familiar with. If it**
4 **disturbs more than 5,000 square feet, you need to**
5 **provide an application to the Bergen County Soil**
6 **Conservation District. This plan represents the**
7 **requirements that they asked for.**

8 **Q.** And (Inaudible) soil conservation.

9 **A. That's accurate.**

10 **The next sheet, Sheet 6 and Sheet 7,**
11 **typical site details representing the proposed**
12 **improvements; curb, sidewalk, signs, things along**
13 **those lines.**

14 And that's really -- that's the site
15 plan set.

16 **Q.** We have additional sheets that were
17 submitted outside your site plan set, and why don't
18 you describe what those are.

19 **A. That's correct.**

20 **The next sheet that I have up is Sheet**
21 **1 of 1.**

22 THE WITNESS: We need to mark this
23 independent?

24 MR. LIEBMAN: Yes, that would be A-3.

25 MR. PRINCOTTTO: Is that standing

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1 (inaudible) up?

2 (Whereupon, Steep Slope Map is received
3 and marked as Exhibit A-3 for identification.)

4 THE WITNESS: Nope. That one's coming
5 up. But this is the steep slope map.

6 MR. PRINCOTTTO: Okay.

7 BY MR. LIEBMAN:

8 **Q.** Now, again, would you describe that map
9 for us; the name is steep slope map.

10 What's the date of it?

11 **A. The date is May 2nd, 2018.**

12 **Q.** And that plan was also submitted to the
13 board in support of this application?

14 **A. That's correct.**

15 **So the purpose of the plan is to show**
16 **compliance with the Steep Slope Ordinance in town.**

17 **We've mapped, as -- as dictated by your**
18 **ordinance, the zones from 15 to 20 percent, 20 to 25,**
19 **and 25 or greater. You can see that based on the**
20 **different hatching. And then what the table does is**
21 **it allows you to see what is the maximum allowed at**
22 **each one of those zones. And then you have to**
23 **conclude what are you disturbing in that zone.**

24 **The bottom line is we comply with the**
25 **ordinance. All the proposed disturbance meets -- is**

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1 **under the threshold of your maximum in each one of**
2 **the zones.**

3 **So there's no issue, no variance, no**
4 **(inaudible) occur at the steep slopes. That's really**
5 **all that's the purpose of this map.**

6 **Set of plans, which I guess would be**
7 **A-4, soil movement.**

8 MR. PRINCOTTTO: Yes.

9 (Whereupon, Soil Movement Plan is
10 received and marked as Exhibit A-4 for
11 identification.)

12 THE WITNESS: Soil movement plan.
13 Again, this was provided based on the ordinance to
14 represent --

15 BY MR. LIEBMAN:

16 **Q.** Tell us the date of that plan.

17 **A. Oh. The date of this plan is May 8,**
18 **2018.**

19 **The purpose of this plan is just to**
20 **give a depiction of the approximate soil movement**
21 **associated with the project, I think the ordinance**
22 **requires this plan to be submitted with the overall**
23 **approval.**

24 **We provided typical cross sections**
25 **through the site, we formulate a table, and based,**

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1 again, on the cut, there is an excess amount of cut
2 that's necessary on this project.
3 Again, we're lowering the rear side of
4 the property. And that soil volume computation table
5 just shows the net fill and the net cut, simple as
6 that.

7 The second sheet -- the second sheet is
8 just a depiction of the cross sections.

9 Q. The cross sections for the soil
10 movement plan?

11 A. Correct, correct.

12 And, finally, a -- this is the existing
13 freestanding directory sign map dated July 27, 2018.
14 This is the sign plan. This was prepared in response
15 to a comment in the Neglia letter, I believe.

16 MR. PRINCIOTTO: July 28th, right.
17 (Whereupon, Existing Freestanding
18 Directory Sign Map is received and marked as
19 Exhibit A-5 for identification.)

20 THE WITNESS: Correct.

21 No, I have 27th on my plan.

22 MR. PRINCIOTTO: Mine says July 28th.

23 Are there two?

24 THE WITNESS: Are you looking in the
25 bottom, right-hand corner?

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1 BY MR. LIEBMAN:

2 Q. And at the present time you're not
3 proposing any different or new signage, correct?

4 A. That's correct.

5 Q. And if you do propose new signage, if
6 it does require any relief under the zoning
7 ordinance, a separate application will be submitted?

8 A. That's correct.

9 The other thing to point out here is
10 also we show on here in light depiction that it's
11 outside the sight triangle, too. So no impact, would
12 not have to be relocated.

13 Q. And, again, that's at the main entrance
14 now?

15 A. That's at the main entrance now, right
16 at this location here.

17 And that's really a summary of the
18 documents that we prepared for the application.

19 Q. Now, Matt, in your testimony you
20 touched on, as you described, the overall plan and
21 you touched on a number of items that are included
22 within some of the review letters and reports.

23 What I'd like to do is take a look at
24 those two reports that we see the date of the first
25 being from Neglia Engineering, the board's engineers,

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1 MR. PRINCIOTTO: Yes, where it says --
2 and then -- oh, okay.

3 THE WITNESS: Yes, look in the title
4 block. That other is about the printing date. So
5 that's the confusion. It is July 27th.

6 MR. PRINCIOTTO: Okay. You're right,
7 there are two dates.

8 THE WITNESS: Yep. Yep.

9 So, again, this plan was prepared, I
10 believe, in response to a comment on the Neglia --
11 Neglia Engineering. The plan, the site plan set that
12 I went through, there was a note saying that the
13 existing freestanding directory sign is to remain.
14 They asked for some additional detail, and we
15 provided that. We put some color photographs on this
16 map so you can see what's there and what we're
17 proposing to keep at this time.

18 As far as the zoning compliance, the
19 only existing nonconformity is noted on the plan, and
20 that is the background of illuminated signs. I
21 believe the ordinance only requires white and if you
22 look at the colors here, we have white, gray and
23 blue.

24 But as far as the area, the setback,
25 the size, all those fully comply.

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1 and I believe there are two letters from Neglia
2 Engineering. This would be the second, the latest
3 letter, which is dated August 20, 2018.

4 Do you have that in front of you?

5 A. I do.

6 Q. Okay. So let's take a look at some of
7 the items that are in there and I'd like you to
8 described the response. And I think we should start
9 at page 3 under the zoning review and paragraph 3.2,
10 I think, is the first area that we would like to have
11 you comment on, and that is a section that talks
12 about the number of parking spaces that are provided
13 and required.

14 There's no question as to the number of
15 spaces that are provided, and that is 111, 111
16 parking spaces, right?

17 A. Correct.

18 Q. The letter notes that the municipal
19 ordinance requires two parking spaces per unit for a
20 total of 120 spaces. And we are presenting a plan
21 which complies with the Residential Site Improvement
22 Standards which requires a different number.

23 Can you tell us what that number is and
24 what the Residential Site Improvement Standards are
25 for this?

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1 **A. The Residential Site Improvement**
 2 **Standards, in our opinion, applies here.**
 3 **If this was a mixed-use development**
 4 **with retail and residential, then you can defer to**
 5 **the -- the local ordinance. But because that's not**
 6 **the case, it's fully residential, it's our stance**
 7 **that the RSIS governs here and not the municipal**
 8 **ordinance.**

9 **And, therefore, as I mentioned earlier,**
 10 **based on the bedroom mix, 111 stalls are required and**
 11 **we're providing that amount, 111.**

12 **There is a comment here stating that**
 13 **because there's 120 required by your ordinance that a**
 14 **variance is required for such.**

15 **Again, it's our position and stance**
 16 **that that is not the case. The RSIS governs here,**
 17 **and a variance would not be required from the local**
 18 **ordinance.**

19 **Q.** Yes, that's really not just a statement
 20 as to the applicant's stance, it is what the law does
 21 provide that the Residential Site Improvement
 22 Standards do usurp or do replace the local zoning
 23 regulations in certain areas and parking is one of
 24 them.

25 Is that right?

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1 **A. That's accurate.**

2 **Q.** So we conform to the number of parking
 3 spaces required with 111?

4 **A. Correct.**

5 **Q.** The next item would be on the next
 6 page, Item No. 3.3.2, and that's with regard to
 7 description of a variance required for minimum front
 8 yard setback.

9 Would you tell us about that?

10 **A. Correct. For existing Building 1,**
 11 **there's a requirement of the setback to be 35 feet to**
 12 **the right-of-way.**

13 **The existing condition is 34.1. I've**
 14 **noted on our plan that that's an existing**
 15 **nonconformity and not a new variance.**

16 **Now, there was a comment in the letter**
 17 **about the facade, and because we're modifying the**
 18 **facade that that would be required, a variance, a new**
 19 **variance.**

20 **But it's, again, our position that**
 21 **that's not the case. In fact, our architect is here**
 22 **this evening and will talk about exactly what's going**
 23 **on with that front facade, and I believe there may be**
 24 **a comment that we may be reducing that.**

25 **Q.** Right. Well, the -- certainly there

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1 will be no --

2 **A. Increase.**

3 **Q.** -- increase in the location of the
 4 front facade, so the front yard setback which exists
 5 today at 34.1 feet will continue at 34.1 feet or
 6 perhaps even a little bit greater, but it will not at
 7 all be exacerbated by the change to the building. So
 8 it's an existing nonconforming condition which shall
 9 remain, and, therefore, it is the applicant's
 10 position that that is not a variance that is
 11 required.

12 **A. I agree.**

13 **Q.** The next item is simply noting, 3.3.4,
 14 that the number of building height in stories is a
 15 variance that's required, and the applicant concurs
 16 with that?

17 **A. Yes, we do.**

18 **Q.** So that's shown on your plan on the
 19 zoning schedule that two-and-a-half stories is
 20 permitted at least as proposed. And this is for the
 21 new building in the rear, not the existing building?

22 **A. That's correct. For Building 2.**

23 **Q.** And then 3.3.5 is a comment that there
 24 is needed for minimum building setback from the
 25 street center line.

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1 Now, this is different than what we
 2 just talked about, which is the setback from the
 3 front lot line?

4 **A. Right.**

5 **Q.** Now there's another zoning requirement
 6 with regard to the setback from the street center
 7 line.

8 Same situation; existing condition,
 9 correct?

10 **A. Correct.**

11 **Q.** And it's nonconforming right now?

12 **A. That's -- that's correct.**

13 **Q.** And there will be no change to that?

14 **A. That's accurate.**

15 **Q.** Okay. So that's also an existing
 16 nonconforming condition that is not changing, and
 17 therefore, would not require a variance.

18 **A. I agree.**

19 **Q.** Next item, that's a variance. That's
 20 the interior parking lot landscaping described at
 21 3.3.6.

22 **A. That's correct.**

23 **There is a requirement for a minimum**
 24 **amount of landscaping within that interior parking**
 25 **area. What's required is 1,320 square feet and what**

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1 we're proposing in that island is 185 square feet.
 2 We do have a planner that will talk to
 3 all of the reliefs required, but in order to provide
 4 that additional landscaping what we would have to
 5 either do is push the application further back into
 6 that slope to provide the sufficient room to provide
 7 that landscaping and maintain the parking, or we
 8 would have to lose then -- or if we were not going to
 9 push it back, we would have to lose existing parking
 10 -- I mean proposed parking, I'm sorry, in order to
 11 comply with that.

12 As I stated before, all the landscaping
 13 and the buffer around the buildings and the parking
 14 area and everything that you see in that sloped area,
 15 all that landscaping is (inaudible) there.

16 Q. So we, in fact, have more impervious --
 17 I'm sorry -- more pervious coverage than is required
 18 in the zone.

19 Is that right?

20 A. Correct. The application results in
 21 more green area post-development.

22 Q. More than what exists and more than
 23 what's required by zoning?

24 A. That's correct.

25 Q. So this is not a question of not having

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1 RSIS requires 9-by-18 and that's what we're proposing
 2 here; therefore, it's our position that a waiver is
 3 not required for that.

4 Q. Okay.

5 3.3.8 and 3.3.9 talk about waivers for
 6 the grade at the main approach and a swale grade.
 7 Could you describe those for us, please?

8 A. Correct. We agree with both of those
 9 -- those comments.

10 As far as the slope is concerned, 4
 11 percent is what's required as -- as max. But we're
 12 providing a small section, I could actually turn to a
 13 grading/utility plan. There's a section here along
 14 the building here, this area here, where we're
 15 exceeding that. But we're trying to maintain 5
 16 percent at a maximum. The purpose of that is that
 17 that is the maximum allowable by the ADA standards.
 18 So there will be more than 4 percent, the 5 percent
 19 does comply with the people with disabilities. And
 20 it's, you know, a relatively small variation, but
 21 it's needed.

22 And this area here where we're tying in
 23 the proposed grade back into the existing grade. So
 24 what we try to do, you can see here where the contour
 25 lines get a little bit close to the driveway. To get

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1 enough landscaping or greener area overall --
 2 A. Right.
 3 Q. -- this is just a question of the
 4 ordinance specifically says we need 50 square feet --
 5 is it 50 or 20 -- 20 square feet per -- per parking
 6 stall and there's 66 parking stalls in the -- in the
 7 surface parking area, and in the middle of all that,
 8 between the two buildings and in the middle of all
 9 the buffer that we have around the back and both
 10 sides, we're supposed to have a little extra greenery
 11 in there.

12 A. That's correct.

13 Q. So your testimony is that there will be
 14 no particular value to creating that green space
 15 there?

16 A. None.

17 Q. At the cost of losing other green space
 18 on the site?

19 A. That's accurate.

20 Q. Okay. So that's a variance that we're
 21 requesting.

22 And at Item 3.3.7, parking stall
 23 dimensions, is that something that's also governed by
 24 RSIS.

25 A. Yes. Yes. And then, you know, the

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1 up to be as flat as possible, this corner portion of
 2 the building where that walk is there has to,
 3 unfortunately, slope a little bit more, but we don't
 4 want to go any more than the 5 percent for those
 5 routes where people with disabilities would have to
 6 access.

7 As far as the swale is concerned, along
 8 the back of the property here where we're discharging
 9 into a manhole structure here and here, we have a 1
 10 percent swale. Typically the 2 percent swales apply
 11 to, you know, roadside swales, longer type
 12 conditions. This is a relatively short distance,
 13 maybe a little bit over 100 feet, and we see no issue
 14 with that.

15 But we do provide enough positive pitch
 16 to get into that structure.

17 Q. So describing there's enough positive
 18 pitch you need there to function --

19 A. (Inaudible).

20 Q. On the next page -- before you go into
 21 the next page, did you do 3.3.3?

22 MALE BOARD MEMBER: I was just saying
 23 -- I was just pointing to that.

24 It appears that I (inaudible). Yes,
 25 that's an important one, too.

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1 THE WITNESS: Right.
 2 That deals with the rear yard setback
 3 for Building 2. What we show on our plans is the
 4 rear yard setback for Building 2 to be 205.2 feet,
 5 and that's measured from the back of the building to
 6 the rear lot line, which we understand to be the
 7 requirement for the ordinance.

8 The comment here is suggested that the
 9 rear yard setback be measured from the building to
 10 the zone limit line and we did not -- did not measure
 11 it in that manner.

12 Based on our interpretation of the
 13 definition of rear yard line and the setback, we
 14 measured to the rear lot line. And, therefore, a
 15 variance is not required, obviously, based on the
 16 distance.

17 BY MR. LIEBMAN:

18 Q. Okay. Let's move on to the next page.
 19 At -- we're at page 5, and there's a few more waivers
 20 that are described at the top of page 5; one is
 21 regarding off-street loading.

22 A. Correct.
 23 One stall is required. We're not
 24 providing a dedicated loading stall. Our traffic
 25 expert can talk to you about the type of truck

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1 traffic and the move-ins and move-outs and things
 2 along those lines and his review and analysis of the
 3 type of box truck that can access this site. And for
 4 deliveries such as UPS vehicles.

5 I can just tell you in advance that
 6 there is more than enough room for that type of
 7 circulation, and Bill will be able to reinforce that.

8 Q. Okay. Item 3.3.11 is a waiver with
 9 regard to sidewalk lighting.

10 A. Right.
 11 As you recall on the lighting and
 12 landscaping plan, we do have pole-mounted lights to
 13 light the parking field.

14 And by default, that's lighting up this
 15 sidewalk here in back of Building 1 and a portion of
 16 Building 2.

17 Along the back of Building 2 we don't
 18 have any kind of lighting. Now, if necessary, as
 19 suggested here, we could provide some small bollard
 20 lights, and, therefore, not require that waiver. So
 21 we would offer to do that and show compliance with
 22 that section.

23 Q. Okay. So we'll amend the plan --

24 A. Correct.

25 Q. -- to include lighting along the
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1 sidewalks in those areas needed so that there is no
 2 waiver required.

3 A. That's correct.

4 Q. And let's talk about the next item,
 5 3.3.12, a waiver identified for the required buffer
 6 area.

7 A. Right.

8 We talked about the existing buffer and
 9 how we're going to maintain that. A review of your
 10 ordinance as far as where the buffer is required, the
 11 zoning ordinance, is more when you have a
 12 nonresidential use abutting a residential zone, or a
 13 residential use, even if it's in a commercial zone.

14 We have residential use, so we are --
 15 we, in our opinion, do not need to provide the
 16 buffer. We do comply with your zoning ordinance by
 17 the nature of our development.

18 And as far as the site plan ordinance
 19 which speaks to the buffer as well, it's our opinion
 20 that's what's there today, the existing buffer does
 21 comply.

22 Q. And the standard of this in the site
 23 plan ordinance is that landscaping, fences, mounds,
 24 shall be used to minimize any adverse impacts of the
 25 site plan on adjacent areas, and what you described

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1 is the buffer that's been there for all of these
 2 years in the existing office building parking lot
 3 will remain, and it will continue to provide an
 4 adequate buffer and will minimize any adverse
 5 impacts?

6 A. That's correct.

7 Q. So in the zoning ordinances there's
 8 provisions for buffer in a situation that does not
 9 apply where you have a nonresidential use next to
 10 residential uses. And the site plan ordinance, it's
 11 our opinion, that we comply.

12 A. That's correct.

13 Q. Thank you.

14 Okay. The next section is for site
 15 engineering review comments.

16 The first item is noting that we're on
 17 a county road and we're required to make application
 18 to the Bergen County Department of Planning and
 19 Economic Development and that application will be
 20 made.

21 Is that right?

22 A. That's accurate.

23 MR. LIEBMAN: Okay. And then skipping
 24 down to 4.5 -- I'm skipping sections here,

25 paragraphs, there will be other witnesses that will
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1 be able to testify to some of these other items, but
2 Matt has the lion's share with his engineering.

3 BY MR. LIEBMAN:

4 **Q.** 4.5 talks about circulation and
5 loading, as you've touched on already, can you
6 discuss that for us?

7 **A. Sure.**

8 **As far as the vehicular traffic is**
9 **concerned, all of the drive aisles comply with the**
10 **RSIS standard, 24-foot minimum.**

11 **Even within the existing parking field**
12 **under existing Building 1, all the stalls are**
13 **9-by-18. None of the stalls back out into the drive**
14 **aisle here as required.**

15 **And, in fact, the drive aisle that I'm**
16 **pointing to here also complies in width. So there's**
17 **no issue whatsoever with passenger cars to access**
18 **this site, park safely and maneuver off site.**

19 **As I mentioned earlier, Bill will talk**
20 **to you a little bit more about the truck traffic**
21 **anticipated on the property, but the standard box**
22 **truck can get on the site safely and exit the site.**
23 **Same thing with the refuse vehicle. As I mentioned,**
24 **they can either head into the trash area or they can**
25 **back in, make their maneuver on-site and then head**

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1 **off the property so there will be no backing out of**
2 **that vehicle onto Broadway.**

3 **Q.** Okay. The next section, 4.6, deals
4 with ADA-accessible routes.

5 Can you address that for us?

6 **A. Sure.**

7 **Again, Bill will help reinforce this as**
8 **well based on his review for this evening.**

9 **But there is an accessible path from**
10 **the train station, across Broadway and down across**
11 **our site. The issue is now going from that sidewalk**
12 **and connecting to our buildings and how to do that.**

13 **There is an area here that we feel that**
14 **we may be able to provide a sidewalk that would meet**
15 **that 5 percent maximum and a landing at a door here,**
16 **so we would look to provide that access at that**
17 **location.**

18 **I'm sure you're all familiar with the**
19 **front, it slopes straight down, so we really couldn't**
20 **come in there. We don't want to get into having to**
21 **provide all these crazy switchbacks and so on, it**
22 **just doesn't seem practical.**

23 **So we're going to look here, we'll work**
24 **with your engineer to get something to have that**
25 **physical connection to our property.**

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1 **We do provide the number of spaces that**
2 **are necessary on-site for both visitors and tenants**
3 **as far as parking stalls is concerned. The widths**
4 **all comply, the grades all comply, so it's just a**
5 **matter of that connection now and working that out.**

6 **Q.** You refer to the number of accessible
7 parking stalls?

8 **A. That's correct.**

9 **Q.** And we satisfied the number that's
10 required?

11 **A. That's accurate.**

12 **Q.** Okay. The next item is requesting a
13 demolition plan?

14 **A. We'll provide such.**

15 **Q.** And the next item at the top of page 6,
16 paragraph 4.8, raises the question with regard to ADA
17 spaces in the garage?

18 **A. Right.**

19 **The question was are there any in here,**
20 **we're looking at in the garage and the answer to that**
21 **is no. All of the ADA stalls will be out in the main**
22 **parking field, open and easy visibility and access to**
23 **both visitors and tenants if needed.**

24 **Q.** Item 4.11 talks about the requirements
25 for the pavement.

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1 **A. We'll comply.**

2 **Q.** And 4.12, this is a list of items which
3 we would be able to address post-approval --

4 **A. Right.**

5 **Q.** -- and they would be conditions of
6 approval?

7 **A. Correct.**

8 **Q.** Okay. And 4.13, question with regard
9 to soils.

10 **A. Right. There's notes on the plan to**
11 **address that, but we can reinforce that with the**
12 **specific language the town would like to have on the**
13 **plans.**

14 **Q.** And item 4.14?

15 **A. The soil erosion sediment control plan**
16 **covers that.**

17 **Q.** Okay. Areas that are stabilized?

18 **A. Correct.**

19 **There's very specific notations both**
20 **for temporary conditions and permanent conditions how**
21 **to stabilize those exposed areas.**

22 **Q.** The next section, grading, drainage and
23 utility, paragraph 5.1, asks for some testimony
24 regarding ADA-accessible routes. And you've already
25 provided that information.

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1 A. That is accurate.

2 Q. And the next item is asking us to
3 revise the limits of disturbance shown on the plan if
4 necessary as a result of additional areas we disturb.

5 A. If necessary, we shall.

6 Q. And item 5.3 deals with manholes, and
7 we're specifically providing bicycle-safe inlet
8 grates; as a cyclist myself, I would very much like
9 to see that.

10 A. That's correct. We will comply.

11 Q. At 5.4 there's a comment with regard to
12 the terraces and the retaining wall.

13 A. There's a note on the plan that talks
14 about the wall, that a stability calculation needs to
15 be done in the wall. Even though it's 3 feet, that
16 needs to be provided to your board engineer to review
17 and approve.

18 Q. Okay. And 5.5, the connection of the
19 existing proposed roof leaders and system?

20 A. We'll comply -- oh, I'm sorry. We will
21 provide that.

22 Q. And 5.6, I think 5.6, 5.7, those we
23 have no problem with?

24 A. That's correct.

25 Q. And we'll comply. 5.8; talks about the
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1 A. Correct.

2 We'll provide that. There's some
3 additional detail typically done at the time of
4 construction plan development, we'll comply and set,
5 post-approval.

6 Q. And 5.13?

7 A. Same thing.

8 Q. 5.14?

9 A. Same thing.

10 Q. 5.15?

11 A. Same thing.

12 It's talking about water and sewer
13 demands, the calculations necessary. This project
14 will probably require a TWA permit. And I'm sure the
15 board's familiar with that. It's an allocation
16 permit that the DEP governs.

17 Based on the amount of flow that we're
18 projecting, we'll have to go for that permit and at
19 that time, we would submit plans to your engineer,
20 they would review and endorse, then it goes to the
21 local sewage authority, they review and endorse, goes
22 down to the state and they issue the permit.

23 And same thing with the water. In this
24 area, Suez Water, I believe, governs. And if that is
25 the case, they have a standing permit with the DEP so

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1 drainage?

2 A. Right.
3 We -- we concur with their conclusion
4 that the project, this is what I was talking about
5 earlier that the site is not a major development
6 under the RSIS standard.

7 Q. And there's a comment in this section
8 that the board engineer takes no exception to the
9 drainage design (inaudible).

10 Is that right?

11 A. That's correct.

12 Q. And 5.9 talks about a method of
13 calculation for the stormwater runoff?

14 A. That's correct. They're looking for
15 some additional details in some of the runoff
16 coefficient and also some calculation to show that
17 the pipes that we're proposing meet standards, and
18 we'll provide that.

19 Q. And 5.1 asks for some additional detail
20 with regard to the stormwater management system?

21 A. We'll provide a maintenance plan.

22 Q. And 5.11, additional notation on the
23 plan regarding site grading and drainage?

24 A. We'll provide that note.

25 Q. And the same for 5.12?

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1 we don't need to submit a separate application to
2 them, it can stay local with Suez Water which is a --
3 a big help. So we'll follow up on both of those.

4 Q. And item 5.16, coordinating with the
5 board engineer regarding testing for -- or televising
6 the test pits and the sewer drain lines?

7 A. We'll provide the notice of any on-site
8 testing or off-site for that matter.

9 Q. And you already have noted on the plan
10 Item 5.17, coordinating utility connections?

11 A. That's correct.

12 Q. With regard to will-serve letters,
13 paragraph 5.20, the applicant will provide these?

14 A. That is correct.

15 Q. And then landscaping and lighting
16 comments, you have testified about the lighting and
17 landscape plan, the items that are in this section?

18 A. 6.2 to 6.8 we'll provide those
19 comments -- I mean those changes.

20 Q. Okay. And we talked about the buffer
21 situation at 6.1.

22 A. Correct.

23 Q. And 6.9, let's talk about the
24 light-pole fixtures and the method of mounting.

25 A. There's a comment to not use the
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1 traditional pole-mounted LED-box style. I believe
2 that the comment was to use maybe something more of a
3 colonial look to it, something a little bit more
4 residential.

5 I have no objection to that. I'm
6 assuming that the applicant doesn't -- he's not, he
7 does not.

8 So if it's something that is more
9 typical used in developments in town and your
10 engineer is familiar with that, we take no objection
11 to using those.

12 As far as 6.10 is concerned, it's
13 talking about the foundation on which the light pole
14 sits on. We traditionally provide a 2-foot-high
15 foundation out of the ground so that if cars over top
16 the curb and they hit the pole, they're going to hit
17 the foundation. If we can provide far enough back
18 where it's not an issue, then we can provide it at
19 grade.

20 So, again, we'll work with your
21 engineer to comply with that.

22 Q. So the comment is that the base would
23 wither be an installation where we're flush to the
24 ground or if we are not, that we'll be in -- in a
25 method of architectural detail that matches the

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1 movement (inaudible).

2 A. That's accurate, yep.

3 Q. And item 6.11, you described the
4 lighting plan, light shields, and we'll restrict the
5 angle away from the surrounding properties.

6 A. The apex signal, yes. We'll make sure
7 it's a maximum of 150 degrees.

8 Q. The traffic comments will be handled by
9 our traffic engineer.

10 And then 8.1 lists a number of outside
11 agencies and approvals to obtain. Any necessary
12 outside agencies and approvals such as the Bergen
13 County Utilities Authority and/or the Bergen County
14 Planning Board or the utilities authority, the
15 applicant will obtain those approvals.

16 Is that right?

17 A. That's correct.

18 Q. That finishes up the Neglia review
19 letter, and there's just a few items in Mr. Preiss'
20 review letter from Phillips Preiss --

21 A. Uh0huh.

22 Q. -- and that is dated August 29th?

23 If you'll go to the planning comments
24 at page 4, paragraph 2, that's already been addressed
25 with regard to the Residential Site Improvement

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1 Standards and the number of parking spaces.

2 Is that right?

3 A. That's correct.

4 Q. And the buffers, we've also addressed
5 the buffering items that are described in paragraph
6 3?

7 A. Item 3, yes, we covered that.

8 Q. Item 4 on page 5.

9 A. Installation, we talked about that as
10 well.

11 Q. Yes.

12 And we've covered Item 5 -- no, Item 5
13 with regard to visual impact of proposed excess
14 height, it's a little deceptive in that there is
15 really no excess height, there's an excess
16 half-story, but we conform to the height?

17 A. That's correct.

18 Dimensional height we comply for both
19 buildings.

20 Q. Number -- on page 6, Item No. 7, I
21 think was addressed with regard to the landscaping
22 review?

23 A. Correct.

24 Q. Refuse, you talked about the refuse
25 enclosure.

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1 That is something that is enclosed,
2 it's basically walls around three sides and a
3 screened gate in the front?

4 A. That's correct.

5 Q. And it's located all the way to the
6 rear of the entrance driveway, so the question is
7 whether or not -- there are comments in both letters
8 whether or not there's visibility from -- from
9 Broadway. It would be pretty difficult to see that
10 enclosure from Broadway, wouldn't it?

11 A. Correct.

12 I can tell you that the vertical
13 difference in elevation is over 10 feet from Broadway
14 back to the refuse enclosure, and the horizontal
15 distance is over 200 feet.

16 So that sort of gives you a sense of
17 where that's in relation to Broadway.

18 Q. And the enclosure around it would
19 adequately screen it, correct?

20 A. That is correct.

21 Q. Okay. And you talked about the sign
22 which was addressed in Paragraph No. 11.

23 A. Correct.

24 MR. LIEBMAN: There's really no other
25 items on -- that we would like to cover at this point

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1 with regard to the review letters.
 2 And with that, that does conclude the
 3 testimony from our engineer.
 4 CHAIRWOMAN HEMBREE: So is it Park
 5 Ridge Water or Suez Water?
 6 Is this building serviced by Suez or
 7 Park Ridge.
 8 THE WITNESS: I -- when I spoke to the
 9 gentleman at Suez and I received an e-mail back at
 10 that time, which is months ago, my understanding was
 11 Suez governs.
 12 CHAIRWOMAN HEMBREE: Okay.
 13 So I think it's on Prospect and it goes
 14 around the corner to service those three buildings,
 15 the bank and the --
 16 THE WITNESS: That, I'm unaware of.
 17 CHAIRWOMAN HEMBREE: That's because --
 18 because the residential is all covered by Park Ridge
 19 Water. That's why I'm asking.
 20 THE WITNESS: We'll confirm that again.
 21 And the only difference would be if we
 22 would see if Park Ridge, if they have a standing
 23 permit with the DEP. If they don't --
 24 CHAIRWOMAN HEMBREE: Right.
 25 THE WITNESS: -- that's similar to the
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1 sewer, you just file the application with the DEP for
 2 water allocation.
 3 CHAIRWOMAN HEMBREE: Okay.
 4 THE WITNESS: We hope that that's not
 5 the case. It's just a pain in the neck to find out,
 6 that's -- that's really (inaudible.) No different
 7 with the DEP.
 8 MR. LIEBMAN: So -- so either way,
 9 these approvals you'd be able to get 00.
 10 THE WITNESS: Oh, yeah.
 11 MR. LIEBMAN: -- the question is where
 12 you go?
 13 THE WITNESS: Where you go, that's all
 14 it is, yep.
 15 CHAIRWOMAN HEMBREE: Thank you.
 16 MR. PRINCIOTTO: I believe you stated
 17 that with this application you're adding more green
 18 area?
 19 THE WITNESS: That's correct.
 20 MR. PRINCIOTTO: Can you explain that?
 21 THE WITNESS: Sure.
 22 If you take a look at the site plan
 23 set, the second sheet, site plan, the difference in
 24 impervious area, there's a reduction in 2,787 square
 25 feet. So it's hardscape, pavement, building,
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1 sidewalks. We're reducing that amount by almost
 2 3,000 square feet. And that area then in turn would
 3 be green area; lawn, landscaping, things that will
 4 help to absorb water. So the water won't runoff over
 5 the property, it more absorbs in. And that's where
 6 you get the reduction in stormwater runoff to any
 7 storm event.
 8 MR. PRINCIOTTO: All right. So are you
 9 saying part of the existing building is going to be
 10 removed?
 11 THE WITNESS: No.
 12 MR. PRINCIOTTO: No.
 13 Part of the existing parking lot is
 14 going to be removed?
 15 THE WITNESS: Correct. It's tough to
 16 see at this scale, but where the existing parking
 17 limit is, where I'm tracing here, we're pulling that
 18 in a bit. We're pulling that in. And along that
 19 strip there is where we're going to provide some
 20 additional green space.
 21 MR. LIEBMAN: And you're pointing to an
 22 area behind the proposed new building and to the
 23 south of the proposed new building.
 24 THE WITNESS: Correct.
 25 VICE CHAIRMAN BONGARD: I'm not clear
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1 on what's being removed. Is it sidewalks that are
 2 being removed?
 3 THE WITNESS: Curb and -- and asphalt.
 4 VICE CHAIRMAN BONGARD: Curb and
 5 asphalt.
 6 What is in the curb and asphalt today,
 7 parking spaces?
 8 THE WITNESS: Parking spaces.
 9 If you've been to the site and that
 10 back, that tiered parking area there, if you go to
 11 the furthest back curb, I'd say about 5 feet, 8 feet
 12 in is what's going to come out. That also goes for
 13 the -- the north side here. It's being pulled in a
 14 bit here.
 15 If you take a look at the plan, if you
 16 squint a little bit, you can see it there.
 17 VICE CHAIRMAN BONGARD: I was confused
 18 as to how you were determining that there was a
 19 decrease in impervious coverage, but that is what you
 20 are referring to as the decrease in impervious
 21 coverage.
 22 THE WITNESS: Correct.
 23 VICE CHAIRMAN BONGARD: And the
 24 Building No. 2 is being constructed on existing
 25 parking area?
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1 THE WITNESS: Correct. And over that,
 2 you see the, you know, the center island.
 3 VICE CHAIRMAN BONGARD: Yes.
 4 THE WITNESS: That's there? A bit of
 5 that is being pinched off by the building as well.
 6 Right here.
 7 VICE CHAIRMAN BONGARD: To the north of
 8 the Building 2, are those the back yards of the homes
 9 on Lakeview Terrace?
 10 THE WITNESS: Here.
 11 VICE CHAIRMAN BONGARD: Yes.
 12 THE WITNESS: I believe these are
 13 residential homes here.
 14 VICE CHAIRMAN BONGARD: Right. Is it
 15 --
 16 CHAIRWOMAN HEMBREE: It's on Highview.
 17 FEMALE AUDIENCE MEMBER: Highview.
 18 THE WITNESS: Oh, Highview.
 19 CHAIRWOMAN HEMBREE: Yes.
 20 VICE CHAIRMAN BONGARD: They're on
 21 Highview. But -- Highview. Thank you.
 22 THE WITNESS: All right.
 23 MR. PRINCIOTTO: Now, in the -- the
 24 R-15 zone part of the property, you say there's going
 25 to be no development there, but what exists there
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1 today in terms of, you know, greenage or trees or --
 2 THE WITNESS: It's all wooded.
 3 MR. PRINCIOTTO: It's all --
 4 THE WITNESS: It's all wooded. And the
 5 -- if you refer to the first sheet, the titled sheet,
 6 you can kind of get a sense of that right here. It's
 7 all wooded.
 8 MR. LIEBMAN: So you're pointing to the
 9 aerial photograph on sheet -- the title sheet of your
 10 set.
 11 THE WITNESS: That's correct.
 12 MR. PRINCIOTTO: So those are natural
 13 trees, not something that was planted during the
 14 development of this property.
 15 THE WITNESS: I believe the site was
 16 developed in '82.
 17 CHAIRWOMAN HEMBREE: I think it was.
 18 THE WITNESS: I've got to assume those
 19 are natural trees. I wasn't around for that, so...
 20 FEMALE AUDIENCE MEMBER: Those are
 21 natural trees.
 22 THE WITNESS: It's pretty thickly
 23 wooded, too, so...
 24 CHAIRWOMAN HEMBREE: Yes.
 25 MR. NEWMAN: I have a couple questions.
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1 THE WITNESS: Uh-huh.
 2 MR. NEWMAN: On your zoning schedule
 3 where you put all the "requires", are your
 4 "requires" for the zone as it exists for the S --
 5 for the SFO -- what is it, SFO.
 6 MR. LIEBMAN: SO.
 7 THE WITNESS: SO.
 8 MR. NEWMAN: SO, right. So you've used
 9 the requirements from the SO zone, correct?
 10 THE WITNESS: Correct.
 11 MR. NEWMAN: But you want to change the
 12 use to residential use.
 13 Isn't that correct?
 14 THE WITNESS: That's correct.
 15 MR. NEWMAN: So wouldn't the standards
 16 for residential use apply if you want to use this for
 17 residential use.
 18 THE WITNESS: Our planner may be able
 19 to explain a little bit more. I don't believe that's
 20 the case.
 21 What we do is we apply the standards of
 22 that zone, even to the -- even though the use is not
 23 permitted.
 24 MR. NEWMAN: Right, but you want to
 25 change the use.
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1 THE WITNESS: That's accurate.
 2 MR. NEWMAN: So the use that you want
 3 to put in there, shouldn't we -- shouldn't we use our
 4 standards for residential use?
 5 THE WITNESS: I don't believe so. In
 6 fact -- and, again, I don't want to delve into the
 7 legal end, but my understanding, too, is that there
 8 is case law such that for a use variance if such is
 9 granted, all bulk variances are subsumed into that.
 10 But we still -- we still advertise --
 11 MR. NEWMAN: So just to -- just to
 12 humor me, with respect to lot coverage, if this were
 13 in a residential zone would it comply?
 14 THE WITNESS: I haven't done that. I
 15 haven't done that math.
 16 MR. NEWMAN: Okay. Can you do the math
 17 for if it were, let's say, in the R-15 zone, how --
 18 how many variances would you need for this project?
 19 MR. LIEBMAN: That's really not
 20 something that could be done right now on the fly --
 21 MR. NEWMAN: Of course not. I
 22 understand that.
 23 THE WITNESS: Oh, okay.
 24 MR. NEWMAN: But -- but my question is
 25 --
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1 MR. LIEBMAN: I know he was getting
 2 nervous.
 3 MR. NEWMAN: -- can it be done for,
 4 let's say --
 5 THE WITNESS: Yes.
 6 MR. NEWMAN: -- the next meeting?
 7 Because I think it's important.
 8 MR. LIEBMAN: I think for the board's
 9 information, if a board member wants it, we can give
 10 you that information. It's not the legal standard
 11 that applies.
 12 In fact, your ordinance does not
 13 require that.
 14 And your ordinance, in fact, does make
 15 specific provisions for nonresidential uses
 16 contiguous to residential zones and changes in use.
 17 But it does not require that -- the
 18 zone that you're changing into, that those standards
 19 apply.
 20 MR. NEWMAN: Well --
 21 MR. LIEBMAN: And use, of course, would
 22 be the multifamily --
 23 MR. NEWMAN: Right but --
 24 MR. LIEBMAN: -- not the R-15.
 25 MR. NEWMAN: Just -- just --
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1 MR. LIEBMAN: But this would be
 2 multifamily that we would be looking at.
 3 MR. NEWMAN: Right.
 4 MR. LIEBMAN: Multifamily zoning.
 5 MR. NEWMAN: Just -- just what is the
 6 standard for a (d) variance in your opinion?
 7 What do you have to show?
 8 MR. LIEBMAN: I'm going to defer to our
 9 planner who will describe for you the various
 10 standards for the (d)(1) variance that we're
 11 requesting.
 12 MR. NEWMAN: Are you -- are you -- do
 13 you have any information about the current occupancy
 14 of the building?
 15 THE WITNESS: I have none.
 16 MR. NEWMAN: Okay. Do you have any
 17 information as to how many units, let's say -- and
 18 you probably don't, but before I lose you, so to
 19 speak, do you have any information about the -- how
 20 many of these units are proposed to be low income
 21 housing units?
 22 THE WITNESS: I do not.
 23 CHAIRWOMAN HEMBREE: John, go ahead.
 24 MR. SPIRIG: With regard to your
 25 parking calculations, so we have a little bit of a
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1 discrepancy between our ordinance and between what
 2 your -- your calculations are based upon state
 3 ordinance as opposed to our local -- local ordinance.
 4 Is that correct?
 5 THE WITNESS: No. Your local ordinance
 6 does not apply. What applies is RSIS. And we comply
 7 with such.
 8 MR. SPIRIG: Okay. So what you've done
 9 is you've done a calculation to the exact number of
 10 spaces, so we have no buffer on parking at all, but
 11 we have the exact number of spaces based on your
 12 calculations.
 13 So with your knowledge of where this
 14 building is on Broadway, if there were a need for
 15 overflow parking for whatever reason, where do you
 16 suspect they would go.
 17 THE WITNESS: I can't answer that.
 18 What we've -- what we've -- I can answer is that 111
 19 are required, which includes visitors, by the way.
 20 In that ratio is a fraction intended for visitors, so
 21 that's both tenant and visitors. We meet what's
 22 required.
 23 MR. LIEBMAN: We'll have our traffic
 24 expert who will be able to testify and go into that a
 25 little bit more for you as to how the standards are
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1 created and what they provide.
 2 MR. NEWMAN: Before I let you go and
 3 again, you probably can't -- can't answer this
 4 question, but do you know, from an engineering
 5 standpoint, of any special need that we would have in
 6 this borough for this project?
 7 THE WITNESS: I can't answer that.
 8 MR. NEWMAN: All right.
 9 CHAIRWOMAN HEMBREE: Anybody else have
 10 a question for the witness?
 11 MR. NEWMAN: Just, you'll provide --
 12 CHAIRWOMAN HEMBREE: Oh, okay. Just a
 13 question?
 14 MR. NEWMAN: Just you'll -- you'll
 15 provide the chart for the next meeting? I don't
 16 think that (inaudible) the chart.
 17 THE WITNESS: We'll provide a chart.
 18 MR. NEWMAN: Thank you.
 19 MR. PREISS: I just have a couple
 20 comments. I think, what was indicated is, you know,
 21 what standards are appropriate to apply to the zoning
 22 where -- which -- with a use that's proposed is not
 23 permitted.
 24 There are two cases on point. One is
 25 known as Lavis (phonetic) North Brunswick and the
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1 other is known as Preiss versus Himeij, where if
2 you're proposing a use which is not permitted in the
3 zone, it is appropriate for the board to make a
4 determination as to whether bulk standards that are
5 in that zone are appropriate for that particular
6 development.

7 So I think there is a -- you know, and
8 I understand technically you comply with most of the
9 standards in the -- in the SO district, but I would
10 think that you would also want to look at comparable
11 zones in which multifamily is permitted at more or
12 less the same density to make a determination on that
13 basis whether the standards that are proposed here
14 are appropriate.

15 I do think they're slightly different
16 in this kind of situation because you're talking
17 about essentially -- in most situations adaptive
18 reuse where the buildings already exist.

19 But rather than use the R-15, which is
20 a single-family residential zone --

21 THE WITNESS: Right.

22 MR. PREISS: -- you may want to look at
23 the other zones. I don't think there's one that's
24 exactly comparable.

25 MR. NEWMAN: Is it -- do we have a
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1 MR. LIEBMAN: It's contemplated to be a
2 rental project at this time, yes.

3 MR. PREISS: Okay. So just for the
4 board's edification, under the terms of settlement
5 under Fisher Housing Center and we just recently --
6 Woodcliff Lake adopted a requirement that a set-aside
7 be provided where you have a rezoning or
8 redevelopment or variances granted, there is a
9 requirement, if you're doing more than four units of
10 multifamily, that a set-aside of 15 percent be
11 provided for rental and that 20 percent be set-aside
12 for sale.

13 I know that the application was filed
14 prior to the adoption of that ordinance; however,
15 this board certainly has the jurisdiction, when
16 they're changing the zoning, to have that as a
17 requirement be applied to this development.

18 The reason why I'm raising that issue
19 is that under a set of regulations known as the
20 Uniform Housing Affordability Controls, there is a
21 required bedroom mix, and let's -- assuming that this
22 was a rental project and was 60 units, nine of the
23 units would have to be affordable, two of them would
24 have to be three-bedroom units, six would be
25 two-bedroom units and one would be a one-bedroom

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1 townhouse zone?

2 MR. PREISS: We do.

3 MR. NEWMAN: We must because we have
4 townhouses.

5 MR. PREISS: At a much lower --

6 MR. NEWMAN: And they weren't here.

7 MR. PREISS: That -- well, there is a
8 townhouse zone, but it's in a much lower density. I
9 don't believe that there's a zone which is directly
10 comparable.

11 MR. NEWMAN: Right.

12 MR. PREISS: But I think it may be
13 appropriate just to give the board a sense of what
14 those standards are in those kinds of zones and
15 whether -- and the board can take jurisdiction and
16 note whether those are the standards that should
17 apply, but that might be something that's useful.

18 The other thing is that I think your
19 planner will have to address this, I don't want to
20 bring this on as a surprise is, there is, in our
21 review letter, an indication that -- that were the
22 board to approve this development, that an Affordable
23 Housing component would have to be provided. And
24 that requirement -- this is going to be a -- this is
25 going to be a rental project.

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1 unit.

2 So the reason why I'm raising it is
3 that the parking count, if that were to be the case,
4 might change because you'll have two three-bedroom
5 units.

6 So I'll obviously wait to hear from
7 your planner and wait to hear what your reaction is,
8 but just -- I wanted to put it out there because that
9 is a consideration for them to -- whether the RSIS
10 standards would be applicable.

11 MR. LIEBMAN: Thank you.

12 CHAIRWOMAN HEMBREE: Anybody else?
13 (No response.)

14 CHAIRWOMAN HEMBREE: Would the board
15 like to make a motion to open to the public?

16 Gary.

17 MR. NEWMAN: I will make a motion to
18 open to the public.

19 VICE CHAIRMAN BONGARD: Second.

20 CHAIRWOMAN HEMBREE: Okay.

21 MR. NEWMAN: Any -- anybody from the
22 public --

23 CHAIRWOMAN HEMBREE: No. Well, we have
24 to vote first.

25 All in favor?

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1 (Whereupon, all Board Members respond
 2 in the affirmative.)
 3 CHAIRWOMAN HEMBREE: Opposed?
 4 (No response.)
 5 CHAIRWOMAN HEMBREE: Okay.
 6 If you have a question of the witness,
 7 please state your name and your address and ask your
 8 question.
 9 MR. NEWMAN: If -- if there is a
 10 question of this witness as to what this witness,
 11 he's the engineer, if you have an engineering
 12 question, please come forward.
 13 State your name, state your question.
 14 CHAIRWOMAN HEMBREE: Are you the
 15 enforcer?
 16 MR. NEWMAN: Not yet.
 17 FEMALE BOARD MEMBER: He will be.
 18 MR. MARSON: Good evening. Craig
 19 Marson, 7 Cricket Lane. Two questions for the
 20 engineer.
 21 MR. PRINCIOTTO: Can you spell your
 22 last name, please.
 23 MR. MARSON: M-A-R-S-O-N.
 24 MR. PRINCIOTTO: Thank you.
 25 MR. MARSON: Is it the contention of
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1 the applicant that 29-26(c) is not applicable at this
 2 point, the parking?
 3 THE WITNESS: Is that a local
 4 ordinance?
 5 MR. MARSON: Yes.
 6 THE WITNESS: That's correct. The RSIS
 7 governs.
 8 MR. MARSON: So assuming for purposes
 9 of my question now, if it were to be enforced, would
 10 you agree that the deficiency at 200 parking spaces,
 11 meaning the differential, 200-square-foot per parking
 12 space, versus 162 as proposed, or a net deficit of
 13 38-square-foot per parking, would result in 200
 14 parking spaces -- excuse me -- would result in 120
 15 parking spaces and a deficit of 7,018 square feet, or
 16 if you only had 111 parking spaces, a deficit of
 17 4,218 square foot?
 18 The difference is a significant space
 19 one way or the other. Would you agree that those
 20 numbers are correct?
 21 MR. NEWMAN: Just -- just so I can
 22 clarify your question --
 23 MR. MARSON: Yes.
 24 MR. NEWMAN: -- is your question if the
 25 ordinance were enforced or if the ordinance were to
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1 be applied?
 2 MR. MARSON: If the ordinance --
 3 MR. NEWMAN: If it was applicable?
 4 MR. MARSON: If the ordinance --
 5 MR. NEWMAN: Yes.
 6 MR. MARSON: -- were to be applicable,
 7 the deficiency at 111 spaces would be 7,018 square
 8 feet, or the deficiency at 120 parking spaces would
 9 be 4,218 square foot.
 10 Would you agree with that math?
 11 THE WITNESS: I didn't do the math, so
 12 I can't really answer that for you.
 13 MR. MARSON: Well, I'd like that
 14 question answered and considered.
 15 The second question that I have has to
 16 do with what is the current undevelopable wooded
 17 space of the 3.5 to 3.6 acres?
 18 THE WITNESS: I'd have to do that math
 19 as well.
 20 MR. MARSON: That's super important.
 21 Because what I want everybody to
 22 understand is given that what would the density be of
 23 60 developed units on the SO space?
 24 Would you please respond and get -- get
 25 that number back?
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1 Would you get that number as well?
 2 THE WITNESS: Well, I didn't testify to
 3 that.
 4 MR. LIEBMAN: Whether or not it's
 5 relevant, we're developing on the entire property,
 6 and we utilized the entire property for the
 7 calculation of impervious and pervious coverage and
 8 all other bulk requirements.
 9 MR. MARSON: I -- I appreciate what
 10 you're saying. This is not a question -- may I
 11 respond?
 12 MR. PRINCIOTTO: Well, I mean...
 13 MR. MARSON: Well, I can frame it as a
 14 question.
 15 MR. PRINCIOTTO: Right, that's a
 16 statement too.
 17 MR. MARSON: Assuming -- assuming,
 18 again, that I'm just looking for information to
 19 inform everybody about the true density of the
 20 buildable space, will you provide the ratio or the
 21 coverage per acre of the developable space X the
 22 amount that's the R-15.
 23 THE WITNESS: If the board wishes that,
 24 we can --
 25 MR. MARSON: No, I'm asking as a member
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1 of the public, permitted to ask the question.
2 THE WITNESS: Well, this -- I mean, we
3 could provide it. I don't know if it's necessary. I
4 don't see the relevance either.

5 I think we stand on the way in which we
6 analyzed the -- the ordinance and applied it to the
7 application.

8 So just to go on hypothetical that may
9 not be relevant, we don't want to do something like
10 that and it may -- it may give the impression that
11 it's not applicable.

12 We look at the ordinance, we look at
13 the development, we provide the math. There are
14 board professionals that will view that and make sure
15 that we interpret things correctly. For the most
16 part I believe we have.

17 MR. MARSON: To -- to respond, since
18 you're not turning questions back, it is relevant in
19 that the density that we're dealing with, whether or
20 not it's R-15 or SO or how it's built.

21 MR. PRINCIOTTO: Okay. Now, you're
22 getting --

23 CHAIRWOMAN HEMBREE: You're on the
24 edge.

25 MR. PRINCIOTTO: -- getting into that
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1 MS. GELLER: Okay.
2 MR. LIEBMAN: -- as part of this
3 application.

4 MS. GELLER: Okay.
5 MR. LIEBMAN: The applicant's plan
6 shows no development there.

7 MS. GELLER: Got it, okay.
8 CHAIRWOMAN HEMBREE: Anybody else?
9 MR. COUTO: By the way, we couldn't

10 see, you know, the structure so --

11 CHAIRWOMAN HEMBREE: I know, it's
12 really hard.

13 MR. COUTO: -- so in the future you can
14 hold it up on one side.

15 CHAIRWOMAN HEMBREE: It's really hard,
16 I know.

17 MR. COUTO: It's a little hard
18 (inaudible).

19 MR. PRINCIOTTO: But just, you have to
20 state your name for the record, sir, and your
21 address.

22 MR. COUTO: My name is Alex Couto,
23 Woodcliff Lake, New Jersey.

24 MR. PRINCIOTTO: Okay.

25 CHAIRWOMAN HEMBREE: Address?
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1 argumentative area with the witness.

2 MR. NEWMAN: You're arguing with the
3 witness.

4 MR. MARSON: I understand.

5 MR. NEWMAN: You asked (inaudible)
6 question. And I think his answer was if the board
7 wants it, I'll give it.

8 MR. MARSON: So that -- anyway, the one
9 I'm looking for is the answer to the question.

10 MR. NEWMAN: Understood.

11 MR. MARSON: Okay. All right. Thank
12 you.

13 CHAIRWOMAN HEMBREE: Thank you.
14 Yes, ma'am.

15 MS. GELLER: Hi. I'm Sally Geller at
16 210 Broadway.

17 In relating to that same question, and
18 I don't know whether this is to you or for the
19 planner, is there a guarantee that that wooded area
20 will not be developed in any future time?

21 THE WITNESS: I can't make that
22 guarantee.

23 MS. GELLER: Okay.

24 MR. LIEBMAN: No, the applicant is not
25 making -- is not -- is not making that guarantee --

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1 MS. KOKOWSKI: Address?

2 MR. PRINCIOTTO: Spell your last name,
3 please.

4 MR. COUTO: C-O-U-T-O.

5 MR. PRINCIOTTO: Thank you.

6 CHAIRWOMAN HEMBREE: What street do you
7 live on, sir?

8 MR. COUTO: 18 Cressfield Court.

9 CHAIRWOMAN HEMBREE: Okay.

10 MR. NEWMAN: And if you'd like to see
11 the plan, it's -- it's on file at the borough.

12 MR. COUTO: I know on file, I think he
13 was explaining that we can't -- we can't see that's a
14 problem we want to see.

15 I have a question again regarding the
16 parking. It's not so much regarding the parking.

17 You said you used the New Jersey standard? Is that
18 what you used for the parking operation?

19 MR. PRINCIOTTO: The RSIS standard.

20 MR. COUTO: The standard, okay.

21 MR. LIEBMAN: Which stands for
22 Residential Site Improvement Standards.

23 MR. COUTO: Okay. Now that applies for
24 New Jersey, right?

25 THE WITNESS: That's correct.

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1 MR. COUTO: Does that overrule the
 2 Woodcliff Lake standard?
 3 THE WITNESS: Yes.
 4 MR. COUTO: So the state standard is
 5 overrules the -- the Woodcliff Lake standard; that's
 6 a law in New Jersey?
 7 THE WITNESS: For this application,
 8 yes.
 9 MR. COUTO: For this application.
 10 But for --
 11 MR. NEWMAN: For the most part, it
 12 would. There are some rare exceptions --
 13 MR. COUTO: Right.
 14 MR. NEWMAN: -- but I think his -- his
 15 -- he's an engineer. That's a very complicated
 16 technical/legal question that's probably not for him.
 17 MR. COUTO: All right. So --
 18 MR. LIEBMAN: It's not just this
 19 application.
 20 MR. NEWMAN: Right.
 21 MR. LIEBMAN: It applies to the Borough
 22 of Woodcliff Lake and it applies to every
 23 municipality in the State of New Jersey for a
 24 residential development like this.
 25 MR. COUTO: Okay.

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1 So the question is in New Jersey -- in
 2 Woodcliff Lake we have a parking application as to --
 3 from Neglia Engineers 200 square feet for a parking
 4 spot. That's --
 5 MR. LIEBMAN: That's the zoning part,
 6 which reflect, I think it's two spaces per unit.
 7 THE WITNESS: Yes, I think you may be
 8 thinking about the parking size, 10-by-20.
 9 MR. COUTO: Yes.
 10 THE WITNESS: And we're 9-by-18. That,
 11 too, is governed by the RSIS.
 12 MR. COUTO: So why do we have zoning if
 13 state overrules? I mean why do they make our local
 14 -- why do we make local rules?
 15 MR. NEWMAN: If the -- if the state has
 16 specifically preempted an area and taken it under
 17 their control, what they say rules.
 18 However, as long as what the town does
 19 is not inconsistent with what the state does and
 20 doesn't conflict with that, then the town can put
 21 additional restrictions.
 22 MR. COUTO: Okay. So is 188 under
 23 state control or is it --
 24 MR. NEWMAN: Well, that's the question.
 25 But I think we've gotten your --

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1 MR. COUTO: Okay.
 2 MR. NEWMAN: -- your questions.
 3 MR. COUTO: Okay.
 4 THE WITNESS: The reason for that is
 5 that a lot of towns had all different requirements,
 6 and to have the uniform standard, the state got
 7 involved and developed the Residential Site
 8 Improvement Standards.
 9 MR. COUTO: The other question I have
 10 is what standards -- where did you get the standard
 11 for the density of apartments? Where in Woodcliff
 12 Lake did you get that standard? From any zoning?
 13 Zoning of any of the zoning in Woodcliff Lake?
 14 MR. PRINCIOOTTO: I mean, he can answer
 15 it if he can, but I don't think --
 16 THE WITNESS: No.
 17 MR. PRINCIOOTTO: -- he is called as a
 18 witness with regard to the density. But I'll leave
 19 that up to Mr. Liebman. Is it for this witness or
 20 another witness to answer that question?
 21 THE WITNESS: No, I agree with you. I
 22 didn't testify to the density, we have a professional
 23 planner, that may be more appropriate for him when he
 24 gets up.
 25 MR. COUTO: Okay. So the density you

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1 didn't testify.
 2 Okay. That's all then.
 3 CHAIRWOMAN HEMBREE: Okay. Thank you.
 4 MS. JEFFAS: Hi, Laura Jeffas, 39
 5 Kenwood. I have a couple of questions actually.
 6 You mentioned before about lighting,
 7 and the lights can be adjusted if there's an issue
 8 with a neighbor. They call an 800-number and
 9 somebody runs out and does that? How would they --
 10 how would they deal with that?
 11 THE WITNESS: No.
 12 MS. JEFFAS: Would they have to go
 13 through the corporate entity that owns the building?
 14 THE WITNESS: No.
 15 As I mentioned earlier, recent
 16 application the town has imposed a condition of
 17 approval that they have a right to go out and monitor
 18 the lighting over a six-month time to make sure that
 19 it does comply with what was designed.
 20 MS. JEFFAS: Okay.
 21 THE WITNESS: And that's something that
 22 either Neglia Engineering could do, sometimes the
 23 building code official does it. More oftentimes than
 24 not, it's the -- it's the engineer because they're
 25 familiar with the application. They go out. They

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1 have a meter. They read the meter. It needs to
 2 comply. If it doesn't these lights have the ability
 3 to be shielded or -- or adjusted --
 4 MS. JEFFAS: Okay. But it all goes
 5 through the town then?
 6 THE WITNESS: Absolutely.
 7 MS. JEFFAS: Okay.
 8 The other question that I had was does
 9 the three-story height include mechanicals on the
 10 roof or AC and heating and all that, or is that not
 11 going to be on the roof.
 12 THE WITNESS: I didn't testify to that,
 13 but our architect will be able to answer that
 14 question.
 15 MS. JEFFAS: Okay. And how is that
 16 noise from those going to be controlled?
 17 THE WITNESS: Same thing. I didn't
 18 testify to that. Our architect will do that.
 19 MR. LIEBMAN: He's coming up next.
 20 MS. JEFFAS: Okay. Thank you.
 21 MS. BRODY: Hi. Ann Marie Brody
 22 (phonetic), Cressfield Court, Woodcliff Lakes.
 23 Sixty apartments? That's a lot of
 24 people. That's a lot of garbage. How many dumpsters
 25 is that -- are you proposing for 60 apartments?

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1 THE WITNESS: We have a refuse
 2 enclosure area that's 12-foot by 19-and-a-half foot
 3 in size and when we designed that size we checked
 4 with our architect to make sure that that was
 5 sufficient for the two buildings and was told that
 6 that is sufficient.
 7 MS. BRODY: And when you talk about the
 8 enclosure, is it completely enclosed or it open --
 9 like, excuse me I didn't -- because I didn't see
 10 where you were pointing, where is that area, where is
 11 that? Is that on the east side of the -- is that in
 12 the back of the building?
 13 THE WITNESS: South, right here.
 14 MS. BRODY: So is it on the corner --
 15 is it the southeast corner?
 16 THE WITNESS: Are you familiar with the
 17 driveway to get into the site?
 18 MS. BRODY: Yes.
 19 THE WITNESS: Straight up. It's right
 20 here.
 21 MS. BRODY: On the -- on the --
 22 THE WITNESS: Right here, south side.
 23 MS. BRODY: So it's south side.
 24 THE WITNESS: Southeast.
 25 MS. BRODY: So it's southeast

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1 basically, right?
 2 THE WITNESS: More the south.
 3 MS. BRODY: And is it completely
 4 enclosed? Because, again, how many dumpsters are we
 5 talking?
 6 THE WITNESS: I don't think the final
 7 amount of dumpsters has been shown, but the space to
 8 provide it.
 9 MS. BRODY: So when are the -- when are
 10 the trucks coming to clean out the dumpsters, at 4
 11 o'clock in the morning, do you propose? Because
 12 that's going to be very noisy --
 13 THE WITNESS: Yeah, I didn't --
 14 MS. BRODY: -- for the residents.
 15 THE WITNESS: I didn't testify to that.
 16 MS. BRODY: Okay. But just -- okay.
 17 THE WITNESS: And there's a note on the
 18 plan that any delivery needs to be coordinated with
 19 the municipality and not to interfere with the
 20 operations of the facility.
 21 MS. BRODY: But the -- the trucks that
 22 come pick up all that, that's very noisy, or I'm sure
 23 that's quite a few dumpsters. So just...
 24 CHAIRWOMAN HEMBREE: Ma'am, question?
 25 Question. Question.

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1 MS. BRODY: Well, my question was where
 2 is it located and how many dumpsters and -- and if
 3 you knew what time the pickup would be, so those are
 4 my questions.
 5 CHAIRWOMAN HEMBREE: Okay.
 6 MS. BRODY: Okay. Thank you.
 7 THE WITNESS: You're welcome.
 8 MS. BRODY: Oh, one more question,
 9 sorry. One more question.
 10 The height -- I'm sorry. The height of
 11 the -- is the height of the first building going to
 12 be any higher than what it is?
 13 THE WITNESS: No.
 14 MS. BRODY: It's going to stay the same
 15 height?
 16 THE WITNESS: Stay the same.
 17 MS. BRODY: The -- the building, the
 18 second proposed building, is that going to be higher
 19 than the first building?
 20 THE WITNESS: The height -- I'll just
 21 give you the numbers. The existing building is 34.71
 22 feet and Building 2 is 34.38 feet, so a few tenths
 23 difference in height.
 24 MS. BRODY: Okay. And then that's not
 25 factoring in any equipment that's going to be sitting

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1 on top of the roof, correct?

2 THE WITNESS: That's --

3 MS. BRODY: You didn't testify to that,

4 right?

5 THE WITNESS: I did not.

6 MS. BRODY: Okay. Okay. Thank you.

7 MR. NEWMAN: The answer to that

8 question is you don't know, correct?

9 THE WITNESS: I --

10 MR. NEWMAN: Whether it includes the

11 mechanicals or not?

12 THE WITNESS: No. The architect would

13 speak to that.

14 MR. PRINCIOTTO: Right.

15 MR. FRITZ: Michael Fritz, 25 Highview.

16 It's not just all the garbage, it's all

17 the traffic, 60 units, I don't know --

18 CHAIRWOMAN HEMBREE: Question.

19 Question, sir.

20 MR. FRITZ: -- average, but is there

21 any impact calculation done on impact on the streets

22 surrounding junctions, what -- what density, what

23 more traffic we're talking about? Is it capable of

24 holding this are there any -- any --

25 CHAIRWOMAN HEMBREE: That's for the
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1 traffic engineer to answer, I think.

2 THE WITNESS: That's correct.

3 CHAIRWOMAN HEMBREE: That's not

4 something he can answer.

5 Okay. Anybody else?

6 (No response.)

7 MR. FRITZ: What about any other

8 questions about the building.

9 MR. NEWMAN: Well, is there anybody

10 else who hasn't gone yet.

11 Yes (inaudible). Former Mayor

12 LaPaglia.

13 MR. LaPAGLIA: Yeah, Joe LaPaglia, 17

14 Hillcrest Road, Woodcliff Lake.

15 I was just trying to --

16 CHAIRWOMAN HEMBREE: Joe, question.

17 MR. NEWMAN: Question.

18 MR. LaPAGLIA: (Inaudible) if I follow

19 your math on your parking --

20 THE WITNESS: Sure.

21 MR. LaPAGLIA: You said that there are

22 111 spaces in total.

23 Is that correct?

24 THE WITNESS: Required and proposed.

25 MR. LaPAGLIA: Required. Okay.

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1 But if there are two spaces for each

2 apartment, there are 60 apartments, that would be

3 120.

4 THE WITNESS: That's based on a local

5 ordinance. It does not apply.

6 MR. NEWMAN: All right.

7 I think, Joe, the local ordinance would

8 require even more spaces than RSIS.

9 Under RSIS the applicant says that they

10 comply under our ordinance.

11 MR. LaPAGLIA: All right. That's what

12 I was trying --

13 MR. PRINCIOTTO: He testified to that.

14 MR. LaPAGLIA: I think you're short.

15 MR. PRINCIOTTO: Number of additional

16 spaces.

17 MR. LaPAGLIA: I think you're short on

18 your parking by approximately some spaces.

19 MR. NEWMAN: Well, depending on the

20 stand.

21 MR. LaPAGLIA: That's my comment. All

22 right.

23 Thank you.

24 CHAIRWOMAN HEMBREE: It's an honest

25 disagreement.

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1 MR. LaPAGLIA: Yes.

2 CHAIRWOMAN HEMBREE: Anybody else?

3 MS. APPELLE: Veronica Appelle,

4 A-P-P-E-L-L-E, 23 Cressfield Court.

5 You know, Mr. Clark, you said that

6 there will be 111 spaces with cars, cars. The word

7 you used.

8 You never mentioned SUVs or pickup

9 trucks or anything like that that take up much longer

10 -- take up much more room, much harder to maneuver

11 around.

12 CHAIRWOMAN HEMBREE: Question,

13 Mrs. Appelle, come on.

14 MS. APPELLE: The question is, have you

15 considered SUVs and pickup trucks?

16 THE WITNESS: Yes. The 9-by-18 would

17 factor in those vehicles as well.

18 MS. APPELLE: Aha. Okay.

19 And then the height, you said that the

20 two buildings were 34.71 and 34.38?

21 THE WITNESS: That's correct.

22 MS. APPELLE: Okay. But when the

23 second building is starting out on a grade, how much

24 higher does that building become than the first one.

25 THE WITNESS: The -- the way in which

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1 you calculate building height is based on the average
 2 grade. You look at each building independently --
 3 MS. APPELLE: Average grade.
 4 THE WITNESS: Yes. That's in -- the
 5 math is on the plan.
 6 MS. APPELLE: Well, we didn't get to
 7 see it.
 8 THE WITNESS: Well --
 9 MS. APPELLE: I know it's in the
 10 borough office --
 11 THE WITNESS: Well, it's on file if you
 12 want to go and look.
 13 MS. APPELLE: Right.
 14 THE WITNESS: But the way in which the
 15 calculation is done, it's that the average grade
 16 around each building is calculated and the distance
 17 from that to the roof peak is how you determine the
 18 34.71 and 34.38.
 19 So you look at that independently.
 20 MALE BOARD MEMBER: Excuse me. I think
 21 her question is what's the elevation difference
 22 between the two buildings?
 23 MS. APPELLE: Yes.
 24 THE WITNESS: The architect may have a
 25 map that --

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1 MS. APPELLE: (Inaudible.)
 2 THE WITNESS: -- depicts that yes.
 3 MR. NEWMAN: Yeah.
 4 THE WITNESS: I believe that's correct.
 5 Yes, he's nodding yes. So when he gets
 6 up he'll have a depiction of that.
 7 MS. APPELLE: Okay.
 8 MR. STAR: Alvin Star, 209 Glen Road,
 9 Woodcliff Lake.
 10 You talked about traffic circulation a
 11 little bit in terms of cars. I think the word
 12 (inaudible). What is -- you haven't addressed access
 13 and egress by emergency vehicles including the fire
 14 trucks.
 15 CHAIRWOMAN HEMBREE: You're going to do
 16 that --
 17 MR. PRINCIOTTO: Well, let the --
 18 CHAIRWOMAN HEMBREE: -- the traffic
 19 person is going to do that.
 20 MR. PRINCIOTTO: But do you have any
 21 information on that, the ingress and the egress?
 22 THE WITNESS: The traffic engineer is
 23 going to speak to that.
 24 MR. STAR: Okay. In terms of internal
 25 circulation?

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1 THE WITNESS: Yes.
 2 MALE BOARD MEMBER: Good question,
 3 wrong witness.
 4 MR. STAR: Okay. Thank you.
 5 CHAIRWOMAN HEMBREE: Anybody else?
 6 Okay.
 7 MR. LOSAK: My name is Drew Losak, 2
 8 Cressfield Court.
 9 Businesses tend to have lighting that
 10 shuts off or dims roughly earlier, but residential
 11 keeps lights on all evening or at night because
 12 people come in at all hours.
 13 Is there going to be increased lighting
 14 at night?
 15 THE WITNESS: The lighting complies
 16 with the local ordinance and it is noted on the plan
 17 that the timing of the lighting is to comply with the
 18 standards of the town, and if there's something
 19 specific that we need to adhere to we will.
 20 Typically around the building, and the
 21 architect could probably speak to this better than I
 22 can, there is security lighting that's required by
 23 the building code.
 24 So it will fully comply with not only
 25 the local requirements, but also the building code.

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1 MR. LOSAK: So it will be increased
 2 lighting at later hours, is really what -- per our
 3 town --
 4 MR. NEWMAN: Well --
 5 MR. LOSAK: -- is what you're saying.
 6 MR. NEWMAN: Is that -- is that the SO
 7 -- the SO zone or is that municipal?
 8 THE WITNESS: No, that's the general
 9 ordinance.
 10 MR. NEWMAN: General ordinance for the
 11 whole town? Regardless of --
 12 THE WITNESS: I did not do an analysis
 13 of the lighting rules that are there today. What we
 14 did is the proposed a design which does comply.
 15 MR. LOSAK: All right. Could we find
 16 that out? Is there going to be increased lighting?
 17 From where I am, I can -- when I look out at night, I
 18 can actually see the lighting and it impacts my view
 19 and what I see at night. And I do like the dimness
 20 at night. So I just would like to know how that will
 21 impact the quality of my life.
 22 The second question that I have is --
 23 and I don't know if it's -- if you're the perfect
 24 person, but if there's going to be educational
 25 vehicles coming in for special needs, if there's

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1 going to be specialized vehicles coming in, is there
2 parking designed for special populations within the
3 existing spaces that we have there.

4 THE WITNESS: I don't know the answer
5 to that. I would say hold that question for the
6 traffic consultant. He may be able to answer that
7 better than I could.

8 MR. NEWMAN: Well, how many handicapped
9 spaces?

10 THE WITNESS: Five.

11 MR. NEWMAN: All right. And anything
12 beyond the standard handicapped space that is -- are
13 there plans to put any spaces, you know, that -- that
14 would be more than a handicapped space for, let's
15 say, if there was a bus or something, or they -- or
16 is handicapped spaces it for the project?

17 THE WITNESS: There are standard
18 stalls, 9-by-18, and then there's the handicapped
19 stalls.

20 MR. NEWMAN: Five of them.

21 THE WITNESS: Five.

22 MR. NEWMAN: All right.

23 MR. LIEBMAN: Are any of those van
24 accessible?

25 THE WITNESS: Yes.

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1 it.

2 CHAIRWOMAN HEMBREE: Okay? Oh.

3 FEMALE AUDIENCE MEMBER: Can I just ask
4 quickly one thing?

5 CHAIRWOMAN HEMBREE: Sure.

6 MR. NEWMAN: And then -- and then I
7 think Mr. Couto had one more quick question, quick
8 question.

9 FEMALE AUDIENCE MEMBER: Will all of
10 the requests that were made tonight by various board
11 members and by Mr. Preiss be addressed and put on
12 file for us to see?

13 Will all of their concerns that were
14 asked for by different members of the board be
15 addressed, as well as Mr. Preiss', and put in writing
16 so we can all view them?

17 In other words, what's the follow up on
18 the meeting.

19 MALE BOARD MEMBER: All the items that
20 are requested by the board will be provided, and I'm
21 assuming those have to be filed in advance of the
22 hearing.

23 MR. LIEBMAN: Some will be provided as
24 additional exhibits that will be presented at the
25 next hearing.

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1 MR. PRINCIOOTTO: Are there any drop-off
2 or pickup areas for people being picked up or let
3 off?

4 THE WITNESS: There's two areas here,
5 there's the existing concrete island that sticks out
6 here and we're proposing one at this location for
7 Building 2.

8 So there are 6-foot -- one's 7-foot --
9 they're both 7-foot-wide islands as such.

10 MR. LOSAK: So if the psychiatric
11 hospital had a van come in to pick up special
12 population individuals, there'd be a place for them
13 to pull in and pick people up and take them out?

14 THE WITNESS: Well, there's spots here
15 for a van to pull in and let people in and out.

16 MR. LOSAK: Okay. Thank you.

17 CHAIRWOMAN HEMBREE: Okay.

18 MR. PRINCIOOTTO: Just -- before you
19 leave, just so we're clear, with regard to turning
20 radiuses for the fire -- fire equipment, et cetera,
21 that will be covered by the traffic expert, or are
22 you going to cover it? The turning radius?

23 MR. LIEBMAN: We'll cover it.

24 THE WITNESS: We'll cover it.

25 I mean traffic or someone will cover

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1 If there is any revisions to the plans,
2 themselves, then they'll be filed prior to the next
3 meeting.

4 THE WITNESS: Correct.

5 MR. LIEBMAN: And be available to be
6 viewed.

7 FEMALE AUDIENCE MEMBER: Yes.

8 FEMALE AUDIENCE MEMBER: I'm sorry, one
9 more question.

10 What's the percentage of building on
11 that -- on that land there? What would be the
12 percentage of building?

13 MR. NEWMAN: Building coverage?

14 FEMALE AUDIENCE MEMBER: Yes.

15 THE WITNESS: 19.1, where 30 is -- is
16 the maximum required.

17 FEMALE AUDIENCE MEMBER: Thirty is the
18 maximum based on what?

19 MR. NEWMAN: In that zone.

20 THE WITNESS: In this zone --

21 MR. NEWMAN: In the existing zone.

22 FEMALE AUDIENCE MEMBER: In the
23 existing SO zone?

24 THE WITNESS: Correct.

25 FEMALE AUDIENCE MEMBER: So, but you're

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1 asking to change the zone, correct?
 2 MR. NEWMAN: Change the use within the
 3 zone.
 4 FEMALE AUDIENCE MEMBER: Okay. So
 5 it'll stay an SO zone?
 6 THE WITNESS: Yes.
 7 MR. NEWMAN: Well, that's a -- that's
 8 -- that's an interesting question.
 9 MR. PRINCIOTTO: The Mayor & Council
 10 could -- could change the zoning on Broadway, that's
 11 always a possibility. Right now it's a partially
 12 R-15 and partially SO.
 13 THE WITNESS: Right. And we're not
 14 proposing to change that.
 15 MR. LIEBMAN: All right. So right now
 16 what -- the applicant is here at the Zoning Board of
 17 Adjustment, which is the board that has the power to
 18 grant a use variance, which is what we've asked for,
 19 permission to -- to put a use on a property that's
 20 not permitted in the zone.
 21 It doesn't change the zoning to say
 22 that it's now a residential zone. It's a -- it would
 23 say you are now allowed to put the residential use in
 24 the SO zone, but it would stay the SO zone, unless
 25 the Mayor & Council decided at some time to actually
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1 change the zoning.
 2 This board can't change the zone, they
 3 can simply give permission for something that doesn't
 4 conform to happen.
 5 FEMALE AUDIENCE MEMBER: Okay.
 6 MR. NEWMAN: Or not.
 7 FEMALE AUDIENCE MEMBER: Or not.
 8 MR. LIEBMAN: Or not.
 9 FEMALE AUDIENCE MEMBER: Okay.
 10 MR. LIEBMAN: All possibilities.
 11 FEMALE AUDIENCE MEMBER: Just a quick
 12 question, just for -- what is the -- what is the --
 13 what is the property coverage for residential?
 14 MR. NEWMAN: It depends on the zone.
 15 CHAIRWOMAN HEMBREE: It depends.
 16 MR. NEWMAN: That's part of what he's
 17 going to provide at the next meeting.
 18 FEMALE AUDIENCE MEMBER: Okay. So R-15
 19 is what? Just for --
 20 MR. NEWMAN: Off the top of my head,
 21 probably less than 19, but I don't know.
 22 FEMALE AUDIENCE MEMBER: Okay. Thank
 23 you.
 24 MR. CABRERA: Hi, Ulises Cabrera, 14
 25 Dorchester Road, Woodcliff Lake.
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1 Before I start I just want to thank the
 2 members of the Zoning Board for their dedicated
 3 service to the Borough of Woodcliff Lake.
 4 I have a question -- I got here late,
 5 so I don't know if you covered this or not, but what
 6 are -- are there any seepage tanks for the runoffs
 7 that these buildings would generate if we get rain,
 8 significant rain and all that?
 9 And if there are, can you point them
 10 out where they would be located?
 11 THE WITNESS: There are none.
 12 MR. CABRERA: There are none?
 13 THE WITNESS: There are none.
 14 MR. CABRERA: There are none? Is that
 15 a -- is there a requirement for this type of building
 16 to have any type of seepage tank or --
 17 THE WITNESS: No. Based on -- based on
 18 the improvement, we're reducing the impervious area;
 19 therefore, reducing the runoff. And detention system
 20 or even those infiltration systems are not required.
 21 MR. CABRERA: So how is it that you're
 22 reducing that again?
 23 THE WITNESS: There's areas within the
 24 building that are hardscape today.
 25 MR. CABRERA: This is in the back --
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1 THE WITNESS: Yes, yes.
 2 MR. CABRERA: -- of the property?
 3 THE WITNESS: Back in here where I'm
 4 pointing along here, we're filling that in where
 5 there's existing asphalt and curb, that's being
 6 removed and being replaced with landscape and green
 7 area.
 8 MR. CABRERA: So all the runoff for
 9 Building No. 2 would go there or the back building,
 10 is that what you're saying?
 11 THE WITNESS: This here.
 12 MR. CABRERA: What is -- I just don't
 13 know where Broadway is on there.
 14 THE WITNESS: Broadway is at the
 15 bottom. This is Broadway.
 16 MR. CABRERA: Okay.
 17 THE WITNESS: Here's Building 2.
 18 MR. CABRERA: All right.
 19 THE WITNESS: Here's drainage here
 20 that's going to collect, the pavement here.
 21 MR. CABRERA: So this would be a green
 22 area here?
 23 THE WITNESS: No, no. No, no. Right
 24 here (inaudible.) This is going to be green. You
 25 see this, you see the line here in the middle? This
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1 is the -- the existing curb and this is right here,
2 this is all asphalt, that's all going to be
3 landscaped now.
4 Same thing over here. You see the
5 curb, the poster, the existing curb is coming out,
6 and asphalt, that will be green as well.
7 MR. CABRERA: Okay.
8 THE WITNESS: Little more than 2,000
9 square feet.
10 MR. CABRERA: And for the first
11 building it will --
12 THE WITNESS: That's staying the same.
13 That's staying as is.
14 MR. CABRERA: And where -- where does
15 that runoff go?
16 THE WITNESS: Well, there's runoff that
17 sheets off the property here and the roof themselves
18 discharge on the ground.
19 MR. CABRERA: So that's -- and that's
20 up to code?
21 THE WITNESS: Correct.
22 MR. CABRERA: You just have to
23 discharge from a building that size, just over the --
24 THE WITNESS: The bottom line is we're
25 reducing the runoff. Whatever there is today, we're
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1 reducing that. And this is the math on the plan that
2 represents that. And the important thing here is
3 we're reducing it.
4 MR. CABRERA: Okay. And what type of
5 vegetation are you putting? Has that been designed
6 already?
7 THE WITNESS: We did talk about in the
8 back area here we're going to put in some, it's
9 called a burning bush, you know that type of shrub.
10 MR. CABRERA: I got it. Oh, yeah.
11 THE WITNESS: That's going here.
12 There's lawn areas and mulch beds and so on and so
13 forth.
14 MR. CABRERA: How about trees? Will
15 there be trees also included in that?
16 THE WITNESS: We've got a new tree here
17 that we're proposing.
18 MR. CABRERA: Just one?
19 THE WITNESS: Just one.
20 (Laughter.)
21 MR. CABRERA: I don't think that's up
22 to code as far as a shade tree committee ordinance.
23 There are trees in the median currently there.
24 THE WITNESS: Well, that's -- that's
25 your opinion.
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1 MR. CABRERA: Well, I'm on the shade
2 tree committee, so...
3 THE WITNESS: Oh, well, then you can
4 use our maintenance (inaudible). I spoke to a
5 gentleman, I believe it was you --
6 MR. CABRERA: No, you probably spoke to
7 the chairman.
8 THE WITNESS: Yes. And he -- he talked
9 about the six trees that would come out and he talked
10 about this tree coming in, we talked about all the
11 existing vegetation that's --
12 MR. CABRERA: That tree --
13 THE WITNESS: We talked about all the
14 existing vegetation that is to remain.
15 As far as I understood from that
16 conversation he didn't have an issue with it. He was
17 going to generate a letter with his conclusions which
18 we never received. So based on that conversation,
19 we're comfortable with this (inaudible).
20 MR. CABRERA: For every tree you knock
21 down you need to replant them. So those trees in the
22 median in the parking lot, there's, I think, six
23 trees there currently.
24 THE WITNESS: There are six.
25 MR. CABRERA: You'll need to plant six,
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1 not just one tree. And a burning bush won't count
2 for a tree.
3 THE WITNESS: If that's the case and
4 the letter comes out, we're happy to comply. That
5 letter was supposed to --
6 MR. CABRERA: Okay.
7 THE WITNESS: -- you know that was two
8 weeks ago, I had that conversation.
9 MR. CABRERA: I'll follow up with the
10 chairman, I'm sure --
11 THE WITNESS: Good.
12 MR. CABRERA: -- we'll get back to you
13 in --
14 CHAIRWOMAN HEMBREE: I have it. I have
15 it.
16 MR. PRINCIOFFO: We have it receive it
17 here.
18 CHAIRWOMAN HEMBREE: We have it. We
19 have it. It's from Clay Bosch, chairman of the shade
20 tree committee.
21 MALE BOARD MEMBER: Third paragraph is
22 the pertinent paragraph.
23 CHAIRWOMAN HEMBREE: You want to read
24 it?
25 MALE BOARD MEMBER: Sure.
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1 "He also assured me that he realized
 2 that if they were cut down, they would be
 3 responsible for replacing them either on the
 4 tract or somewhere else in the borough."
 5 (Audience outburst.)
 6 AUDIENCE MEMBERS: Come on. Oh my god.
 7 Is that a letter? (Inaudible.)
 8 MALE AUDIENCE MEMBER: Who is that
 9 addressed to? (Inaudible.)
 10 CHAIRWOMAN HEMBREE: It's addressed to
 11 the zoning board secretary Friday, November 23rd,
 12 2018, 11:45 a.m.
 13 THE WITNESS: And that -- that he never
 14 gave to us, so that is an accurate depiction. I said
 15 to him whatever the ordinance is, we will comply.
 16 MR. CABRERA: Right.
 17 THE WITNESS: And as far as we
 18 understood, what's shown on the plan and the letter
 19 hadn't come out, yes, if we've got to put a few more
 20 trees in, there's plenty of room to do that.
 21 MALE BOARD MEMBER: So that's not a
 22 problem?
 23 THE WITNESS: No. And if possible, can
 24 we get a copy of that as well?
 25 CHAIRWOMAN HEMBREE: Sure.
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1 MALE BOARD MEMBER: Is it okay if I
 2 just --
 3 CHAIRWOMAN HEMBREE: Yes, just give it
 4 to him.
 5 He talked to you, Mr. Clark. He talked
 6 to you, he said.
 7 THE WITNESS: Yes, he gave me a call,
 8 we talked --
 9 CHAIRWOMAN HEMBREE: Yes. Yes.
 10 THE WITNESS: -- and there were six
 11 trees in the median of the property if he wanted
 12 to --
 13 CHAIRWOMAN HEMBREE: Yes, yes.
 14 THE WITNESS: And, again, there's
 15 plenty of room to put some additional trees.
 16 CHAIRWOMAN HEMBREE: It's there.
 17 MR. NEWMAN: Okay. Motion -- anybody
 18 else from the public?
 19 MR. APPELLE: Two follow-up questions.
 20 MR. NEWMAN: Keep in mind, we have to
 21 be done by February 28th.
 22 (Laughter.)
 23 MALE AUDIENCE MEMBER: Well, we might
 24 need an extension.
 25 MR. NEWMAN: There's more witnesses.
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1 MR. APPELLE: Walter Appelle, 23
 2 Cressfield Court.
 3 CHAIRWOMAN HEMBREE: Okay.
 4 MR. APPELLE: I have (inaudible.)
 5 Have you people made any arrangements
 6 or any consideration for the increased noise and
 7 traffic that's going to be generated by your
 8 buildings?
 9 THE WITNESS: We have a traffic
 10 consultant that will discuss that.
 11 MR. APPELLE: And how about the noise
 12 level?
 13 MR. NEWMAN: Traffic consultant.
 14 THE WITNESS: Traffic consultant.
 15 MR. NEWMAN: Traffic guy.
 16 MR. LIEBMAN: You know, if I could, if
 17 I may, and I think it's important based on the -- the
 18 reaction of the crowd when you read one sentence of
 19 this letter, this is the November 23rd letter from --
 20 CHAIRWOMAN HEMBREE: Clay Bosch.
 21 MR. LIEBMAN: Clay Bosch --
 22 MALE BOARD MEMBER: To be clear, I only
 23 read that one sentence because it applies to just
 24 replacing mature trees.
 25 MR. LIEBMAN: Sure, but I think --
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1 CHAIRWOMAN HEMBREE: In fairness.
 2 MR. LIEBMAN: But I think the other two
 3 paragraphs are very important.
 4 CHAIRWOMAN HEMBREE: Right.
 5 MR. LIEBMAN: If -- may I read them
 6 into the record.
 7 CHAIRWOMAN HEMBREE: Yes, please.
 8 MR. LIEBMAN: Thank you.
 9 "The drawings we received for comments
 10 on new projects normally include a sheet
 11 showing existing trees. Those to remain and
 12 those to be removed. We didn't have the sheet
 13 in this case, so I called Matthew Clark, MCB
 14 Engineering, on the project.
 15 "He advised me that there would be no
 16 major tree cutting. None of the trees behind
 17 the retaining wall, none on the sides, none in
 18 the front, but possibly removal of the five
 19 trees in the island in the parking area.
 20 "He assured me that he realized that if
 21 they were cut down, they would be responsible
 22 for replacing them either on the tract or
 23 somewhere else in the borough."
 24 So there was discussion with regard to
 25 the removal of those trees, which I think is the
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1 point.
 2 THE WITNESS: Sure.
 3 MR. LIEBMAN: And if, in fact, shade
 4 tree requires and the ordinances require
 5 replacements, the applicant will absolutely replace
 6 those trees.
 7 MALE BOARD MEMBER: Yes. And to be
 8 clear, my intention was not to infer otherwise. I
 9 was just reading the pertinent sentence.
 10 MR. LIEBMAN: I didn't take it that way
 11 at all.
 12 MALE BOARD MEMBER: (Inaudible.)
 13 Replacing the trees.
 14 MR. LIEBMAN: I was just judging by the
 15 reaction of the crowd.
 16 CHAIRWOMAN HEMBREE: Yes, right.
 17 MR. LIEBMAN: Fair enough.
 18 MR. APPELLE: Thank you.
 19 CHAIRWOMAN HEMBREE: It's another
 20 lesson.
 21 MR. COUTO: Another question.
 22 Alex Couto, back again.
 23 So the main variance being applied for
 24 is converted from, SO to residential, from office
 25 building to residential. Did you --

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1 CHAIRWOMAN HEMBREE: That's not
 2 correct. It's not --
 3 MR. COUTO: Okay.
 4 CHAIRWOMAN HEMBREE: It's not being
 5 converted. It is a different zone than is currently
 6 existing.
 7 MR. COUTO: Okay.
 8 MR. NEWMAN: The main variance, the way
 9 I understand it, being applied for, is they want to
 10 take property that's located in the SO zone where
 11 residential use is not permitted and permit that zone
 12 to build their 60 units of residential use.
 13 MR. COUTO: Okay. So this is not --
 14 MR. NEWMAN: Hopefully I got that
 15 right.
 16 MR. COUTO: What are you planning for
 17 this? Giving you -- do it as a backup the numbers
 18 using the -- for the zoning requirements for
 19 residential.
 20 MR. NEWMAN: We -- I think we already
 21 went through that. He's going to provide a sheet.
 22 MR. COUTO: He's going to provide that.
 23 MALE BOARD MEMBER: He's going to
 24 provide a sheet.
 25 MR. COUTO: (Inaudible.) Thank you

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1 very much.
 2 MALE AUDIENCE MEMBER: (Inaudible)
 3 additional question because we talked about trees.
 4 (Inaudible.) I saw a (Inaudible) where several trees
 5 were marked with green color. And they were saying
 6 trees come out? I don't know (Inaudible).
 7 CHAIRWOMAN HEMBREE: I went and I
 8 looked. There are no markings on any trees back
 9 there.
 10 MALE AUDIENCE MEMBER: (Inaudible).
 11 There were pictures (inaudible.)
 12 MR. PRINCIOTTO: Do you know anything
 13 about that?
 14 MALE AUDIENCE MEMBER: (Inaudible.)
 15 MR. PRINCIOTTO: All right. Asked and
 16 answered.
 17 Anybody else?
 18 MALE AUDIENCE MEMBER: I -- I know how
 19 to answer that question, if you want to know.
 20 MR. NEWMAN: Well, you can talk to him
 21 and answer his question. Because it's only questions
 22 of the engineer. Okay.
 23 Motion to close to the public.
 24 CHAIRWOMAN HEMBREE: Thank you.
 25 MR. PRINCIOTTO: Second?

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1 VICE CHAIRMAN BONGARD: Second.
 2 CHAIRWOMAN HEMBREE: All in favor?
 3 (Whereupon, all Board Members respond
 4 in the affirmative.)
 5 CHAIRWOMAN HEMBREE: Okay. Opposed?
 6 (No response.)
 7 CHAIRWOMAN HEMBREE: Okay.
 8 MR. NEWMAN: Questions --
 9 MR. PRINCIOTTO: Just -- yes, I just
 10 want to answer the question that was asked with
 11 regard to what the building coverage is in an R-15
 12 zone. The building coverage in an R-15 zone, which
 13 is single-family residential zone, building coverage
 14 is limited to 15 percent.
 15 The total impervious coverage in an
 16 R-15 zone is 40 percent total impervious coverage.
 17 However, you heard from our planner
 18 today that we don't have a multiple dwelling zoning
 19 code on Broadway, so when you're looking at an
 20 application, if you're looking at R-15 it might not
 21 make sense, and correct me if I'm wrong, Mr.
 22 Preiss --
 23 MR. PREISS: Right.
 24 MR. PRINCIOTTO: -- when you're looking
 25 at multiple dwellings, so that you have to look at

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1 other areas that have zoning for multiple dwellings
2 and -- and see what the appropriate standards would
3 be.

4 That's an issue when you have an
5 application like this and -- and you don't have the
6 -- the standards that you do for single-family homes.

7 MR. PREISS: Chairman, I have two
8 follow-up questions regarding the lighting, if that's
9 okay?

10 CHAIRWOMAN HEMBREE: Okay.

11 MR. PREISS: Just to -- there was a
12 question about the visibility of the lighting, can
13 you just indicate the -- I think one of the concerns
14 is the visibility of the lighting source, itself.

15 The lighting fixtures that you're proposing, is the
16 lighting source hidden so that you'll only see the
17 light emanating from the fixture or will the actual
18 bulb or whatever it is that's lighting be visible to
19 -- either from the street or from the neighboring
20 properties?

21 THE WITNESS: Right.
22 They're recessed to some degree. I
23 mean, you're not going to see it hanging down below
24 the box, itself. The apex angle which helps to
25 control the spread of the light --

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1 more appropriate.

2 But those colonial lights are those --
3 those kind of style they only go about that high
4 anyway.

5 MR. PREISS: Okay. All right. I think
6 that would be helpful.

7 The other thing is, are you proposing
8 to dim the lights at all after a certain hour, beyond
9 midnight, so that sufficient light exists for
10 security purposes, but it's not lit up as -- as much
11 as it would be (inaudible).

12 THE WITNESS: We could do that.

13 MR. PREISS: Okay. If you could look
14 into that and come back with some kind of proposal we
15 would appreciate it.

16 THE WITNESS: Yes. Whatever, the -- if
17 there's an ordinance that requires such, absolutely.
18 And we've got a plan -- a note in the plan, again,
19 saying we'll coordinate with the professionals to see
20 what they would prefer and we'll comply.

21 MR. PREISS: Thank you very much.

22 MR. NEWMAN: Understood.

23 I have a question.

24 CHAIRWOMAN HEMBREE: To who? Are you
25 --

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1 MR. PREISS: Right.

2 THE WITNESS: -- has to be at 150
3 degree, so we would comply with that.

4 I think one of the comments, I believe
5 it was Neglia, to see if we can change the type of
6 light fixtures --

7 MR. PREISS: Yes.

8 THE WITNESS: -- so if we lower it down
9 that will help as well, block a few more lights, but
10 I think that's what we're going to do with this is to
11 try to pull this down a little bit further and we'll
12 provide some -- some stronger shields as well.

13 MR. PREISS: And what is the height of
14 the lighting fixtures?

15 THE WITNESS: Right now they're mounted
16 at 25 feet.

17 MR. PREISS: At 25 feet. Is it --
18 would there also be a possibility, if there is a
19 problem with that, of lowering the lighting
20 fixtures (inaudible.) --

21 THE WITNESS: I think we'd be heading
22 towards like 15 feet, something like this.

23 MR. PREISS: Okay.

24 THE WITNESS: And we would, you know,
25 defer to Neglia if they got something they think is

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1 MR. NEWMAN: Either for this engineer
2 or our engineer.

3 CHAIRWOMAN HEMBREE: Okay.

4 MR. NEWMAN: If they're building a
5 second building, does that change the drainage that's
6 required?

7 In other words, they're not proposing
8 any seepage pits, and I don't know the answer to
9 this, but if they're going to build a whole new
10 building, do they have to -- I mean, are they up to
11 current code or are they up to the code that was in
12 place when -- when they first built the building?

13 MR. VUICH: If they were building a new
14 building on top of grass, they would undoubtedly be
15 increasing the runoff and they would almost
16 guaranteed to have to put a detention basin in. But
17 you're going from impervious pavement to impervious
18 roof. And in reality, impervious roof is a little
19 cleaner. It's cleaner than pavement. So the
20 standard does not apply where they'd have to provide
21 detention or water quality --

22 MR. NEWMAN: So by building a new
23 building they don't have to upgrade to current code?
24 Are they in compliance with current code?

25 MR. VUICH: Based on the plans they

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1 provided, they are in compliance with the current
 2 code.
 3 MR. PRINCIOOTTO: The current code. So
 4 then it doesn't really matter.
 5 THE WITNESS: No. I agree.
 6 CHAIRWOMAN HEMBREE: Okay. Moving
 7 right along, I think -- thank you, Mr. Clark.
 8 THE WITNESS: Thank you.
 9 MR. LIEBMAN: Our next witness is our
 10 architect, Mr. Albert Dattoli.
 11 CHAIRWOMAN HEMBREE: All right.
 12 So it's ten to 10. I don't know, would
 13 this be, maybe give people an opportunity to ask a
 14 question of Mr. Dattoli and not be here all night
 15 long.
 16 MR. PRINCIOOTTO: Okay.
 17 CHAIRWOMAN HEMBREE: Use your judgment.
 18 MR. NEWMAN: Well, I guess your
 19 question is you want to start Mr. Dattoli now, giving
 20 the audience an entire month to think about what
 21 questions they would wish to ask him, or would it be
 22 in your best interest to bring Mr. Dattoli back to
 23 start afresh and anew in January.
 24 CHAIRWOMAN HEMBREE: In December.
 25 MR. NEWMAN: In December.
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1 MR. PRINCIOOTTO: December.
 2 CHAIRWOMAN HEMBREE: Yes. 18th, by the
 3 way.
 4 MR. NEWMAN: The 18th.
 5 CHAIRWOMAN HEMBREE: Just a short
 6 couple of weeks from now.
 7 MR. PRINCIOOTTO: Yes.
 8 FEMALE AUDIENCE MEMBER: Is there a way
 9 to move these back over there so that we can see them
 10 as well?
 11 CHAIRWOMAN HEMBREE: It -- we probably
 12 --
 13 FEMALE AUDIENCE MEMBER: (Inaudible.)
 14 Swivel over there --
 15 CHAIRWOMAN HEMBREE: I know. Not
 16 really.
 17 FEMALE AUDIENCE MEMBER: No.
 18 MR. NEWMAN: Do you think -- do you
 19 think maybe we could get an extra set and maybe put
 20 an easel in the very back of the room?
 21 CHAIRWOMAN HEMBREE: I'll put you in
 22 charge of that.
 23 MALE BOARD MEMBER: I have an extra set
 24 if you want to look at it.
 25 FEMALE AUDIENCE MEMBER: So we can see
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1 what you're looking at. (Inaudible.)
 2 CHAIRWOMAN HEMBREE: Gary, she said she
 3 would buy another easel and we'll have it for next
 4 meeting.
 5 MR. NEWMAN: Okay.
 6 MS. KOKOWSKI: I'll have one for the
 7 next meeting.
 8 (Whereupon, a recess and off-the-record
 9 discussion is held from 9:50:04 to 9:56:30 on
 10 the Liberty Court Player Audio of the November
 11 27, 2018 Woodcliff Lake Zoning Board of
 12 Adjustment Meeting.)
 13 CHAIRWOMAN HEMBREE: We're back from
 14 the -- we're back from our little break.
 15 MR. LIEBMAN: Okay. Thank you very
 16 much.
 17 CHAIRWOMAN HEMBREE: You're welcome.
 18 MR. LIEBMAN: Our next witness is Mr.
 19 Albert Dattoli, he is our project architect.
 20 May we have him sworn?
 21 MR. PRINCIOOTTO: Do you swear to tell
 22 the truth and nothing but the truth, so help you God?
 23 MR. DATTOLI: I do.
 24 **A L B E R T D A T T O L I,**
 25 **70 Chestnut Ridge Road, Montvale, New Jersey,**
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1 having been duly sworn, testifies as follows:
 2 MR. PRINCIOOTTO: Okay. Your name and
 3 business address.
 4 MR. DATTOLI: Albert Dattoli. My
 5 business address is 70 Chestnut Ridge Road, Montvale,
 6 New Jersey.
 7 DIRECT EXAMINATION
 8 BY MR. LIEBMAN:
 9 Q. You're a licensed architect in the
 10 State of New Jersey?
 11 A. Yes, I am.
 12 Q. Your license is --
 13 MR. NEWMAN: Mr. Liebman, just in full
 14 disclosure, I've never done any business actually
 15 with Mr. Dattoli, but some of my close friends have
 16 done business with Mr. Dattoli.
 17 I do know Mr. Dattoli. I don't feel I
 18 have a conflict with Mr. Dattoli in any way, shape or
 19 form.
 20 CHAIRWOMAN HEMBREE: Well, I knew his
 21 father, so there.
 22 MALE BOARD MEMBER: So -- so now that
 23 you're done with yours, Mr. Dattoli is my next door
 24 neighbor. We don't have a business relationship.
 25 FEMALE AUDIENCE MEMBER: So everybody
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1 knows Mr. Dattoli.
 2 MALE AUDIENCE MEMBER: Oh, yeah.
 3 MR. NEWMAN: I'm sorry.
 4 MR. LIEBMAN: The applicant has no
 5 problem with the disclosures that have been made.
 6 MR. PRINCIOOTTO: I don't think that
 7 those are disqualifying factors.
 8 BY MR. LIEBMAN:
 9 Q. Okay. So you are -- your license is in
 10 good standing?
 11 A. Yes, it is.
 12 Q. How long have you been so licensed?
 13 A. Since 1981, '80, 1980.
 14 Q. And you have testified previously
 15 before planning and zoning boards in the State of New
 16 Jersey?
 17 A. Yes, I have.
 18 Q. Including here in Woodcliff Lake?
 19 A. Yes, I have.
 20 Q. You've been accepted as an expert in
 21 the field of architecture?
 22 A. Yes, I have.
 23 MR. LIEBMAN: I would offer Mr. Dattoli
 24 to you as an expert in architecture.
 25 CHAIRWOMAN HEMBREE: Okay.
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1 MR. PRINCIOOTTO: Any questions on the
 2 qualifications?
 3 CHAIRWOMAN HEMBREE: Nope.
 4 MR. PRINCIOOTTO: I see none, okay.
 5 BY MR. LIEBMAN:
 6 Q. Okay. Are you familiar with the
 7 property that's the subject matter in the
 8 application?
 9 A. Yes, I am.
 10 Q. And you're familiar with the
 11 application and the plans that have been filed in
 12 support of it?
 13 A. Yes, I am.
 14 Q. The architectural plans that have been
 15 submitted, labeled: "Proposed Multifamily
 16 Development - 188 Broadway, Woodcliff Lake, New
 17 Jersey," dated April 10th, 2018, were prepared by you
 18 or under your supervision?
 19 A. That is correct.
 20 Q. You're familiar with the zoning
 21 regulations as they pertain to this area of the
 22 borough?
 23 A. Yes, I am.
 24 CHAIRWOMAN HEMBREE: You have to push
 25 the button.
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1 We're a high-tech town.
 2 MS. KOKOWSKI: I have you on --
 3 MR. PRINCIOOTTO: (Inaudible.)
 4 MS. KOKOWSKI: I'm ready. You can just
 5 talk loudly. (Inaudible.)
 6 BY MR. LIEBMAN:
 7 Q. If you could please describe for us the
 8 -- what is shown on your plans, the proposed
 9 repurposing of the existing office building and the
 10 proposed building.
 11 I'd like you to describe the exteriors
 12 of the building and those floor plans, and you have
 13 some additional information also for us with regard
 14 to the -- the view from Broadway and a perspective on
 15 the drawing to show us what -- what we would see in
 16 there?
 17 And I'd like you to first tell us a
 18 little bit about some of the design factors that went
 19 into --
 20 MR. PRINCIOOTTO: Before you begin, can
 21 I interrupt you? Are we going to mark his plan?
 22 MR. LIEBMAN: Yes. I think we were up
 23 to --
 24 MR. PRINCIOOTTO: I think I have A-6.
 25 MS. KOKOWSKI: A-6.
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1 MR. PRINCIOOTTO: Okay, so that's --
 2 MR. LIEBMAN: A-6, yes.
 3 MR. PRINCIOOTTO: -- A-6. It's dated
 4 4/10/18.
 5 (Whereupon, Architectural Plans are
 6 received and marked as Exhibit A-6 for
 7 identification.)
 8 MR. LIEBMAN: Correct.
 9 MR. PRINCIOOTTO: Six pages.
 10 MR. LIEBMAN: Correct.
 11 BY MR. LIEBMAN:
 12 Q. So, again, if you could tell us a
 13 little bit about some of the design factor and your
 14 approach towards the design of these buildings and
 15 then describe for us what we see on the plans.
 16 A. Sure.
 17 **I'm going to start with building -- the**
 18 **apartment mix, the place I'd like to say, there are**
 19 **two buildings. The existing building is presently an**
 20 **office building. It's been labeled Building No. 1.**
 21 **Drawing A1.1, A1.2 and A1.3 are drawings relative to**
 22 **that -- drawings relative to that building.**
 23 **We propose -- first of all, the**
 24 **building has approximately 20,400 square feet per**
 25 **floor, so it's about a 40,800-square-foot building,**
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1 with a parking level in the lower portion.
2 It's basically underground, accessible
3 from a gated opening on the south side of the
4 building.

5 And that lower level, the basement
6 level, is essentially parking that provides 45
7 parking spaces.

8 There are two wings of the building;
9 one goes -- they both go north/south. There's the
10 one on the north side of the central lobby and
11 there's a room on the south side of the central
12 lobby.

13 The dimensions of those rooms are 80
14 feet by 120. Each room is 80 feet by 120.

15 So it is very -- the configuration of
16 those rooms are very well suited for conversion to
17 multifamily and residential.

18 This building, the original
19 construction documents show a date of, I believe,
20 1984, and I think the building was built around
21 '84/'85.

22 At that time there was a big boom in
23 the suburban areas of New Jersey for office use.
24 Today that boom has really dissipated and office
25 buildings are becoming more and more vacant or less

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1 useful for the purposes of offices.

2 So this building or the configuration,
3 as I was saying, is very well suited for conversion
4 to multifamily residential. Those wings, 80-feet
5 wide, are just perfect for a central corridor with
6 apartments on both sides of the corridor.

7 And then there's a central lobby, so
8 you can come in to the central lobby, go north into
9 one wing, south into the other wing.

10 The building presently has an elevator.
11 That elevator will have to be upgraded to today's
12 standard because it is a change of use of a building.
13 It's undersized for today's code, so it would be
14 updated to meet today's code, which would require the
15 ability to bring a stretcher in to the building and
16 up to the upper floor.

17 MR. NEWMAN: Mr. -- I'm sorry. You
18 just testified before that you were talking about how
19 buildings were built for office use and because of
20 the lack of they're being used now. But you're here
21 as the architect --

22 THE WITNESS: That's correct.

23 MR. NEWMAN: -- not as the planner?

24 THE WITNESS: That's correct.

25 MR. NEWMAN: Right? So we're -- we're

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1 accepting your testimony solely as an architect.

2 Is that correct?

3 THE WITNESS: That is correct.

4 MR. NEWMAN: Okay. I'm sorry.

5 MR. LIEBMAN: The applicant -- the
6 architect for the project who designs buildings and
7 has experience in building renovation and conversions
8 can provide his --

9 THE WITNESS: Right.

10 MR. LIEBMAN: -- factual testimony with
11 regard to the design concepts and the reasons for
12 such.

13 TH WITNESS: And maybe I should have
14 explained a little bit.

15 MR. LIEBMAN: And we can certainly get
16 into what -- what the --

17 MR. NEWMAN: That's what his job is.

18 THE WITNESS: Right.

19 MR. NEWMAN: Right.

20 MR. LIEBMAN: -- what the planning and
21 legal significance is.

22 MR. NEWMAN: Right.

23 THE WITNESS: Right.

24 MR. NEWMAN: I didn't mean to
25 cross-examine you --

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1 THE WITNESS: No, that's okay.

2 MR. NEWMAN: -- what the planning

3 (inaudible.) --

4 MR. LIEBMAN: Right.

5 THE WITNESS: Initially I was asked to
6 go and look at the building, an office building, to
7 see if it was --

8 MR. NEWMAN: To make it the best use.

9 TH WITNESS: -- convertible for
10 residential use.

11 MR. NEWMAN: I understand.

12 THE WITNESS: Okay. So that's kind of
13 where I was going with that, and I apologize for not
14 continuing on with that.

15 So we have a building that is very well
16 suited architecturally for use as multifamily
17 residential.

18 That being said, I took a look at it
19 and came up with some sketches regarding what -- what
20 units could fit into this building and on the first
21 page, A1.1, there is a -- a schedule of Building 1
22 unit mix. And we are proposing 14 one-bedroom units
23 on the first floor, along with four two-bedroom units
24 on the same -- on the second floor, for a total of 28
25 one-bedrooms and eight two-bedroom units.

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1 The units that we propose will be
 2 essentially self-sufficient in terms of heating and
 3 air conditioning. They will be equipped with their
 4 own laundry equipment. And the building will be
 5 fully accessible for handicap.
 6 The units, themselves, are designed to
 7 be adaptable, and what that means is there are
 8 certain elements within the units that can be changed
 9 so that they meet the barrier-free code.
 10 But as a base, all -- all the doors in
 11 the units will be 3-foot-wide doors, which satisfy
 12 the handicap code, all the entrance doors into the
 13 units, the entrance doors into the building are all
 14 handicap accessible.
 15 And if I can move on to Building 2,
 16 just to talk about the unit mix there --
 17 VICE CHAIRMAN BONGARD: What page are
 18 we on?
 19 THE WITNESS: We are going to
 20 (inaudible.)
 21 Drawing A2.2. The footprint of this
 22 building, this proposed building, is 50 feet by 167
 23 feet. And this gives us, again, a central corridor
 24 with units on either side of the -- either side of
 25 the corridor.

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1 Our unit mix here, which again is found
 2 on A1.1, is -- and this one we are proposing as a
 3 three-story building. Each floor will have six
 4 one-bedroom units and two two-bedroom units for a
 5 total of 18 one-bedroom units and six two-bedroom
 6 units. That gives us a total of 46 one-bedroom units
 7 and 14 two-bedroom units, total of 60 units for the
 8 property.
 9 BY MR. LIEBMAN:
 10 Q. Now --
 11 A. Yes.
 12 Q. -- there was a comment from the board's
 13 planner, by Mr. Preiss, with regard to a possible
 14 scenario where a three-bedroom, or two three-bedroom
 15 units, or some number might be necessary can the
 16 floor plans be adapted to accommodate three-bedroom
 17 units if needed?
 18 A. Yes. In the -- in Building 1, our
 19 one-bedroom units are 821 to 868 square feet.
 20 The two-bedroom units range from 1,257
 21 square feet to 1,310. Those two-bedroom units can
 22 easily be redesigned to accommodate three bedrooms.
 23 There is no minimum standard, from what
 24 I understand, for affordable housing units in terms
 25 of size, unless the project is being funded by DCA or

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1 the New Jersey Housing and Mortgage Finance Agency.
 2 And in that case, which I don't believe
 3 that is the case here, but in that case, a
 4 three-bedroom unit has to have a minimum size of
 5 1,150 square feet.
 6 So our two-bedroom units exceed that
 7 square foot number, so we could easily convert these
 8 to three-bedroom units.
 9 Q. Great. Thank you.
 10 MR. PRINCIOOTTO: Is that same size
 11 square footage for both buildings?
 12 THE WITNESS: No.
 13 MR. PRINCIOOTTO: The two-bedrooms?
 14 THE WITNESS: No. Building -- building
 15 1 has larger units. Building 2, the square footage
 16 of the one-bedroom units -- all of the one-bedroom
 17 units are 732 square feet and all of the two-bedroom
 18 units are 1,035 square feet.
 19 So if we -- if we had to comply with
 20 the minimum size of 1,150, there would be two of the
 21 -- two of the two-bedroom units in Building 1 would
 22 be redesigned for three bedrooms.
 23 Both buildings will be fully protected
 24 with a fire suppression system. And they meet all
 25 codes as required by the State of New Jersey -- by

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1 the Uniform Construction Code of the State of New
 2 Jersey.
 3 The -- and, again, in looking at this
 4 for my client when we first looked at this, it is a
 5 transit-oriented site. You are within easy walking
 6 distance of the train station. If you are ambitious
 7 and energetic, you can walk up to Kinderkamack Road
 8 to the bus line that runs there, or across the
 9 reservoir to Pascack Road and get the bus.
 10 Also, it is in walking distance to a
 11 supermarket and to other commercial establishments
 12 further -- down to the south in Woodcliff Lake as
 13 well as in Hillsdale. So it is -- it is a very
 14 well-positioned building for the
 15 multifamily-residential use.
 16 BY MR. LIEBMAN:
 17 Q. Is there a particular target kind of
 18 occupant that you have in mind when you're designing
 19 a building that's a transit-oriented development like
 20 this, close proximity to the train station and --
 21 A. Well, it makes sense that, you know,
 22 occupants of this building may be people who work and
 23 take the train into -- down to Hoboken or Jersey City
 24 or into New York City or any of the other towns or
 25 cities along the way.

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1 So, you know, we are somewhat targeting
2 a commuter-type of resident.

3 With regard to the exterior of the
4 building, and now I'm looking at drawing A1.1, this
5 is the elevation proposed. The west elevation is the
6 elevation that is proposed for the view from
7 Broadway.

8 The existing building has a brown brick
9 base, and that's that dark portion on the lower
10 portion of the -- of the elevation.

11 We will leave that intact and remove
12 everything from that point up, in terms of the skin
13 of the building, and redesign -- and propose a
14 proposed redesign to look more like a
15 multifamily-residential building. I think today, you
16 know, you see a lot of articulation in terms of
17 material. We're proposing some stucco, some
18 horizontal cement plank similar to an appearance of
19 wood siding.

20 We are changing the -- or varying the
21 parapet so that it's not -- not as it is presently.
22 Right now there's this mansard roof that runs
23 completely around the building, it doesn't really
24 have a lot of character.

25 We're proposing something more in terms
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1 gives it to me to put on the drawings.
2 So, Building 1 complies with the
3 height. It is two stories and it's less than the 36
4 feet that are required by the zoning ordinance.

5 Building 2, again, complies
6 dimensionally, but we are proposing a three-story
7 building.

8 We could -- if this were a two-story
9 building, it could be the same height. But we are
10 proposing a three-story building --

11 MALE BOARD MEMBER: Or a two-and-a-half
12 story building.

13 THE WITNESS: We could design a
14 two-and-a-half story building. What that implies is
15 there would be a gable-type roof or a hip roof, some
16 kind of pitched roof. And what we are proposing is
17 to make these buildings similar to each other as
18 opposed to having one building with a flat roof,
19 Building No. 1, which we cannot put a pitched roof
20 on, because it would exceed the building height.

21 So we are proposing to, instead of
22 going two-and-a-half stories, we're proposing to go
23 three stories because we do meet the dimensional
24 height without changing the appearance that would be
25 similar to Building No. 1.

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1 of character. And following that through, on the
2 north and south elevation and on the east elevation
3 as well.

4 Then with regard to the second
5 building, Building No. 2, we are proposing the same
6 kind of design scheme with varied parapets and
7 materials that complement or are the same as Building
8 No. 1.

9 With -- go ahead.

10 Q. Can you describe the height of the
11 buildings?

12 A. Yes. Okay. So as our engineer had
13 said, Building No. 1, the height from the existing
14 natural grade as defined by the code for the
15 measurement of building height is 34.71 feet, and
16 Building 2 is 35. -- I'm sorry, 34. -- I think it was
17 34.71.

18 MR. CLARK: That's Building 1.
19 THE WITNESS: Yes, I'm sorry, 34.38.
20 MR. CLARK: 34.38 and 34.71.
21 THE WITNESS: Yes, I'm sorry.
22 MR. CLARK: Building 1 is 34.71.

23 Building 2 is 34.38.

24 THE WITNESS: Right. Okay.
25 The engineer calculates the height and
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1 BY MR. LIEBMAN:

2 Q. I note that the property that is
3 located to the south of us has also -- I know those
4 are two commercial buildings, but there are two
5 buildings, one front, one rear. And this would be
6 somewhat consistent with that type of development
7 pattern.

8 Is that right?

9 A. That's correct. That's a two-story --
10 a two-building complex, and that's essentially what
11 we're proposing here.

12 If we can go to drawing A3.1. Yes,
13 A3.1, this -- this drawing shows on -- if you look at
14 the east elevation, which is on the lower part of the
15 building, you see Building No. 1 as you see it from
16 Broadway.

17 Now, the street level of Broadway, I
18 believe, is about 10 feet lower, 12 feet lower than
19 the first floor of Building No. 1.

20 So when you look at Building No. 1 and
21 your sight line as you're driving by in a car or if
22 you're walking by on the sidewalk which is on the
23 east side of Broadway and you see Building 1, your
24 sight line prevents -- the sight line over Building
25 No. 1 prevents you from seeing Building No. 2.

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1 If you were on the -- on the same plane
2 as the first floor of Building No. 1 and looking at
3 east elevation and the lower portion and you were
4 standing far enough back, you would see the parapet
5 of Building No. 2.

6 The reason why the parapet is higher,
7 even though they're similar in height as defined by
8 the zoning ordinance, Building No. 2 does have a
9 higher first floor elevation.

10 But again, it complies dimensionally
11 with the zoning ordinance.

12 So, you really -- would really glimpse
13 Building No. 2 as you're driving by. If you're going
14 south on Broadway you'd really have to turn your neck
15 to look back at Building No. 2 because this isn't the
16 correct placement of the building it -- you know, it
17 doesn't go further south than Building No. 1.

18 So as you're driving south on Broadway,
19 you'd have to strain your neck and look back to see
20 Building No. 2 beyond.

21 As you're coming north on Broadway you
22 would catch a glimpse of it as you pass by the
23 driveway entrance into -- onto the site. If you're
24 walking by, you would see it, obviously, as you look
25 up the hill.

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1 Q. So even though the extreme rear portion
2 of the site, the portion that's in the R-15 zone and
3 slopes further upward towards the east, the first
4 floor elevation for each of these two buildings is
5 very similar.

6 A. Very similar.

7 Q. So as shown on your plan, we have a
8 first floor elevation for Building No. 1 is 122.32.

9 A. Correct.

10 Q. And the first floor elevation for
11 Building No. 2 is 122.63.

12 A. Right.

13 Q. So even though there are parts of this
14 site that do slope upward, where the buildings take
15 place, where Building 1 and Building 2 occur, the
16 building locations and the building elevations are
17 similar --

18 A. Very similar.

19 Q. -- and related to each other.

20 A. That's correct.

21 Q. That's why you can't really see
22 Building No. 2 and Building No. 1 --

23 A. Right. That is correct.

24 Q. There is a comment in one of the review
25 letters asking about the roof deck, and I believe --

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1 or I can clarify that, there's nothing going on the
2 roof other than mechanical equipment.

3 Is that right?

4 A. That is correct.

5 Q. So what you've shown on your drawing on
6 Sheet A2.1, there is a top of roof deck. That --
7 could you explain what that is?

8 A. Well, that's -- that's the parapet.
9 The highest point of the parapet.

10 Q. Right. So that's just a part of the
11 building --

12 A. That is correct.

13 Q. -- but there's no amenity deck or
14 anything like that occurring?

15 A. That's correct.

16 Q. There was a question with regard to
17 mechanicals on the roof, and could you address the
18 location of any rooftop mechanicals that either exist
19 or on the proposed building?

20 A. Sure.

21 If, in fact, we do have rooftop
22 mechanicals, that design decision has not yet been
23 made whether they're going to be rooftop or what are
24 called PTAC units, which are through-the-wall units
25 in each individual apartment.

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1 But if we do have rooftop units, these
2 are very small, split-system condenser units that are
3 on the roof. They would not be visible from anywhere
4 because they only stand about 30 to 36 inches tall.
5 So as you look up, and we would place them towards
6 the center of the roof, you would not -- you would
7 not see those rooftop units if, in fact, we go with
8 rooftop units.

9 Q. So if they are there, they would be
10 screened by the parapet walls?

11 A. That's correct.

12 The round of vision would be blocked.

13 MS. FENDIAN: I have a question. What
14 about the elevator?

15 THE WITNESS: The elevator will not
16 protrude higher than the roof of the parapets either.
17 The top of the elevator shaft would not protrude --

18 VICE CHAIRMAN BONGARD: (Inaudible.)
19 Elevator go to the roof.

20 THE WITNESS: No. No, no.

21 MS. FENDIAN: He has a --

22 THE WITNESS: We're required to have 4
23 feet above the top of the elevator at the highest
24 level, so at the third floor we have an 8-foot height
25 plus 4 feet which would make it 12 feet, plus 8

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1 inches for roof construction. That -- the top of
 2 that roof construction would not exceed the parapet
 3 height.
 4 MS. EFFRON-MALLEY: What would somebody
 5 see looking down from above?
 6 THE WITNESS: There are -- I'm sorry,
 7 was there a question?
 8 MS. EFFRON-MALLEY: What would somebody
 9 see looking down from the other side in the back?
 10 THE WITNESS: From up above? They
 11 would see --
 12 MR. NEWMAN: Trees, probably.
 13 THE WITNESS: Well, they would see --
 14 AUDIENCE MEMBERS: No, no, no.
 15 FEMALE AUDIENCE MEMBER: Oh, come on.
 16 THE WITNESS: They see through the
 17 trees. They would see a flat roof --
 18 FEMALE AUDIENCE MEMBER: Come on.
 19 THE WITNESS: -- with condenser units,
 20 small condenser units on the roof.
 21 However, there are rooftop units on
 22 Building No. 1 which are large, commercial-type
 23 rooftop units, much larger than we propose.
 24 Those will be gone and they'll be
 25 smaller rooftop units.

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1 BY MR. LIEBMAN:
 2 **Q.** There was also a comment in some of the
 3 review letters with regard to generators or
 4 transformers, any -- any mechanical units like that.
 5 The request was made that they be located to the rear
 6 of the property and the rear of the buildings. And
 7 is that something that could be accommodated?
 8 **A.** **It could be.**
 9 **I believe there's a -- a transformer, a**
 10 **pad-mounted transformer on the street side of the**
 11 **building presently. I don't know if it shows and I**
 12 **may be incorrect.**
 13 **But, yes, we -- we could accommodate**
 14 **putting everything beyond the -- the front of the**
 15 **building.**
 16 **Q.** And there was --
 17 **A.** **And, yeah, there are existing**
 18 **generators on the site that will remain, existing**
 19 **generator for the building, for Building 1.**
 20 **Q.** There was some question about refuse,
 21 and Matt testified that he was in contact with you
 22 about the size of the refuse area.
 23 Is that adequate for the 60 units that
 24 are proposed?
 25 **A.** **It's more than adequate, yes. The**

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1 **12-by-19 area would easily accommodate probably two**
 2 **3-yard dumpsters which would be more than sufficient**
 3 **for this building.**
 4 MR. NEWMAN: What about recycling?
 5 THE WITNESS: Well, one would be
 6 recycling, one would be trash, if there were two.
 7 MR. NEWMAN: How does the recycling get
 8 separated? Would you have a private company or...
 9 THE WITNESS: I don't know the answer
 10 to that at this point, whether it's going to be
 11 private sanitation or the municipal. We can probably
 12 get that answer for you, though.
 13 MR. NEWMAN: I'm sorry. I interrupted
 14 you.
 15 MR. LIEBMAN: That's fine. Good
 16 questions.
 17 Thank you.
 18 BY MR. LIEBMAN:
 19 **Q.** There was some discussion with regard
 20 to the front yard setback in relation to some
 21 comments that were made on review letters, and the
 22 existing front yard setback is 34.1 feet for Building
 23 No. 1, as well as a -- as a lesser setback distance
 24 from the center line of Broadway.
 25 Are we changing the setback, the

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1 location of the front elevation of the building?
 2 Is that changing at all?
 3 **A.** **Not at all.**
 4 **The encroachment would remain the same,**
 5 **34.1 feet.**
 6 **And as a matter of fact, that mansard**
 7 **roof that overhangs projects 18 inches beyond the**
 8 **building, that'll be gone. So I believe the -- the**
 9 **setback is measured to the building itself and does**
 10 **not include roof overhangs, but that is an**
 11 **encroachment at that one corner of the building, but**
 12 **that'll be gone.**
 13 **Q.** Will both buildings be fully
 14 sprinklered?
 15 **A.** **Fully sprinklered, yes.**
 16 **That's required by the State of New**
 17 **Jersey under the Uniform Construction Code.**
 18 **Q.** There is a comment made in one of the
 19 review letters with regard to interior access doors
 20 inside the garage that are being created, and the
 21 question is whether or not those could be blocked by
 22 a vehicle, and there is a comment or suggestion that
 23 there be some installation such as bollards or
 24 perhaps creating striping that would prevent that
 25 from occurring.

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1 Have you looked at that and is that
2 something you can take care of?

3 **A. Yes. We can -- there's a -- there's a**
4 **door that leads to a stairwell that's along the path**
5 **of vehicular movement, not the -- not the parking**
6 **spaces.**

7 **So, you know, I mean, if a car were to**
8 **block the door it would be parking illegally.**

9 **But we can stripe to make sure that**
10 **there is no parking in front of the door.**

11 **Q.** And while we're looking at the garage
12 parking lot or plan, which in Sheet A1.2, there was a
13 comment or question with regard to the size of the
14 parking spaces, and ask that we show on the plan on
15 -- you see you've provided a typical 9-by-18 parking
16 space.

17 Is that the typical size of the --

18 **A. Yes.**

19 **Q.** -- parking stalls?

20 **A. Yes. And actually, there's -- there's**
21 **even a little more room. I think right now they're**
22 **striped at about 9-by-18, but there's actually a**
23 **little wiggle room between the columns that they're,**
24 **essentially, slightly larger than 9 -- 9-foot wide.**

25 **Q.** There was also a comment raised with
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1 regard to the roof leaders and inquires as to whether
2 or not they would be connected to the stormwater
3 system.

4 Will they be connected?
5 **A. I don't believe there is a stormwater**
6 **system because we're not -- we're creating --**

7 **MR. CLARK:** A pipe system. We do
8 connect that into the existing.

9 **THE WITNESS:** There's a pipe -- there
10 is an existing pipe?

11 So the answer is yes, they will be
12 connected.

13 **MR. LIEBMAN:** I asked that question of
14 the wrong witness.

15 **BY MR. LIEBMAN:**

16 **Q.** Matt also testified with regard to the
17 light pole bases and if they're not flush, there's a
18 request made that they be architecturally compatible
19 with the building.

20 Is that something that can be
21 accomplished if you don't make them flush
22 installations?

23 **A. Yes. Yeah, we could -- we could limit**
24 **the brown brick base that's part of the two buildings**
25 **at the base of the lamp fixtures.**

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1 **Q.** There was one question by a member of
2 the public regarding how did we come up with the
3 number of units, and you described in your testimony
4 the building that exists, and that seems to have
5 driven the design and that it was ideally suited.

6 Did you put in the number of units that
7 fit well within the existing building?

8 **A. Yes.**

9 **And, again, you know, by the minimum**
10 **standards required if they were funded COAH units in**
11 **Building 1 we are generous in terms of size for both**
12 **one-bedroom -- one-bedroom minimum unit, 650 square**
13 **feet. We're proposing the smallest unit, I believe,**
14 **is 832 square feet. So we are well above the minimum**
15 **standard.**

16 **And the two-bedroom units are 1300 --**
17 **12 to 1300 square feet, in excess of 875 which is the**
18 **required minimum for COAH units.**

19 **So these are essentially generous-sized**
20 **units in Building 1 and also -- although Building 2**
21 **are slightly smaller or some are smaller, they are**
22 **still fairly roomy one- and two-bedroom units.**

23 **Q.** And the appearance of the buildings,
24 the design of the exterior, is that something that
25 you believe is an aesthetic enhancement to the area?

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1 **A. Again, I think so.**
2 **The building that's there now, the**
3 **office building, in my opinion it's not (inaudible.)**
4 **in terms of its appearance. I remember when that**
5 **building was being built I was scratching my head**
6 **thinking that building just doesn't look right there.**

7 **And I think that what we're proposing**
8 **here is again, a building that has some varied**
9 **textures and colors so that, you know, it's going --**
10 **I believe it's going to be a more attractive building**
11 **than what's there presently.**

12 **MR. LIEBMAN:** I don't have any other
13 question for Mr. Dattoli at this time.

14 **MR. NEWMAN:** I have some questions.
15 **CHAIRWOMAN HEMBREE:** Gee, surprised.

16 **MR. NEWMAN:** Are you shocked?
17 **CHAIRWOMAN HEMBREE:** I'm shocked.

18 **MR. NEWMAN:** It's 10:30.

19 **MR. PRINCOTTO:** Do you want to --

20 **CHAIRWOMAN HEMBREE:** It's 10:30, Gary.

21 **MR. SPIRIG:** I mean I have several
22 questions as well.

23 **CHAIRWOMAN HEMBREE:** Yeah.

24 **MR. NEWMAN:** I have a few.

25 I would like to get the ones I'm

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1 thinking of, at least, out of --

2 CHAIRWOMAN HEMBREE: Do you --

3 MR. NEWMAN: -- out.

4 CHAIRWOMAN HEMBREE: Do you know what

5 time it is.

6 MR. NEWMAN: Yeah, it's 10:30.

7 CHAIRWOMAN HEMBREE: Yeah, okay.

8 MR. NEWMAN: Did -- did you go to the

9 building, and you said you went to the building to

10 inspect the building.

11 THE WITNESS: I went to the building to

12 look at the building, not necessarily inspect it.

13 MR. NEWMAN: Were you inside the

14 building.

15 THE WITNESS: Was I...

16 MR. NEWMAN: Inside the building.

17 THE WITNESS: Yes, I was. Yeah.

18 MR. NEWMAN: Was the building occupied

19 at the time you were inside it.

20 THE WITNESS: The -- the tenant was

21 Wallenius Wilhelmsen, which is the shipping company

22 that I believe had the building built for them back

23 in the '80s.

24 And they did occupy -- the building was

25 fully equipped with desks and so forth.

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1 I did not see a lot of people in there,

2 but, you know, they might have been huddled away in

3 their --

4 MR. NEWMAN: So the building was

5 occupied.

6 THE WITNESS: It was occupied. Yes.

7 MR. NEWMAN: As an office building.

8 THE WITNESS: Yes.

9 MR. NEWMAN: Okay.

10 And a much more simpler question, how

11 high are the ceilings in the units?

12 THE WITNESS: In the existing building?

13 MR. NEWMAN: No, no, no, no, no, no,

14 no. In the ones that you propose.

15 THE WITNESS: The Building No. 2 will

16 have 9-foot ceilings.

17 Building No. 1, the dimension from

18 first floor to second floor, I believe, is in excess

19 of 12 feet. There is some floor structure between

20 them, probably about 2 or 3 feet of floor structure.

21 We're proposing 9-foot ceilings in both

22 buildings.

23 MR. NEWMAN: Everywhere.

24 THE WITNESS: Yes.

25 MR. NEWMAN: Okay.

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1 And you said -- you testified that your

2 guidance as to how you designed what were going to be

3 one-bedrooms and what were going to be two-bedrooms

4 was the layout of the existing building? Did I get

5 that right?

6 THE WITNESS: I said the -- the

7 existing building is very well suited because of its

8 dimensional configuration for apartments.

9 MR. NEWMAN: For mostly one-bedrooms

10 and two-bedrooms? That's what I'm --

11 THE WITNESS: One-bedroom, two-bedroom,

12 and we can get three-bedrooms in there as well.

13 MR. NEWMAN: Okay. But you designed

14 mostly one- and two- --

15 THE WITNESS: One- and two-.

16 MR. NEWMAN: -- and I'm just trying to

17 figure out was that a function of your tour of the

18 building or were there outside factors that

19 determined whether you wanted to do one-bedrooms.

20 THE WITNESS: I believe -- I believe my

21 client kind of preferred one and two-bedrooms, that

22 seems to be where the market is.

23 MR. NEWMAN: And --

24 CHAIRWOMAN HEMBREE: As opposed to no

25 bedrooms.

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1 THE WITNESS: No, as opposed to studios

2 and three-bedrooms.

3 MR. NEWMAN: Okay.

4 And --

5 CHAIRWOMAN HEMBREE: It's getting late.

6 MR. NEWMAN: I'm almost -- I'm almost

7 done.

8 CHAIRWOMAN HEMBREE: You know, let John

9 ask a question, Gary.

10 MR. NEWMAN: Of course.

11 MR. SPIRIG: You know, I'm going to

12 wait until the next time.

13 CHAIRWOMAN HEMBREE: Okay.

14 MR. SPIRIG: You know, because I do

15 have several questions and I know we're --

16 CHAIRWOMAN HEMBREE: Okay.

17 MR. SPIRIG: -- we're running late.

18 CHAIRWOMAN HEMBREE: Okay.

19 MR. SPIRIG: I'm sure everybody has

20 questions.

21 MR. NEWMAN: Okay.

22 So my last question for tonight --

23 MR. SPIRIG: Because he'll have more

24 questions next time, too.

25 MR. NEWMAN: I will, I will.

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1 My last question for tonight is how
 2 many people can occupy a one-bedroom unit?
 3 THE WITNESS: I don't know the answer
 4 to that.
 5 MR. NEWMAN: All right. I'm going to
 6 reserve these questions for the next meeting.
 7 Please bring your witness back for the
 8 public and for the board.
 9 MR. LIEBMAN: Yes, we will.
 10 Absolutely.
 11 CHAIRWOMAN HEMBREE: Okay.
 12 MR. NEWMAN: Motion to close? Maybe
 13 some --
 14 CHAIRWOMAN HEMBREE: Maybe some people
 15 on the -- you know, on the other side would have
 16 questions.
 17 MR. NEWMAN: Oh, I didn't know we were
 18 finished with this. I just asked a few that were
 19 standing out.
 20 I withdraw the motion.
 21 CHAIRWOMAN HEMBREE: Do you want to
 22 wait till next meeting or do you want to ask your
 23 questions now.
 24 MALE BOARD MEMBER: Of course I do not
 25 have questions.

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1 CHAIRWOMAN HEMBREE: You do not.
 2 Anybody else? No? No? Okay. You can make --
 3 MR. NEWMAN: I'm not doing it.
 4 CHAIRWOMAN HEMBREE: Okay.
 5 MR. NEWMAN: Actually, Sal, do we have
 6 any other business or anything like that.
 7 CHAIRWOMAN HEMBREE: Yes. Okay. One
 8 second.
 9 MR. VUICH: Can we ask for them to
 10 bring back the information for the next hearing?
 11 CHAIRWOMAN HEMBREE: Yes.
 12 Do you want to ask Mr. Dattoli to bring
 13 it back or --
 14 MR. VUICH: Yes.
 15 Can you provide roof plans for the next
 16 hearing (Inaudible). So we can see whether you
 17 (inaudible) that's the first one.
 18 And the second one is could you provide
 19 a measurement what the height from Broadway, the
 20 closest from the curb Broadway to the top of the
 21 first building.
 22 THE WITNESS: To the top of the first
 23 building?
 24 MR. VUICH: To the curb of Broadway.
 25 (Inaudible.)

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1 THE WITNESS: Broadway to the parapet
 2 of the second building.
 3 (Audience Outburst.)
 4 CHAIRWOMAN HEMBREE: We're still
 5 meeting. We're still meeting.
 6 MALE BOARD MEMBER: Motion to close.
 7 CHAIRWOMAN HEMBREE: You want -- I
 8 think we should -- should we close.
 9 MALE BOARD MEMBER: Motion to close.
 10 MALE BOARD MEMBER: I'll second the
 11 motion.
 12 CHAIRWOMAN HEMBREE: All in favor.
 13 (Whereupon, all Board Members respond
 14 in the affirmative.)
 15 MR. LIEBMAN: Can we announce that this
 16 will be carried to the December 18th meeting. No
 17 further notice.
 18 CHAIRWOMAN HEMBREE: Yes.
 19 MR. PRINCIOTTO: Yes, yes. When's our
 20 next meeting?
 21 CHAIRWOMAN HEMBREE: The 18th of
 22 December.
 23 MR. PRINCIOTTO: The 18th? Thank you.
 24 The matter will continue December 18th,
 25 7:30. No additional notice will be required.

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1 (Whereupon, that ends the audio on this
 2 matter at 10:37:58 on the Liberty Court Player
 3 Audio of the November 27, 2018 Woodcliff Lake
 4 Zoning Board of Adjustment Meeting.)
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CERTIFICATE

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID. #15855, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the audio CD of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and Notary Public
of New Jersey #15855, Notary
Expiration Date March 1, 2019

Dated: _____

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